

WATER PERMIT NO. 8906-3

Name of Applicant: **Carper Ag LLC**

Address: **22813 462nd Avenue, Rutland SD 57057**

Phone: **605-480-0418**

Amount of Water Claimed: **0.63 cfs**

Total Acres: **52**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Lake**

Type of Waste Disposal System:

Location: **Approx. 7 miles northeast of Madison SD**

PRIORITY Date Received: **10-17-24**

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

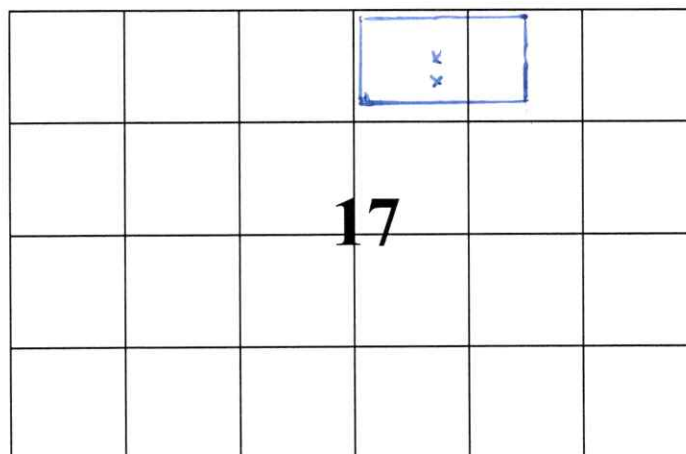
Corrected Application Received: **10-21-24**

Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **NW 1/4 NE 1/4 Sec 17-T107N-R51W**

Land to be Irrigated: **N 1/2 NE 1/4 Sec 17-T107N-R51W**



Depth of Well: **27**

Well Driller: **Kaiser Well Drilling**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **10-22-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8906-3**

Date of first receipt of application October 17, 2024.

Date of return to applicant for corrections, amendments or changes October 17, 2024.

Date of receipt of corrected application October 21, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8906-3 to Carper Ag LLC., 22813 462nd Avenue, Rutland SD 57057, 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. 8906-3 appropriates 0.63 cubic feet of water per second from up to two wells to be completed into the Battle Creek Aquifer (approximately 27 feet deep) located in the NW 1/4 NE 1/4 Section 17 for irrigation of 52 acres located in the N 1/2 NE 1/4 Section 17; all in T107N-R51W. This site is located approximately seven miles northeast of Madison SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is October 17, 2024.
4. The date of approval of Permit No. 8906-3 is January 6, 2025.
5. One-fifth of the construction is to be completed on or before July 6, 2027.
6. All construction is to be completed on or before January 6, 2030.
7. Water is to be put to beneficial use on or before January 6, 2034.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under Water Permit No. 8906-3 are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed wells authorized by Permit No. 8906-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JAN 30 2025
date



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

Read Me First!

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

(office use only)
No. 8906-3 Hydrologic Unit 10170202
Basin Big Sioux
Newspaper Madison Daily Leader
Brookings Register

PAID
OCT 17 2024
Ck# 1316
Rec't# _____

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Carper Ag LLC
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent Cody Carper
(name and complete address if different than above name)

Mailing Address 22813eward Avenue Rutland SD 57057
(Address) (City) (State) (Zip Code)

Home Phone 605-480-0418 Cell 605-480-0418 Email carper@itctel.com

2. Amount of water claimed 0.63 *CFS or 285 **GPM 285 ***AF Total Acreage 52
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 1-2 new wells

4. Location of point of diversion 17-107N-51W-Lake
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Lake

5. County or counties where water will be used Lake

6. Annual period during which water is to be used year round minimal, summer
April 1 - Oct 31
irrigation

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

Land Description	Acres	Land Description	Acres
<u>17-107N-51W-Lake</u>	<u>52</u>		

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

Installation of new garden irrigation well.

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WATER

I, Cody Carper, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

Supplemental Information

(type or print)

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WATER

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

a) If new wells, how many 2 Have test holes been drilled ☒ Yes ☐ No Drilled by Kaiser Well Drilling
(if yes, please provide copies of logs)

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

c) Well Depth 27' Depth to Top of Water Bearing Material 5'5" Depth to Water from Surface 5.5

d) Distance to nearest existing domestic well:

