

WATER PERMIT NO. 8967-3

Name of Applicant: **Legacy Farm Holdings, LLC.**

Address: **3504 E. High Plains Circle, Sioux Falls SD 57108**

Phone: **605-929-2023**

Amount of Water Claimed: **1.78 cfs** Total Acres: **200**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation** County: **Union**

Type of Waste Disposal System:

Location: **Approx. 5 miles southeast of Beresford**

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

Application/License Fee: **\$1,150.00**

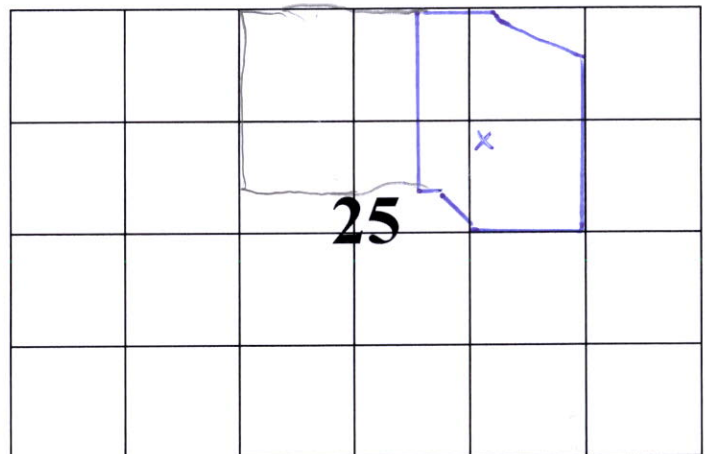
Corrected Application Received: **06-27-25**

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

Remarks:

Diversion Point: **Approximate center of the NE
1/4 Sec 25-T95N-R50W**

Land to be Irrigated: **NE 1/4, E 1/2 NW 1/4 Sec
25-T95N-R50W**



Depth of Well: **47**

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. 8967-3

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. 8967-3 to Legacy Farm Holdings, LLC., 3504 E High Plains Circle, Sioux Falls SD 57108, 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. 8967-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Brule Creek Aquifer (approximately 47 feet deep) located in the S 1/2 NE 1/4 Section 25 for irrigation of 200 acres located in the NE 1/4, E 1/2 NW 1/4 Section 25; all in T95N-R50W. This site is located approximately five 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. 8967-3 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. 8967-3 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. 8967-3 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>8967-3</u> Hydrologic Unit <u>10170203</u>
	Basin <u>Lower Big Sioux</u>
	Newspaper <u>Beresford Republic</u>
	<u>Argus Leader</u> (office use only)

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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 Legacy Farm 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 3504 E High Plains Cir Sioux Falls SD 57108
(Address) (City) (State) (Zip Code)
- Phone _____ Mobile 605-929-2023 Email brozenbom@agbus.com
2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 200 Acres
(*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 the West Brule Creek
4. Location of point of diversion approx. center
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Center of the northeast 1/4 25-95-50 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 NE 1/4 25-95-50	40	SW 1/4 of NE 1/4 25-95-50	40
SE 1/4 of NE 1/4 25-95-50	40	NE 1/4 of NW 1/4 25-95-50	40
NW 1/4 of NE 1/4 25-95-50	35	SE 1/4 of NW 1/4 25-95-50	25
NE 1/4 of NE 1/4 25-95-50	20		

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

I, Brett Olsen member, 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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JUN 25 2025

OFFICE OF
WATER

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

b) If existing wells, how many N/A Provide copy of log(s), if available. Drilled by N/A
(if yes, please provide copies of logs)

For either existing or proposed wells:

c) Well Depth (required) 47' Depth to Top of Water Bearing Material 18' Depth to Water from Surface 18'

d) Distance to nearest domestic well on applicant's property N/A Property owned by others 2,900'

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)

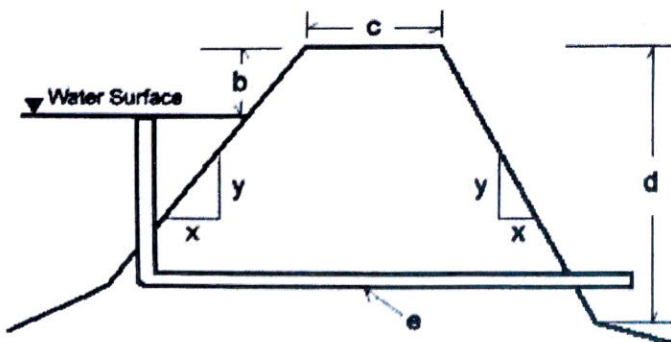
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



