

WATER PERMIT NO. 8918-3

Name of Applicant: Plainview Dairy, LLC

Address: 19218 473rd Avenue, Toronto SD 57006

Phone: 605-777-4199

Amount of Water Claimed: 550 AF

Total Acres: N/A

Source of Water Supply: Groundwater

Water to be used for: Commercial

County: Deuel

Type of Waste Disposal System:

Location: Approx. 3 miles southeast of Estelline

PRIORITY Date Received: 01-09-25

Application/License Fee: \$1,250.00

Corrected Application Received: 01-13-25

Period of Annual Use: January 1 – December 31

Remarks: Water will be used to supply a new dairy farm.

Diversion Point: SE 1/4 SE 1/4 Sec 29-T113-R50W

Land to be Irrigated: N/A

Depth of Well: 50

Well Driller: Thein Well Co.

Remarks:

Type of Map: aerial

			29		
				xx	

Reviewed and the Number Assigned on: 01-13-25

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8918-3

Date of first receipt of application January 9, 2025.

Date of return to applicant for corrections, amendments or changes January 10, 2025.

Date of receipt of corrected application January 13, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8918-3 to Plainview Dairy, LLC., 19218 473rd Avenue, Toronto SD 57006, 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. 8918-3 appropriates 550 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second from up to two wells to be completed into the Big Sioux: Brookings Aquifer (approximately 50 feet deep) located in the SE 1/4 SE 1/4 Section 29-T113N-R50W. Water is to be used for commercial purposes in a dairy operation located in the N 1/2 Section 17-T113N-R49W. The proposed well sites are located approximately three miles southeast of Estelline 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. 8918-3 is March 24, 2025.
5. The date from which applicant may claim right is January 9, 2025.
6. One-fifth of the construction is to be completed on or before September 24, 2027.
7. All construction is to be completed on or before March 24, 2030.
8. Water is to be put to beneficial use on or before March 24, 2034.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under Water Permit No. 8918-3 will be 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. 8918-3 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.

(continued)

3. Water Permit No. 8918-3 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.
4. Water Permit No. 8918-3 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
5. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux: Brookings Aquifer.
6. Water Permit No. 8918-3 authorizes an annual diversion of up to 550 acre-feet of water from the Big Sioux: Brookings Aquifer and Water Permit No. 8768-3 authorizes an annual diversion of up to 436 acre-feet of water from the Toronto Aquifer. The combined diversion authorized by this Permit and Permit No. 8768-3 may not exceed 550 acre-feet annually with no more than 436 acre-feet being diverted from the Toronto Aquifer.

WATER MANAGEMENT BOARD

By: _____

Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources

4/16/25
date



FORM 2: Application for uses other than irrigation
(Type or print)

RECEIVED

JAN 09 2025

OFFICE OF
WATER

Mail to SD DNR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph (605) 773-3352	No. <u>8918-3</u> Hydrologic Unit <u>10170202</u> Basin <u>Big Sioux -middle</u> Newspaper <u>Clear Lake Courier</u> <u>Brookings Register</u> (office use only)
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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: (1) change diversion point(s); add diversion point(s); change use, etc.

- Name to Appear on Water Permit Plainview Dairy, LLC
Mailing Address 19218 473rd Ave. Toronto SD 57006
(Address) (City) (State) (Zip Code)
Phone _____ Mobile 605-777-4199 Email kees@plainviewdairy.com
- Amount of water claimed 1.33 *CFS or 600 **GPM and 550 ***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
- Source of water supply Aquifer
- Location of point of diversion 2 wells in SE 1/4 of SE 1/4, S39-T113N-R50W County Deuel
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☒ Yes ☐ No
If "Yes," where will water be used? N 1/2 of S17-T113N-R49W
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Deuel
- Annual period during which water is to be used Daily, 1/1-12/31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The water will supply a new dairy farm that is being constructed in the N 1/2 of S17-T113N-R49W.

I, Michael Vander Dusen  Owner, the applicant, certify under

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

2021-08

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

Supplemental Information

(type or print)

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

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

- a) If new wells, how many 2 Have test holes been drilled? ☒ Yes ☐ No Drilled by Therion Well Co., Inc.
(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) 50' Depth to Top of Water Bearing Material 12' Depth to Water from Surface 9'
- d) Distance to nearest domestic well on applicant's property — Property owned by others 0.4 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Storage Lagoons
- b) System Capacity (gallons) 140,000,000 Year Constructed 2025
- c) Connected to the City of N/A Sanitary System

3. Dugout Information

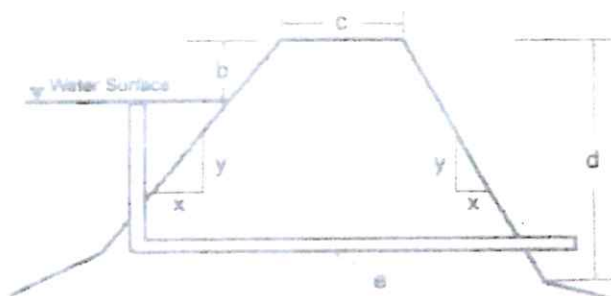
- a) Surface Dimensions N/A - no dugout will be used Depth N/A
- b) Depth to water (ground surface to water level) N/A

4. Water Storage Dams

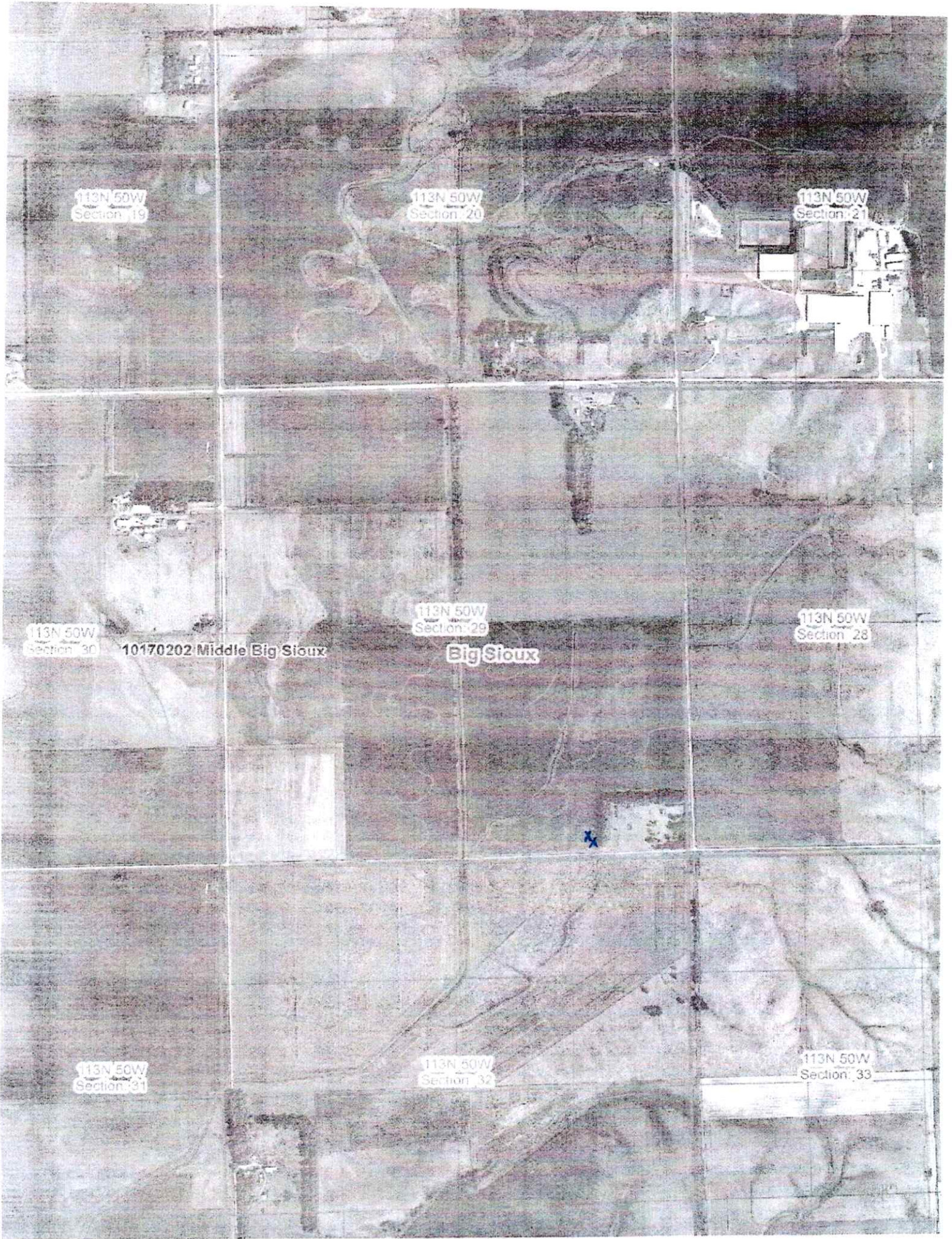
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

