

WATER PERMIT NO. 8966-3

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

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

Phone: **605-929-2023**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **130**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Union**

Type of Waste Disposal System:

Location: **Approx. 4 miles southeast of Beresford**

PRIORITY Date Received: **06-25-25**

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

Corrected Application Received: **06-27-25**

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

Remarks:

Diversion Point: **Approximate center SW 1/4 Sec**
23-T95N-50W

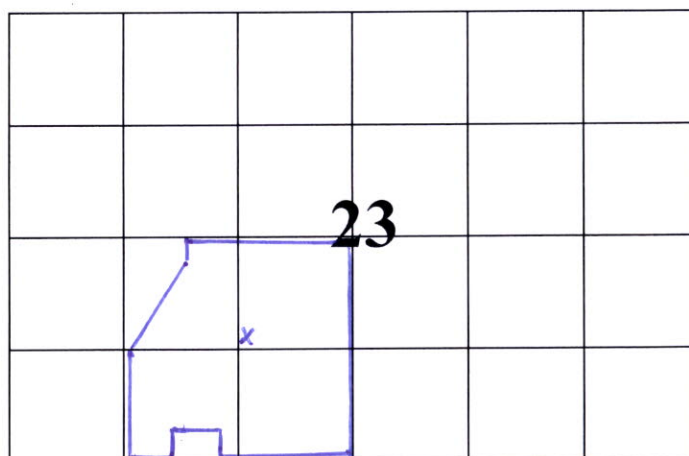
Land to be Irrigated: **SW 1/4 Sec 23-T95N-R50W**

Depth of Well: **65**

Well Driller: **Alton Well**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **06-30-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8966-3

Date of first receipt of application June 25, 2025.

Date of return to applicant for corrections, amendments or changes June 27, 2025.

Date of receipt of corrected application June 27, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8966-3 to Mikota Holdings, LLC., 588 3 Mile Road NW, Suite 101, Grand Rapids MI 49544, authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8966-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 65 feet deep) located in the approximate center of the SW 1/4 Section 23 for irrigation of 130 acres located in the SW 1/4 Section 23; all in T95N-R50W. This site is located approximately four miles southeast of Beresford SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1– September 30.
3. The date from which applicant may claim right is June 25, 2025.
4. The date of approval of Permit No. 8966-3 is September 29, 2025.
5. One-fifth of the construction is to be completed on or before March 29, 2028.
6. All construction is to be completed on or before September 29, 2030.
7. Water is to be put to beneficial use on or before September 29, 2034.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8966-3 is 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 well authorized by Permit No. 8966-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

10/30/25
date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8966-3</u>	Hydrologic Unit <u>10170203</u>
	Basin <u>Lower Big Sioux</u>	
	Newspaper <u>Beresford Republic</u>	
	(office use only)	

RECEIVED
JUN 25 2025
OFFICE OF
WATER

Application for Permit to Appropriate Water for Irrigation

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

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

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

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

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

Phone _____ Mobile 605-929-2023 Email _____

2. Amount of water claimed 1.78 *CFS or 800 **GPM _____ ***AF Total Acreage 130
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground water from West Fork Creek

4. Location of point of diversion approximate center
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

Center from the Southwest 1/4 23-95-50 County Union

5. County or counties where water will be used Union

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

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

Land Description	Acres	Land Description	Acres
SW 1/4 of SW 1/4 23-95-50	30		
SE 1/2 of SW 1/4 23-95-50	40		
NE 1/4 of SW 1/4 23-95-50	20		
NE 1/4 of SW 1/4 23-95-50	40		

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

I, [Signature] Manager, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

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

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

a) If new wells, how many 1 Have test holes been drilled? ☒ Yes ☐ No Drilled by Alton Well
(if yes, please provide copies of logs)

b) If existing wells, how many N/A Provide copy of log(s), if available. Drilled by ~~8000~~ N/A

For either existing or proposed wells:

c) Well Depth (required) 65' Depth to Top of Water Bearing Material 12' Depth to Water from Surface 12'

d) Distance to nearest domestic well on applicant's property N/A Property owned by others 2,000'

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

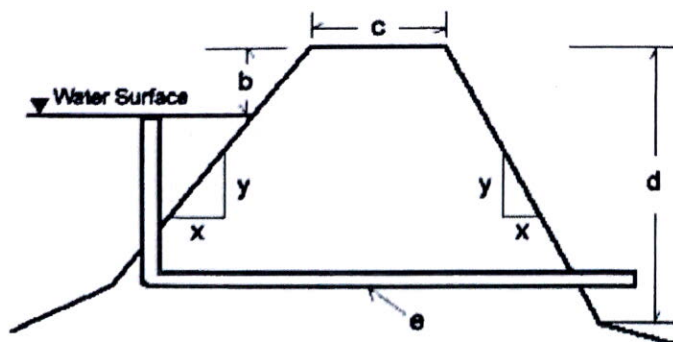
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



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Section 23-95-50 Union
County, SD