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JUN 25 2025

OFFICE OF
WATER

Section 25-95-50 Union
County, SD

Quarter is NE 1/4 in
section 25-95-50 and
W1/2NW1/4 25-95-50

Approximate Well
location



95N 50W
Section: 14

95N 50W
Section: 13

95N 49W
Section: 18

95N 50W
Section: 23

95N 50W
Section: 24

95N 49W
Section: 19

95N 50W
Section: 25

95N 50W
Section: 26

10170203 Lower Big Sioux

Big Sioux

95N 49W
Section: 30

95N 50W
Section: 35

95N 50W
Section: 36

95N 49W
Section: 31

95N 49W

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JUN 25 2025

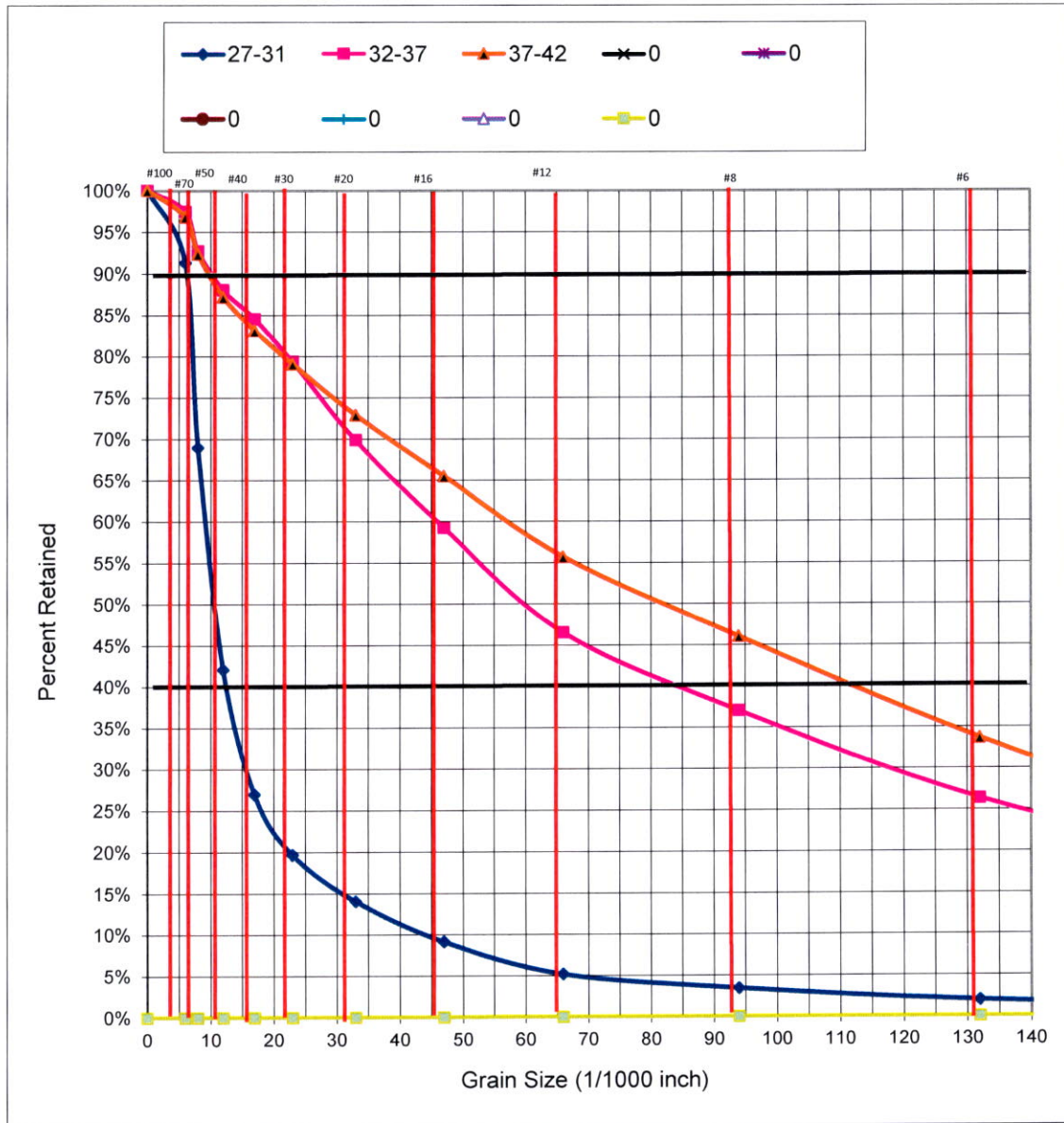
Johnson Screens
651-636-3900

OFFICE OF
WATER



Johnson
Screens

SAND ANALYSIS



Job Name Dan Bakker Site #1
Location Alcester, SD
Driller Barry Hoogland

Sample ID
Analyzed by: Duvall, Steven
Date: 5/13/2025

Casing ϕ 16 in
Screen ϕ 16 in

Desired Yield 800 GPM
SWL (ft) 18

Recommended Slot Size: 35 slot (0.035") screen from 27' to 42' bgs.
Recommended Gravel Pack: Red Flint #40

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.

Prepared by: Meyer, Wayne

Send Samples to 1950 Old Highway 8, New Brighton, MN 55112



Johnson Screens

RECEIVED
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 #1
LOCATION:	Alcester SD
TEST HOLES DIAMETER:	6"
TEST HOLES DEPTH:	47
DRILLING METHOD:	Auger
DRILLING FLUID:	-
DESIRED YIELD:	800gpm
STATIC WATER LEVEL:	18'
WELL CASING DIAMETER:	16"
WELL SCREEN DIAMETER:	16"
WELL SCREEN LENGTH:	10'
WELL APPLICATION:	Irrigation
DESIGN TYPE:	Naturally Developed _____ or Gravel Pack ☒
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:	

**OPERATING AGREEMENT
OF
LEGACY FARM HOLDINGS, LLC**

**A MEMBER-MANAGED SINGLE-MEMBER SOUTH DAKOTA LIMITED LIABILITY
COMPANY**

TAX CLASSIFICATION: DISREGARDED ENTITY

EFFECTIVE JANUARY 21, 2025

Prepared By:



OPERATING AGREEMENT OF LEGACY FARM HOLDINGS, LLC

This Operating Agreement ("**Agreement**"), dated effective as of January 21, 2025, is made by and between the **Brett Rozenboom** ("**Member**"), and **Legacy Farm Holdings, LLC**, a South Dakota limited liability company, with its principal office located at 3504 E High Plains Circle, Sioux Falls, SD 57108 ("**Company**").