On applicant's property NONE

On property owned by others unknown

Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

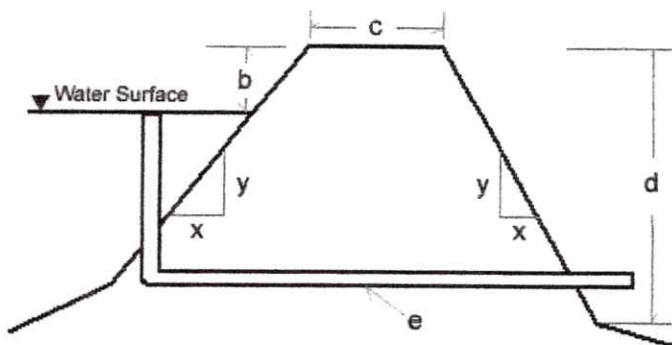
Upstream _____

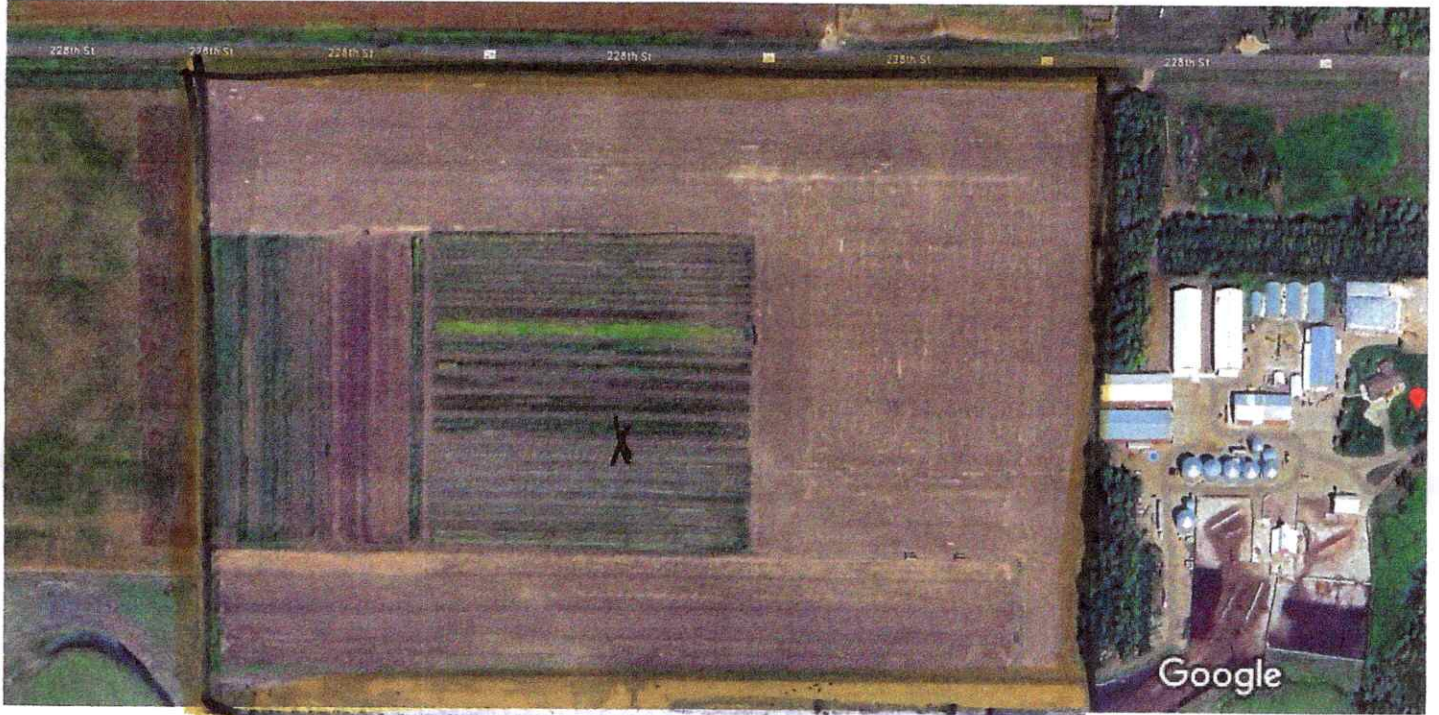
Downstream _____

h) Surface Area of Impoundment _____

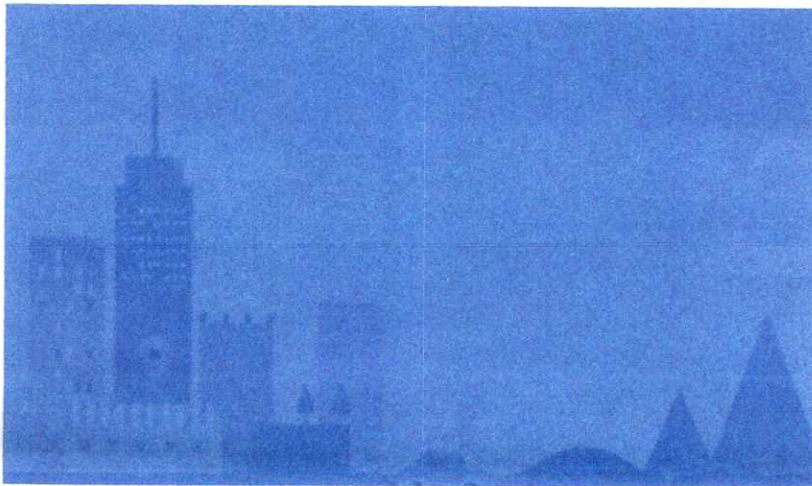
i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 100 ft



22813 462nd Ave



Directions



Save



Nearby



Send to
phone



Share



22813 462nd Ave, Rutland, SD 57057



32HJ+F4 Rutland, South Dakota

RECEIVED

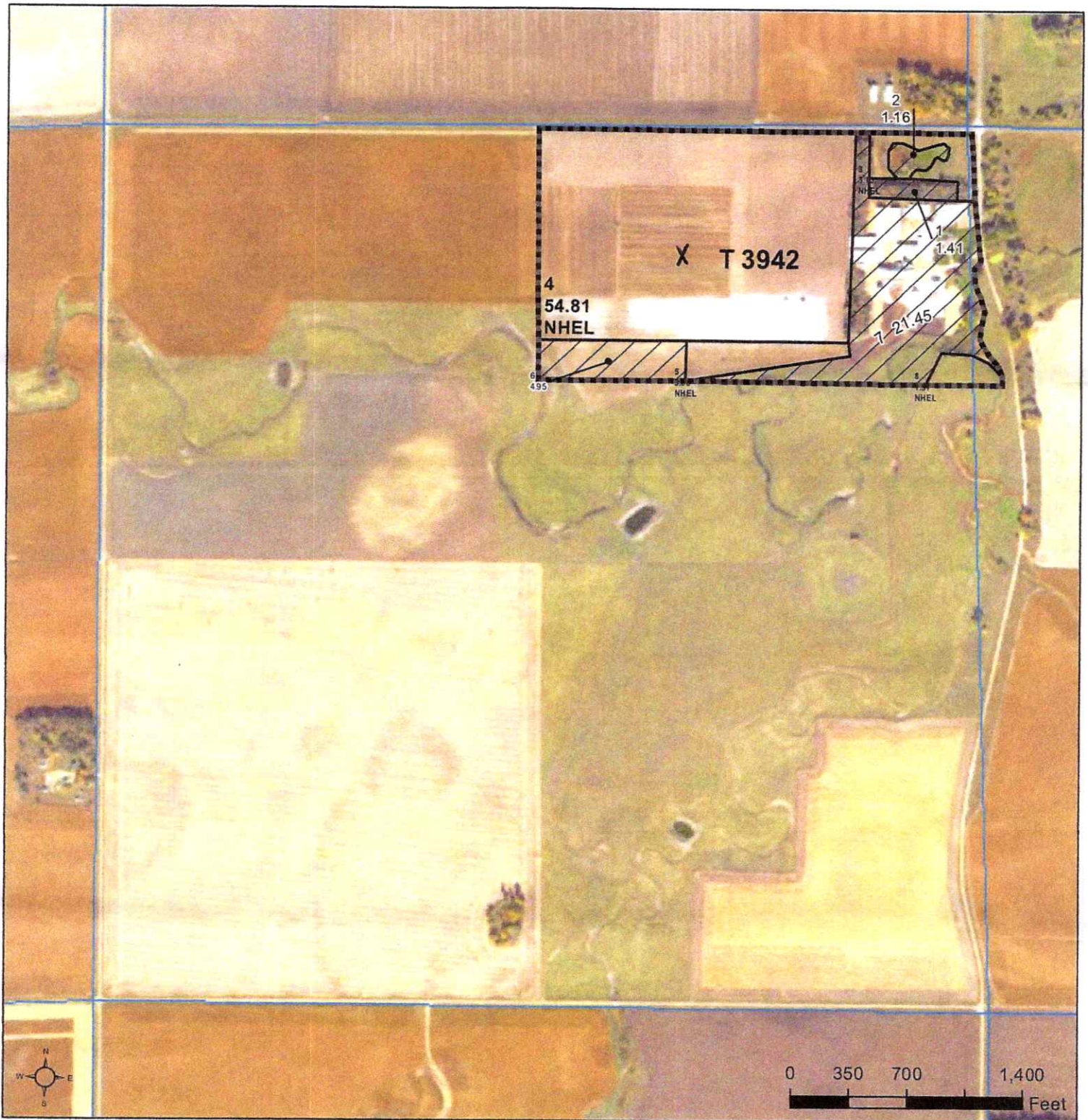
OCT 17 2024

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WATER



United States
Department of
Agriculture

Lake County, South Dakota



Common Land Unit

- Tract Boundary
- PLSS
- Non-Cropland
- Cropland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

