

WATER PERMIT NO. 8971-3

Name of Applicant: **Riverview LLP**

Address: **26406 470th Avenue, Morris MN 56267**

Phone: **320-392-5609**

Amount of Water Claimed: **113.6 AF**

Total Acres: **N/A**

Source of Water Supply: **Surface**

Water to be used for: **Commercial**

County: **Clark**

Type of Waste Disposal System:

Location: **Approx. 10 miles southwest of Clark**

PRIORITY

Date Received: **07-22-25**

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

Corrected Application Received: **07-22-25**

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

Remarks:

Diversion Point: **NW 1/4 SE 1/4 Sec 3-T115N-R59W**

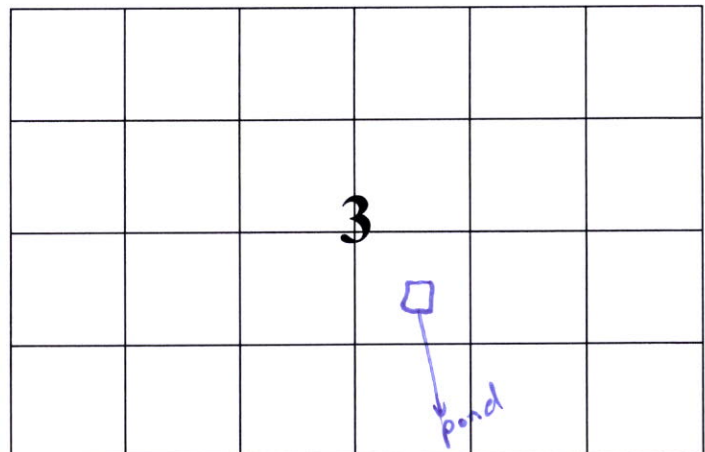
Land to be Irrigated: **N/A**

Depth of Well: **N/A**

Well Driller: **N/A**

Remarks:

Type of Map: **aerial**



Reviewed and the Number Assigned on: **07-22-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8971-3**

Date of first receipt of application July 22, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8971-3 to Riverview LLP, 26406 470th Avenue, Morris MN 56267, 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. 8971-3 appropriates up to 217 acre-feet of water annually from surface runoff, which will be captured in a holding pond located in the NW 1/4 SE 1/4 Section 3-T115N-R59W. Water will be pumped from the pond at a rate of 1.89 cubic feet of water per second for commercial use in an animal confinement operation located in the E 1/2 Section 3-T115N-R59W. This site is located approximately ten miles southwest of Clark SD.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8971-3 is October 20, 2025.
5. The date from which applicant may claim right is July 22, 2025.
6. One-fifth of the construction is to be completed on or before April 20, 2028.
7. All construction is to be completed on or before October 20, 2030.
8. Water is to be put to beneficial use on or before October 20, 2034.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
2. Construction of a dam as defined by Administrative Rules of South Dakota (ARSD) 74:02:08:01(7) will need to comply with ARSD Chapter 74:02:08, Safety of Dams rules including approval of plans and specifications by the Chief Engineer prior to constructing the dam.
3. Water Permit No. 8971-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.

(continued)

4. Water Permit No. 8971-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
- a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The Permit holder must report to the Chief Engineer annually the amount of water pumped into the holding pond.
6. Water Permit No. 8971-3 appropriates up to 217 acre-feet of runoff water annually.

WATER MANAGEMENT BOARD

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

1/21/25
date



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JUL 22 2025

FORM 2: Application for uses other than irrigation
(type or print)**PAID**

JUL 22 2025

Ck# 291341

Rec't# _____

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8971-3</u> Hydrologic Unit <u>10160006</u>	OFFICE OF WATER
	Basin <u>James R</u>	
	Newspaper <u>Clark County Courier</u>	
	<u>Public Opinion</u> (office use only)	

Application for Permit to Appropriate Water in South Dakota**Check use(s) of water:**
☐
☐
☐
Municipal
Rural Water System
Domestic (over 18 gpm)
☐
☐
☐
Water Distribution System
Commercial
Industrial
☐
☐
☒
Recreational
Fish & Wildlife
Other Animal Watering
☐
☐
Institutional
Geothermal**Type of Application:**
(check one)
☒
☐
☐
New
Place to Beneficial Use Water Reserved by Future Use Permit No. _____
Amendment/Correction to Permit No. _____
☐

Vested Right (Use predates Mar 2, 1955)

☐

Future Use Reservation

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

_____1. Name to Appear on Water Permit Riverview LLPMailing Address 26406 470th Ave

(Address)

Morris

(City)

MN

(State)

56267

(Zip Code)

Phone 3203925609

Mobile _____

Email brady.janzen@riverviewllp.com2. Amount of water claimed 1.89 *CFS or 850 **GPM and 113.6 ²¹⁷ ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)3. Source of water supply Surface Water4. Location of point of diversion Pond in NW 1/4, SE 1/4, Sec 03-T115N-59W County Clark

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Clark6. Annual period during which water is to be used Daily, 1/1 - 12/31

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

Constructing a clean stormwater/captured rainwater pond from approximately 74 acres on the site. See attached PDF shaded in blue. Water will be pumped into this pond from a collection point on-site and then pumped out when needed.

Total Volume Above Grade (Overflow to Lowest Point on Perimeter Toe): 92.4 ac-ft

Pond Top is at 1498.2

Lowest Point on Perimeter Toe is at 1474.2

I, Brady JanzenAuthorized Partner

, 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.

2021-08

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

JUL 22 2025

OFFICE OF
WATER

Form 2A

(Complete applicable portions only)

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

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

For either existing or proposed wells:

c) Well Depth (required) _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Informationa) Surface Dimensions 580' x 400' Depth 34'b) Depth to water (ground surface to water level) N/A**4. Water Storage Dams**

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

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

Settje AgriServices
15460 NW 48th Str.
Raymond, NE 68428

b) Freeboard _____

c) Crest Width 25'

Crest Length _____

d) Height 24'

e) Primary Outlet Capacity _____

If pipe, diameter 12" to Manhole

f) Secondary Spillway Capacity _____

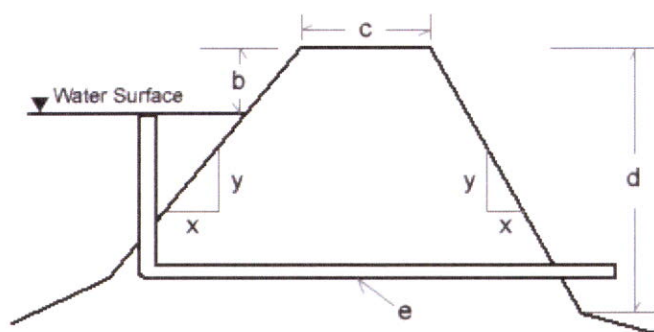
Spillway Width _____

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

Upstream 3:1

Downstream _____

h) Area of Impoundment _____

i) Storage 113.6 Acre Feetj) Drainage Area Above Dam 0 Acres

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OFFICE OF
WATER

- PRELIMINARY -
- NOT FOR CONSTRUCTION -

WATER STORAGE POND
APPROX. 30MM GAL.