RECITALS

A. On January 21, 2025 ("**Filing Date**"), the Company's Articles of Organization ("**Articles**") were filed with the South Dakota Secretary of State, and on that date the Company was formed as a limited liability company under the South Dakota Limited Liability Company Act, codified at SDCL Chapter 47-34A ("**Act**").

B. The Company is formed for a general business purpose and to engage in any lawful activities as determined by the Member.

C. This Agreement sets forth the agreement of the parties regarding their respective rights and duties as parties to the Agreement and the business, affairs, and taxation of the Company.

TERMS AND CONDITIONS

Intending to be legally bound, the parties agree as follows:

ARTICLE 1 PRELIMINARY PROVISIONS

1.1 EFFECTIVE DATE. The effective date of this Agreement will be January 21, 2025.

1.2 NAME. The Company's name, registered agent, registered office, and form of management will be as set forth in the Articles. In addition to the name set forth in the Articles, the Company may use any other name or names as determined by the Member.

1.3 ENTITY STATUS; OWNERSHIP OF ASSETS. The Company is a legal entity separate and distinct from its Member. The Company owns all of its assets in its own name and the Member has no direct interest in those assets.

1.4 PRINCIPAL PURPOSE. The principal purpose of the Company will be as set forth in RECITAL B above.

1.5 POWERS. In pursuing its lawful purposes, the Company will have the power to do all things that a limited liability company is permitted to do under the Act.

1.6 DURATION. The duration of the Company will be indefinite and will terminate only as set forth in ARTICLE 8 of this Agreement.

1.7 PRINCIPAL OFFICE. The Company's principal place of business will be located at 3504 E High Plains Circle, Sioux Falls, SD 57108. The Member (as defined below in Section 1.8) may change the Company's principal office from time to time.

1.8 MEMBER-MANAGED. The Company's day-to-day affairs will be managed by its Member, in accordance with the provisions of ARTICLE 4.

1.9 LIMITED LIABILITY OF MEMBER. Unless otherwise agreed in writing, the Member will have no personal liability to any third party for any debt, obligation, or liability of the Company.

1.10 REQUIREMENT TO AMEND AGREEMENT IF COMPANY HAS MULTIPLE MEMBERS. If, at any time, the Company has two or more members, the members must, with reasonable promptness, consult with the Company's lawyer and make all amendments to this Agreement that are necessary to reflect the members' agreement as members of a multi-member limited liability company. These amendments will include provisions concerning the allocation of the Company's profits and losses, the distribution of profits and other Company assets, the allocation of Company voting rights and other management rights, fiduciary rights and liabilities, and other appropriate matters. In the absence of the amendments described herein, the Company, upon becoming a multi-member limited liability company, will be governed by the default provisions of the Act applicable to multi-member limited liability companies.

1.11 FEDERAL AND STATE TAXATION OF THE COMPANY AND THE MEMBER.

(a) Federal Income Taxation. For federal tax purposes, the Company will be a disregarded entity within the meaning of U.S. Treasury Regulation § 301.7701-2(c)(ii), and its items of income, gain, loss, deduction, and other tax items (collectively, "*tax items*") will be deemed for federal tax purposes to be those of the Member.

(b) State Taxation. The Company and the Member will be subject to the applicable laws and regulations of the state of South Dakota and any other jurisdictions with respect to taxation to the extent the Company or Member is taxable in those jurisdictions.

1.12 ANNUAL ACCOUNTING PERIOD. The Company's annual accounting period for financial and tax purposes will be the same accounting period as used by the Member.

1.13 ACCOUNTING METHOD. In computing income, deductions, and other tax and financial items, the Company will use federal income tax definitions and rules to the extent these definitions and rules are available under applicable federal tax authorities. As applicable, in determining when to recognize income, expenses, and other tax items, the Company will use the cash basis, unless otherwise determined by the Member.

1.14 EFFECT OF ACT. Except as otherwise provided in this Agreement or by applicable law, the Company's business and internal affairs will be governed by the Act as in effect from time to time.

1.15 RELATION OF AGREEMENT TO ARTICLES. If there is any conflict between this Agreement and the Articles, the Articles will prevail.

11.16 CORPORATE TRANSPARENCY ACT ("CTA").

(a) **CTA Representative.** Brett Rozenboom will serve as the CTA representative (the "**CTA Representative**") with respect to the Company's duties under the CTA. The CTA Representative may take any steps reasonably necessary or convenient to cause the Company to perform its obligations under the CTA, including, without limitation, by causing the Company to file any beneficial ownership report that may be required thereunder. "**CTA**" means the Corporate Transparency Act enacted into U.S. law on January 1, 2021 (31 U.S.C. §5336) and all regulations thereunder.

(b) **Filings.** Each Member the CTA Representative has reason to believe is a "beneficial owner" under the CTA will, within thirty (30) days after notice from the Company, provide the Company with the information that the Company is required to provide under the CTA including, without limitation, the name, birthdate, address and up to four (4) pieces of identification documents that are acceptable for purposes of complying with the CTA (collectively, "**CTA Data**"). In addition, each Member will, within fifteen (15) days notify the Company of any change in the information previously provided to the Company or transfer of their membership interest in the Company (collectively, "**Amended CTA Data**").