Water storage dams will not be used



- 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



113N 50W
Section: 19

113N 50W
Section: 20

113N 50W
Section: 21

113N 50W
Section: 30

10170202 Middle Big Sioux

113N 50W
Section: 29

Big Sioux

113N 50W
Section: 28

113N 50W
Section: 31

113N 50W
Section: 32

113N 50W
Section: 33

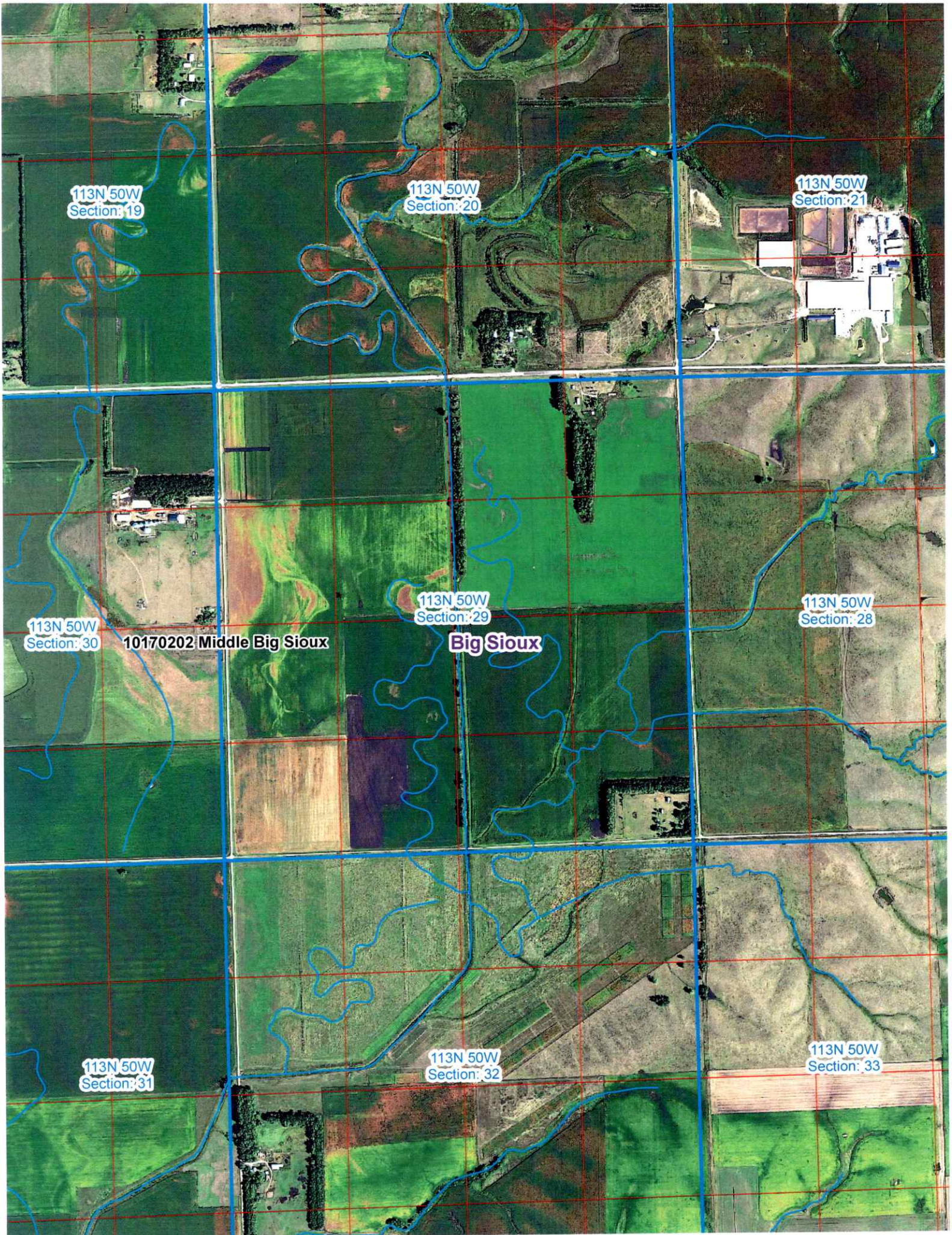
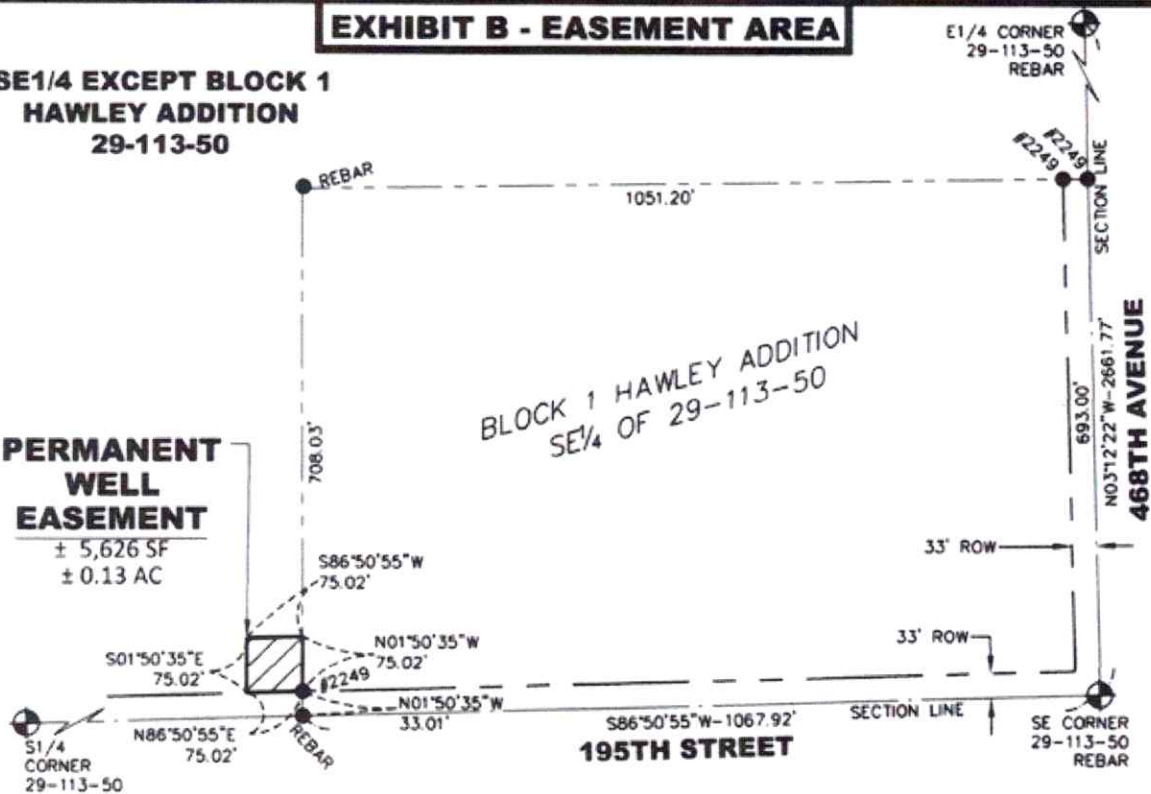


EXHIBIT B - EASEMENT AREA

**SE1/4 EXCEPT BLOCK 1
HAWLEY ADDITION
29-113-50**

PERMANENT WELL EASEMENT

± 5,626 SF
± 0.13 AC



LEGEND

	PROPERTY LINE
	RIGHT OF WAY
	EXISTING EASEMENT LINE
	PERMANENT EASEMENT
	SECTION LINE
	FOUND MONUMENT
	SECTION CORNER

LEGAL DESCRIPTION OF GRANTOR'S LAND:
THE SOUTHEAST QUARTER (SE1/4),
EXCEPT BLOCK ONE (1) HAWLEY
ADDITION, IN THE SOUTHEAST QUARTER
(SE1/4) IN SECTION TWENTY-NINE (29),
TOWNSHIP ONE HUNDRED THIRTEEN (113)
NORTH, RANGE FIFTY (50) WEST OF THE
5TH P.M., DEUEL COUNTY, SOUTH
DAKOTA.

OWNER INFORMATION:
TODD M. AND JODYANN S. JONGELING
DONALD E. AND CHERLY L. JONGELING
19423 467TH AVE.
ESTELLINE, SOUTH DAKOTA, 57234

I HEREBY CERTIFY THAT THIS EASEMENT EXHIBIT
WAS PREPARED BY ME OR UNDER MY DIRECT
PERSONAL SUPERVISION AND THAT I AM A DULY
LICENSED LAND SURVEYOR UNDER THE LAWS OF
THE STATE OF SOUTH DAKOTA.

BY _____
ANDREW C. NIELSON, LS #12469 (DATE)



LOCATION MAP
SECTION 29-113-50



Project Manager: ACN
Designer: ACD
Project Number: 674100
Phone: (605) 339-4157

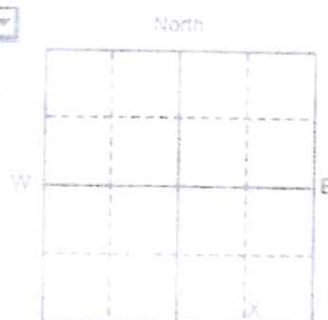
**PERMANENT
EASEMENT
EXHIBIT "B"**

**SE1/4 EX BLK 1 HAWLEY
ADDITION
SECTION 29-113-50**

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location SE 1/4 SE 1/4 Sec 29 Twp 113 Rg 50County Dakota

Please mark well location with an 'X'



Well Completion Date

SEPTEMBER 18 2024

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.):
ft. from TEST WELL (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

M/C ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe:

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
BENTONITE	2	Lb/gal	0 Ft	30 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure:

PREMIER PIPED

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 5 inches Length 10 FeetMaterial PVC SLOTTEDSlot Size 020 Set From 35 Feet to 45 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 (flow?)☐ No Why Not? TEST WELL

Lab to which water quality sample sent for analysis:

Well Owner MIKE VANDER DUSSENBusiness Name PLAINVIEW DAIRYAddress 729 EAST JEFFERSON RDCity, State, Zip EL NIDA CA 95317

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	3
YELLOW CLAY	3	7
FINE SAND	7	12
FINE/MED SAND W/ SOME GRAVEL	12	20
GRAVEL / SAND	20	45
YELLOW CLAY	45	50

STATIC WATER LEVEL

6 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

_____ Ft After _____ Hrs. pumped _____ GPM

_____ Ft After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

GPS N 44 33.5140 W 96 50.9510JONGELING TH #2 - 5' WellThis well was drilled under license # 475 and this report is true and accurate.Drilling firm THEIN WELL COMPANY, INCORPORATED

Signature of License Representative

Signature of Well Owner or Equitable Property Holder

Date: 1-8-25

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 13th 2025

RECEIVED OF Plainview Dairy LLC 19218 473rd Ave Toronto SD 57006

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1050.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>1250.00</u>

By Eric Gronlund
Chief Engineer

SW

THIS INSTRUMENT PREPARED BY:

PAUL W. TSCHETTER
BOYCE LAW FIRM, L.L.P.
300 S. MAIN AVENUE
SIOUX FALLS, SD 57104
(605) 336-2424

OPTION AGREEMENT FOR EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That the undersigned TODD M. JONGELING and JODY ANN JONGELING, also known as JODYANN JONGELING and JODYANN S. JONGELING, husband and wife, of 19247 456th Avenue, Lake Norden, South Dakota 57248, (hereafter "Grantor", for and on behalf of Grantor and Grantor's heirs, successors and assigns does hereby grant to Plainview Dairy, LLC, a South Dakota limited liability company, and its successors and assigns, herein called "Grantee", the sole and exclusive option (the "Option") to purchase an easement over, across and through the land of Grantor, said easement to be substantially in the form attached hereto as **Exhibit B** (the "Easement"), on the following terms and conditions:

TERMS OF OPTION

1. Grant of Option; Option Consideration; Terms and Option. Grantor hereby grants the Option to Grantee, from the date of Grantor's signature until November 1, 2026 (the "Option Term"). As consideration for the Option, or any extension thereof, Grantee shall pay to Grantor the Option Price, as set forth in Exhibit C, which Exhibit C shall be removed prior to recording. This Option Term may also be extended to November 1, 2027, by payment of the Option Extension Price, as also set forth in Exhibit C. The Option Price and Option Extension Price shall be non-refundable to the Grantees and not as an offset to the Easement Price.