CONTRIBUTING DRAINAGE AREA
APPROXIMATELY 74 ACRES



RIVERVIEW
RiverView, LLP
28406 47th Ave.
North, WI 54857
www.RiverViewLLP.com

THIS DRAWING IS THE
PROPERTY OF RIVERVIEW
LLP AND IS NOT TO BE
REPRODUCED IN ANY
MANNER WITHOUT
WRITTEN PERMISSION.

OWNER ADDRESS
CLARK DAIRY
4521 172nd ST
RAYMOND, WI 53708

PROJECT
CLARK DAIRY
SITE PLAN
POTENTIAL RAINWATER STORAGE

DATE: 06/24/25
DRAWN BY: JCN
SHEET DATE: 24 x 36
SHEET NO: 101

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JUL 22 2025

OFFICE OF
WATER



116N 59W
Section: 28

116N 59W
Section: 27

116N 59W
Section: 26

116N 59W
Section: 33

116N 59W
Section: 34

116N 59W
Section: 35

115N 59W
Section: 04

10160006 Middle James

James

115N 59W
Section: 03

115N 59W
Section: 02

115N 59W
Section: 09

115N 59W
Section: 10

115N 59W
Section: 11

180 ST

416 AVE

178 ST

415 AVE

177 ST

**WRITTEN ACTION OF
THE BOARD OF MANAGERS OF
RIVERVIEW, LLP**

Effective as of March 15th, 2021

THE UNDERSIGNED, being all or a majority of the members serving on the Board of Managers (the “**Board**”) of Riverview, LLP, a Minnesota limited liability partnership (the “**Partnership**”), do hereby take and adopt the following:

SIGNATORY AUTHORITY

WHEREAS, the Board believes it is in the best interest of the Partnership to set forth certain personnel of the Partnership that have the ability to bind the Partnership to agreements, certificates, documents and other obligations; it is

RESOLVED: That the following persons are hereby authorized to bind the Partnership to any and all agreements, certificates, documents and other obligations of the Partnership; provided, however, that such authority shall not diminish the need to seek approval of the Board or partners of the Partnership in advance if otherwise required by applicable law or the Second Amended and Restated Partnership Agreement of the Partnership, as amended or restated from time to time:

Name	Title
Mitch Fehr	Chief Executive Officer
Gary Fehr	Authorized Partner
Brad Fehr	Chairman of the Board & CFO
Kurt Domnick	Secretary of the Board of Managers
Rick Metzger	Vice President of Finance
Renee Konz	Controller
Brady Janzen	Authorized Partner
Nate Knobloch	Authorized Partner

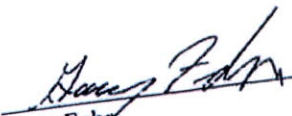
GENERAL AUTHORIZATION

RESOLVED: That each of the individuals named above are hereby authorized to take such steps, including the signing, sealing and delivery of all documents that may be necessary or appropriate, in their discretion, to effectuate the foregoing resolutions.

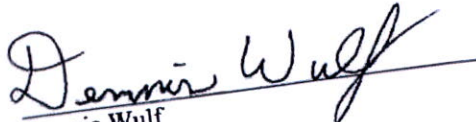
[Signature page follows]

IN WITNESS WHEREOF, the undersigned have executed this Written Action to be effective as of the date first written above.

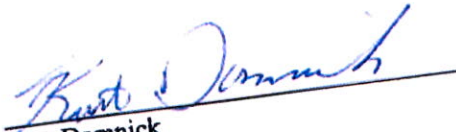
BOARD:

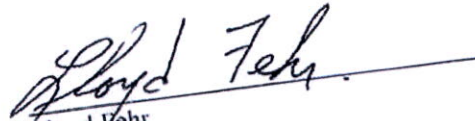

Gary Fehr


Brad Fehr


Dennis Wulf


Mitch Fehr


Kurt Domnick


Lloyd Fehr


Don Heltnier

[SIGNATURE PAGE TO WRITTEN ACTION OF RIVERVIEW, LLP]

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date July 22nd, 2025

RECEIVED OF Riverview LLP 26406 470th Avenue Morris MN 56267

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

Fee for Application for Permit No. <u>8971-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8971-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>700.00</u>

By


Chief Engineer



532641415

ANNUAL REPORT

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

Foreign Limited Liability Partnership
SDCL 48-7A-1003; 59-11-6; 59-11-24.1

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

Filing Fee: \$50

Total Fee: \$50

2024
FILING YEAR

1. Business ID and Name:

FR000197
BUSINESS ID

RIVERVIEW, LLP
BUSINESS NAME

2. The jurisdiction under whose law it is formed **MINNESOTA**

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

Actual Street Address

26406 470TH AVE
MORRIS, MN 56267-5370

Mailing Address

26406 470TH AVE
MORRIS, MN 56267-5370

4. The South Dakota Registered Agent's Name:

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

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

CRA: **NATIONAL REGISTERED AGENTS, INC. (0000011)**

Actual Street Address in this State

319 COTEAU ST
PIERRE, SD 57501-3187

Mailing Address in this State

5. The names and business addresses of the partners.

Name

Address

Bradley Alan Fehr **26339 470th Ave, Morris, MN 56267**

Kurtis Jon Domnick **29677 US Highway 59, Morris, MN 56267**

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)

No

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?



N/A

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 civil and/or criminal penalty (SDCL 22-39-36; 47-15-51).