Unless otherwise noted,
crops listed below are:
Non-Irrigated
Intended for Grain
Corn = Yellow
Soybeans = Common
Wheat - HRS or HRW
Sunflowers = Oil or Non

Producer initial _____
Date _____

2024 Program Year

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Map Created July 25, 2024

Farm 5728

OCT 17 2024

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WATER

17-107N-51W-Lake

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

107N 51W
Section: 06

107N 51W
Section: 05

107N 51W
Section: 04

107N 51W
Section: 07

107N 51W
Section: 08

107N 51W
Section: 09

10170202 Middle Big Sioux

107N 51W
Section: 18

107N 51W
Section: 17

Big Sioux

107N 51W
Section: 16

107N 51W
Section: 19

107N 51W
Section: 20

107N 51W
Section: 21

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WATER

10170203 Lower Big Sioux

SOUTH DAKOTA WATER WELL COMPLETION REPORT

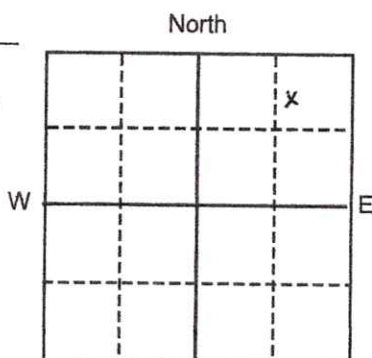
SD EForm - 1621LD V1

11-02

Location T10N R17E S4 Sec 17 Twp T10N Rg 5W

County Lake

Please mark well location with an "X"



Well Completion Date

10-3-24

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Direct Rotary Bailed

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5.40 LB/FT</u>	<u>8 IN</u>	<u>12 FT</u>	<u>21 FT</u>	<u>12 IN</u>
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Grout w/ 40 lb Bentonite</u>	<u>6</u>	<u>Lb/gal</u>	<u>0 Ft</u>	<u>18 Ft</u>
<u>[Bentonite]</u>		<u>Lb/gal</u>	<u>Ft</u>	<u>Ft</u>

Describe grouting procedure per driller
AWM 10/31/24

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 8 Inches Length 6 Feet
 Material Stainless Steel
 Slot Size 35 Set From 21 Feet to 27 Feet
 Other information

WAS A PACKER OR SEAL USED?

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

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?
 ☐ No, Why Not?
 Lab to which water quality sample sent for analysis

ward
SDPHL

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WATER

Well Owner: Carper Sweet Corn Produce

Business Name: Wody Carper

Address: 22813 41st Ave

City, State, Zip: Rutland SD 57057

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Mixed Gravel - yellow	2	8
Grey Fine	8	12
Med - Coarse	12	18
Coal - fist sized	18	18 1/2
Fine - Med	18 1/2	20
Med - Coarse	20	27

STATIC WATER LEVEL

5.5

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

18 Ft. After 5 Hrs. pumped 285 GPM

 Ft. After Hrs. pumped GPM

If pump installed, pump rate:

GPM

REMARKS

This well was drilled under license # 689 and this report is true and accurate.

Drilling firm: Kaiser Well Drilling Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 10-8-24



DIVISION OF
ADMINISTRATION
Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
605/773-3368 FAX: 605/773-6129
www.state.sd.us/doh/lab/index.htm

Submitter copy to:

* Page 1 of 1*
Date: 9/25/2024

HAMANN, JUSTIN-115455
419 SWALLOW RIDGE RD
BROOKINGS, SD 57006

Spec #: E24EC006947
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605)773-3368

Source
HAMANN, JUSTIN

Date Rcvd: 9/18/2024
Time Rcvd: 0710
Date Coll: 9/16/2024
Time Coll: 1158
Spec Type: WATER
Coll By: JUSTIN HAMANN

Organization CENTROL CROP
CONSULTING

Source Sampled: WELL
Source: WELL
medium water

Final Results

SAR

Sodium Absorption Ratio

0.63

(Not on Panel)

Nitrate-N

<0.2 mg/L Limit: 10.0

Nitrate

EPA 353.2

10.3 mg/L

Chloride

0.31 mg/L

Fluoride

494 mg/L

Hardness (calc)

1.1 mg/L

Iron, Total

1.3 mg/L

Manganese

673 mg/L

SOLIDS, TOTAL DISS.

Standard Method 2540C

Sulfate

217 mg/L

Alkalinity-M

301 mg/L

Alkalinity-P

0 mg/L

Calcium

114 mg/L

Conductivity

944 umho/cm

Magnesium

50.8 mg/L

SM3111B

7.73 pH UNITS

PH

5.5 mg/L

Potassium

32.4 mg/L

Sodium

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WATER

WARD

Laboratories, Inc.



Ag Testing - Consulting

Account No. : 57502

Water Analysis Report

KAISER, JOHN OR JANELLE
KAISER WELL DRILLING
45550 193RD ST
LAKE NORDEN SD 57248

Invoice No. : 1431606
Date Received : 09/16/2024
Date Reported : 09/17/2024
Lab Number : 22097

Results For : KAISER WELL DRILLING

Location :

Sample ID :

pH	7.8
Sodium Adsorption Ratio (SAR)	0.6
Adjusted SAR	0.8
Total Dissolved Solids (TDS) Est, ppm	587
Electrical Conductivity, mmho/cm	0.98
Cations / Anions, me/L	11.5 / 11.1

	ppm
Sodium, Na	31
Potassium, K	6
Calcium, Ca	117.5
Magnesium, Mg	50
Total Hardness, CaCO ₃	501
Nitrate, NO ₃ -N	0.3
Sulfate, SO ₄ -S	78
Chloride, Cl	9
Carbonate, CO ₃	< 1.0
Bicarbonate, HCO ₃	362
Total Alkalinity, CaCO ₃	298
Boron, B	0.11
Manganese, Mn	1.37

"<" - Not Detected / Below Detection Limit

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OCT 17 2024

OFFICE OF
WATER

Reviewed By : Nick Ward

9/18/2024

Copy : 1

Page 1 of 1

Bus: 308-234-2418
Fax: 308-234-1940

web site
www.wardlab.com

4007 Cherry Ave., P.O. Box 788
Kearney, Nebraska 68848-0788

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 18th, 2024

RECEIVED OF Carper Ag LLC 22813 462nd Avenue Rutland SD 57057

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

Fee for Application for Permit No. <u>8906-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>500.00</u>

By Eric Groslund
Chief Engineer

gpr

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 21st, 2024

RECEIVED OF Carper Ag LLC 22813 462nd Ave Rutland SD 57057

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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>2906-3</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>200.00</u>

By Eric Gronlund
Chief Engineer

SR

State of South Dakota



OFFICE OF THE SECRETARY OF STATE

Certificate of Organization Domestic LLC

ORGANIZATIONAL ID# DL041279

I, **Jason Gant**, Secretary of State of the State of South Dakota, hereby certify that the Articles of Organization of

Carper Ag, L.L.C.

duly signed and verified, have been received in this office and are 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
affixed the Great Seal of the
State of South Dakota, at Pierre,
the Capital, this 12/02/2014.