ARTICLE 2
MEMBER'S CONTRIBUTION

2.1 CONTRIBUTION. For purposes of this Agreement, a "**contribution**" means any cash or property, or services rendered, or a promissory note, or other obligation to contribute cash or property, or to perform services that a person transfers or provides, or promises to transfer or to provide to the Company in exchange for the person's LLC interest (as defined in Section 2.2(a)) and other membership rights (as defined in Section 2.2(b)).

2.2 LLC INTEREST AND MEMBERSHIP RIGHTS. For purposes of this Agreement, (a) the term "**LLC interest**" means the right of the Member to receive an allocation of Company tax items (as defined in Section 1.11(a)) and to receive distributions of Company profits and other Company assets; and (b) the term "**membership rights**" means the totality of the Member's rights as a member, which rights include the Member's (i) economic rights, including the Member's LLC interest, and (ii) the Member's noneconomic rights, including voting rights and agency rights, if any.

2.3 MEMBER'S CONTRIBUTION IN EXCHANGE FOR MEMBERSHIP RIGHTS. The Member's contribution to the Company in exchange for the Member's membership rights will be as set forth in the attached EXHIBIT A.

2.4 NO DUTY TO MAKE ADDITIONAL CONTRIBUTIONS. The Member will have no duty to make any contribution to the Company except as provided in Section 2.3, and no cash or property of any person will be deemed to be a contribution to the Company unless specifically recorded in the Company's records as a contribution of property to the Company.

ARTICLE 3 ALLOCATIONS AND DISTRIBUTIONS

3.1 ALLOCATION; DISTRIBUTION. For purposes of this Agreement, (a) an "**allocation**" to the Member means an accrual of a tax item of the Company (as defined in Section 1.11(a)) to the Member on the books of the Company; and (b) a "**distribution**" means a transfer of the Company's cash or other assets from the Company to the Member by check, assignment, or otherwise that is not (i) compensation to the Member by the Company for services rendered by the Member to or for the Company, or (ii) a reimbursement by the Company to the Member for expenses incurred by the Member for the Company.

3.2 RIGHT TO ALLOCATIONS AND DISTRIBUTIONS. Only the Member will be entitled to receive allocations and distributions from the Company.

3.3 DISTRIBUTIONS BY THE COMPANY. Subject to SECTION 3.4 below, the Member may cause the distribution of all Company property (including cash) to the Member.

3.4 WRONGFUL DISTRIBUTIONS. The Company will make no distribution to the Member to the extent that, at the time the distribution is made, the distribution would be a wrongful or unlawful distribution under the Act.

ARTICLE 4 MANAGEMENT

4.1 MANAGEMENT BY MEMBER. The Company will be managed by the Member.

ARTICLE 5 TRANSFERS AND PLEDGES OF MEMBERSHIP RIGHTS

5.1 TRANSFERS OF MEMBERSHIP RIGHT. The Member, in its sole discretion, may transfer (whether by sale, gift, or otherwise) all or any part of the Member's membership rights, including economic and non-economic rights, to any person, including without limitation, an individual, a trust, or a business entity, such as a corporation, partnership, or limited liability company.

5.2 ADMISSION OF ADDITIONAL MEMBERS. Whether additional persons will be admitted as a Member of the Company will be determined by the Member in his or her sole discretion.

ARTICLE 6 DISSOCIATION OF THE MEMBER

6.1 DISSOCIATION. The Member will cease to be a member of the Company only upon the transfer of all of the Member's membership rights, or upon the dissolution of the Company, and will not cease to be a Member for any other reason.

ARTICLE 7 RECORDS AND INFORMATION

7.1 RECORDS AND INFORMATION REQUIRED BY ACT. The Company will compile and will maintain at its principal place of business all records and information that the Act requires the Company to compile and maintain.

7.2 OTHER RECORDS. The Company will maintain records and books of account concerning its business in accordance with financial standards normally applicable to business organizations generally similar to the Company in size and activities.

ARTICLE 8 DISSOLUTION

8.1 DEFINITIONS. For purposes of this Agreement, (a) "*dissolution*" of the Company means the cessation of its normal activities and the beginning of the process of its winding-up and liquidation; (b) "*winding-up*" of the Company means the process of concluding its existing activities and internal affairs and preparing for its liquidation; and (c) "*liquidation*" of the Company means the disposition of its assets and the distribution of its assets (or of the proceeds of the sale or other disposition of its assets) to the Member.

8.2 DISSOLUTION, WINDING-UP, AND LIQUIDATION.

(a) **Right of Member to Dissolve.** Subject to any applicable provisions of the Act, the Member may dissolve, wind-up, and liquidate the Company and terminate its legal existence at any time and upon any terms it may determine.

(b) **Termination of Legal Existence.** The legal existence of the Company will be terminated on the effective date of the Articles of Termination of the Company as filed with the South Dakota Secretary of State.

(c) **Deemed Liquidating Dissolution.** Immediately upon the cessation of the legal existence of the Company, the Company's property will be deemed to be distributed to the Member and to become the property of the Member, subject to the rights of any existing creditors of the Company.

ARTICLE 9 GENERAL PROVISIONS

9.1 TERM. The term of this Agreement will begin on the Effective Date (as defined in Section 1.1) and will end upon the earlier of: (a) the date on which the Company ceases to exist as a legal person under the Act; or (b) the date which the Member determines to be the date of termination of the Agreement.