11/12/2024

Dated

Email (Optional)

Brieanna Maershbecker

Signature of an Authorized Person

Brieanna Maershbecker

Printed Name

B0337-0722 11/12/2024 10:34AM 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. 8971-3, Riverview LLP**

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. 8971-3, Riverview LLP, 26406 470th Avenue, Morris MN 56267.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8971-3 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
2. Construction of a dam as defined by Administrative Rules of South Dakota (ARSD) 74:02:08:01(7) will need to comply with ARSD Chapter 74:02:08, Safety of Dams rules including approval of plans and specifications by the Chief Engineer prior to constructing the dam.
3. Water Permit No. 8971-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
4. Water Permit No. 8971-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions
5. The Permit holder must report to the Chief Engineer annually the amount of water pumped into the holding pond.
6. Water Permit No. 8971-3 appropriates up to 217 acre-feet of runoff water annually.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
September 25, 2025

Report to the Chief Engineer
Water Permit Application 8971-3
Riverview LLP
Sept. 23, 2025

Water Permit Application No. 8971-3 proposes to appropriate up to 217 acre-feet of water annually from surface water runoff, which will be stored in a holding pond located in the NW ¼ SE ¼ Section 3-T115N-R59W. Water will be pumped from the pond at a maximum pump rate of 1.89 cubic feet per second (cfs) for commercial use in an animal feeding operation (Clark Dairy) located in the E ½ Section 3-T115-R59W. This site is located in Clark County approximately ten miles southwest of Clark, SD.

Based on the information provided with this application, the proposed holding pond is an off-stream pond. The drainage area from which surface water is to be captured is a portion of the animal feeding operation with the runoff being directed to a collection point and then pumped into the holding pond, this could include rainwater pumped off the top of the geomembrane covers over the operation's wastewater ponds. See Figure 1. The applicant is not requesting to divert water from the nearby creek into the holding pond and this application, if approved, would not authorize such a diversion. Operation like this one tend to be designed to limit runoff into the facility from outside the facility area or route runoff from outside of the footprint of the facility around the outside of the facility.



Figure 1: Proposed holding pond location and runoff area

The proposed location for this holding pond is acres authorized for irrigation under Water Right No. 7105-3 held by the applicant. The application, if approved, would not allow for irrigation water diverted under Water Right No. 7105-3 to be used to fill this pond; therefore, once the holding pond is constructed those acres will need to be abandoned or transferred. The animal confinement operation also obtains water from two wells completed into the Altamont aquifer authorized under Water Right No. 6998-3.

Water Source: surface water runoff

South Dakota Codified Laws (SDCL) and Administrative Rule of South Dakota (ARSD)

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 there is unappropriated water available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, and the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will address availability of unappropriated water and potential for unlawful impairment to existing rights that are pertinent to this application.

ARSD Chapter 74:02:08

Administrative Rule of South Dakota (ARSD) Chapter 74:02:08 provides the minimum design standards for dams above the heights and storages specified in ARSD 74:02:08:01(7). Construction may not begin on a new dam as defined by ARSD 74:02:08:01(7) until plans and specifications have been approved by the Chief Engineer and a water permit application, if needed, has been approved.

Review of the Water Source

The facility the runoff is being captured from for this application is located in the watershed of an unnamed tributary of Foster Creek located in Clark County. This unnamed tributary confluences with another unnamed tributary of Foster Creek approximately 3.0 stream miles downstream and that unnamed tributary then confluences with Foster Creek another approximately 1.6 stream miles downstream. This unnamed tributary of Foster Creek is classified as an intermittent stream, which is defined as a stream that flows only when it receives water from rainfall runoff or springs, or from some surface source such as melting snow (USGS, 2025; USGS, 2013).

Water Availability

Based on the application information the approximate area for which runoff is being captured for this application is approximately 107 acres (facility drainage: 74 and pond covers: 33). This area is shown in Figure 1. The soils in the watershed are primarily in hydrologic soil group C (USDA-NRCS, 2025). However, the area includes a large area of impermeable ground cover (such as roofs, geomembranes) or very limited permeability ground cover (such as driveways, compacted berms) which are high NRCS curve number features. The higher the curve

number the greater the runoff that occurs when estimating average watershed runoff, with impermeable features typically being assigned a curve number of 98 (USDA-NRCS, 1986). Therefore, a curve number of 90 (the maximum curve number provided for in the NRCS annual surface yield method) will be used for the drainage area. The high portion of the area with impermeable features indicates the use of a curve number of 90 will result in a conservative estimate for water availability.

The NRCS annual surface yield method for South Dakota was used to estimate annual surface yield for the drainage area (USDA-NRCS, 1984). This is a standard method used by the Water Rights Program to estimate annual yield outside of the Black Hills area to consider water availability. The method is intended for watersheds that are less developed than the area this application proposes to capture water from but is still being presented here as a conservative estimate. This NRCS method estimates the volume of runoff which is expected to be exceeded for a twelve-month period at certain annual probabilities using contributing drainage area, soil cover complex number, and watershed location (USDA-NRCS, 1984). For example, the 80 percent exceedance estimate has an 80 percent chance of being exceeded in any given year. The annual surface yields for the drainage area at the percent chances of exceedance provided by the NRCS method are presented in Table 1.

The total runoff from Table 1 was plotted against probability of exceedance (showing in Figure 2) The plotted data shows a very good correlation (the closer a r square value is to 1 the better the fit or correlation of the trendline to the data points) to a logarithmic trendline (shown on Figure 2). Solving the trendline for a volume of 217 acre-feet results in an estimated percent chance of annual exceedance of 0.00058%. While the estimates in Table 1 are conservative due to that lower curve number, the annual surface runoff yield estimates still indicate there is a very low probability in any given year of sufficient runoff occurring to supply the requested amount of water annually.