Quarter is SW 1/4 in
section

X

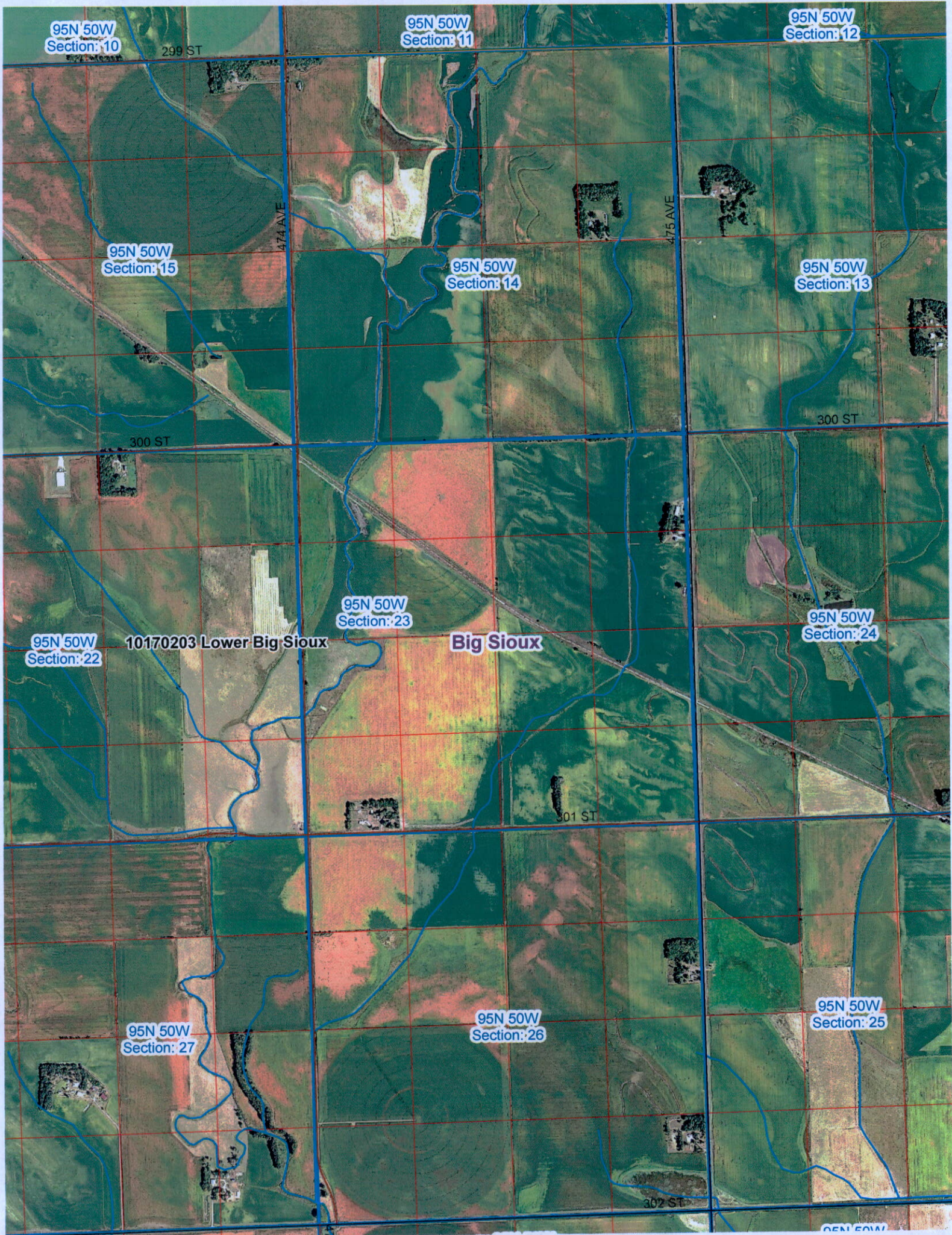
Well location

301st St

301st St

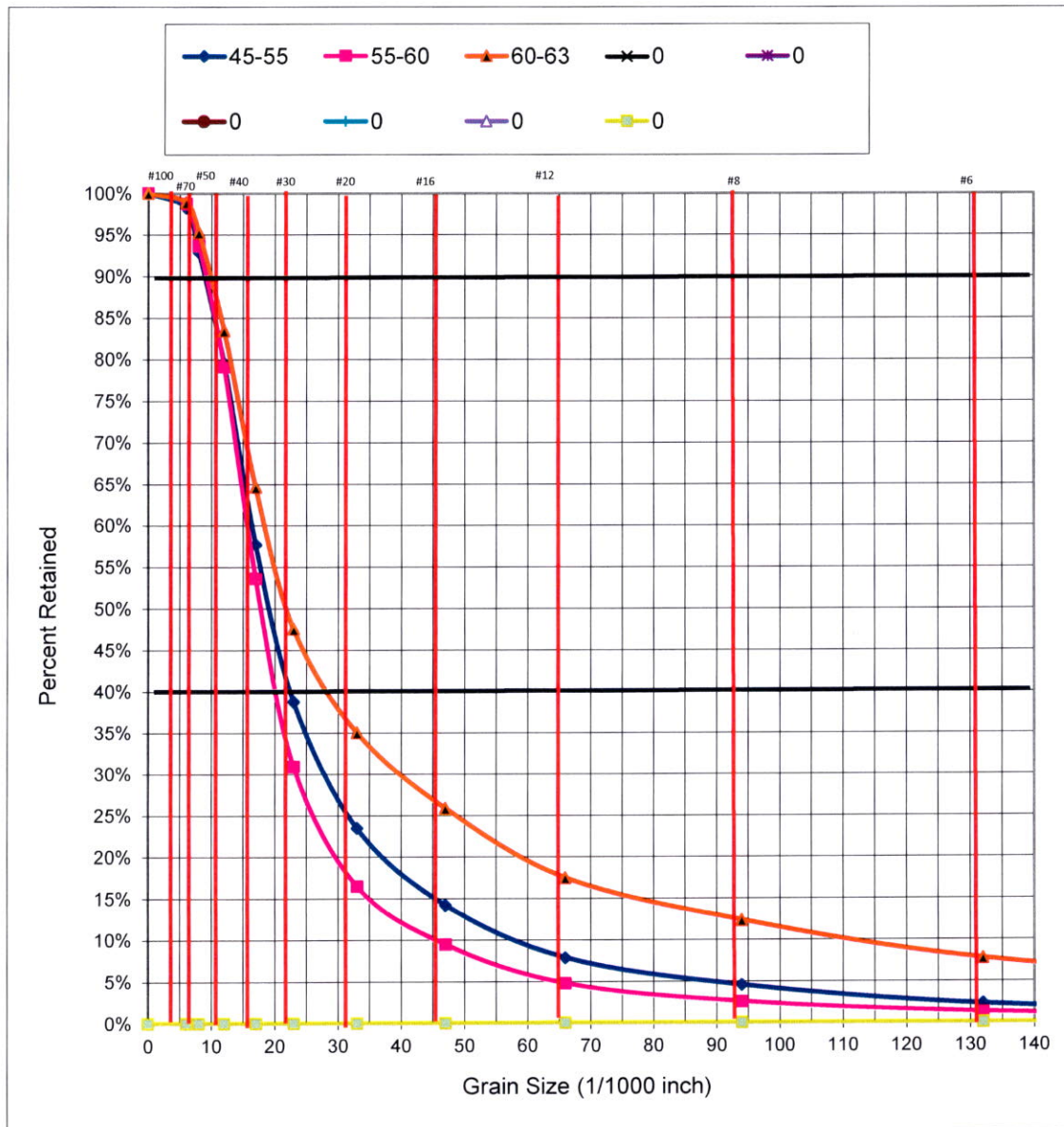
301st St

Image © 2025 Airbus



JUN 25 2025

OFFICE OF
WATER



Job Name Dan Bakker Site #2
Location Alcester, SD
Driller Barry Hoogland

Sample ID
Analyzed by: Duvall, Steven
Date: 5/1/2025

Casing ϕ 16 in
Screen ϕ 16 in

Desired Yield 800 GPM
SWL (ft) 12

Recommended Slot Size: 60 slot (0.060") screen from 45' to 63' bgs.
Recommended Gravel Pack: Red Flint #60