Jason M. Gant
Secretary of State

12/8/2014 10:22:24 AM
Change ID: 1210823

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

ARTICLES OF ORGANIZATION DOMESTIC LIMITED LIABILITY COMPANY

Please Type or Print Clearly in Ink

Please submit one **Original** and one **Photocopy**

FILING FEE: \$150 payable to SECRETARY OF STATE

RECEIVED

DEC 02 2014

S.D. SEC. OF STATE

Filed this 2 day of
Dec, 2014



SECRETARY OF STATE

Telephone # _____

FAX # _____

Article I

The name of the company is Carper Ag, L.L.C.

The name must contain limited liability company, limited company or the abbreviation L.L.C., LLC, L.C. or LC. Limited may be abbreviated as Ltd. and company may be abbreviated as Co.

Article II

The duration of the company if other than perpetual is perpetual

Article III

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

22813 462nd Avenue	Rutland	SD	57057
Street Address	City	State	ZIP+4

Mailing Address (Optional)	City	State	ZIP+4

Article IV

The South Dakota Registered Agent name Randy Carper

22813 462nd Avenue	Rutland	SD	57057
Street Address or Rural Route Number in This State and	City	State	ZIP+4

Mailing Address in This State, if Different from Street Address	City	State	ZIP+4

When listing a Commercial Registered Agent, please state their CRA #.
This number can be obtained from the Commercial Registered Agent.

Article V

The name and address of each organizer

Trudy A. Morgan	1718 N. Sanborn Blvd	Mitchell	SD	57301
Name	Street Address	City	State	ZIP+4
Name	Street Address	City	State	ZIP+4
Name	Street Address	City	State	ZIP+4
Name	Street Address	City	State	ZIP+4

Article VI

Check one:

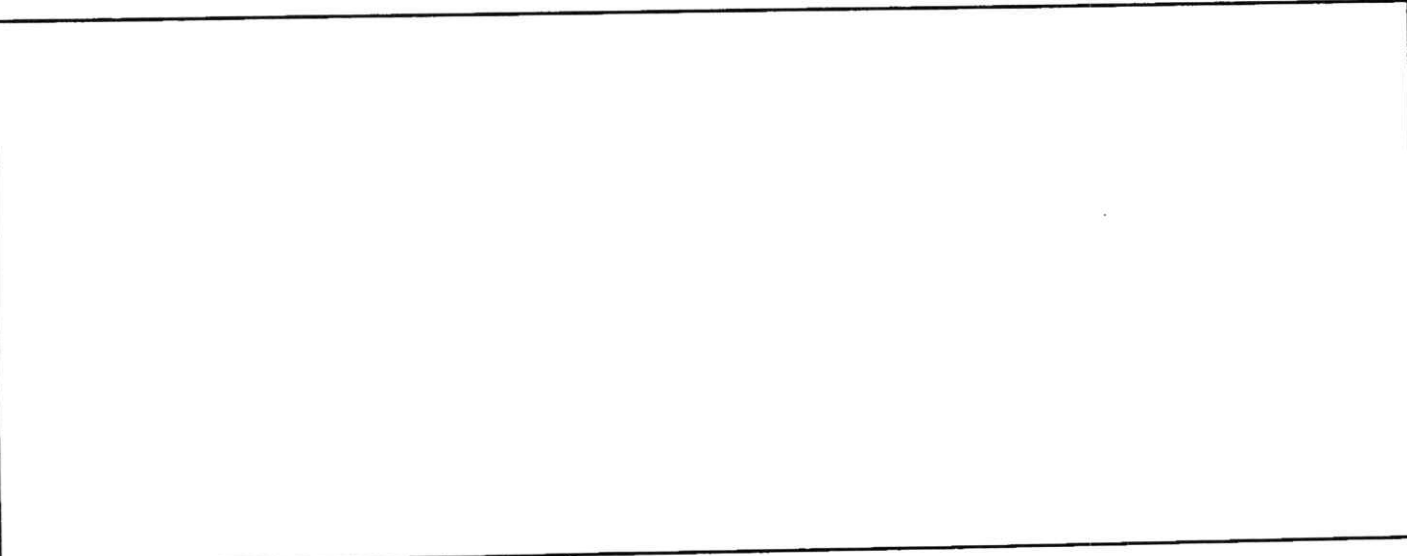
- ☒ The company will be member managed.
- ☐ The company will be manager managed.

If this company is to be manager managed, please state the name and address of each initial manager.

Manager	Street Address	City	State	ZIP+4
Manager	Street Address	City	State	ZIP+4
Manager	Street Address	City	State	ZIP+4

Article VII

Whether one or more of the members of the company are to be liable for its debts and obligations as set forth under SDCL 47-34A-303 (c).



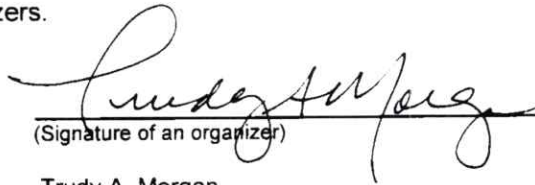
Article VIII

Any other provisions not inconsistent with law, which the members elect to set out in the articles of organization.

The Articles of Organization must be executed by the organizers.

Dated December 1, 2014

By signing this form, you agree to have both the fee and the form processed electronically. A fee of up to \$40 will be assessed for returned payments.



(Signature of an organizer)

Trudy A. Morgan

(Printed Name)

Attorney

(Title)

Dated _____

(Signature of an organizer)

(Printed Name)

(Title)

Dated _____

(Signature of an organizer)

(Printed Name)

(Title)

Dated _____

(Signature of an organizer)

(Printed Name)

(Title)



Secretary of State

Jason M. Gant

State Capitol | 500 E. Capitol Ave. | Pierre, South Dakota 57501 | sdsos@state.sd.us | sdsos.gov

Return To: MORGAN THEELER LLP
1718 N SANBORN BLVD.
MITCHELL, SD 57301-7025

From: Secretary of State Jason M. Gant
Corporations Division

Filing Date: 12/02/2014

Re: Carper Ag, L.L.C. (DL041279)
Articles of Organization

The documents on behalf of Carper Ag, L.L.C. have been received and filed. Attached is the Certificate along with a receipt for the filing fee of \$150.00. Below is a summary of the transaction.