9.2 REPRESENTATIONS BY MEMBER. The Member represents that: (a) the Member has full legal authority to enter into and perform this Agreement and is not prevented from doing so by judicial order, by agreement with a third party, or by any other cause; (b) the Member has adopted all resolutions and has done all other things necessary to authorize its execution and performance of this Agreement; and (c) the Member has full legal authority and all necessary authorization to make the contributions to the Company provided for in Section 2.3 of this Agreement.

9.3 ENTIRE AGREEMENT. This Agreement contains the entire agreement between the parties concerning its subject matter, and it replaces all prior agreements between them concerning its subject matter.

9.4 SEVERABILITY. If any portion of this Agreement is determined by a court to be invalid or inoperative, then, as far as is reasonable and possible, the remainder of this Agreement must be considered valid and operative; and effect must be given to the intent manifested by the portion held invalid or inoperative.

9.5 BINDING EFFECT. This Agreement is binding on and will inure to the benefit of the Member and the Member's respective heirs, legal representatives, successors, and assigns.

9.6 THIRD-PARTY BENEFICIARIES. The provisions of this Agreement are intended solely for the benefit of the Member and create no rights or obligations enforceable by any third party, including creditors of the Company, except as otherwise provided by the Act or other applicable law.

9.7 AMENDMENTS. No amendment of this Agreement or of the Articles will be valid unless it is set forth in a writing signed by the parties.

9.8 GOVERNING LAW. This Agreement will be governed exclusively by the laws of the state of South Dakota (exclusive of its laws relating to conflicts of law).

9.9 CAPTIONS. Captions in this Agreement are for convenience only and will be deemed irrelevant in construing its provisions.

9.10 INCORPORATION OF ARTICLES AND EXHIBITS. The Articles and all exhibits referred to in this Agreement are incorporated into the Agreement and made integral parts of it.

9.11 COUNTERPARTS. This Agreement may be executed in any number of counterparts with the same effect as if all signing parties had signed the same document. All counterparts will be construed together and constitute the same instrument.

[SIGNATURE PAGE FOLLOWS]

In witness of its acceptance of the terms and conditions of this Operating Agreement, the sole Member, or by its duly authorized representative, has signed this Agreement as of the date first written above.

SOLE MEMBER:

Brett Rozenboom

Brett Rozenboom

EXHIBIT A
(Member Register)

Name	Percentage Ownership
Brett Rozenboom 3504 E High Plains Circle Sioux Falls, SD 57108	100%
<u>Total:</u>	100%

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 27th, 2025

RECEIVED OF Legacy Farm Holdings LLC 3504 E High Plains Circle Soux Falls SD 57108

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

Fee for Application for Permit No. <u>8967-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>950.00</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>8967-3</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>1150.00</u>

By


Chief Engineer



DL291504

ARTICLES OF ORGANIZATION

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

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

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

Filing Fee: \$150

Total Fee: \$150

Article I

The name of the Company: **Legacy Farm Holdings, LLC**

Article II

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

Actual Street Address

**3504 E HIGH PLAINS CIRCLE
SIOUX FALLS, SD 57108**

Mailing Address

**3504 E HIGH PLAINS CIRCLE
SIOUX FALLS, SD 57108**

Article III

SDCL 59-11-6

The South Dakota Registered Agent's Name:

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

(b) The South Dakota Commercial Registered Agent's name & CRA#

CRA: **WOODS, FULLER, SHULTZ & SMITH P.C. (2079274)**

Actual Street Address in this State

**300 S PHILLIPS AVENUE
SUITE 300
SIOUX FALLS, SD 57104**

Mailing Address in this State

**PO BOX 5027
SIOUX FALLS, SD 57117**

Article IV

The name and address of each organizer

Name

Address

Sterling J. Nielsen

300 South Phillips Avenue, Suite 300, Sioux Falls, SD 57104

Article V

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

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

B0345-7610 01/21/2025 4:32PM Rec'd by SD SOS



B0345-7611 01/21/2025 4:32PM Rec'd by SD SOS

Article VI

☒ Member-Managed ☐ Manager-Managed

Article VII

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

Article VIII

The members will not be liable for the debts and obligations of the limited liability company pursuant to SDCL § 47-34A-303(c) of the South Dakota Limited Liability Company Act.

Signature/Authorization

The Articles of Organization must be executed by the organizers.

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

Sterling J. Nielsen

PRINTED NAME

Sterling J. Nielsen

SIGNATURE

Organizer

TITLE

01/21/2025

DATED

B0345-7612 01/21/2025 4:32PM Rec'd by SD SOS

State of South Dakota

Office of the Secretary of State

Certificate of Organization

Domestic Limited Liability Company

I, **Monae L. Johnson**, Secretary of State of the State of South Dakota, hereby certify that the ARTICLES OF ORGANIZATION for

Legacy Farm Holdings, LLC

BUSINESS ID# DL291504

with an effective date of: January 21, 2025, duly signed and verified, SDCL 47-34A-203, 212 has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Organization and attach hereto a duplicate of the ARTICLES OF ORGANIZATION.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, January 21, 2025.

A handwritten signature in cursive script that reads "Monae L. Johnson".