Based exclusively on the samples provided by the contractor, a sieve analysis graph and suggested screen slot size is provided as requested. Since numerous construction considerations and site circumstances influence successful well completion, Johnson Screens assumes no responsibility for final well performance nor awareness of local regulations pertaining to well installations.



**Johnson
Screens**

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JUN 25 2025

OFFICE OF
WATER

SIEVE ANALYSIS INFORMATION

PLEASE FILL OUT THE FOLLOWING INFORMATION AND MAIL ALONG WITH YOUR SAMPLES TO:

Attn: Steve Duvall
Johnson Screens
1950 Old Highway 8
New Brighton, MN 55112
Phone: 651-638-3225
steven.duvall@johnsonscreens.com

DRILLER:	Barry Hoogland
ENGINEER:	Alton Well
JOB NAME:	Dan Bakker Site #2
LOCATION:	Alcester SD
TEST HOLES, DIAMETER:	6"
TEST HOLES, DEPTH:	65'
DRILLING METHOD:	Auger
DRILLING FLUID:	-
DESIRED YIELD:	800gpm
STATIC WATER LEVEL:	12'
WELL CASING DIAMETER:	16"
WELL SCREEN DIAMETER:	16"
WELL SCREEN LENGTH:	20'
WELL APPLICATION:	Irrigation
DESIGN TYPE:	Naturally Developed _____ or Gravel Pack <u>X</u>
SAMPLES SENT BY:	Kylie Iverson
PURCHASE ORDER NO:	
COPIES TO BE SENT TO:	Barry Hoogland - barry@gpsawc.org
	ar.ap@gpsawc.org
PHONE:	515-316-6326
FAX:	
EMAIL ADDRESS:	barry@gpsawc.org
COMMENTS:	

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date June 27th, 2025

RECEIVED OF Mikota Holdings LLC 588 3 Mile Road NW Suite 101 Grand Rapids MI 49544

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

Fee for Application for Permit No. <u>8966-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>850.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8966-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>1050.00</u>

By


Chief Engineer



532518202

ANNUAL REPORT

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

Foreign Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

2024
FILING YEAR

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

Filing Fee: \$50

Total Fee: \$50

1. Business ID and Name:

FL235595
BUSINESS ID

Mikota Holdings, LLC
BUSINESS NAME

2. The jurisdiction under whose law it is formed MICHIGAN

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

Actual Street Address

**588 3 MILE RD., NW
SUITE 101
GRAND RAPIDS, MI 49544**

Mailing Address

**588 3 MILE RD NW
SUITE 101
GRAND RAPIDS, MI 49544**

4. The South Dakota Registered Agent's Name:

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

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

Name **Timothy C. den Dulk**

Actual Street Address in this State

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

Mailing Address in this State

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

5. If the LLC is manager-managed, list the names and addresses of its manager(s). SDCL 59-11-24. If the LLC is member-managed, this section may be left blank

6. 43-2A-1. "Agricultural land" defined.

For purposes of this chapter, the term "agricultural land" means land capable of use in the production of agricultural crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit and other horticultural products but does not include any royalty interest, any oil, gas, or other mineral interest, or any lease, right-of-way, option, or easement relating thereto, or any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use

Does the entity own any Agricultural land? (Required)

Yes

If the answer is yes, please answer below

"Foreign Beneficial Owner" "Foreign entity" is registered outside of the United States or its territories or has more than ten percent ownership by a foreign government, foreign person, or any combination thereof. "Foreign Government" A Government or state- controlled enterprise of a government, other than the United States, its states, its territories, or its federally recognized Indian Tribes. "Foreign Person" A natural Person who is not a United States Citizen or a resident.



Does the entity have any foreign beneficial owners/interests?

No

If the answer is yes to the questions above, please provide the information below

Provide a legal description of the agricultural land or a description of the land's common location in the space provided below.

N/A

The total acreage of agricultural land held by the entity.

N/A

The Current use of the agricultural land. As defined in SDCL 43-2A-1.

Check all that apply:

N/A

7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

08/20/2024

Dated

Email (Optional)

Tim den Dulk

Signature of an Authorized Person

Tim den Dulk

Printed Name

B0324-8370 08/20/2024 7:29AM Rec'd by SD SOS



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8966-3, Mikota Holdings, LLC.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8966-3, Mikota Holdings, LLC., 588 3 Mile Road NW, Suite 101, Grand Rapids MI 49544.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8966-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8966-3 is 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 well authorized by Permit No. 8966-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
August 27, 2025

Report to the Chief Engineer
On Water Permit Application No. 8966-3

Mikota Holdings, LLC

August 26th, 2025

Water Permit Application No. 8966-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Brule Creek aquifer (approximately 65 feet deep) located in the approximate center of the SW ¼ Section 23 for irrigation of 130 acres located in the SW ¼ Section 23; all in T95N-R50W. This site is located approximately four miles southeast of Beresford, SD in Union County.

AQUIFER: Brule Creek (BRC)

HYDROGEOLOGY:

The Brule Creek aquifer contains glacial and non-glacial sands and gravels, and underlies approximately 78,400 acres of southern Lincoln County, northern Union County, and a portion of northeast Clay County (Hedges and others, 1982). Niehus (1994) estimated the Brule Creek aquifer underlies 180 square miles (115,200 acres) of Union and Lincoln Counties. The Brule Creek aquifer is hydrologically connected with the Newton Hills aquifer in its northern extent and is likely connected to the Big Sioux and Lower Vermillion Missouri aquifers at its southern extent (Niehus, 1994) (Mathiowetz, 2022). The Brule Creek aquifer is also likely to be hydrologically connected to surface water features, such as Brule Creek, in locations where the aquifer is near or at land surface (Niehus, 1994).