Table 1: Estimated Total Annual Yield of Surface Runoff (USDA-NRCS, 1984)		
Percent Chance of Exceedance	Total Runoff (acre inches per acre)	Total Runoff (acre-feet)
80	1.05	9.4
50	2.00	17.8
20	3.90	34.8
10	5.10	45.5

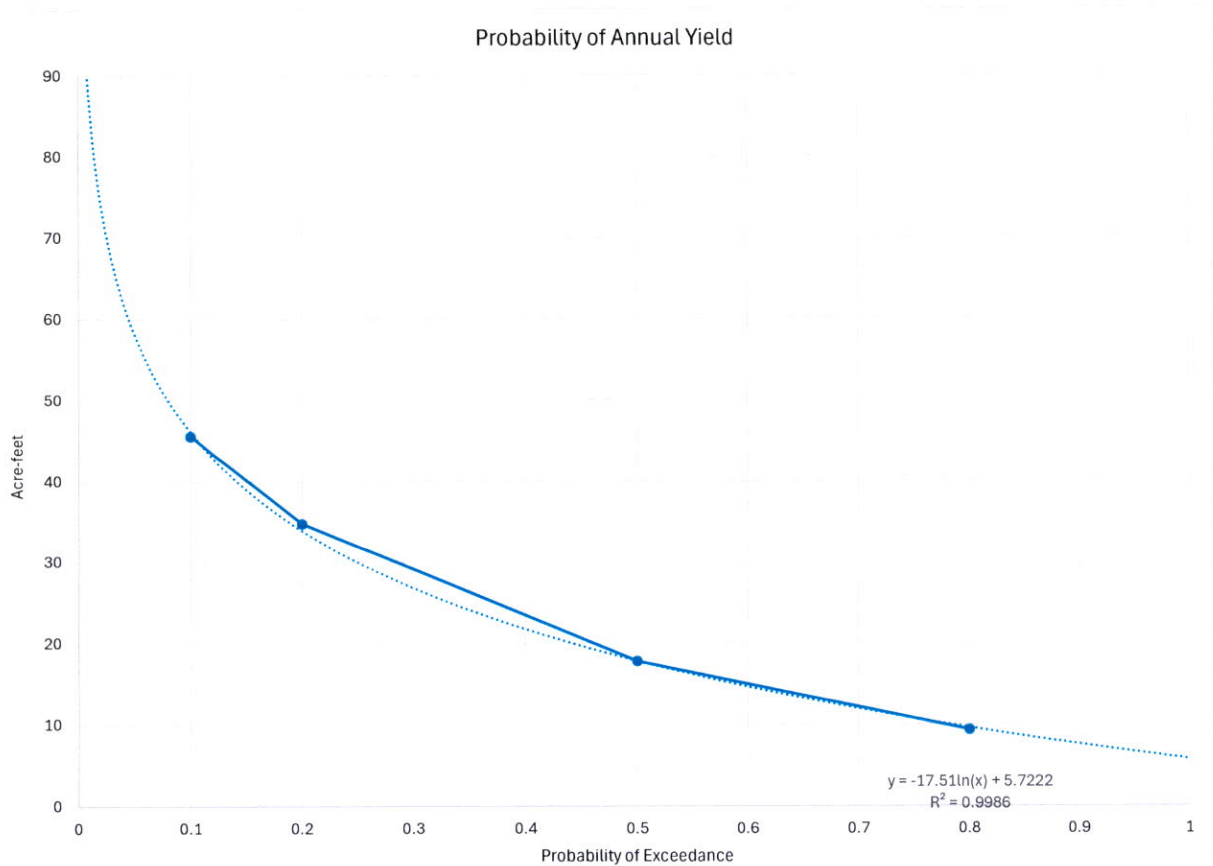


Figure 2: Plot of total runoff for the watershed above the proposed dam against probability of exceedance (note percent in Table 1 have been converted to decimal). Note this plot and trendline is only applicable for this specific watershed location and area.

For the drainage area to supply the requested annual volume, each acre of the drainage area would need to receive approximately 24.3 inches of rain per year that flows into the holding pond with no losses (for example: to infiltration). There would also have to be no losses from the holding pond (for example: to evaporation or seepage) while the water was being stored and awaiting use. (Note: no losses is not a reasonable assumption when looking at the runoff process (except in very specific circumstances) but is being done here just to offer perspective on the estimate from the NRCS annual surface yield method results.) Average annual precipitation in the Clark, SD area from 1991 to 2020 (approximately ten miles to the northeast of the holding pond site) is 24.39 inches per year (2.03 feet) (NOAA, 2025). Which over the proposed drainage area is the requested 217 acre-feet per year. Using data from 1956 to 1970, NOAA (1982) provided annual free water surface evaporation estimates for the contiguous United States. Utilizing NOAA (1982), the estimated annual free water surface evaporation for the proposed pond site is 42 inches per year (approximately 3.5 ft per year). So, net loss between direct precipitation and evaporation is 1.47 feet. The application indicated an expected surface area for the holding pond of approximately 5.3 acres, so that is an average annual loss to evaporation of 7.8 acre-feet per year. Information is not available to estimate losses to seepage; however, the typical design for this type of holding pond is meant to keep seepage extremely limited. While information was not submitted to allow for a

more detailed analysis of the drainage area, runoff estimates assuming no losses indicate that, given the limited permeability of a portion of the drainage area, average annual runoff could be closer to the requested annual volume than indicated by the NRCS annual yield method.

Ultimately, runoff from the proposed collection area is likely to be of variable reliability for a water supply of the requested annual volume. Since the drainage area that this application proposes to capture surface runoff is very small, water availability will be dependent on the amount and intensity of rainfall events in any given year and the exact losses within the facility.

Potential for Unlawful Impairment

Approximately 3.9 stream miles downstream is the one of the upper ends of the reservoir created by Fordham Dam. Vested Water Right Claim No. 1855-3 held by South Dakota Department of Game, Fish, and Parks is for Fordham Dam. While the proposed structure is off stream, it still collects runoff in a small portion of one of the two watersheds draining into Fordham Dam shown in Figure 3. Due to the size and impact of Fordham Dam on creek flow, this application, if approved, would have no noticeable impact on flows downstream of Fordham Dam. Therefore, the unlawful impairment review by this report will focus on the location of the proposed holding pond downstream to Fordham Dam.