Remitter	Address	Amount Paid
MORGAN THEELER LLP	1718 N SANBORN BLVD. PO BOX 1025 MITCHELL, SD 57301-7025	\$150.00
Total:		\$150.00

Description	Invoice Date	Qty	Receipt #	Subtotal
Articles of Organization	12/08/2014	1	252172	\$150.00
Total:				\$150.00

Administration

Tel: (605) 773-3537
Fax: (605) 773-6580

Corporations

Tel: (605) 773-4845
Fax: (605) 773-4550

Uniform Commercial Code

Tel: (605) 773-3537
Fax: (605) 773-6580



2015

ANNUAL REPORT

FILE DATE 11/23/2015

Enter Filing Year

DOMESTIC LLC

RECEIPT NO 353492

Secretary of State Office

SDCL 47-34A-211

500 E Capitol Ave

Please Type or Print Clearly In Ink

Pierre, SD 57501

(605)773-4845

FILING FEE: \$50.00 Make check payable to SECRETARY OF STATE

1. L.L.C. ID and Name:

DL041279

Carper Ag, L.L.C.

2. The jurisdiction under whose law it is formed SOUTH DAKOTA

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

22813 462ND AVENUE

RUTLAND

SD

57057

Actual Street Address or Rural Route Box Number

City

State

ZIP+4

Mailing Address, if Different from Street Address

City

State

ZIP+4

4. The name of the South Dakota Registered Agent

Agent Name: RANDY CARPER

22813 462ND AVENUE

RUTLAND

SD

57057

Actual Street Address or Rural Route Box Number in This State

City

State

ZIP+4

Mailing Address in This State, if Different from Street Address

City

State

ZIP+4

5. The names and addresses of its managers (governors). If the LLC is member-managed, the names and addresses of the members (governors) need not be set forth.

☐

Manager

Actual Street Address

City

State

ZIP+4

☐

Manager

Actual Street Address

City

State

ZIP+4

☐

Manager

Actual Street Address

City

State

ZIP+4

No person may execute this report knowing it is false in any material aspect. Any violation is subject to a civil penalty.

Dated 11/23/2015

Signature Accepted Electronically

(Signature of an Authorized Person)

TRUDY A MORGAN

(Printed Name)

*By signing this form you agree to have both the fee and the form processed electronically.
A fee of up to \$40 will be assessed for returned payments.

11/23/2015 11:48:19 AM

Rodriguez, Rachel

From: Rousseau, Caitlin
Sent: Monday, October 21, 2024 11:05 AM
To: Rodriguez, Rachel; Dewell, Amanda
Subject: RE: Check - 1317

Would that still be part of the water permit application fee?

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, October 21, 2024 10:35 AM
To: Rousseau, Caitlin <Caitlin.Rousseau@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: Check - 1317

Yes, this for additional money for the inspection fee.

Thank you,

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



From: Rousseau, Caitlin <Caitlin.Rousseau@state.sd.us>
Sent: Monday, October 21, 2024 10:33 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Check - 1317

We received a check from Carper Sweet Corn & Produce LLC for \$200. The paperwork that they sent has a stamp that they paid Oct. 17. Do they owe this additional amount?

Thank you!



Caitlin Rousseau
Accounting Assistant
Fiscal Department
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.5378
danr.sd.gov

Rodriguez, Rachel

From: Cody <carper@itctel.com>
Sent: Thursday, October 17, 2024 5:19 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application for Irrigation

Changes have been made, and additional check written. All will be mailed out tomorrow, Friday.

Thanks.
Cody
Sent from my iPhone

On Oct 17, 2024, at 3:37 PM, Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Forgot one other item:

1. A review of the Secretary of State's corporation website finds Randy Carper listed. Your name is not listed as one of its partners. DANR will need the application to be signed by a listed partner or a statement of authority that the person signing the application has the authority to act on behalf of Carper Ag LLC on all matters involving the water permit application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us
<image001.png>

From: Rodriguez, Rachel
Sent: Thursday, October 17, 2024 3:18 PM
To: carper@itctel.com
Subject: Water Permit Application for Irrigation

Good afternoon,

In looking over your water permit application for irrigation, there are a few items that need clarification:

1. You have 285 AF, see attachment highlighted in yellow, should this be 285 GPM?
2. You have 1-2 new wells; I only see one X for a diversion point. I've attached a map of Sec 17-T107N-R51W, please mark the proposed location of both wells.
3. For annual period which water is to be used, you wrote "year-round, summer irrigation". Would you please provide a date range (i.e., April 1 – October 31).
4. Please answer question d on Form 2A, see yellow highlighted section. If you do not know, it is okay to state unknown.
5. We received your check for \$500.00. A \$200.00 license fee is also required at this time. Please submit.

Once I receive the items above, I can begin processing your application.



**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. 8906-3, Carper Ag 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. 8906-3, Carper Ag LLC, 22813 462nd Avenue, Rutland SD 57057.

The Chief Engineer is recommending APPROVAL of Application No. 8906-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The wells approved under Water Permit No. 8906-3 are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The proposed wells authorized by Permit No. 8906-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
December 11, 2024

Report to the Chief Engineer
On Water Permit Application No. 8906-3

Carper Ag LLC

December 13th, 2024

Water Permit Application No. 8906-3 proposes to appropriate 0.63 cubic feet of water (cfs) from two wells to be completed into the Battle Creek aquifer (approximately 27 feet deep) located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17 for irrigation of 52 acres located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 17; all in T107N-R51W. This site is located approximately 7 miles northeast of Madison, SD in Lake County.

AQUIFER: Battle Creek (BTC)

HYDROGEOLOGY:

The Battle Creek aquifer is a surficial outwash (sand and gravel) that is under unconfined conditions in this area and in general. Hansen (1986) estimated the aquifer underlies approximately 19 square miles (12,160 acres) and contains an estimated 34,000 acre-feet of water in storage in Lake and Moody Counties. The aquifer extends into eastern portions of Brookings County, where the Battle Creek aquifer blends into the Big Sioux: Brookings aquifer. Review of the First Occurrence of Aquifer Materials Maps for Brookings (Schulz, 2004), Lake (Jensen, 2002a), and Moody (Jensen, 2002b) counties show the aquifer is significantly larger than Hansen's (1986) estimate. Based on the First Occurrence of Aquifer Materials Maps, the aquifer extent is approximately 20,000 acres. However, not all of that extent may be saturated since the purpose of the maps is to define aquifer materials and not saturated aquifers. The average thickness of the Battle Creek aquifer is 14 feet with a maximum thickness of 26 feet in some locations (Hansen, 1986).

A water well completion report was submitted with this application for one of the wells to be used for the application's proposed diversion points (Water Rights, 2024c). The top of aquifer material is 2 feet below ground surface, the static water level is 5.5 feet, with a total saturated aquifer thickness of 21.5 feet (Water Rights, 2024c). In an unconfined aquifer such as the Battle Creek aquifer, the top of the aquifer is defined as the static water level and does not include the unsaturated materials. Considering this and other nearby well completion reports, the aquifer at the proposed diversion points for this application is expected to be under unconfined conditions (Water Rights, 2024c).