The Brule Creek aquifer is generally under confined conditions except in the few areas where the aquifer is near or at land surface (Niehus, 1994). The Brule Creek aquifer is generally overlain by till with an average till thickness of 46 feet but can be overlain by virtually none or up to 176 feet of till (Niehus, 1994). Water movement in the aquifer is generally to the south, except in the northernmost portion where water moves to the northeast toward the hydrologically connected Newton Hills aquifer (Niehus, 1994). The average thickness of aquifer materials in the Brule Creek aquifer is 33 feet, with an approximate maximum thickness of 88 feet (Niehus, 1994).

A sieve analysis with some lithologic information was submitted with this application. The boring is located in the approximate center of SW ¼ Section 23-T95N-R50W (Water Rights, 2025d). The sieve analysis recommended a screen be placed from 45 to 63 feet below ground surface. The static water level at the time of analysis was 12 feet below ground surface (Water Rights, 2025b). Based on the recommended screen placement, the static water level, total well depth (65 ft), and nearby well completion reports, the aquifer is expected to be confined (Water Rights, 2025b). Nearby well completion reports indicate the local aquifer material is confined by a layer of clay (Water Rights, 2025d).

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

Pursuant to SDCL 46-2A-9,

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

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

WATER AVAILABILITY:

Water Permit Application No. 8966-3 proposes to appropriate water from the Brule Creek aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1,

“No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of 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 Brule Creek aquifer is not older than or stratigraphically lower than the Greenhorn Formation. 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 Brule Creek aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Brule Creek aquifer occurs primarily through infiltration and subsequent percolation of precipitation in areas where the aquifer is at or near land surface (Niehus, 1994). Buhler (2009) calculated an average annual recharge rate of approximately 4.5 inches per year by using observation well data from the six wells completed into unconfined portions of the aquifer. The average annual water level rise was multiplied by the specific yield to calculate the average annual recharge in inches and is approximately 4.5 inches per year. This recharge rate is only applied to unconfined portions of the aquifer, which Buhler (2009) estimated to be at least one quarter of the whole aquifer. Applying the rate of 4.5 inches to one quarter of the estimated aquifer area (78,400 total acres from Hedges and others (1982) and 115,200 total acres from

Niehus (1994)) gives a conservative estimated recharge range of 7,350 acre-feet (ac-ft) per year to 10,800 ac-ft per year.

Discharge

Discharge from the Brule Creek aquifer occurs through evapotranspiration where the aquifer is near land surface, groundwater outflow to the Newton Hills aquifer, outflow to East or West Brule Creeks when the river water level is lower relative to the head of the aquifer, and well withdrawals (Niehus, 1994; Water Rights, 2025a and 2025c). Currently, there are 25 water rights/permits authorized to appropriate water from the Brule Creek aquifer (Water Rights, 2025c). There are also two pending applications, including this application, for a water permit to withdraw water from the Brule Creek aquifer.

Table 1 summarizes the four non-irrigation water rights/permits authorized to appropriate water from the Brule Creek aquifer with the estimated annual use for each water right/permit as determined by their limiting diversion rate or annual volume (Water Rights, 2025c). 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 overestimate of average annual withdrawals by non-irrigation appropriations (Water Rights, 2025c). Historically, the 60 percent estimate has been accepted by the Water Management Board. Some of the water permits/rights on Table 1 are connected to rural water systems and maintain their local wells for standby purposes, pursuant to ARSD 74:02:01:37.02. Therefore, they will not contribute to the annual withdrawal rate. This includes water rights for the City of Beresford which purchases 100% of their water from Lewis and Clark Regional Water System and water rights for the City of Alcester which purchases 100% of their water from South Lincoln Rural Water System (Drinking Water, 2025). Overall, the estimated average annual withdrawal rate for the Brule Creek aquifer non-irrigation water rights/permits is 19 acre-feet/year (Table 1) (Water Rights, 2025c).

Table 1. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Brule Creek aquifer (Water Rights, 2025c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Estimated Annual Use (acre-feet/year)
4909-3	City of Beresford	License	Municipal	1.920	0*
672-3	City of Alcester	License	Municipal	0.440	0*
758-3	City of Alcester	License	Municipal	0.170	0*
6558-3	Marlow Christensen	License	Commercial	0.044	19
*Water Right sources their water from another water distribution system.				Total:	19

Table 2 shows the historically reported irrigation withdrawals and the number of permits reporting for the period of record, 1979 to 2023, average annual irrigation withdrawal along with average annual withdrawal from 2014 to 2023 for a more recent ten-year period. As there has been more development of irrigation permits in the aquifer, there has been an increase in average annual irrigation withdrawal. The average annual irrigation withdrawal across the period of record is approximately 660 acre-feet/yr. The average annual irrigation withdrawal from 2014 to 2023 is approximately 959 acre-feet/yr. To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 will be used for this report (Table 2) (Water Rights, 2025a).

There are two irrigation use water permits approved in early 2025 (Nos. 8927-3 & 8929-3) that are not accounted for in Table 2. These water rights/permits are authorized to irrigate 265 acres, combined (Water Rights, 2025c). Generally, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, a one foot of water per acre 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 265 acre-feet per year. Currently, there are two pending applications, including this application (Nos. 8966-3 & 8967-3), which propose to irrigate a combined 330 acres. Using the same described estimation method as above, the estimated average annual withdrawal rate for these pending applications, if approved, is approximately 330 acre-feet per year. Collectively, the average annual withdrawal rate for the irrigation appropriations from 2014 to 2023 (959 acre-feet/year), plus the estimated average annual withdrawal rate for the irrigation water permits approved in 2025 (265 acre-feet/year), plus the estimated average annual withdrawal rate for pending applications (330 acre-feet/year), is approximately 1,554 acre-feet per year.

There are domestic wells completed into the Brule Creek 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 Brule Creek aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Brule Creek aquifer.