Monae L. Johnson
Secretary of State

01/21/2025 4:32 PM



**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. 8967-3, Legacy Farm 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. 8967-3, Legacy Farm Holdings, LLC., 3504 E High Plains Circle, Sioux Falls SD 57108.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8967-3 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. 8967-3 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. 8967-3 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. 8967-3

Legacy Farm Holdings

August 26th, 2025

Water Permit Application No. 8967-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Brule Creek aquifer (approximately 47 feet deep) located in the S ½ NE ¼ Section 25 for irrigation of 200 acres located in the NE ¼, E ½ NW ¼ Section 25; all in T95N-R50W. This site is located approximately five 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 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 S ½ NE ¼ Section 25-T95N-R50W (Water Rights, 2025d). The sieve analysis recommended a screen be placed from 27 to 42 feet below ground surface. The static water level at the time of analysis was 18 feet below ground surface (Water Rights, 2025b). Based on the recommended screen placement, the static water level, total well depth (47 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. 8967-3 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 2.2 miles northwest), UN-77B (approximately 1.8 miles southwest), UN-80B (approximately 2.8 miles northwest), and UN-80C (approximately 1.8 miles southwest) (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.

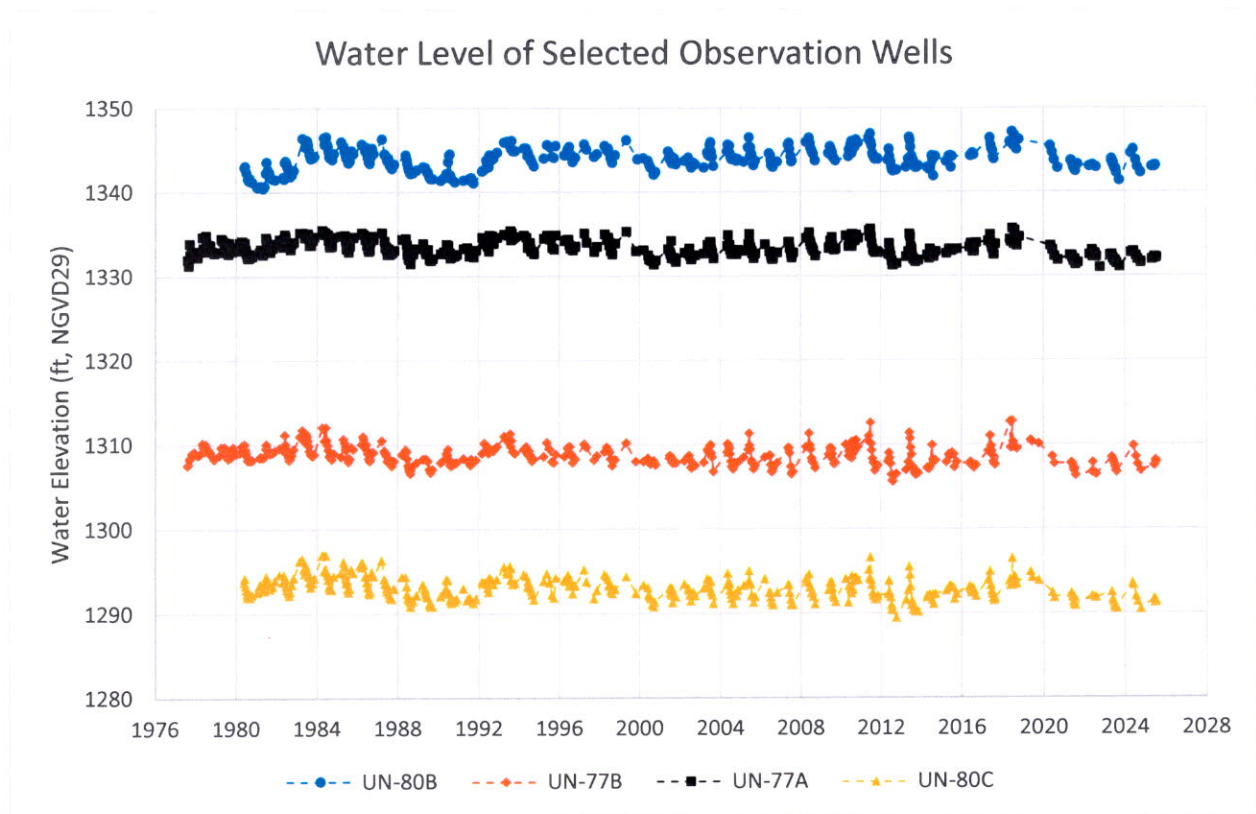


Figure 1. A hydrograph showing the elevation of water levels of observation wells UN-80B, UN-77B, UN-77A, and UN-80C (Water Rights, 2025b)

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. 7561-3 which is held by the Norman Kramer. The diversion point for Water Right No. 7561-3 is located approximately 1.3 miles northwest 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 0.6 miles northwest 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.