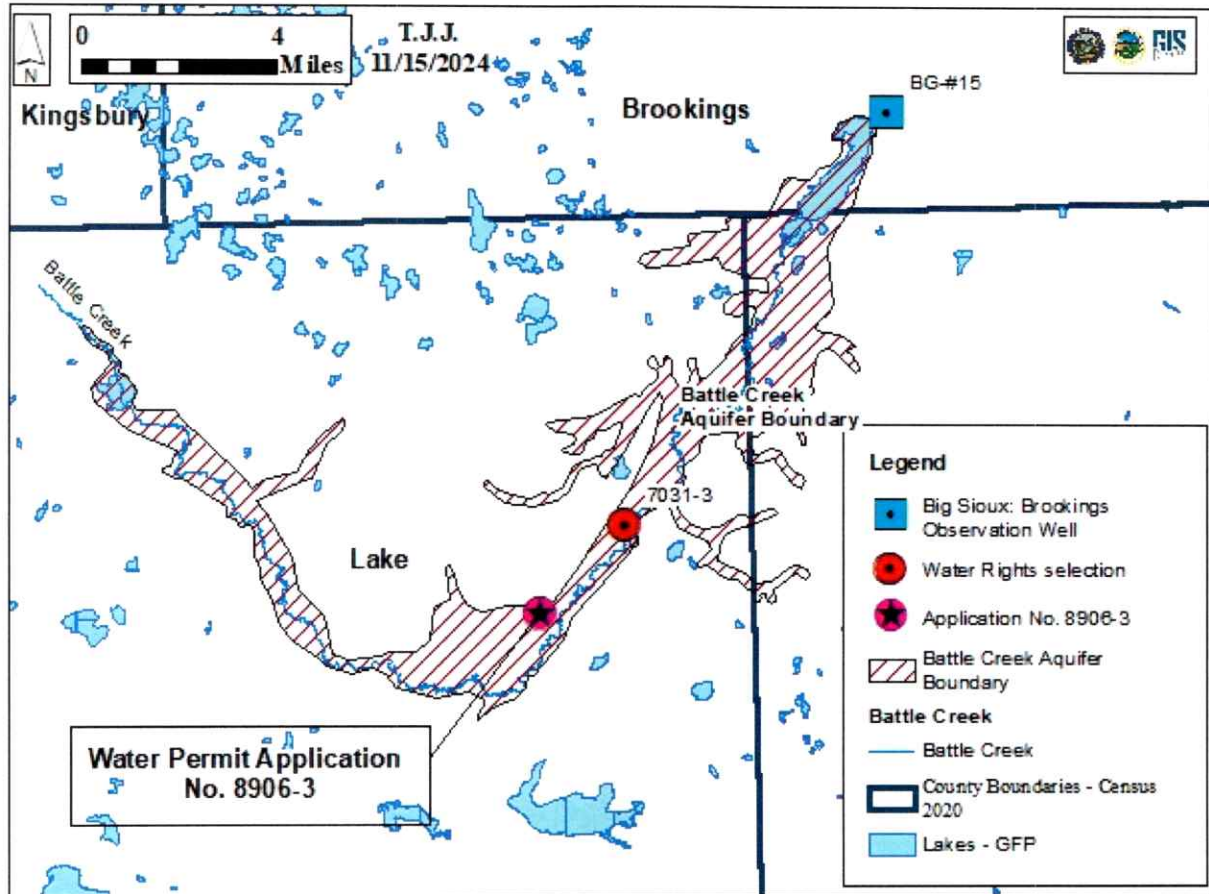


Figure 1. Map of the approximate Battle Creek aquifer boundary (modified from: Jensen 2002a, Jensen 2002b, and Schulz 2004), location of the proposed diversion points for Water Permit Application No. 8906-3, Battle Creek aquifer Water Rights, and Observation Well for Big Sioux: Brookings aquifer (Water Rights, 2024a & 2024b).

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

Pursuant to SDCL 46-2A-9,

“A permit to appropriate water may be issued only if there is a reasonable probability that unappropriated water is available for the applicant’s proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.”

This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic uses and water rights within the Battle Creek aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8906-3 proposes to appropriate water from the Battle Creek aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires:

“No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.”

The Battle Creek aquifer is not older than or stratigraphically lower than the Greenhorn Formation, and the applicant’s proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Battle Creek aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Battle Creek aquifer is received primarily through infiltration of precipitation and snowmelt (Hansen, 1986). Hedges and others (1985) estimated a recharge rate to range between 2.0 to 5.6 inches per year (in/yr) for unconfined aquifers in eastern South Dakota. Using an areal extent of approximately 20,000 acres based on the First Occurrence of Aquifer Materials maps by Jensen (2002a & 2002b) and Schulz (2004), the estimated recharge rate of the Battle Creek aquifer should range between 3,333 to 9,333 acre-feet per year.

Discharge

Discharge from the Battle Creek aquifer primarily occurs through stock well withdrawals, evapotranspiration, and outflow to Battle Creek or the Big Sioux aquifer (Hansen, 1986). Currently, there is one existing water right (No. 7031-3) authorized to appropriate water from the Battle Creek aquifer (Water Rights, 2024b). Water Right No. 7031-3 is a non-irrigation water right that is authorized to withdraw at a pump rate of 1.11 cfs (Water Rights, 2024b). Water Right No. 7031-3 is limited only by diversion rate and is not required to report annual pumping. It is estimated that non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time. The 60 percent estimation was established by Water Rights Staff to be a reasonable and safe assumption of average annual withdrawals by non-irrigation appropriations. Historically, the 60 percent estimate has been accepted by the Water Management Board. Therefore, Water Right No. 7031-3 is estimated to be

withdrawing approximately 482 acre-feet/year. It should be noted Water Right No. 7031-3 is for industrial use in aggregate washing. It is unlikely that it used year-round nor as often as 60% of the time. The estimated average pumping under the water right is likely a large overestimation of average annual use. There are currently zero future use permits reserving water from the Battle Creek aquifer (Water Rights, 2024b).

Water Permit Application No. 8096-3 proposes to irrigate 52 acres (Water Rights, 2024c). Generally, crop irrigators in eastern South Dakota apply less than one foot of water per acre per year. The application states, "Installation of new garden irrigation well." Direct food crop irrigation (i.e. sweet corn) can regularly take one foot of water or more per acre. Thus, for this application, the full appropriation amount of two feet will be assumed to safely overestimate future water use. If this application is approved, 104 acre-feet of water will need to be accounted for. Collectively, the average annual withdrawal rate of Water Right No. 7031-3 (482 acre-feet/year), plus this pending application (104 acre-feet/year), is approximately 586 acre-feet per year.

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

Hydrologic Budget Summary

The recharge rate of the Battle Creek aquifer, based on Hedges and others (1985), is an estimated range of 3,333 to 9,333 acre-feet per year. The Battle Creek aquifer estimated average annual withdrawal rate is 586 acre-feet per year (including this application, if approved). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Battle Creek aquifer for the proposed appropriation.