The Option is to allow Grantee to acquire certain rights over, across and through the land of Grantor and located in Deuel County, South Dakota, as more particularly described in **Exhibit A** attached hereto and incorporated herein (the "Property") in accordance with the terms and conditions set forth in the form attached hereto as **Exhibit B**.

2. Exercise of Option; Easement Consideration. Grantees may exercise this Option any time during the Option Term by written notice to Grantor (the "Notice"). No later than fifteen (15) days after the date of the Notice, Grantee shall deliver to Grantor the Easement Purchase Price for the Easement, which amount shall be equal to the Easement Purchase Price set forth in **Exhibit C**. Upon receipt of the Easement Purchase Price, Grantor shall deliver to Grantee the executed Easement and Grantee shall record the Easement in the Register of Deeds office of the County where the Property is located.
3. Right of Entry. During the Option Term and prior to the Notice of Exercise of this Option, Grantee, their employees, agents, contractors, and representatives shall have the right and license to enter upon the Property for the purpose of doing all those things which Grantee deems necessary to study, survey, inspect, test and plan for Grantee's proposed uses of the Property, including but not limited to, drilling of test wells and studies of hydrology below the surface of the Property, soil borings, conducting hazardous substances investigations, and undertaking feasibility studies which may cover such subjects as soil conditions, geological tests, engineering reports, topographic studies, flood protection, environmental impact reports, zoning and planning regulations, archaeological studies

and any other tests and studies which Grantee may elect to perform on the Property, all at the sole cost and expense of the Grantee.

4. Damage Settlement. Grantee hereby agree to pay to the Grantor and/or a tenant in possession of the Property direct damages to the Property and crops growing thereon as such Property and crops are affected by the right of entry specified in paragraph 3 of this Option Agreement.
5. Encumbrances and Leases. During the Option Term, Grantor shall have the right to mortgage, lease, or otherwise encumber the Property only if such mortgage, lease or encumbrance is subordinate to the rights of the Grantee under this Option Agreement and its Exhibits.
6. Breach. Grantor agrees that any breach of this Option Agreement may result in irreparable injury to Grantee, that monetary damages would not be a sufficient remedy for any breach of this Option Agreement, that Grantee shall be entitled to seek specific performance or other equitable relief to remedy or prevent any breach or threatened breach of this Option Agreement, and that Grantor hereby expressly and irrevocably waive any and all challenges to specific performance or other equitable relief. If Grantor are unable to perform, or breaches in the performance of its obligations hereunder and Grantee commence an action to acquire the Easement, Grantor agrees not to make any objection and hereby expressly and irrevocably waive any and all challenges Grantor have or may have relating to necessity of such action. Grantor further agrees that if such action to enforce this Option Agreement for purposes of obtaining the Easement is commenced within one year of the date that Grantee exercises this Option, the damages owed to Grantee for the Easement, or any other cause of action, is the Easement Purchase Price. Grantor further agrees that Grantee shall have an immediate right of entry to the Property in order to exercise the rights granted in any such legal proceeding.
7. Recording of Option. This Option Agreement shall be filed by Grantee in the Register of Deed's office of the County in which the Property is located. Although Exhibit B and Exhibit C shall be removed from the Option Agreement prior to recording, Exhibit B and Exhibit C shall remain part of this Option Agreement and such removal shall not affect the validity hereof.
8. Notices. All notices ("Notice") to a party pursuant to this Option Agreement must be in writing and shall be sent by United States Mail (first-class); personal delivery; or overnight courier services. For purposes of giving notice hereunder, the addresses of the parties, until changed as hereinafter provided, are the following:

Grantors: Todd M. Jongeling and JodyAnn Jongeling
19247 456th Avenue
Lake Norden, South Dakota 57248

Grantees: Plainview Dairy, LLC
101 N Main Avenue, Ste 210
Sioux Falls, SD 57104

With copy to: Paul Tschetter
Boyce Law Firm, LLP
300 S Main Avenue
Sioux Falls, SD 57104

Notices sent by certified mail shall be deemed given on the date of delivery or attempted delivery as shown on the return-receipt. Notices sent by personal delivery or courier shall be deemed given on the date of delivery or refusal to accept delivery.

9. Binding Effect and Covenants of Grantor. This Option Agreement shall be binding upon and inure to the benefit of the respective assignees, heirs, successors and legal representatives of each party.

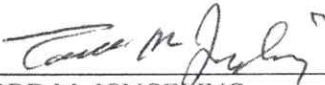
Grantor represents and warrants to Grantee that Grantor owns the Property in fee simple, subject to no liens or encumbrances except as disclosed in writing to Grantee prior to the execution of this Option Agreement. Grantee may assign its interest in this Option Agreement without the consent of Grantor.

10. Cancellation. Grantee shall have the right to cancel this Option at any time by providing Notice to Grantor.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed as of the

10 day of November, 2024.




TODD M. JONGELING

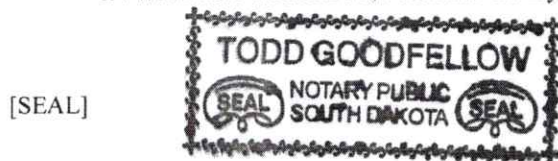

JODY ANN JONGELING, also known as JODYANN JONGELING and JODYANN S. JONGELING

STATE OF SOUTH DAKOTA)

COUNTY OF Hamlin)
:SS

On this, this 10 day of November, 2024, before me, the undersigned officer, personally appeared TODD M. JONGELING, known to me or satisfactorily proven to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



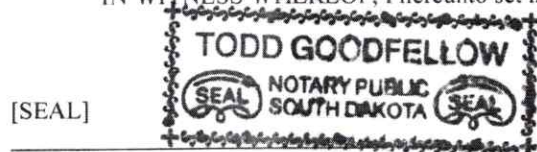

Notary Public—South Dakota
My commission expires: 4-17-2025

STATE OF SOUTH DAKOTA)

COUNTY OF Hamlin)
:SS

On this, this 10th day of November, 2024, before me, the undersigned officer, personally appeared JODY ANN JONGELING, known to me or satisfactorily proven to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.




Notary Public—South Dakota
My commission expires: 4-17-2025

Plainview Dairy, LLC

By: [Signature]

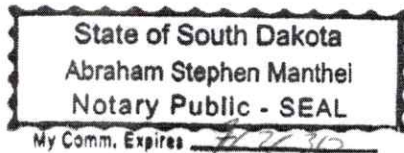
Its: Manager, Authorized Rep

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF Deuel)

On this, this 14 day of November, 2024, before me, the undersigned officer, personally appeared Kees Knevelbaard, who acknowledged himself to be a authorized representative of **Plainview Dairy, LLC**, a South Dakota limited liability company, and that he, as such authorized representative being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself as such authorized representative

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[SEAL]



[Signature]
Notary Public—South Dakota
My Commission Expires: 7/21/30

EXHIBIT A
THE PROPERTY

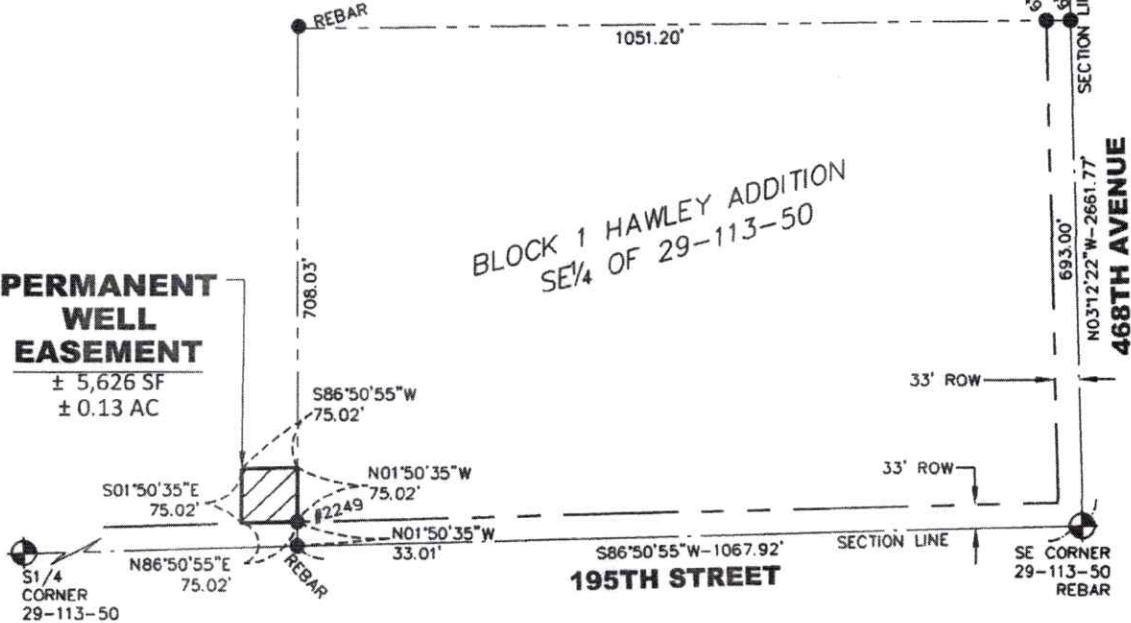
The Southeast Quarter (SE1/4) of Section 29, except Block 1 Hawley Addition, Township 113 North, Range 50 West of the 5th P.M., Deuel County, South Dakota

EXHIBIT B - EASEMENT AREA

**SE1/4 EXCEPT BLOCK 1
HAWLEY ADDITION
29-113-50**

PERMANENT WELL EASEMENT

± 5,626 SF
± 0.13 AC



LEGEND

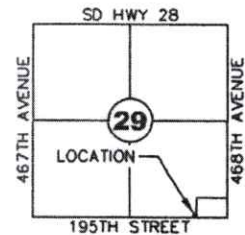
- PROPERTY LINE
- RIGHT OF WAY
- EXISTING EASEMENT LINE
- ▨ PERMANENT EASEMENT
- SECTION LINE
- FOUND MONUMENT
- SECTION CORNER

LEGAL DESCRIPTION OF GRANTOR'S LAND:
THE SOUTHEAST QUARTER (SE1/4),
EXCEPT BLOCK ONE (1) HAWLEY
ADDITION, IN THE SOUTHEAST QUARTER
(SE1/4) IN SECTION TWENTY-NINE (29),
TOWNSHIP ONE HUNDRED THIRTEEN (113)
NORTH, RANGE FIFTY (50) WEST OF THE
5TH P.M., DEUEL COUNTY, SOUTH
DAKOTA.