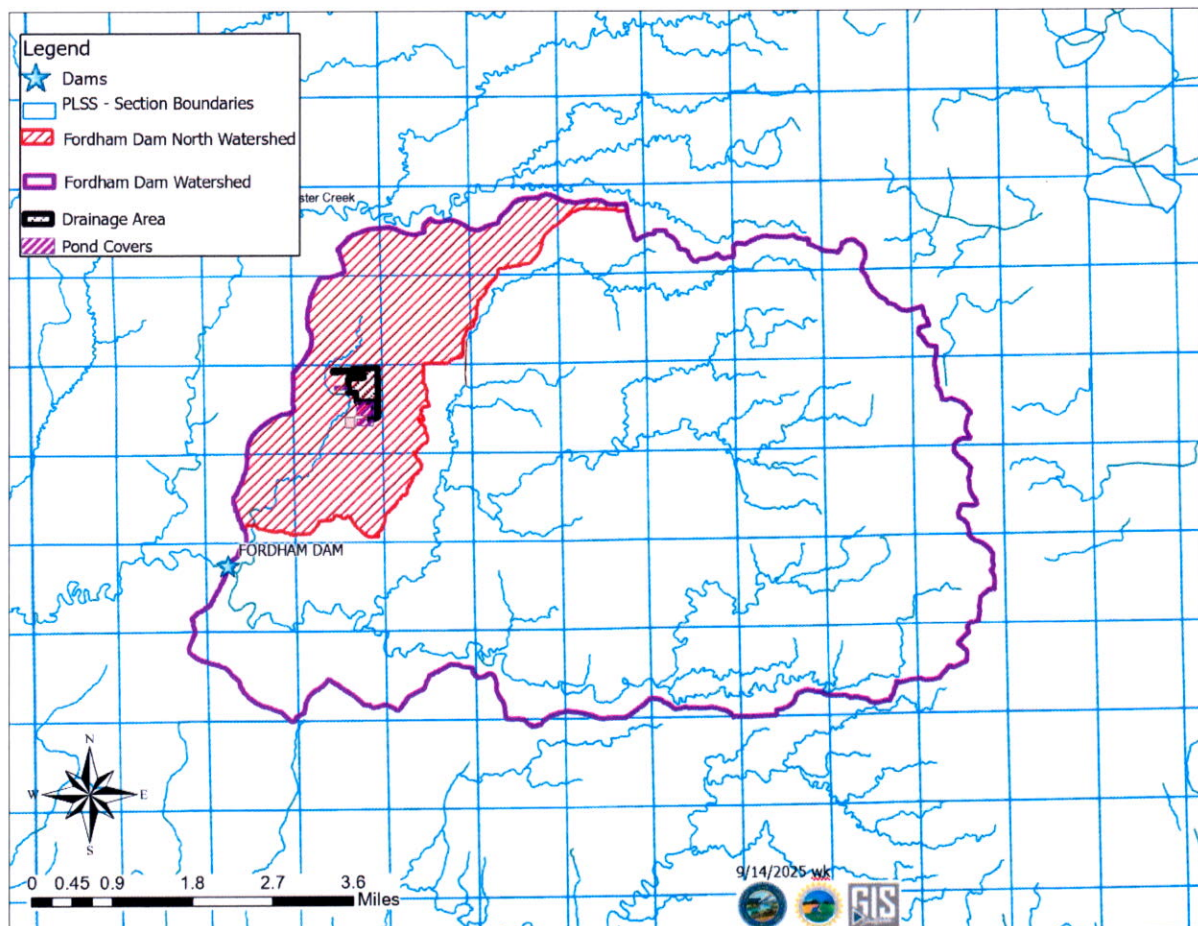


Figure 3: Fordham Dam watershed, unnamed tributary watershed, and drainage area for this application (USGS, 2019)

The USGS StreamStats Program was used to estimate the area of the watershed upstream of Fordham Dam (Fordham Dam watershed) and the area of the watershed that contains the acres for this application (Fordham Dam north watershed), shown in Figure 3 (USGS, 2019). The watershed above Fordham Dam is approximately 40.6 square miles or 25,984 acres (USGS, 2019). This application is proposing to capture runoff from approximately 0.41% of the watershed for the Fordham Dam, given this small percentage this application, if approved, is not expected to unlawfully impair Vested Water Right Claim No. 1855-3.

There are several location notices (from the 1960s and 1980s) for small dry draw dams for domestic use for 1 to 2 acre-feet of water annually in the area between the proposed holding pond for this application and Fordham Dam. StreamStats was used to estimate the area of the watershed that contains the acres for this application at approximately 6.4 square miles, or 4,096 acres. This application is proposing to capture runoff from approximately 2.6 % of the Fordham Dam North watershed (Figure 3). In reviewing the aerial imagery, it appears the main domestic dam is approximately two stream miles downstream of the holding pond proposed by this application. Given the small percentage of the watershed this application proposes to capture water from, downstream domestic users are not expected to be unlawfully impaired by this application, if approved. However, out of an abundance of caution, a low flow bypass requirement for downstream domestic use is recommended as a qualification and an annual reporting requirement is recommended as a qualification.

Since this application is proposing to solely capture runoff water from animal feeding operation and not divert water from elsewhere (for example, pump water out of the unnamed tributary) to fill the holding pond, there does not appear to be an unlawful impairment reason to limit the application to less than the requested annual amount.

Safety of Dams

Pursuant to ARSD 74:02:08:01(7) a dam for the purposes of the State's Safety of Dam requirements as:

"Dam," for the purpose of this chapter an artificial barrier, including appurtenant works, which impounds or diverts water and which is 25 feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation or has an impounding capacity at maximum water storage elevation of 50 acre-feet or more. A barrier is not considered a dam for the purpose of this chapter if the height does not exceed 6 feet regardless of storage capacity or if the storage capacity at maximum water storage elevation does not exceed 15 acre-feet regardless of height;

Based on the information provided with the application, the planned height for the berm height for the holding pond is 24 feet, with a total above ground storage of 92.4 acre-feet. This would make the structure large enough that it will need to comply with the requirements of the South Dakota Safety of Dams Rules. Therefore, prior to construction, the final plans and specifications for the dam will need to be reviewed for compliance with South Dakota's Safety of

Dams Rules and approved by the Chief Engineer. Alternatively, the structure could be designed to be smaller than a dam as defined by ARSD 74:02:08:01(7).

Under the size classification of ARSD 74:02:06 this would be a small sized dam. The downstream hazard classification will be assigned as part of the Safety of Dams review, but the currently available information can be used to examine the expected hazard classification. The downstream Fordham Dam is estimated to have a normal storage of 350 acre-feet and a maximum storage of 950 acre-feet (Water Right, 2025b). This indicates that Fordham Dam has sufficient flood storage to contain the top of dam failure volume for the proposed structure. Therefore, the only area that needs to be considered for the downstream hazard classification is from the proposed structure to the Fordham Dam reservoir. A review of the 2023 NAIP imagery for the area between the proposed structure and Fordham Dam (Figure 4) indicates the expected downstream hazard classification to be category 3 or low hazard (USDA, 2023). A category 3 dam is defined by ARSD 74:02:08:01(5) as:

"Category 3 dam," a low hazard dam whose failure may cause limited damage to agricultural lands or county and township roads or minimum economic loss;

Future downstream development can change downstream hazard classifications. If that occurs, dam owners are required to bring the dam into compliance with the new classification.