OBSERVATION WELL DATA

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

There are no observation wells completed into the Battle Creek aquifer (Water Rights, 2024a). The closest observation well that could be hydrologically connected with northern portions of the Battle Creek aquifer is BG-#15, located in the Big Sioux: Brookings aquifer near Lake

Campbell. As shown in Figure 1, BG-#15 is in very close proximity to the Battle Creek aquifer and due to the very similar hydrogeologic conditions between the two aquifers, it is useful in evaluating general conditions of the Battle Creek aquifer. Figure 2 shows a hydrograph for BG-#15 which is maintaining a stable water level. Since BG-#15 is in close proximity to where the Battle Creek and Big Sioux: Brookings aquifers are hydrologically connected, the northern portions of the Battle Creek aquifer likely share similarities in water level trends with BG-#15.

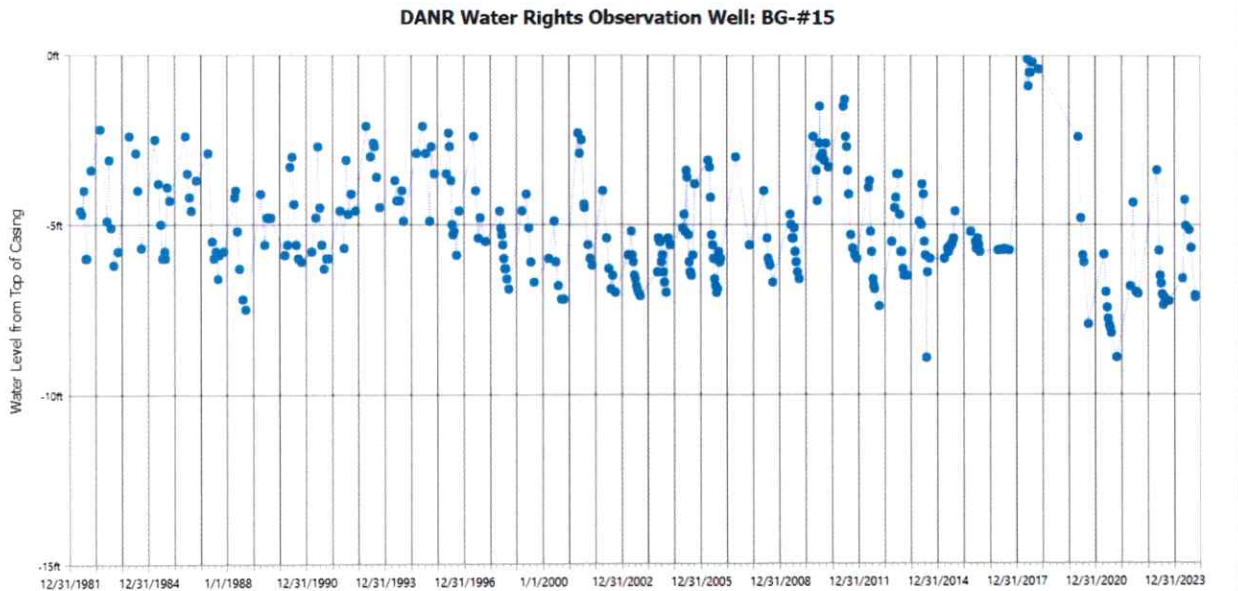


Figure 2. Hydrograph for observation well BG-#15

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

There is only one existing Battle Creek aquifer water right/permit, which is Water Right No. 7031-3 shown in Figure 1. Water Right No. 7031-3 is held by Johnson Bros Excavation Inc. and is located approximately 2.5 miles northeast of the proposed diversion points for this application (Water Rights, 2024b). There are domestic wells on file with the DANR-Water Rights Program that are completed into the Battle Creek aquifer, with the closest domestic well on file (not held by the applicant) one mile northeast of the diversion points based on the legal description provided by the well driller on the well completion report (Water Rights, 2024c). There could potentially be other domestic wells completed into the Battle Creek aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

Based on the well completion reports near the proposed diversion points for this application, the Battle Creek aquifer is expected to be under unconfined conditions near the well sites. In an unconfined aquifer, drawdown typically does not extend far from a pumping well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The

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

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

While the best information available indicates that there is a reasonable probability average annual recharge exceeds average annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time. Situations may occur where pumping from a thicker part of the aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Under such conditions, an unlawful impairment of senior water rights/permits or adequate domestic wells may occur. While there are no nearby senior water rights/permits, there may be nearby adequate domestic wells. With that in mind, some existing well owners may need to lower pumps depending on the specific characteristics of the Battle Creek aquifer at their location. When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the unconfined nature of the aquifer, the relatively small diversion rate, the distance between the proposed diversion points and other wells on file with the Water Rights Program, and the lack of well interference complaints on file (Water Rights, 2024d), any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8906-3 proposes to appropriate 0.63 cfs from two wells to be completed into the Battle Creek aquifer (approximately 27 feet deep) located in the NW ¼ NE ¼ Section 17 for irrigation of 52 acres located in the N ½ NE ¼ of Section 17; all in T107N-R51W. The site of interest is located approximately 7 miles northeast of Madison, SD in Lake County.
2. Based on the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Battle Creek aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8906-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.

Reviewed by:



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



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

References

- Hansen, D.S., 1986. Water Resources of Lake and Moody Counties, South Dakota, Water-Resources Investigations Report 84-4209, USGS, Huron, SD.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Jensen A.R., 2002a. First Occurrence of Aquifer Materials in Lake County, South Dakota, DENR Geological Survey-Aquifer Materials Map 11.
- Jensen A.R., 2002b. First Occurrence of Aquifer Materials in Moody County, South Dakota, DENR Geological Survey-Aquifer Materials Map 10.
- Schulz L.D., 2004. First Occurrence of Aquifer Materials in Brookings County, South Dakota, DENR Geological Survey-Aquifer Materials Map 19.
- Water Rights, 2024a. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024b. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024c. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2024d. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

December 17, 2024

Cody Carper
22813 462nd Avenue
Rutland SD 57057

Dear Mr. Carper:

Water Permit Application No. 8906-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Madison Daily Leader printed in Madison SD (Ph # 605 256-4555) and the Brookings Register printed in Brookings SD (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. 8906-3 to Appropriate Water

Notice is given that Carper Ag LLC., 22813 462nd Avenue, Rutland SD 57057, has filed an application for a water permit to appropriate 0.63 cubic feet of water per second from up to two wells to be completed into the Battle Creek Aquifer (approximately 27 feet deep) located in the NW 1/4 NE 1/4 Section 17 for irrigation of 52 acres located in the N 1/2 NE 1/4 Section 17; all in T107N-R51W. This site is located approximately seven miles northeast of Madison SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8906-3 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 January 6, 2025.

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 January 6, 2025.

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_

Duvall, Ron

From: Duvall, Ron
Sent: Tuesday, December 17, 2024 10:49 AM
To: stephanie.dickey@dailyterritorial.com
Cc: Rodriguez, Rachel
Subject: 8906-3 Carper Ag LLC - Public Notice
Attachments: 8906-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 27, 2024.

Carper Ag LLC., 22813 462nd Avenue, Rutland SD 57057 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,

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



DANR
SOUTH DAKOTA

Duvall, Ron

From: Duvall, Ron
Sent: Tuesday, December 17, 2024 10:45 AM
To: registerclassifieds@brookingsregister.com
Subject: 8906-3 Carper Ag LLC - Public Notice
Attachments: 8906-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 27, 2024.