Table 2. Reported historic irrigation use from the Brule Creek aquifer (Water Rights, 2025a)

Year	No. of Permits	Reported Use (acre-feet)	Year	No. of Permits	Reported Use (acre-feet)
1979	11	139.00	2002	9	504.96
1980	11	68.00	2003	8	469.76
1981	13	32.00	2004	8	667.95
1982	7	221.40	2005	7	637.91
1983	7	15.35	2006	7	733.58
1984	7	412.00	2007	7	702.51
1985	7	300.00	2008	11	755.39
1986	7	253.00	2009	11	332.99
1987	7	279.00	2010	12	91.70
1988	7	939.00	2011	12	670.82
1989	7	1,029.00	2012	12	1526.63
1990	8	859.00	2013	13	1158.76
1991	9	993.00	2014	18	616.24
1992	9	6.00	2015	18	786.38
1993	10	11.00	2016	18	1122.70
1994	10	1,192.57	2017	18	816.66
1995	10	1,041.22	2018	18	160.09
1996	9	446.51	2019	18	121.19
1997	10	651.00	2020	18	1544.32
1998	10	987.91	2021	19	1209.01
1999	10	790.66	2022	20	2011.21
2000	10	702.65	2023	20	1204.43
2001	10	521.45			
Max.	7	6.00			
Min.	20	2,011.21			
Average (1979-2023)	11	660.80			
Average (2014-2023)	19	959.22			

Hydrologic Budget Summary

Buhler (2009) estimated the recharge rate ranges from 7,350 to 10,800 acre-feet/year (Hedges & others, 1982; Niehus, 1994). The estimated average withdrawal rate from the Brule Creek aquifer totals to approximately 1,573 acre-feet/year; (non-irrigation: 19 acre-feet/year; and irrigation (avg 2014 to 2023), including 2025 permits & pending applications (Nos. 8966-3 & 8967-3): 1,554 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Brule Creek 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 to the aquifer.

The DANR-Water Rights Program monitors 10 observation wells completed into the Brule Creek aquifer. The observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The closest observation wells to the proposed diversion point are UN-77A (approximately 0.8 miles north), UN-77B (approximately 1.3 miles south), and UN-80B (approximately 1.8 miles north) (Water Rights, 2025b). The water level elevations for these observation wells are displayed in Figure 1 (Water Rights, 2025b). The majority of observation wells in the Brule Creek aquifer have a stable water level, with several observation wells that are under the influence of heavy pumping showing a history of slightly declining water levels that eventually stabilize and a couple that have stable water levels over their period of record. The data shown on Figure 1 share a similar stable trend with most of the observation wells in the Brule Creek aquifer.

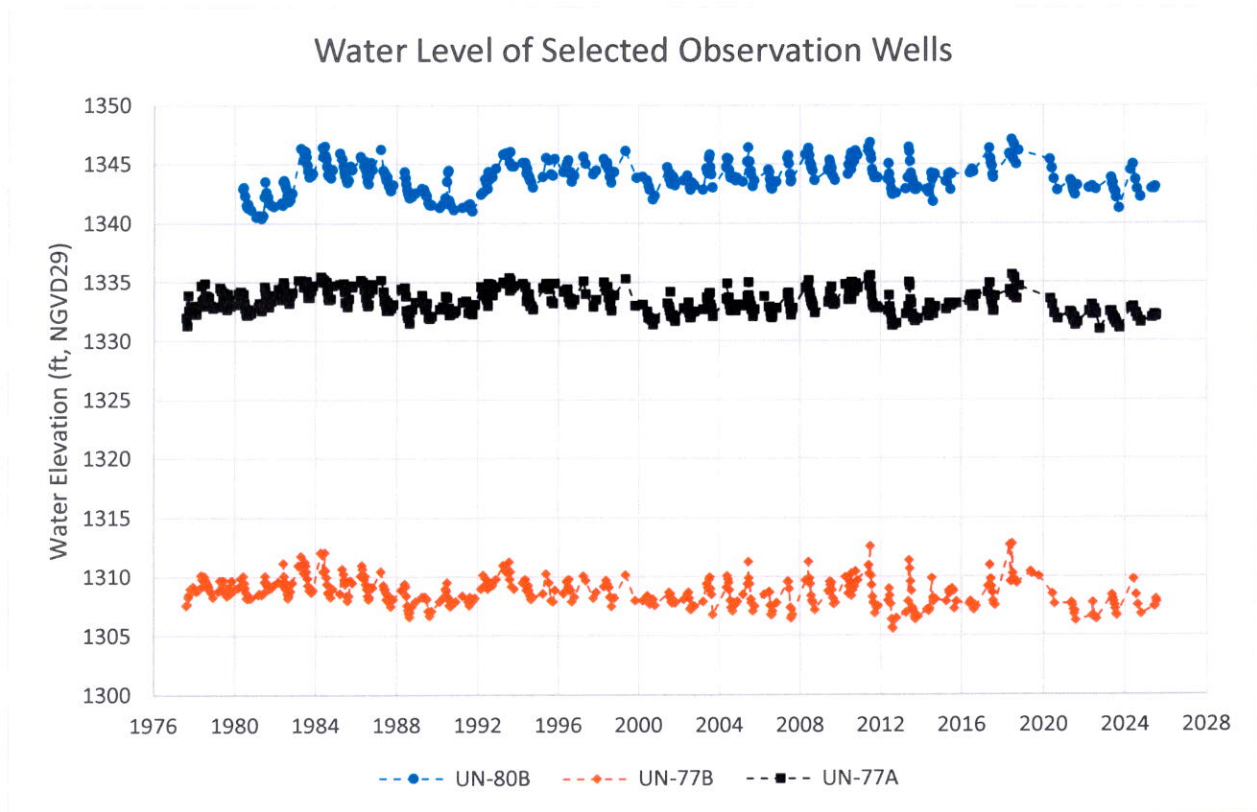


Figure 1. A hydrograph showing the elevation of water levels of observation wells UN-80B, UN-77B, and UN-77A (Water Rights, 2025b)