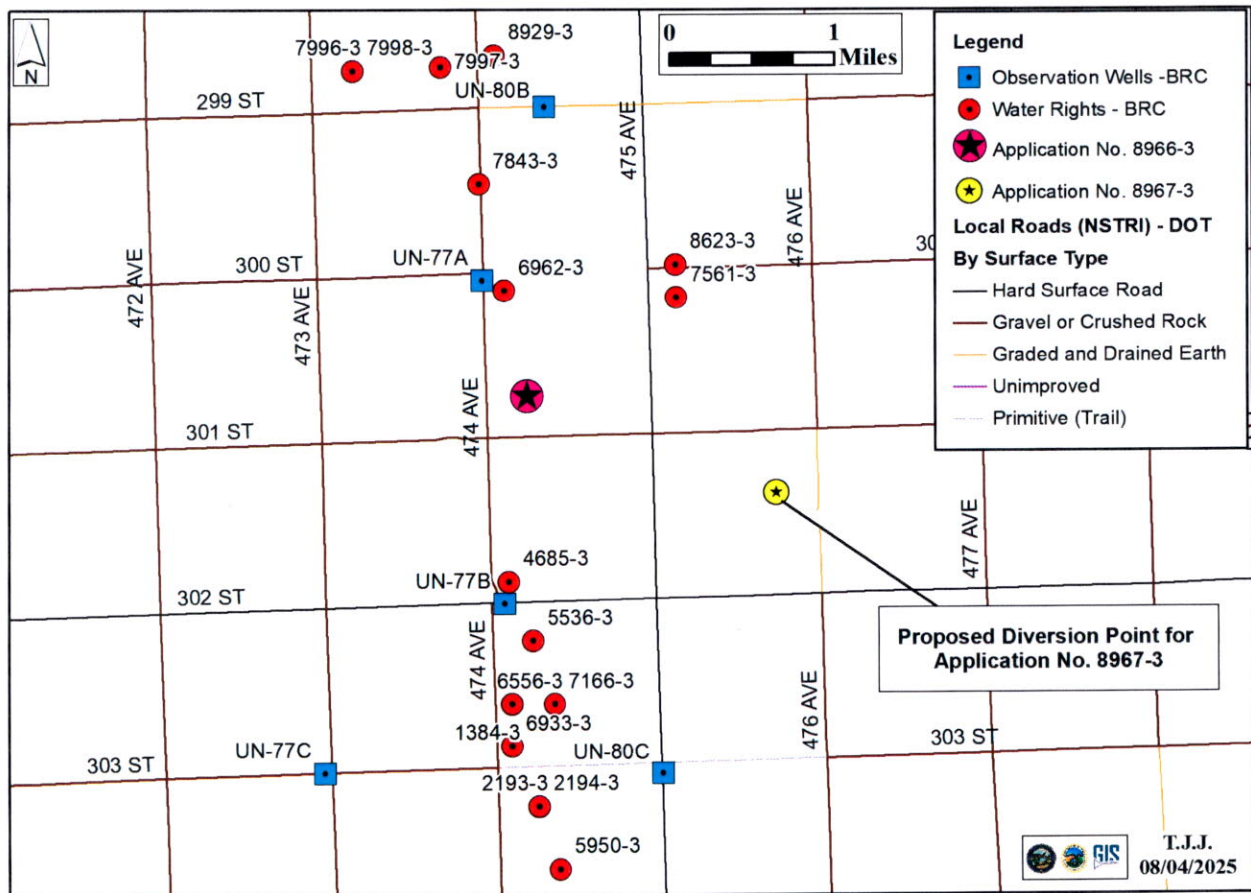


Figure 2. Map of the Water Permit Application Nos. 8966-3 & 8967-3 proposed diversion points and the Brule Creek aquifer observation wells and water rights/permits within Union County (Water Rights, 2025b and 2025c).

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 5.6 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. 8967-3 proposes to appropriate 1.78 cfs from one well to be completed into the Brule Creek aquifer (approximately 47 feet deep) located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 25 for irrigation of 200 acres located in the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25; all in T95N-R50W. This site is located approximately five 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. 8967-3 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 12:11 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] Legacy Farm Holdings Water Permit Application

Sounds good - I am waiting on a call back from Megan to get the payment submitted.

Thanks,
Brett

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, June 27, 2025 12:10 PM
To: Brett Rozenboom <brozenboom@agbus.com>
Subject: RE: Legacy Farm Holdings Water Permit Application

Perfect. Once I receive the fees, I will begin processing your application.

Thank you,

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



From: Brett Rozenboom <brozenboom@agbus.com>
Sent: Friday, June 27, 2025 11:59 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Legacy Farm Holdings Water Permit Application

Rachel,

Here is the operating agreement. The LLC is a single-member LLC owned by myself.

Thanks,
Brett

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, June 27, 2025 11:54 AM
To: Brett Rozenboom <brozenboom@agbus.com>
Subject: RE: Legacy Farm Holdings Water Permit Application

Excellent! The only issue is I don't see the name of the person that signed the application on the Articles of Organization, see attached. DANR will need the application to be signed by a listed partner or a statement of authority that the person signing the application has the authority to act on behalf of Legacy Farm Holdings LLC., on all matters involving the water permit application.

Thank you,

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



From: Brett Rozenboom <brozenboom@agbus.com>
Sent: Friday, June 27, 2025 11:29 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Legacy Farm Holdings Water Permit Application

Hi Rachel,

Attached is a screenshot of the states website for the business filing of Legacy Farm Holdings.