OWNER INFORMATION:
TODD M. AND JODYANN S. JONGELING
DONALD E. AND CHERLY L. JONGELING
19423 467TH AVE.
ESTELLINE, SOUTH DAKOTA, 57234

I HEREBY CERTIFY THAT THIS EASEMENT EXHIBIT
WAS PREPARED BY ME OR UNDER MY DIRECT
PERSONAL SUPERVISION AND THAT I AM A DULY
LICENSED LAND SURVEYOR UNDER THE LAWS OF
THE STATE OF SOUTH DAKOTA.

BY _____
ANDREW C. NIELSON, LS #12469 (DATE)



LOCATION MAP
SECTION 29-113-50



Project Manager: ACN
Designer: ACD
Project Number: 674100
Phone: (605) 339-4157

**PERMANENT
EASEMENT
EXHIBIT "B"**

**SE1/4 EX BLK 1 HAWLEY
ADDITION
SECTION 29-113-50**

EXHIBIT C COMPENSATION

The "Option Price" for the initial Option Term, from the date of Grantor's signature until November 1, 2026, shall be equal to a one-time payment of \$5,000.00.

Grantee may make an additional one-time payment of the "Option Extension Price" of \$2,500.00 no later than June 15, 2026, extending the option term until November 1, 2027. (An extension payment will only be made if Grantee wishes to extend the option period and is not required in the event that the option has been or will be exercised prior to the end of the initial Option Term or in the event that the option is allowed to expire.)

All option payments are in addition to and not an offset to the "Easement Purchase Price"

The "Easement Purchase Price" shall be, annually, Eighteen Thousand Dollars (\$18,000) ("Annual Amount Due"), subject to increase contemplated herein. The Annual Amount Due shall be paid in a lump sum which shall be due and payable within the first calendar month of each year. A prorated payment shall be made for any partial year during in the Option has been exercised or in which the Easement is not terminated. The Annual Amount Due shall increase annually by Two Percent (2%) as demonstrated below:

Year	Annual Amount Due	Year	Annual Amount Due
1	\$18,000.00	8	\$20,676.34
2	\$18,360.00	9	\$21,089.87
3	\$18,727.20	10	\$21,511.66
4	\$19,101.74	11	\$21,941.90
5	\$19,483.78	12	\$22,380.73
6	\$19,873.45	13	\$22,828.35
7	\$20,270.92	14	\$23,284.92

This method of compensation for the parties' Easement Agreement shall continue until the same is terminated pursuant to the terms of the parties Agreement. No other payment shall be due from Grantee to Grantor for the purchase of the rights conveyed in the Easement Agreement. The Year 1 payment amount shall apply to any prorated period of time and to the first full calendar year in which the Option is exercised by Grantee.

Date: November 14, 2024

Name: Todd Jongeling Social Security No. _____

Mailing Address: 456th Ave City: Lakeford State: SD Zip: 51248

Email: tjjongeling@itctel.com County: Hamlin

Phone: Home (605) 881 - 6694 Cell () _____

Identify Parcel(s) see Exhibit A Amount to be paid for Option: \$5,000.00

Todd M. Jongeling Plainview Dairy, LLC
TODD M. JONGELING

Jodyann Jongeling
JODYANN JONGELING

By: [Signature]
Its: Manager

Rodriguez, Rachel

From: Kees Knevelbaard <Kees@plainviewdairy.com>
Sent: Monday, January 13, 2025 2:18 PM
To: Rodriguez, Rachel
Subject: RE: [EXT] Plainview - Jongeling Permit Application
Attachments: CCF_000352.pdf; Screenshot 2025-01-13 141605.png

Thank you!

Kees Knevelbaard
(605) 777-4199
kees@plainviewdairy.com

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, January 13, 2025 2:10:43 PM
To: Kees Knevelbaard <Kees@plainviewdairy.com>
Subject: RE: Plainview - Jongeling Permit Application

Good afternoon,

In reviewing your application, I see that you have domestic use checked. However, since it will be for a dairy farm, it is also considered commercial. The only thing we need is a map. I have attached a map of the map of Sec29-T113N-R50W, please make the location of the proposed 2 wells with an "X" and return to me. Once, I receive the map, I can begin processing your application.

I have also included an informational sheet regarding the permitting process with different scenarios, I hope this gives you an idea of the timeframes.

Thank you,

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



From: Kees Knevelbaard <Kees@plainviewdairy.com>
Sent: Monday, January 13, 2025 1:22 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Ben Stout <ben@gp-dairy.com>
Cc: Mike-SCC <mike@standardcattle.com>; Zack Thein <zack@theinwell.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] Plainview - Jongeling Permit Application

Rodriguez, Rachel

From: Kees Knevelbaard <Kees@plainviewdairy.com>
Sent: Monday, January 13, 2025 1:22 PM
To: Dewell, Amanda; Gronlund, Eric; Ben Stout
Cc: Mike-SCC; Zack Thein; Rodriguez, Rachel
Subject: RE: [EXT] Plainview - Jongeling Permit Application
Attachments: CCF_000349.pdf

Good Morning All,

Payment of 1281.25 has been paid in full for well permit. What are the next steps to expedite the process? Thanks

Kees Knevelbaard
(605) 777-4199
kees@plainviewdairy.com

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Friday, January 10, 2025 9:36:56 AM
To: Kees Knevelbaard <Kees@plainviewdairy.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Ben Stout <ben@gp-dairy.com>
Cc: Mike-SCC <mike@standardcattle.com>; Zack Thein <zack@theinwell.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: Plainview - Jongeling Permit Application

Good morning Mr. Knevelbaard,

The Water Rights Program has received the landowner's agreement and attached it to Plainview's application, which we will begin processing once the fees have been paid. The fees for an application requesting the appropriation of 550 acre-feet of water annually would breakdown as follows: totaling \$1,250

First 120 ac-ft = \$500
Second 120 ac-ft = \$250
Addtl 120 ac-ft = \$100
Addtl 120 ac-ft = \$100
Final 70 ac-ft = \$100
License/inspection = \$200

Payment may be made in the form of a check made payable to "SD Water Rights" mailed to DANR-Water Rights, 523 E Capitol Ave, Pierre SD 57501. Payment may also be submitted over the phone by calling our Fiscal Office at (6075)773-5559, however, a small card processing fee may be applied.

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



From: Kees Knevelbaard <Kees@plainviewdairy.com>

Sent: Friday, January 10, 2025 6:44 AM

To: Gronlund, Eric <Eric.Gronlund@state.sd.us>; Ben Stout <ben@gp-dairy.com>

Cc: Mike-SCC <mike@standardcattle.com>; Zack Thein <zack@theinwell.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>

Subject: RE: [EXT] Plainview - Jongeling Permit Application

Good morning Eric,

Attached is the agreement with Jongeling. Exhibit B is the exact boundary line for Plainview's well parcel. The well log Ben attached to the application matches the easement area in exhibit B. Plainview is requesting 550 acre feet annually, this would be able to service the entire dairy without utilizing the stormwater basin to clean sand. What is the best way of payment in order to expedite the process? Thanks

Kees Knevelbaard

(605) 777-4199

kees@plainviewdairy.com

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

Sent: Thursday, January 9, 2025 11:49:39 AM

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

Cc: Kees Knevelbaard <Kees@plainviewdairy.com>; Mike-SCC <mike@standardcattle.com>; Zack Thein <zack@theinwell.com>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>

Subject: RE: Plainview - Jongeling Permit Application

Ben –

\$1,250 is the correct application/licensing fee to appropriate 550 acre feet of water annually.

Administrative Rule of South Dakota 74:02:01:07 requires the submittal of a map with the water permit application. The map needs to reference the section, township and range and show the location of the diversion point. Please mark the location of whether Plainview anticipates the wells to be located.

Please submit some form a documentation signed my Mr. Jongeling that he is in agreement with the application being submitted for wells located on his land.

In our prior meeting we discussed that the total water need for Plainview from groundwater sources would not exceed 460 acre feet annually. Kees indicated toward the end of our discussion that amount may be raised to 550 acre feet of water annually. Is it still Plainview's intent that combined the water use from all groundwater sources to supply the dairy will now not exceed 550 acre feet annually. If so, the application should reflect that with a statement in the project description or a cover letter that accompanies the application.

I have included Rachel and Amanda in this email as they a the first Water Rights staff that conduct a completeness review of applications upon filing.

Eric

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

Sent: Thursday, January 9, 2025 11:13 AM

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

Cc: Kees Knevelbaard <kees@plainviewdairy.com>; Mike-SCC <mike@standardcattle.com>; Zack Thein

Rodriguez, Rachel

From: Gronlund, Eric
Sent: Thursday, January 9, 2025 11:50 AM
To: Ben Stout
Cc: Kees Knevelbaard; Mike-SCC; Zack Thein; Rodriguez, Rachel; Dewell, Amanda
Subject: RE: [EXT] Plainview - Jongeling Permit Application

Ben –

\$1,250 is the correct application/licensing fee to appropriate 550 acre feet of water annually.

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Eric

From: Ben Stout <ben@gp-dairy.com>
Sent: Thursday, January 9, 2025 11:13 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Kees Knevelbaard <kees@plainviewdairy.com>; Mike-SCC <mike@standardcattle.com>; Zack Thein <zack@theinwell.com>
Subject: [EXT] Plainview - Jongeling Permit Application

Good morning Eric,

Please see the attached Water Rights Permit Application for Plainview Dairy. I do have a couple of questions regarding this application:

- 1) Will the total fee amount that is due be \$1,250? This includes the application fee plus the inspection/licensing fee. Please let me know if my calculations are incorrect and the amount is different.
- 2) Since the permanent wells have not been installed yet, would you like for us to provide a map of the area now, or after they have been installed?