The hydrographs for the Brule Creek 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 Brule Creek aquifer.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Water rights/permits within approximately 2.5 miles of the proposed well site for this application are shown in Figure 2 and summarized in Table 4 (Water Rights, 2025c). The closest water right/permit (not held by the applicant) to the proposed diversion point is Water Right No. 6962-3 which is held by the Norman Kramer. The diversion point for Water Right No. 6962-3 is located approximately 0.6 miles north from the proposed application site (Water Rights, 2025c). There are domestic wells on file with the DANR-Water Rights Program that are completed into the Brule Creek aquifer, with the closest domestic well on file (not held by the applicant) approximately 0.2 miles southwest of the proposed diversion point based on the location identified by the well driller on the well completion report submitted by the driller (Water Rights, 2025d). There could potentially be other domestic wells completed into the Brule Creek aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

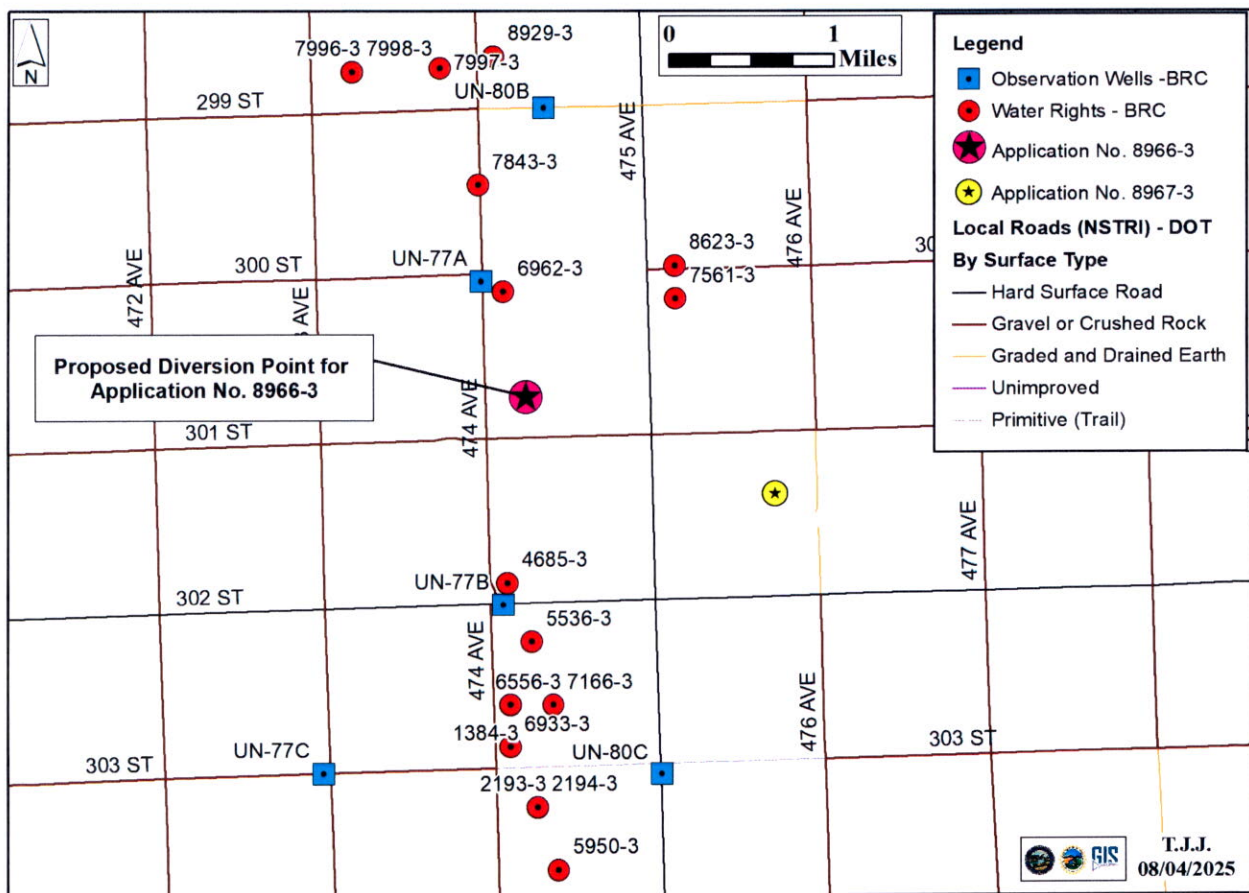


Figure 2. Map of the Water Permit Application Nos. 8966-3 & 8967-3 proposed diversion points and the Brule Creek aquifer observation wells and water rights/permits within Union County (Water Rights, 2025b and 2025c).

Table 4. List of water rights/permits within 2.5 miles of the proposed diversion point as shown in Figure 2.

Permit	Name/Business	Priority	Status	Use Type	CFS	Acres
1384-3	Jim Andrews	03/29/1967	License	Irrigation	1.94	136
2193-3	Larry D. Andrews	01/23/1975	License	Irrigation	1.94	136
2194-3	Larry D. Andrews	01/23/1975	License	Irrigation	1.94	136
4685-3	Allen Andrews	04/10/1981	License	Irrigation	1.77	136
5536-3	Don Lerseth	02/21/1991	License	Irrigation	1.77	136
6556-3	James Andrews	12/21/2004	Permit	Irrigation	1.15	80
6933-3	Steven Andrews	01/02/2008	Permit	Irrigation	2.22	249.1
6962-3	Norman Kramer	02/11/2008	Permit	Irrigation	1.56	160
7166-3	Steven Andrews	11/13/2009	Permit	Irrigation	0	41.4
7561-3	Jerry/Joyce Hansen	12/10/2012	License	Irrigation	1.44	120
7843-3	John Thompson	05/10/2013	License	Irrigation	1.67	120
7996-3	Danish Farmland and Holdings LLC	04/10/2014	License	Irrigation	0.89	134
7997-3	Danish Farmland and Holdings LLC	04/10/2014	License	Irrigation	1.78	64.18
7998-3	Danish Farmland and Holdings LLC	04/10/2014	License	Irrigation	0.89	95
8623-3	Mavis Van Beek	04/04/2022	Permit	Irrigation	1.56	246.45
8929-3	Olsen Family Farm	02/18/2025	Permit	Irrigation	1.78	185

The Brule Creek aquifer is primarily under confined conditions. In a confined aquifer, drawdown from a pumping well can extend some distance from the well. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995).