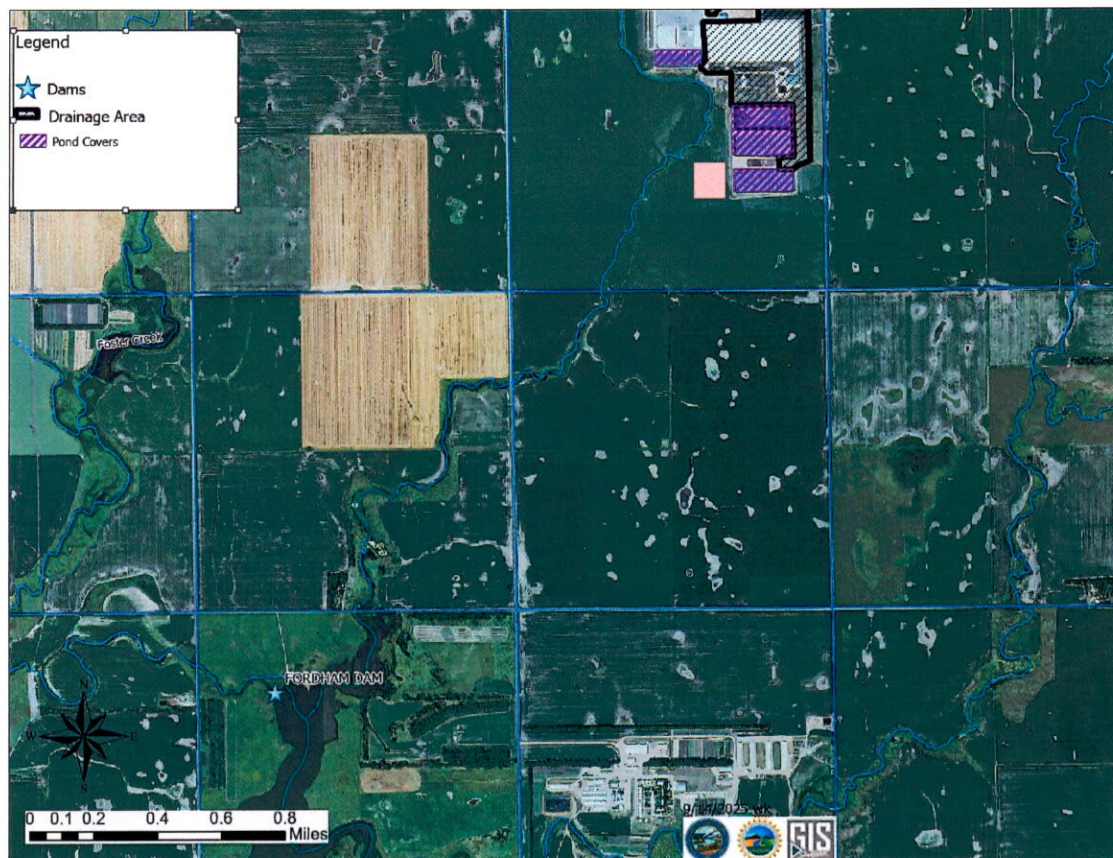


Figure 4: NAIP Imagery of Downstream Area (USDA, 2023)

Conclusions

1. Water Permit Application No. 8971-3 proposes to appropriate up to 217 acre-feet of water annually from surface water runoff, which will be stored in a holding pond located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3-T115N-R59W. Water will be pumped from the pond at a maximum pump rate of 1.89 cfs for commercial use in an animal confinement operation located in the E $\frac{1}{2}$ Section 3-T115-R59W.
2. The drainage area from which surface water is to be captured is a portion of the animal confinement operation with the runoff being directed to a collection point and then pumped into the holding pond and to capture rainwater pumped off the top of the geomembrane covers of the wastewater ponds. The applicant is not requesting to divert water from the nearby creek into the holding pond and this application, if approved, would not authorize such a diversion.
3. The proposed location for this holding pond is acres authorized for irrigation under Water Right No. 7105-3 held by the applicant. Therefore, once the holding pond is constructed, those acres will need to be abandoned or transferred.
4. Given the small drainage area, surface water runoff will be of variable reliability and dependent on rainfall in any given year, should there be sufficient runoff from the applicant's drainage area to yield 217 acre-feet in a given year. The applicant should be allowed to use up to that amount.
5. Approval of this application is not expected to unlawfully impair existing water rights/permit holders or domestic users.
6. If the application is approved, a low flow bypass requirement for downstream domestic use is recommended as a qualification.
7. An annual reporting qualification is recommended for this application, if approved. it
8. Prior to construction, the final plans and specifications for the holding pond will need to be reviewed for compliance with South Dakota's Safety of Dams Rules and approved by the Chief Engineer. Alternatively, the holding pond could be designed to be smaller (in height and maximum storage) than a dam as defined by ARSD 74:02:08:01(7).

for

Whitney Kilts
Natural Resources Engineer III
SDDANR-Water Rights Program

References

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- U.S. Geological Survey (USGS). 2025. USGS National Hydrography Dataset (NHD). <<https://www.usgs.gov/3d-hydrography-program/access-3dhp-data-products>>. Accessed September 2025.
- Water Rights. 2025a. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights. 2025b. Safety of Dams Files. SD DANR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights. 2025c. County Complaint Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2025d. Location Notices. SD DANR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Dewell, Amanda

From: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Sent: Wednesday, July 23, 2025 4:19 PM
To: Dewell, Amanda
Cc: Brady Janzen
Subject: [EXT] Water Permit App Riverview (Clark Dairy)

Good afternoon Amanda,

Brady had reached out for answers on the pumping rate requested for the water permit that was recently sent in for Riverview.

Max flow out would be 850 GPM.

Please let me know if you have any other questions.
Thank you!

Get [Outlook for Android](#)

Dewell, Amanda

From: Dewell, Amanda
Sent: Wednesday, July 23, 2025 3:38 PM
To: Brady Janzen
Subject: Water Permit App_Riverview LLP

Brady,

I am currently reviewing the application submitted by Riverview LLP and want to make sure I'm understanding the project.