Please let me know if you have any questions about this application.

Thank you,
Ben

<zack@theinwell.com>

Subject: [EXT] Plainview - Jongeling Permit Application

Good morning Eric,

Please see the attached Water Rights Permit Application for Plainview Dairy. I do have a couple of questions regarding this application:

1. Will the total fee amount that is due be \$1,250? This includes the application fee plus the inspection/licensing fee. Please let me know if my calculations are incorrect and the amount is different.
2. Since the permanent wells have not been installed yet, would you like for us to provide a map of the area now, or after they have been installed?

Please let me know if you have any questions about this application.

Thank you,
Ben

Ben Stout

GP Dairy, Inc.

ben@gp-dairy.com

(605) 488-0089





**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. 8918-3, 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. 8918-3, Plainview Dairy LLC, 19218 473rd Avenue, Toronto SD 57006.

The Chief Engineer is recommending APPROVAL of Application No. 8918-3 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. 8918-3 will be 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. 8918-3 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. Water Permit No. 8918-3 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.
4. Water Permit No. 8918-3 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
5. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Big Sioux: Brookings Aquifer.

6. Water Permit No. 8918-3 authorizes an annual diversion of up to 550 acre-feet of water from the Big Sioux: Brookings Aquifer and Water Permit No. 8768-3 authorizes an annual diversion of up to 436 acre-feet of water from the Toronto Aquifer. The combined diversion authorized this Permit and Permit No. 8768-3 may not exceed 550 acre-feet annually with no more than 436 acre-feet being diverted from the Toronto Aquifer.

See report on application for additional information.



Eric Gronlund, Chief Engineer
February 27, 2025

Report to the Chief Engineer
On Water Permit Application No. 8918-3

Plainview Dairy LLC

February 25th, 2025

Water Permit Application No. 8918-3 proposes to appropriate 550 acre-feet of water annually (ac-ft/yr) at a pump rate of 1.33 cubic feet of water per second (cfs) from up to two wells to be completed into the Brookings Management unit of the Big Sioux aquifer (approximately 50 feet deep) located in the SE ¼ SE ¼ Section 29-T113N-R50W. The water to be used for commercial purposes in a dairy operation located in the N ½ Section 17-T113N-R49W. The proposed well sites are located approximately three miles southeast of Estelline, SD in Deuel County.

AQUIFER: Big Sioux: Brookings (BS:B)

HYDROGEOLOGY:

The Big Sioux aquifer is divided into twelve management units that have been historically recognized by the DANR-Water Rights Program and SD Water Management Board (Water Rights, 2025c). The water source for this application is the Brookings management unit of the Big Sioux aquifer.

The Brookings management unit of the Big Sioux aquifer is a Quaternary-aged glacial outwash that consists of medium to very coarse sand and very fine to medium gravel (Kume, 1985; Hamilton, 1989). The depth of the top of the Big Sioux: Brookings aquifer ranges from the land surface in the Big Sioux River floodplain to as much as 212 feet below land surface (Hamilton, 1989). Typically, the depth to the top of the aquifer is less than 50 feet (Water Rights, 2025b and 2025d). In Brookings, Deuel, Hamlin, Kingsbury, Moody, and Codington Counties, the Big Sioux: Brookings aquifer is estimated to underly approximately 323,000 acres and contain approximately 1,453,000 acre-feet of recoverable water in storage, as shown in Figure 1 (Hedges et al, 1982 and Stonesifer, 2013). The general direction of groundwater movement in the Big Sioux: Brookings aquifer is in a southerly direction and towards the Big Sioux River (Hamilton, 1989). The aquifer is unconfined near the Big Sioux River and along major tributary valleys, but elsewhere the aquifer may be confined by overlying till or clay lenses (Hamilton, 1989). The aquifer is primarily unconfined (Stonesifer 2013; Water Rights, 2025b and 2025d).

A test well completion report was submitted with the application. The well was completed on September 18th, 2024, and is located in the SE ¼ SE ¼ of Section 29-T113N-R50W, which is within the same quarter section as the proposed diversion points (Water Rights, 2025d). The test well completion report indicates the well is completed into the Big Sioux: Brookings aquifer with the top of aquifer bearing material (fine sand) approximately 7 feet below the ground surface, with a static water level of 6 feet below ground surface, and a saturated aquifer thickness of approximately 38 feet (Water Rights, 2025d). The test well completion report submitted with this application is confined by a weathered layer of clay. However, the artesian head pressure of

one foot, in combination with nearby unconfined conditions, indicates wells completed at the proposed depth at this site are more likely to behave as unconfined.

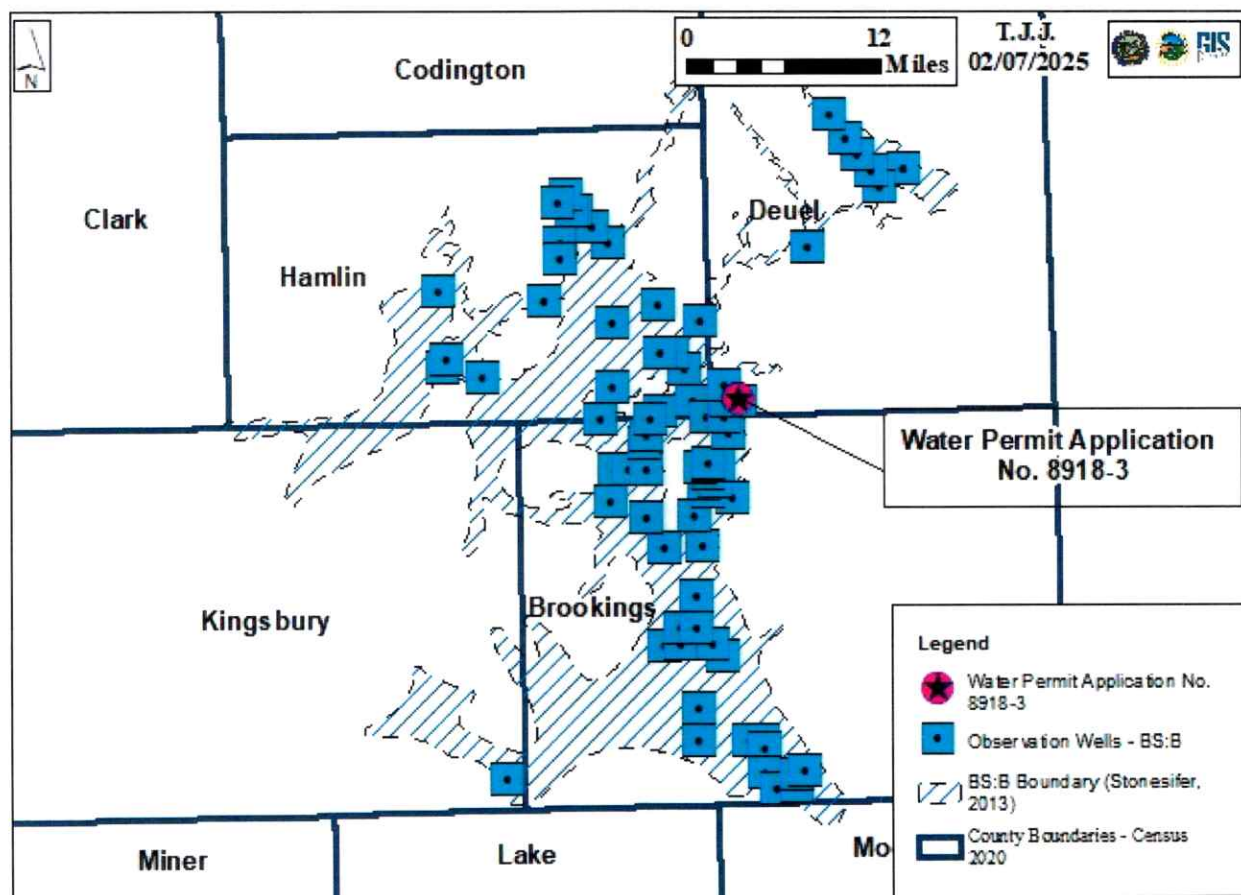


Figure 1. Map showing the approximate delineation of the Big Sioux: Brookings aquifer (Hedges et al, 1982 and Stonesifer, 2013), Big Sioux: Brookings observation wells (Water Rights, 2025b), and the location of the proposed diversion points for Water Permit Application No. 8918-3 (Water Rights, 2025c).

Applicable South Dakota Codified Laws (SDCL)

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 Big Sioux: Brookings aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8918-3 proposes to appropriate water from the Big Sioux: Brookings 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 Big Sioux: Brookings 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 Big Sioux: Brookings aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Big Sioux: Brookings aquifer is received primarily through infiltration of precipitation and seepage through till, lake deposits, and underlying aquifers (Hamilton, 1989). Using observation well analysis, Hedges et al (1985) estimated a recharge rate of 4.0 inches per year for the Big Sioux: Brookings aquifer. The Big Sioux: Brookings aquifer has an estimated areal extent of approximately 323,000 acres (Stonesifer, 2013). Therefore, the average annual recharge rate for the Big Sioux: Brookings aquifer (based on Hedges et al, 1985; Stonesifer, 2013) is estimated to be approximately 107,667 acre-feet/year.

Discharge

Discharge from the Big Sioux: Brookings aquifer primarily occurs through well withdrawals, seepage to surface water features, and evapotranspiration in areas where the aquifer is at or near land surface (Hamilton, 1989; Water Rights, 2025d). Currently, there are 258 water rights/permits authorized to appropriate water from the Big Sioux: Brookings aquifer, and one other pending application (Water Permit Application No. 8922-3) (Water Rights, 2025c). There are 13 future use permits reserving 6,761 acre-feet/year of water from the Big Sioux: Brookings aquifer, shown in Table 1 (Water Rights, 2025c).

Table 1. Future Use Permit reserved water for the Big Sioux: Brookings aquifer (Water Rights, 2025c)

Future Uses Permit Holder	Permit Nos.	Amount of Reserved Water (acre-feet)
Joint Well Fields Inc.	3982-3, 3982A-3, 3982B-3, 6988-3, 6988A-3	2,375
City of Lake Norden	4055-3, 6261-3	0
City of Castlewood	558A-3	123
City of Volga	5875-3, 6259-3	1,143
Sioux Rural Water System	5094-3, 7853-3	2,400
Brookings-Deuel Rural Water System	8893-3	720
TOTAL:		6,761

Table 2 summarizes the 46 non-irrigation water rights/permits authorized to appropriate water from the Big Sioux: Brookings aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. 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.