A recent complaint was made in June of 2025 in regard to a domestic well going dry (Water Rights, 2025e). The complainant suspected new irrigation wells were the cause. However, based on data of several observation wells between the complainant’s well and the new irrigation wells and the distance between the wells (located approximately 8.7 miles north-northwest of the

complainant's well), the complaint was not substantiated, and no action was taken. It should be noted that this application's diversion point is 6.8 miles northwest of the complainant's well.

When considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20 (6) and (7)) the saturated thickness of the Brule Creek aquifer in Union County, and the lack of any substantiated well interference complaints for wells completed into the Brule Creek aquifer, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment to existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments to existing users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8966-3 proposes to appropriate 1.78 cfs from one well to be completed into the Brule Creek aquifer (approximately 65 feet deep) located in the approximate center of the SW ¼ Section 23 for irrigation of 130 acres located in the SW ¼ Section 23; all in T95N-R50W. This site is located approximately four miles southeast of Beresford, SD in Union County.
2. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Brule Creek aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8966-3 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

- Buhler, K.A. 2009. Report on Water Permit Application 7166-3, Steve Andrews. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Drinking Water, 2025. Drinking Water Reports, SD DANR-Drinking Water Program, Joe Foss Bldg, Pierre, SD.
- Hedges, L.S., Allen, J., Holly, D.E., 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bed rock Topography and Distribution, Task 2: Extent of Aquifers, Task 3 Ground-Water Storage, Task 4: Computerized Data Base. United States Army Corps of Engineers Contract DACW 45-80-C-0185.
- Mathiowetz, A.W. 2022. Report on Water Permit Application No. 8623-3, Arden Van Beek. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Niehus, C.A. 1994. Water Resources of Lincoln and Union Counties, South Dakota. U.S. Geological Survey. Water Resource Investigations Report 93-4195. Rapid City, South Dakota.
- Water Rights, 2025a. "1979-2023 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2025b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- 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.

Rodriguez, Rachel

From: Brett Rozenboom <brozenboom@agbus.com>
Sent: Friday, June 27, 2025 11:26 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Mikota Holdings Water Permit Application

Hi Rachel,

The person who signed is Timothy C. den Dulk.

I will call in and pay the fee via credit card.

Thanks,
Brett

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, June 27, 2025 8:48 AM
To: Brett Rozenboom <brozenboom@agbus.com>
Subject: Mikota Holdings Water Permit Application

Good morning,

I am in receipt of the Mikota Holdidngs application, and everything looks good. However, I can't read the signature, would you please provide the name of the person that signed as manager? The fees are as follows:

Application fee \$850.00
Inspection fee \$200.00

Once the items above are received, I will begin processing your application.

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, June 27, 2025 8:48 AM
To: Brett Rozenboom
Subject: Mikota Holdings Water Permit Application

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I am in receipt of the Mikota Holdidngs application, and everything looks good. However, I can't read the signature, would you please provide the name of the person that signed as manager? The fees are as follows:

Application fee \$850.00
Inspection fee \$200.00

Once the items above are received, I will begin processing your application.

Thank you,

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



Rodriguez, Rachel

From: Dewell, Amanda
Sent: Wednesday, June 25, 2025 3:50 PM
To: Rodriguez, Rachel
Subject: FW: [EXT] Well Permit Applications
Attachments: Well Permit Application - Legacy Farm Holdings.pdf; Well Permit Application - Mikota Holdings.pdf

Please see attached apps that came to me thru email. I provided Brett with our Fiscal # for ccard payment.

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



From: Brett Rozenboom <brozenboom@agbus.com>
Sent: Wednesday, June 25, 2025 3:21 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: [EXT] Well Permit Applications

Hi Amanda,

Hope it's okay to send directly to you but we have a couple of parcels located in Union County that we would like to drill irrigation wells. Attached are the completed permit applications and maps. Am I able to call in and submit payment using a credit card?

I have also attached copies of the sieve analysis for some test wells that were drilled by Alton Well.

Please let me know if you have any questions or if there is anything else you need.

Thanks,
Brett



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

September 10, 2025

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

Dear Mr. Rozenboom:

Water Permit Application No. 8966-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Beresford Republic printed at Beresford Sd (Ph # 605 763-2006) and the Argus Leader printed at Sioux Falls SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting 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 Acting 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. 8966-3 to Appropriate Water

Notice is given that Mikota Holdings, LLC., 588 3 Mile Road NW, Suite 101, Grand Rapids MI 49544, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 65 feet deep) located in the approximate center of the SW 1/4 Section 23 for irrigation of 130 acres located in the SW 1/4 Section 23; all in T95N-R50W. This site is located approximately four miles southeast of Beresford SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8966-3 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 Acting 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 Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by September 29, 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 Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by September 29, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting 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: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, September 10, 2025 9:53 AM
To: Rodriguez, Rachel
Cc: brozenboom@agbus.com
Subject: RE: [EXT] 11659754 8966-3 Mikota Holdings - Public Notice
Attachments: 11659754.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on September 18. The order cost is \$59.20 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

Your notice is scheduled to run per your request and will publish unless you reply to this email requesting changes or to cancel.

Our invoicing is done on a monthly basis.

You will receive an invoice for this ad after the close of the month.

All orders are subject to a non-refundable 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, September 9, 2025 8:20 AM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 11659754 8966-3 Mikota Holdings - Public Notice

Attached is a notice to be published on September 18, 2025, in the Beresford Republic.