Riverview is requesting to capture up to 113.6 acre-feet of water annually, from surface water runoff, which will be routed to a holding pond in the NW ¼ SE ¼ Section 3-T115N-R59W. Water from the pond will be pumped out at a rate of 850 gpm to be used in a commercial animal confinement operation.

Does this sound accurate? Can you provide the maximum pump rate that will be used to remove water from the pond?

Thank you,

Amanda Dewell

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



Rodriguez, Rachel

From: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Sent: Wednesday, July 23, 2025 10:40 AM
To: Rodriguez, Rachel; Brady Janzen
Cc: Johanna Knorr
Subject: Re: [EXT] Water Permit Application

Good morning Rachel,

We appreciate the notice and please reach out if you have any more questions.

Thank You,

Taylor Zeltwanger

320-349-1301

taylor.zeltwanger@riverviewllp.com



26406 470th Ave
Morris, MN 56267

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, July 22, 2025 3:12 PM
To: Brady Janzen <brady.janzen@riverviewllp.com>
Cc: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>; Johanna Knorr <johanna.knorr@riverviewllp.com>
Subject: RE: Water Permit Application

Some people who received this message don't often get email from rachel.rodriguez@state.sd.us. [Learn why this is important](#)

Excellent! I noticed that the application has Other-Animal Watering. Since other Riverview permits have commercial use. I will update the application as commercial use. Also, I will process your application today and it will then be assigned to an engineer to write a report. They have 60 days to complete the report. Once completed, I will contact you again regarding the public notice process. I have attached the permitting process for your reference.

Thank you,

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



From: Brady Janzen <brady.janzen@riverviewllp.com>
Sent: Tuesday, July 22, 2025 2:54 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>; Johanna Knorr <johanna.knorr@riverviewllp.com>
Subject: Re: [EXT] Water Permit Application

Hi Rachel,

Please see attached for written action of Riverview, LLP that provides me with the authority to sign on behalf of the partnership.

Thank you,

Brady Janzen
Riverview, LLP
(320) 349-0318

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, July 22, 2025 2:45 PM
To: Brady Janzen <brady.janzen@riverviewllp.com>
Subject: Water Permit Application

You don't often get email from rachel.rodriguez@state.sd.us. [Learn why this is important](#)

Good afternoon,

In looking over your application, I see one issue:

- A review of the Secretary of State's corporation website finds Riverview, LLP listed. However, your name is not listed as one of its partners, see attachment. 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 Riverview, LLP on all matters involving the water permit application.

Once I receive the corrected first page, or a statement of authority letter, I can begin processing your application.

Thank you,

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

Dewell, Amanda

From: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Sent: Monday, September 8, 2025 4:17 PM
To: Dewell, Amanda
Cc: Kilts, Whitney (DENR)
Subject: Re: [EXT] Riverview LLP_App No. 8971-3

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon Amanda,

I appreciate the forwarded email chain and clarity! Based on the comments from the feedlot and water quality team let's include the water captured within the geomembranes on the permit.

Thank You,

Taylor Zeltwanger

320-349-1301

taylor.zeltwanger@riverviewllp.com



26406 470th Ave
Morris, MN 56267

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Monday, September 8, 2025 1:47 PM
To: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Cc: Kilts, Whitney (DENR) <Whitney.Kilts@state.sd.us>
Subject: FW: Riverview LLP_App No. 8971-3

Taylor,

Please see the below email thread from the Department's CAFO and Water Quality programs. It does not appear that additional permitting would be required from either for the inclusion of water captured on the geomembranes; would you like to include those on your application?

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



From: Kelly, Nick <Nick.Kelly@state.sd.us>
Sent: Monday, September 8, 2025 1:40 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Adair, Katie <Katie.Adair@state.sd.us>; Doerr, Kyle <Kyle.Doerr@state.sd.us>
Subject: RE: Riverview LLP_App No. 8971-3

If the water is just being used in the facility there wouldn't be anything that I would have for it, unless they decide that they eventually want to discharge the water again (if it contacts any source of pollution while in the facility it may no longer be considered stormwater and may need a different discharge permit).

From: Doerr, Kyle <Kyle.Doerr@state.sd.us>
Sent: Monday, September 8, 2025 1:31 PM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Cc: Adair, Katie <Katie.Adair@state.sd.us>; Kelly, Nick <Nick.Kelly@state.sd.us>
Subject: RE: Riverview LLP_App No. 8971-3

I wouldn't have anything for that. There may be some industrial stormwater stuff though. I cc'd Nick for his take on it.

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Monday, September 8, 2025 1:26 PM
To: Doerr, Kyle <Kyle.Doerr@state.sd.us>
Cc: Adair, Katie <Katie.Adair@state.sd.us>
Subject: FW: Riverview LLP_App No. 8971-3

Would there be any Water Quality concerns w/ a CAFO using captured water from geomembranes covering wastewater lagoons for use within their facilities?

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



From: Konda, Neal <Neal.Konda@state.sd.us>
Sent: Monday, September 8, 2025 11:14 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>; Roth, Troy <Troy.Roth@state.sd.us>; Doerr, Kyle <Kyle.Doerr@state.sd.us>
Subject: RE: Riverview LLP_App No. 8971-3

Amanda,

From the feeldot perspective, right now they just pump it to a drainage as storm water. If they want to capture it I think that is a water rights deal.

From: Dewell, Amanda <Amanda.Dewell@state.sd.us>

Sent: Friday, September 5, 2025 3:23 PM

To: Konda, Neal <Neal.Konda@state.sd.us>; Roth, Troy <Troy.Roth@state.sd.us>; Doerr, Kyle <Kyle.Doerr@state.sd.us>

Subject: FW: Riverview LLP_App No. 8971-3

Hello all,

I just got off the phone with Taylor Zeltwanger from Riverview, regarding the email below. Their new application will not be catching any runoff from their irrigation systems; however, they are wondering what “hoops” would have to be jumped through in order to utilize water captured on the geomembranes covering their storage ponds. Taylor said they follow a very strict weekly schedule of inspecting the membranes to ensure no contamination, but there is always the possibility. What concerns, if any, would your programs have on the inclusion of membrane water being used within the facility?

Thanks!