It should be noted that some of the water permits/rights listed in Table 2 are connected to rural water systems and use rural water rather than their local wells; so, they will not contribute to the annual withdrawal rate. This includes water rights for the Town of Hayti, who purchases all their water from the Sioux Rural Water System and the City of Clear Lake, who purchases all their water from the Brookings-Deuel Rural Water System (Drinking Water, 2025). The estimated average annual withdrawal rate for the Big Sioux: Brookings aquifer, non-irrigation water rights/permits is 15,249 acre-feet/year (Table 2) (Water Rights, 2025c).

This application, if approved, proposes to appropriate 550 acre-feet of water per year. Pending Water Permit Application No. 8922-3 is requesting to place 1,500 acre-feet of water per year reserved by Future Use Permit Nos. 6988-3 and 6988A-3 to beneficial use in a rural water system. The water reserved by Future Use Permit Nos. 6988-3 and 6988A-3 has already been accounted for in the hydrologic budget as part of the future use reservations held by Joint Well Fields Inc. as shown in Table 1. Overall, the estimated average annual withdrawal rate of non-irrigation water rights/permits (15,249 acre-feet), plus the proposed annual withdrawal rate for this pending application (550 acre-feet), is approximately 15,799 acre-feet/year (Table 2) (Water Rights, 2025c).

Table 2. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Big Sioux: Brookings aquifer (Water Rights, 2025c)

Permit No.	Name	Status	Uses	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimate Use (acre-feet/year)
2111-3	GOPHER SIGN CO	LC	COM	0.04	N/A	17.38
5675-3	LAKE POINSETT ESTATES	LC	COM	0.09	N/A	39.1
6019-3	DAKOTA WHOLESALE BAIT INC	LC	COM, DOM	0.355	N/A	154.21
6329-3	GREG OSWALD	LC	COM	1.28	N/A	556.03
6745-3	KENNETH HANSEN	LC	COM	0.11	N/A	47.78
6785-3	DRUMGOON DAIRY LP	LC	COM, LCO	0.2	N/A	86.88
6786-3	DAVID NYSTROM	LC	COM, LCO	0.17	N/A	122.5
7277-3	OLD TREE FARMS	LC	COM, LCO	0.1	N/A	43.44
7854-3	DAVID ULVESTAD	LC	COM, LCO	0.44	N/A	191
8895-3	DAVID NYSTROM	PE	COM, LCO	0	117.5	118
7259-3	OLD APOSTOLIC LUTHERAN CHURCH	LC	GEO	1	120	120
5129-3	TECHNICAL ORDNANCE INC	LC	IND	0.1	N/A	43.44
6146-3	SD SOYBEAN PROCESSORS	LC	IND	0.144	N/A	62.55
1317-3	CITY OF ESTELLINE	LC	MUN	1.1	N/A	477.84
1759-3	CITY OF VOLGA	LC	MUN	1.65	N/A	716.76
3117-3*	TOWN OF HAYTI	LC	MUN	0.33	N/A	0
4950-3	CITY OF BRUCE	LC	MUN	0.27	N/A	117.29
5071-3*	CITY OF CLEAR LAKE	LC	MUN	0.45	N/A	0
5167-3	CITY OF VOLGA	LC	MUN	0.45	N/A	195.48
534A-3*	CITY OF CLEAR LAKE	LC	MUN	1.1	N/A	0
557-3	CITY OF LAKE NORDEN	LC	MUN	3	N/A	1303.2
558B-3	CITY OF CASTLEWOOD	LC	MUN	0.56	N/A	243.26
558D-3	CITY OF CASTLEWOOD	LC	MUN	0.33	N/A	143.35
5645-3	CITY OF ESTELLINE	LC	MUN	0.66	N/A	286.7
617-3*	TOWN OF HAYTI	LC	MUN	0.66	N/A	0
5815-3	CITY OF LAKE NORDEN	LC	MUN	0.56	139	139
5941-3	CITY OF VOLGA	LC	MUN	0.89	644	644
6417-3	CITY OF LAKE NORDEN	LC	MUN	1.45	630	630
6542-3	CITY OF LAKE NORDEN	LC	MUN	0.6	262	262

Report on Water Permit Application No. 8918-3

Permit No.	Name	Status	Uses	Authorized Diversion Rate (cfs)	Authorized Annual Volume (acre-feet)	Estimate Use (acre-feet/year)
8640-3	CITY OF VOLGA	LC	MUN	1.09	645	645
2033-3	SIOUX RURAL WATER SYSTEM	LC	RWS	0.75	N/A	325.8
4830-3	BROOKINGS-DEUEL RWS	LC	RWS	2	N/A	868.8
5079-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	2.9	N/A	1259.76
5434-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	1	434	434
5602-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	1	434	434
6002-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	1	362	362
2245B-3	BROOKINGS-DEUEL RWS	LC	RWS	1.93	270	270
6718-3	BROOKINGS-DEUEL-KINGBROOK	LC	RWS	1	300	300
7852-3	SIOUX RURAL WATER SYSTEM INC	LC	RWS	4.66	2100	2100
7381-3	BROOKINGS-DEUEL RWS	PE	RWS	0	N/A	0
8185-3	JOINT WELL FIELD INC.	PE	RWS	0	603	603
7852A-3	SIOUX RURAL WATER SYSTEM	PE	RWS	0	N/A	0
8371-3	JOINT WELL FIELD INC	PE	RWS	0	434	434
8732-3	SIOUX RURAL WATER SYSTEM INC	PE	RWS	0	0	0
1956-3	H. E. MEYER	LC	SHD	1	N/A	434.4
1956-3A	NEIL HAMILTON	LC	SHD	0.04	N/A	17.38
LC Licensed Water Right, PE Water Permit, COM Commercial, DOM Domestic, LCO Livestock Confinement Operation, GEO Geothermal, IND Industrial, MUN Municipal, RWS Rural Water System, SHD Suburban Housing Development, *these Water Rights get their water from a separate system rather than local wells.					TOTAL:	15,249

Currently, there are 212 irrigation water rights/permits appropriating water from the Big Sioux: Brookings aquifer (Water Rights, 2025c). Irrigation water rights/permits have been typically required to report their annual usage by submitting an irrigation questionnaire since 1979. The average annual withdrawal rate for the Big Sioux: Brookings aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 9,176 acre-feet per year (Table 3) (Water Rights, 2025a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 of approximately 10,478 acre-feet per year will be used (Table 3) (Water Rights, 2025a).

There were three irrigation water rights/permits approved in 2024 that are not accounted for in Table 3: Water Rights/Permits Nos. 8831-3, 8880-3, & 8889-3 (Water Right, 2025c). These water rights/permits are authorized to irrigate 391 acres (Water Rights, 2025c). Generally,

irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, the one foot of water per acre per year application rate will be used to conservatively estimate the average annual withdrawal rate for these irrigation water rights/permits. Therefore, the combined estimated average annual withdrawal rate for these water rights/permits is approximately 391 acre-feet per year. Collectively, the average annual withdrawal rate for the irrigation appropriations from 2014 to 2023 (10,478 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water permits approved in 2024 (391 acre-feet/year), is approximately 10,869 acre-feet per year. It should be noted Water Right No. 1626-3 was mentioned as possibly being completed into the Toronto aquifer and not the Big Sioux: Brookings aquifer (Drennon, 2024). However, there is not sufficient information currently available to determine that with certainty at this time.

Table 3. Reported historic irrigation use from the Big Sioux: Brookings aquifer (Water Rights, 2025a)

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
1979	184	6,144
1980	187	9,837
1981	198	9,040
1982	155	4,558
1983	161	8,227
1984	188	8,177
1985	181	4,951
1986	179	2,855
1987	171	10,015
1988	167	18,521
1989	166	13,931
1990	175	5,863
1991	165	7,772
1992	162	2,332
1993	162	1,043
1994	160	2,855
1995	161	3,862
1996	154	7,221
1997	153	5,650
1998	157	8,110
1999	155	7,841
2000	153	8,934
2001	149	8,385
2002	149	12,411
2003	149	11,380
2004	156	11,810
2005	159	11,513
2006	161	14,325
2007	164	12,730
2008	166	12,506
2009	174	9,173
2010	172	2,713
2011	174	8,528
2012	177	19,483
2013	198	15,432
2014	212	9,948

Year	No. of Permits Reporting	Reported Pumpage (acre-feet)
2015	209	8,796
2016	210	10,267
2017	209	9,572
2018	211	7,953
2019	211	106
2020	209	10,001
2021	205	17,955
2022	206	14,509
2023	214	15,670
Max	214	19,483
Min	149	106
Avg (1979-2023)	176	9,176
Avg (2014-2023)	210	10,478

There are domestic wells completed into the Big Sioux: Brookings aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2025d). 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 Big Sioux: Brookings 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 Big Sioux: Brookings aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Big Sioux: Brookings aquifer is estimated to be about 107,667 acre-feet/year (Stonesifer, 2013). The estimated average withdrawal rate from the Big Sioux: Brookings aquifer totals to approximately 33,429 acre-feet/year; (future use: 6,761 acre-feet/year; non-irrigation & this application: 15,799 acre-feet/year; and irrigation (avg 2014 to 2023 plus the water rights/permits approved in 2024): 10,869 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Big Sioux: Brookings aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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

The DANR-Water Rights Program monitors 76 observation wells completed into the Big Sioux: Brookings aquifer. The observation wells completed into the aquifer are shown on Figure 1 (Water Rights, 2025b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The three closest observation wells to the proposed diversion points are DU-77C (approximately 0.2 miles southeast), DU-77B

(approximately 0.8 miles west), and DU-71D (approximately 1.2 miles northwest) (Water Rights, 2025b). The water level elevations for these observation wells are displayed in Figure 2 (Water Rights, 2025b). The majority of observation wells in the Big Sioux: Brookings aquifer have a stable water level, with several observation wells under the influence of heavy pumping (typically from nearby municipal or rural water system wellfields) showing a history of slightly declining water levels that eventually stabilize. The data shown in Figure 2 shares a similar trend with most of the observation wells in the Big Sioux: Brookings aquifer.