Mikota Holdings, LLC., 588 3 Mile Road NW, Suite 101, Grand Rapids MI 49544, 605-929-2023, brozenboom@agbus.com 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,



Order Confirmation

Not an Invoice

Account Number:	1556669
Customer Name:	Mikota Holdings LLC
Customer Address:	Mikota Holdings LLC 588 3 Mile RD NW # 101 Grand Rapids MI 49544-8221
Contact Name:	Rachel Rodriguez
Contact Phone:	
Contact Email:	brozenboom@agbus.com
PO Number:	

Date:	09/10/2025
Order Number:	11659754
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	164.0000
Height in Inches:	18.0800

Print

Product	#Insertions	Start - End	Category
SFA Sioux Falls Argus Leader	1	09/18/2025 - 09/18/2025	Public Notices
SFA argusleader.com	1	09/18/2025 - 09/18/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$59.20
Tax Amount	\$0.00
Service Fee 3.99%	\$2.36
Cash/Check/ACH Discount	-\$2.36
Payment Amount by Cash/Check/ACH	\$59.20
Payment Amount by Credit Card	\$61.56

Order Confirmation Amount	\$59.20
---------------------------	---------

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, September 9, 2025 1:43 PM
To: legals@argusleader.com
Subject: RE: 8966-3 Mikota Holdings - Public Notice UPDATED

Oops, this should be published in the Argus Leader.

Thank you,

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



From: Rodriguez, Rachel
Sent: Tuesday, September 9, 2025 8:20 AM
To: legals@argusleader.com
Subject: 8966-3 Mikota Holdings - Public Notice

Attached is a notice to be published on September 18, 2025, in the Beresford Republic.

Mikota Holdings, LLC., 588 3 Mile Road NW, Suite 101, Grand Rapids MI 49544, 605-929-2023, brozenboom@agbus.com 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, September 9, 2025 8:18 AM
To: New Century Press
Subject: 8966-3 Mikota Holdings - Public Notice
Attachments: 8966-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 18, 2025, in the Beresford Republic.

Mikota Holdings, LLC., 588 3 Mile Road NW, Suite 101, Grand Rapids MI 49544, 605-929-2023, has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

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Sent: Tuesday, September 9, 2025 8:20 AM
To: legals@argusleader.com
Subject: 8966-3 Mikota Holdings - Public Notice
Attachments: 8966-3 public.short_final.docx; FORM8.FRM.doc

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Thank you,

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



AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 E Capitol Ave
Pierre SD 57501

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SEP 30 2025

OFFICE OF
WATER

STATE OF WISCONSIN, COUNTY OF BROWN

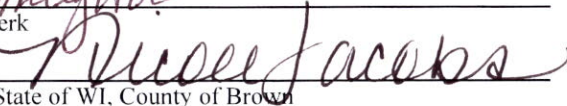
The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

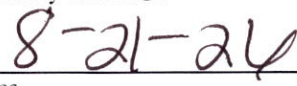
09/18/2025

and that the fees charged are legal.

Sworn to and subscribed before on 09/18/2025



Legal Clerk


Notary, State of WI, County of Brown


My commission expires

Publication Cost:	\$59.20	
Tax Amount:	\$0.00	
Payment Cost:	\$59.20	
Order No:	11659754	# of Copies:
Customer No:	1556669	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

**NOTICE OF APPLICATION
NO. 8966-3 to
Appropriate Water**

Notice is given that Mikota Holdings, LLC., 588 3 Mile Road NW, Suite 101, Grand Rapids MI 49544, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 65 feet deep) located in the approximate center of the SW 1/4 Section 23 for irrigation of 130 acres located in the SW 1/4 Section 23; all in T95N-R50W. This site is located approximately four miles southeast of Beresford SD. Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8966-3 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 Acting 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 Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed

RECEIVED

SEP 30 2025

OFFICE OF
WATER

by either an interested person or the applicant must be filed by September 29, 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 Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by September 29, 2025.

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Published once at the total approximate cost of \$59.20 and may be viewed free of charge at www.sdpublicnotices.com.

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SEP 30 2025

OFFICE OF
WATER

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF Lincoln

RECEIVED

SEP 23 2025

Water Rights
Program

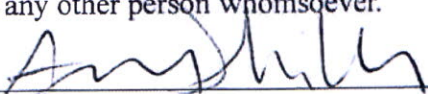
I, Amber Miller of New Century Press, publisher of The Republic, which is a weekly newspaper of general circulation, Printed and published in the City of Beresford, in said County of Lincoln., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been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

B0918-1 Notice of Application 8966-3

Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 18th day of September, 2025

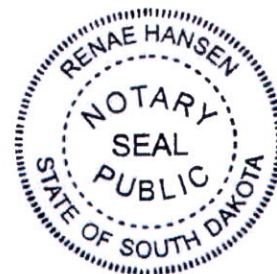
That \$44.89 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid To any other person whomsoever.



Subscribed and sworn to before me this 19th day of September, 2025



Notary Public, State of South Dakota
My Commission Expires June 6, 2031



Publication Fee...\$44.89
Notary Fee...\$
Total ...\$44.89

RECEIVED

SEP 23 2025

Water Rights
Program

**NOTICE OF APPLICATION NO.
8966-3 to Appropriate Water**

Notice is given that Mikota Holdings, LLC., 588 3 Mile Road NW, Suite 101, Grand Rapids MI 49544, has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 65 feet deep) located in the approximate center of the SW 1/4 Section 23 for irrigation of 130 acres located in the SW 1/4 Section 23; all in T95N-R50W. This site is located approximately four miles southeast of Beresford SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8966-3 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 Acting 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 Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by September 29, 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 Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by September 29, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting 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 con-

testing 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 \$44.89 and may be viewed free of charge at www.sdpublicnotices.com.

(B0918-1)

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 10, 2025 10:21 AM
To: Brett Rozenboom
Subject: 8966-3 Mikota Holdings - Public Notice
Attachments: 8966-3 Rec.pdf; 8966-3 Ltr.pdf; 8966-3 PubNotice.pdf; ArgusLeader Info.pdf

Good morning,

Attached is a copy of the report, acting 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

October 30, 2025

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

Dear Mr. Rozenboom:

Enclosed is Water Permit No. 8966-3 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.: 8966-3

Name of Applicant: Mikota Holdings, LLC.

Date of Posting: 9/15/2025

Date of Removal: 10/30/2025

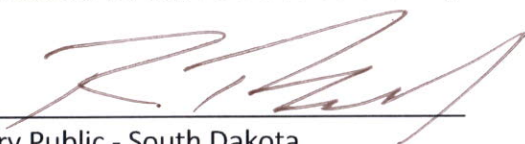


Ron Duvall, Engineer III

10/30/2025

Date

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



Notary Public - South Dakota
My commission expires:

(SEAL)

Rachel Rodriguez
My Commission Expires
May 16, 2029