Carper Ag LLC., 22813 462nd Avenue, Rutland SD 57057 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,

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



DANR
SOUTH DAKOTA

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

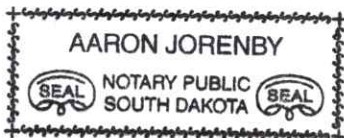
Leg# 41186 Notice of Application

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

December 27, 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-Four Dollars and Ninety-Seven Cents \$44.97



January

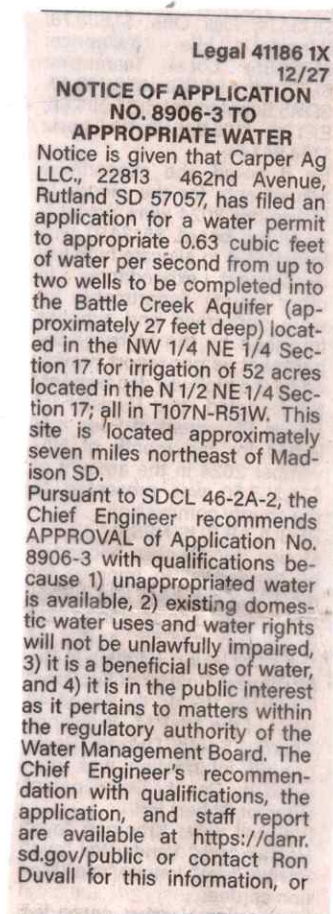
[Signature]

1 day of

2025

[Signature]

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



RECEIVED

JAN 06 2025

OFFICE OF
WATER

other information, at the Water Rights Program address provided below.

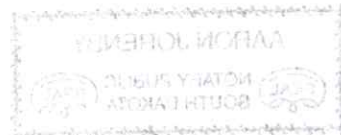
Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 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 January 6, 2025.

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 January 6, 2025.

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 December 27, 2024 at the total approximate cost of \$44.97 and may be viewed free of charge at www.sdpublicnotices.com.



8A

AFFIDAVIT OF PUBLICATION

State of New Jersey, County of Hudson, ss:

Hadley Christman, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Madison Daily Leader, a newspaper printed and published in the City of Madison, County of Lake, State of South Dakota, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached.

The advertisement headed

8906-3 Carper Ag LLC

printed copy of which hereunto attached, was printed and published in the said newspaper for 1 successive week(s), once each week and on the same day of the week, on the following dates, to-wit:

PUBLICATION DATES: December 27, 2024

NOTICE ID: QH6i9nckwDY2KjerkJCx

PUBLISHER ID: MDL000691

NOTICE NAME: 8906-3 Carper Ag LLC

That \$41.18 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publication of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

(Signed) Hadley Christman

SHANNEA H HOLMES
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires August 1, 2026

VERIFICATION

State of New Jersey
County of Hudson

Subscribed in my presence and sworn to before me on this: 12/30/2024

Shanea H Holmes

Notary Public
Notarized remotely online using communication technology via Proof.

**PUBLIC NOTICE
NOTICE OF APPLICATION NO.
8906-3 to Appropriate Water**

Notice is given that Carper Ag LLC., 22813 462nd Avenue, Rutland SD 57057, has filed an application for a water permit to appropriate 0.63 cubic feet of water per second from up to two wells to be completed into the Battle Creek Aquifer (approximately 27 feet deep) located in the NW 1/4 NE 1/4 Section 17 for irrigation of 52 acres located in the N 1/2 NE 1/4 Section 17; all in T107N-R51W. This site is located approximately seven miles northeast of Madison SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8906-3 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 January

6, 2025.

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 January 6, 2025 .

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 Dec 27, 2024 at the total approximate cost of \$41.18 and may be viewed free of charge at www.sd-publicnotices.com

Duvall, Ron

From: Duvall, Ron
Sent: Tuesday, December 17, 2024 10:52 AM
To: carper@itctel.com
Cc: Rodriguez, Rachel
Subject: 8906-3 Carper Ag LLC - Public Notice
Attachments: 8906-3 APPL2.pdf; 8906-3 public.short_final.pdf; 8906-3_rec.pdf

Mr. Carper:

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,

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



DANR
SOUTH DAKOTA



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JAN 30 2025

Carper Ag LLC.
c/o Cody Carper
22813 462nd Ave
Rutland SD 57057

Dear Mr. Carper:

Enclosed is Water Permit No. 8906-3 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.: 8906-3

Name of Applicant: Carper Ag LLC, Cody Carper

Date of Posting: 12/26/2024

Date of Removal: 1/30/2025



Ron Duvall, Engineer III

1/30/2025

Date

Subscribed and sworn to before me, a notary public, this 30th day of Jan, 2025.



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



(SEAL)

SOUTH DAKOTA WATER WELL COMPLETION REPORT

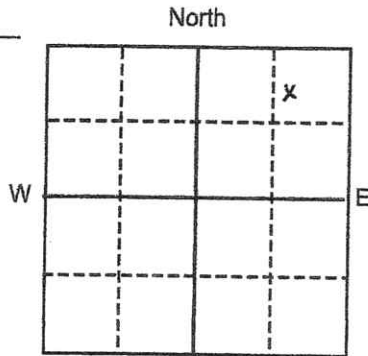
SD EForm - 1621LD V1

11-02

Location T10N R10E S17 Sec 17 Twp T10N Rg 5W

County Lake

Please mark well location with an "X"



Well Completion Date

10-3-24

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Direct Rotary Bailed

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5.40</u> LB/FT	<u>8</u> IN	<u>+2</u> FT	<u>21</u> FT	<u>12</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Grout w/ 40#</u>	<u>6</u>	<u>0</u> Lb/gal	<u>0</u> Ft	<u>18</u> Ft
<u>[Bentonite]</u>		<u>0</u> Lb/gal	<u>0</u> Ft	<u>0</u> Ft

Describe grouting procedure

per driller
AWM 10/31/24

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 8 Inches Length 6 Feet

Material Stainless Steel

Slot Size 35 Set From 21 Feet to 27 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION:

Was well disinfected upon completion?

☐ Yes, How? _____

☐ No, Why Not? _____

Lab to which water quality sample sent for analysis

ward
SDPHL

RECEIVED

OCT 17 2024

OFFICE OF
WATER

Well Owner: Carper Sweet Corn Produce

Business Name: Wody Carper

Address: 22813 465th Ave

City, State, Zip: Rutland SD 57057

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Mixed Gravel - yellow	2	8
Grey Fine	8	12
Med - Coarse	12	18
Coal - fist sized	18	18 1/2
Fine - Med	18 1/2	20
Med - Coarse	20	27

STATIC WATER LEVEL

5.5

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

18 Ft. After 5 Hrs. pumped 285 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____

GPM

REMARKS

This well was drilled under license # 689 and this report is true and accurate.

Drilling firm: Kaiser Well Drilling Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 10-8-24