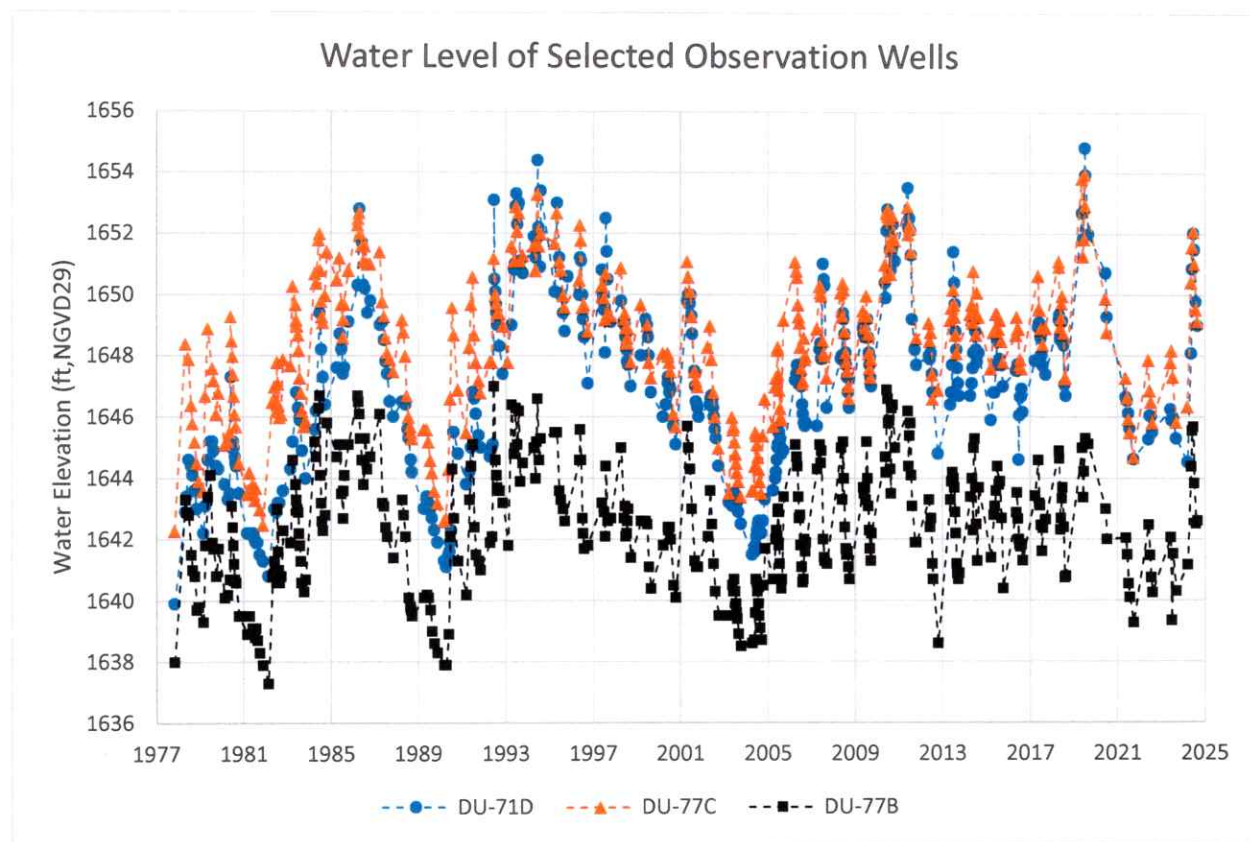


Figure 2. A graph showing the elevation of water levels in observation wells DU-77C, DU-77B, and DU-71D (Water Rights, 2025b)

Figure 2 shows the observation wells display generally stable water levels which is representative of a majority of other observation wells in the Big Sioux: Brookings aquifer. The hydrographs for the Big Sioux: Brookings aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. Aquifer recovery indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Big Sioux: Brookings aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be

captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits in the general vicinity of the proposed well sites for this application are shown in Figure 3 and summarized in Table 4 (Water Rights, 2025c). The closest water rights/permits (not held by the applicant) to the proposed diversion point are Water Right/Permit Nos. 6786-3 & 8895-3, which are held by David Nystrom. The diversion points for Water Right/Permit Nos. 6786-3 & 8895-3 are located approximately 0.5 miles northeast of the proposed diversion points for this application (Water Rights, 2025c). There are domestic wells on file with the DANR-Water Rights Program that are completed into the Big Sioux: Brookings aquifer, with the closest domestic well on file (not held by the applicant) located within 0.1 miles of the proposed diversion points (Water Rights, 2025d). The location of domestic wells is based on the information provided by the well driller on the submitted well completion report. There could potentially be other domestic wells completed into the Big Sioux: Brookings aquifer near the proposed well sites that are not on file with the DANR-Water Rights Program.

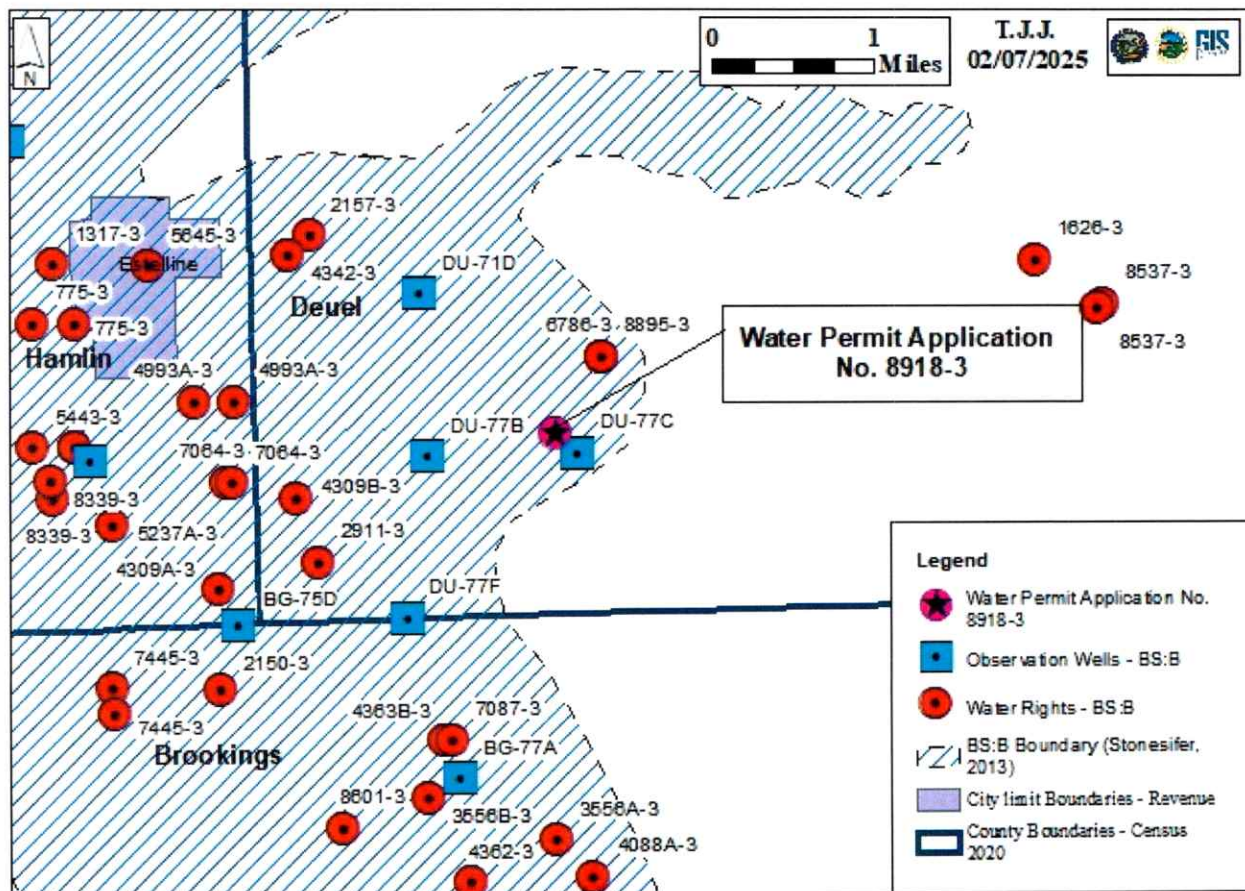


Figure 3. Map of the approximate areal extent of the Big Sioux: Brookings aquifer, Big Sioux: Brookings aquifer water rights/permits within approximately three miles of the location of the proposed well sites for Water Permit Application No. 8918-3 (Water Rights, 2025b and 2025c).

Table 4. List of water rights/permits within three miles of Water Permit Application No. 8918-3 shown in Figure 3.

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
775-3	Mark N./Mary M. Mack	04/24/1961	License	Irrigation	2.19	153
1317-3	City of Estelline	01/01/1910	License	Municipal	1.1	0
1626-3	Roger J. Svec	10/24/1968	License	Irrigation	2.25	215
2150-3	Jeanette Foster	12/02/1974	License	Irrigation	1.34	94
2157-3	Todd Jongeling	12/02/1974	License	Irrigation	0.67	64
2911-3	Gerald A. Kalsbeck	08/10/1977	License	Irrigation	1.78	132
3556A-3	Jerald A. Peterson	01/28/1977	License	Irrigation	1.78	131
3556B-3	Jerald A. Peterson	01/28/1977	License	Irrigation	1.78	127
4088A-3	Roger Schwartz Trust Agreement	06/28/1977	License	Irrigation	1.93	135
4309A-3	Roger & Cynthia Kalsbeck	02/09/1968	License	Irrigation	1.78	126
4309B-3	Ronald J. Gorder	02/09/1968	License	Irrigation	1.45	128
4342-3	Pine Knoll Inc.	12/16/1976	License	Irrigation	1.71	120
4362-3	Jerald A. Peterson	12/15/1978	License	Irrigation	1.69	118
4363B-3	H Bar G Farms LLC	12/15/1978	License	Irrigation	0.55	95
4940-3	Jerald A. Peterson	11/01/1982	License	Irrigation	1.78	131
4993A-3	Ronald Jongeling	01/16/1984	License	Irrigation	1.00	130
5237A-3	James Arthur	12/28/1988	License	Irrigation	1.67	132
5443-3	Jerald A. Peterson	04/12/1990	License	Irrigation	2.22	170
5645-3	City of Estelline	03/05/1992	License	Municipal	0.66	0
6786-3	David Nystrom	11/21/2006	License	Commercial	0.17	0
7064-3	Roger Kalsbeck	09/11/2008	License	Irrigation	1.11	100
7087-3	Jay A. Peterson	10/15/1978	License	Irrigation	1.56	119.6
7445-3	Tracy Johnson	09/28/2012	License	Irrigation	1.34	165
7963-3	Gary & Dianne Foster	01/06/1981	License	Irrigation	1.67	146.6
8339-3	Scott or Donna Thompson Living Trust	03/26/2018	License	Irrigation	0.89	105
8537-3	Berwald Family RLLP	08/03/2021	License	Irrigation	1.34	159
8601-3	Gary & Dianne Foster	02/28/2022	License	Irrigation	1.45	190
8895-3	David Nystrom	08/14/2024	Permit	Commercial	0.67	0

Although, the test well is confined by a weathered clay layer, nearby well completion reports indicate a well completed into the aquifer materials at the proposed well depth is likely to behave as unconfined. The Big Sioux: Brookings aquifer is primarily under unconfined conditions and drawdown as the result of pumping in an unconfined aquifer typically does not extend far from the pumping well. The exact drawdown behavior of a well cannot be known without an aquifer performance test. Examination of the hydrographs for observation wells completed into the Big Sioux: Brookings aquifer show no signs of being significantly impacted by drawdown caused by pumping, despite usually being located within a mile of several high-yield wells (assumed to be a well with an authorized diversion rate greater than 0.2 cfs) (Water Rights, 2025b and 2025c). 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.”