Like for Mikota, 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 11:19 AM
To: Brett Rozenboom <brozenboom@agbus.com>
Subject: Legacy Farm Holdings Water Permit Application

Good morning,

I am in receipt of the water permit application for Legacy Farm Holdings everything looks good. There are two items that need attention:

- I did not find Legacy Farm Holdings on the SD Secretary of State website. Do you have a copy of the signed LLC or registered business ID for the company? I need to verify that the signature on the application is from a managed member of the LLC.
- The fees are application \$950.00 + inspection fee \$200.00 = \$1,150.00

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

Thank you,

Rachel Rodriguez

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

Legacy Farm Holdings, LLC.
c/o Brett Rozenboom
3504 E High Plains Circle
Sioux Falls SD 57108

Dear Mr. Rozenboom:

Water Permit Application No. 8967-3 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. 8967-3 to Appropriate Water

Notice is given that Legacy Farm Holdings, LLC., 3504 E High Plains Circle, Sioux Falls SD 57108, 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 47 feet deep) located in the S 1/2 NE 1/4 Section 25 for irrigation of 200 acres located in the NE 1/4, E 1/2 NW 1/4 Section 25; all in T95N-R50W. This site is located approximately five miles southeast of Beresford SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8967-3 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 9:59 AM
To: Rodriguez, Rachel
Cc: brozenboom@agbus.com
Subject: RE: [EXT] 11659781 8967-3 Legacy Farm Holdings - Public Notice
Attachments: 11659781.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 1:45 PM
To: SFA-Legals mbx <allegals@gannett.com>
Subject: 11659781 8967-3 Legacy Farm Holdings - Public Notice

Attached is a notice to be published on September 18, 2025.

Legacy Farm Holdings, LLC., 3504 E High Plains Circle, Sioux Falls SD 57108, 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:	1556796
Customer Name:	Legacy Farm Holdings Llc
Customer Address:	Legacy Farm Holdings Llc 3504 E High Plains CIR Sioux Falls SD 57108-5268
Contact Name:	Rachel Rodriguez
Contact Phone:	
Contact Email:	brozenboom@agbus.com
PO Number:	

Date:	09/10/2025
Order Number:	11659781
Prepayment Amount:	\$ 0.00

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

Print

Product	#Insertions	Start - End	Category
SFA SiouxFalls 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
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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, September 9, 2025 1:42 PM
To: New Century Press
Subject: 8967-3 Legacy Farm Holdings - Public Notice
Attachments: 8967-3 public.short_final.docx; FORM8.FRM.doc

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

Legacy Farm Holdings, LLC., 3504 E High Plains Circle, Sioux Falls SD 57108, 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



SEP 30 2025

OFFICE OF
WATER

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

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

STATE OF WISCONSIN, COUNTY OF BROWN

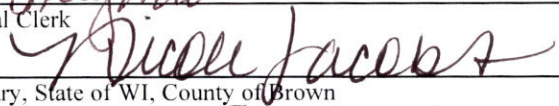
The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

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

8-21-26

My commission expires

Publication Cost: \$59.20

Tax Amount: \$0.00

Payment Cost: \$59.20

Order No: 11659781

of Copies:

Customer No: 1556796

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. 8967-3 to
Appropriate Water**

Notice is given that Legacy Farm Holdings, LLC., 3504 E High Plains Circle, Sioux Falls SD 57108, 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 47 feet deep) located in the S 1/2 NE 1/4 Section 25 for irrigation of 200 acres located in the NE 1/4, E 1/2 NW 1/4 Section 25; all in T95N-R50W. This site is located approximately five miles southeast of Beresford SD. Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8967-3 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 19 2025

Water Rights
Program

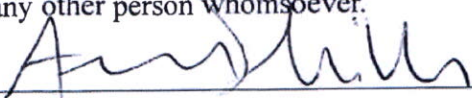
I, Amber Miller of New Century Press, publisher of The Republic, which is a weekly newspaper of general circulation, Printed and published in the City of Beresford, in said County of Lincoln., and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been 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:

B0918-2 Notice of Application 8967-3

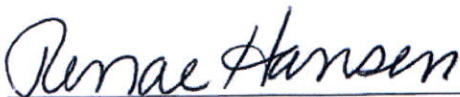
Once printed copy of hereto attached, is printed and published in the said newspaper for one week, to wit:

On Thursday, the 18th day of September, 2025

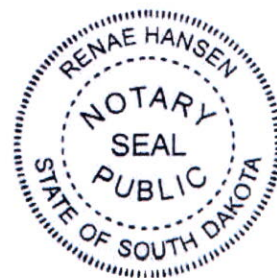
That \$44.89 being the full amount of the fees for publication of the attached notices insure solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be 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 19 2025

Water Rights
Program

**NOTICE OF APPLICATION NO.
8967-3 to Appropriate Water**

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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 \$44.89 and may be viewed free of charge at www.sdpublicnotices.com. (B0918-2)

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 10, 2025 10:37 AM
To: brozenboom@agbus.com
Subject: 8967-3 Legacy Farm Holdings - Public Notice
Attachments: 8967-3 Rec.pdf; 8967-3 Ltr.pdf; 8967-3 PubNotice.pdf; Argus Leader 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

Legacy Farm Holdings, LLC.
c/o Brett Rozenboom
3504 E High Plains Circle
Sioux Falls SD 57108

Dear Mr. Rozenboom:

Enclosed is Water Permit No. 8967-3 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**

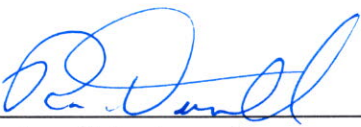
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8967-3

Name of Applicant: Legacy Farm Holdings, LLC., Brett Brozenboom

Date of Posting: 9/15/2025

Date of Removal: 10/30/2025

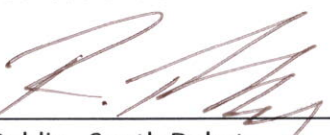


Ron Duvall, Engineer III

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:
Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)