In Hamlin and Deuel Counties, the Big Sioux aquifer has an average saturated aquifer thickness of approximately 30 feet (Kume, 1985), but locations in the aquifer do exist where the aquifer can be relatively thin. 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 an unconfined 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. Therefore, the applicant should control their withdrawals so that nearby adequate domestic wells and senior water rights/permits are able to access needed water.

There is document in the file for Water Right Nos. 8537-3 and 8536-3 (8536-3 is currently labeled as withdrawing from the Pleistocene Series: Unknown aquifer) regarding pumping under the water rights (one or both) may have been causing pressure loss in the well for Water Right No. 1626-3 (Water Rights, 2025c). This complaint was received in late July 2023. Water Rights Program staff and the complainant discussed possible trouble shooting of their issue with a well driller to rule out the possibility that the complainant's well was in need of maintenance or possible replacement. No further contact has been had since that time. Water Right No. 1626-3 and Water Permit Nos. 8536-3 and 8537-3 are located approximately 2.5 miles east-northeast of the application’s proposed well sites (Water Rights, 2025c). It should be noted Water Right Nos. 1626-3 and 8536-3 were mentioned as potentially completed into the Toronto aquifer instead of the Big Sioux: Brookings or Pleistocene Series: Unknown aquifers. (Drennon, 2024). Ultimately, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (6) and (7)), the saturated aquifer thickness at the proposed diversion points, and the lack of substantiated well interference complaints for adequate wells completed into the Big Sioux: Brookings aquifer in Deuel County (Water Rights, 2025e), there is a reasonable probability that 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.

CONCLUSIONS:

1. Water Permit Application No. 8918-3 proposes to appropriate 550 ac-ft/yr at a pump rate of 1.33 cfs from up to two wells to be completed into the Brookings Management unit of the Big Sioux aquifer (approximately 50 feet deep) located in the SE ¼ SE ¼ Section 29-T113N-R50W. The water to be used for commercial purposes in a dairy operation located in the N ½ Section 17-T113N-R49W. The proposed well sites are located approximately 3 miles southeast of Estelline, SD in Deuel County.

2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Big Sioux: Brookings aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8918-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic uses.



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

Reviewed by:



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

References

- Drennon, K.C. 2024. Report to the Chief Engineer on Water Permit Application No. 8768-3 Plainview Dairy, LLC. SD DANR-Water Rights Program. Pierre, SD.
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- Water Rights, 2025c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

March 4, 2025

Plainview Dairy, LLC.
c/o Michael Vander Dussen
19218 473rd Avenue
Toronto SD 57006

Dear Mr. Vander Dussen:

Water Permit Application No. 8918-3 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. 8918-3 to Appropriate Water

Notice is given that Plainview Dairy, LLC., 19218 473rd Avenue, Toronto SD 57006, has filed an application for a water permit to appropriate 550 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second from up to two wells to be completed into the Big Sioux: Brookings Aquifer (approximately 50 feet deep) located in the SE 1/4 SE 1/4 Section 29-T113N-R50W. Water is to be used for commercial purposes in a dairy operation located in the N 1/2 Section 17-T113N-R49W. The proposed well sites are located approximately three miles southeast of Estelline SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8918-3 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 March 24, 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 March 24, 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_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, March 4, 2025 9:00 AM
To: ClearLake
Subject: 8918-3 Plainview Dairy LLC - Public Notice
Attachments: 8918-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on March 12, 2025.

Plainview Dairy, LLC., 19218 473rd Avenue, Toronto SD 57006, 605-777-4199, has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, March 4, 2025 9:01 AM
To: registerclassifieds@brookingsregister.com
Subject: 8918-3 Plainview Dairy LLC - Public Notice
Attachments: 8918-3 public.short_final.docx; FORM8.FRM.doc

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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

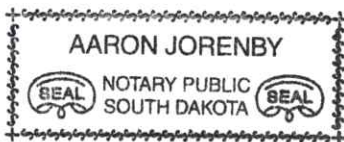
Leg #41500 Notice of Application

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

March 12, 2025

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



March

KMFoiles

31 day of

2025

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

AS

Legal 41500 1X
3/12
NOTICE OF APPLICATION

PAGE 10 - The Brookings Register, Wednesday, March 12, 2025

NO. 8918-3 TO
APPROPRIATE WATER

Notice is given that Plainview Dairy, LLC., 19218 473rd Avenue, Toronto SD 57006, has filed an application for a water permit to appropriate 550 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second from up to two wells to be completed into the Big Sioux: Brookings Aquifer (approximately 50 feet deep) located in the SE 1/4 SE 1/4 Section 29-T113N-R50W. Water is to be used for commercial purposes in a dairy operation located in the N 1/2 Section 17-T113N-R49W. The proposed well sites are located approximately three miles southeast of Estelline SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8918-3 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

RECEIVED
APR 03 2025
OFFICE OF
WATER

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 March 24, 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 March 24, 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 March 12, 2025 at the total approximate cost of \$44.97 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.8918-3 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:

March 12,2025

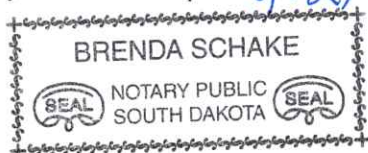
That the full amount of the fee charged for publication of the attached public notice insures to the sole benefit of the publisher; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$44.38


Ken Reiste

Subscribed and sworn to before me

this 12th day of March, 2025


Notary Public, South Dakota
My commission expires: 9.21.27



Public notice

NOTICE OF APPLICATION NO.

8918-3 to Appropriate Water

Notice is given that Plainview Dairy, LLC., 19218 473rd Avenue, Toronto SD 57006, has filed an application for a water permit to appropriate 550 acre-feet of water annually at a maximum pump rate of 1.33 cubic feet of water per second from up to two wells to be completed into the Big Sioux: Brookings Aquifer (approximately 50 feet deep) located in the SE 1/4 SE 1/4 Section 29-T113N-R50W. Water is to be used for commercial purposes in a dairy operation located in the N 1/2 Section 17-T113N-R49W. The proposed well sites are located approximately three miles southeast of Estelline SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8918-3 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 infor-

mation, 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 March 24, 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 March 24, 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 approximate cost of \$44.38. (5-1/125)
This notice may be viewed free of charge at sdpublicnotices.com maintained pursuant to § 17-2-1.

RECEIVED

MAR 20 2025

OFFICE OF
WATER

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, March 4, 2025 9:12 AM
To: Kees Knevelbaard
Subject: 8918-3 Plainview Dairy LLC - Public Notice
Attachments: 8918-3 Rec.pdf; 8918-3 Ltr.pdf; 8918-3 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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 16 2025

Plainview Dairy, LLC.
c/o Michael Vander Dussen
19218 473rd Avenue
Toronto SD 57006

Dear Mr. Vander Dussen:

Enclosed is Water Permit No. 8918-3 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,

Mark Mayer, PE
Director of Office of Water

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.: 8918-3

Name of Applicant: Plainview Dairy, LLC, Michael Vander Dussen

Date of Posting: 3/10/2025

Date of Removal: 4/16/2025



Ron Duvall, Engineer III

4/16/2025

Date

Subscribed and sworn to before me, a notary public, this 16th day of April, 2025.



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

(SEAL)



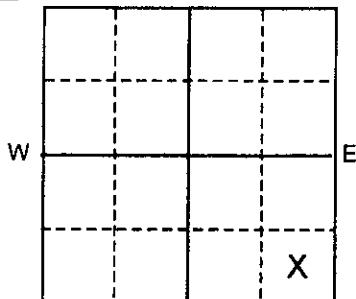
8918-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ SE ¼ Sec 29 Twp 113 Rg 50County DEUEL

North

Please mark well
location with an "X"

Well Completion Date

6/3/2025

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

900 + ft. from SEPTIC (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

MUD ROTARY

CASING DATA:

If other describe

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>12</u> IN	<u>0</u> FT	<u>27</u> FT	<u>18</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>Bentonite</u>	<u>5</u>	Lb/gal	<u>0</u> Ft	<u>22</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

TREMMIE PIPED

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12 Inches Length 20 FeetMaterial STAINLESS STEELSlot Size .020 Set From 27 Feet to 47 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? CHLORINATED
☐ No, Why Not?
 Lab to which water
 quality sample sent for analysis
Well Owner: MIKE VANDERDUSSENBusiness Name: PLAINVIEW DAIRYAddress: 2500 EAST JEFFERSON RDCity, State, Zip: EL NIDA CA 95317

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	3
CLAY - YELLOW	3	7
SAND	7	20
GRAVEL	20	47

STATIC WATER LEVEL 4.5 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

15 Ft. After 48 Hrs. pumped 575 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

JONGLING 12" WELL
 GPS N 44° 33' 30.5"
 W 96° 50' 57.3"

This well was drilled under license # 475 and this report is true and accurate.Drilling firm: Thein Well Co., Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 10-22-25

Plainview - Jongling 12" well Sec 29

Legend

JONGELING TH #1 60'  Plainview Dairy- Jongling 12" 47' May 2025  Plainview JONGELING TH #2 57' / 5" well 45'

n 44° 33' 30.5" w 96° 50' 57.3"

Google Earth



1000 ft