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



From: Dewell, Amanda

Sent: Friday, September 5, 2025 11:27 AM

To: Matt Waldbeser <matt.waldbeser@riverviewllp.com>

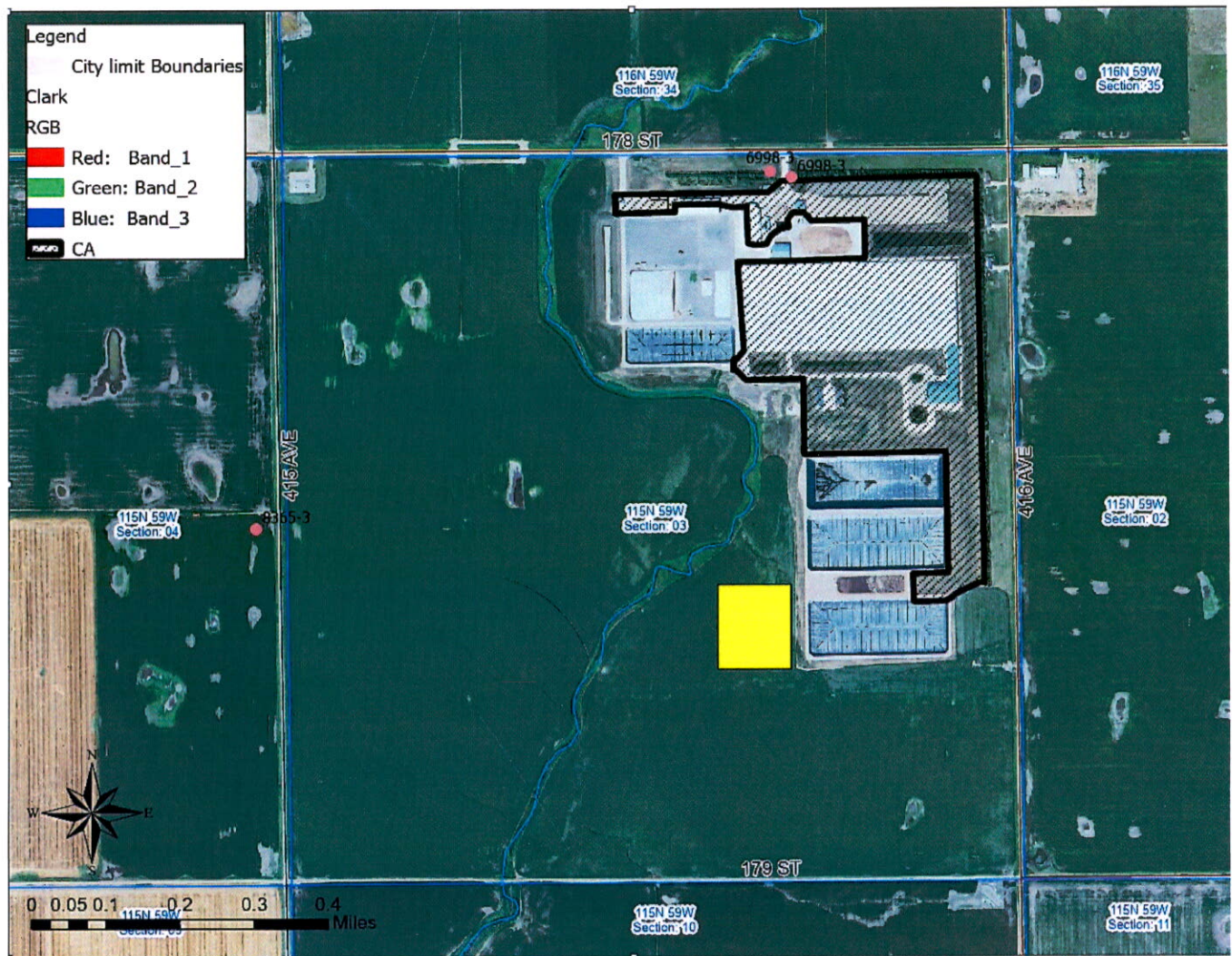
Cc: Kilts, Whitney (DENR) <Whitney.Kilts@state.sd.us>

Subject: Riverview LLP_App No. 8971-3

Matt,

The Water Rights Program is processing Riverview’s most recent application for appropriation of up to 113.6 ac-ft of surface runoff for use at the facility (portions of E ½ Sec 3-T115N-R59W). The engineer charged with writing the report has asked a few good questions and I’m hoping you can give answers.

1. The proposed location of the holding pond (NW ¼ SE ¼ Sec 3-T115N-R59W) is settled on top of acres that are otherwise authorized for irrigation under Riverview’s WR No. 7105-3 (see yellow block in below image). If this new application is approved, would Riverview be looking to abandon or relocate those acres?
2. Does Riverview plan to capture “runoff” from the nearby irrigation system as part of this project?
3. There appear to be multiple lagoons/holding ponds around the facility covered by geomembranes. Would it be the intention of Riverview to also utilize any water collected on those surfaces for this project?



Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



Rodriguez, Rachel

From: Dewell, Amanda
Sent: Wednesday, August 20, 2025 1:17 PM
To: Rodriguez, Rachel
Subject: FW: Question on the water permit application for Riverview LLP near Clark, SD

Can you please print Whitney's email and add it to the file for the Riverview application?

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



From: Kilts, Whitney (DENR) <Whitney.Kilts@state.sd.us>
Sent: Wednesday, August 20, 2025 12:00 PM
To: brady.janzen@riverviewllp.com
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Question on the water permit application for Riverview LLP near Clark, SD

Greetings Mr. Janzen,

I am the engineer working on the technical review for the water permit application for Riverview LLP to capture and use stormwater at a facility near Clark, SD (NW¼ SE ¼ Sec 3-T115N-R59W). Based on the provided information in the application for the pond embankment height and above grade storage it appears this structure will also need a Safety of Dams review and approval of the plans and specifications (and required associated design information) prior to construction. If the design for the pond is already complete, the suggestion would be to have the Safety of Dams review done alongside the water permit application review. However, a Safety of Dams review can also be done after a water permit is issued in case you are waiting to see if a permit is approved prior to paying for design work.

Please let me know is your desire is to have the Safety of Dams review done alongside the water permit application or if you are waiting to see if a permit is approved prior to paying for design work? And if it is the first option, please provide the plans and specifications (and required associated design information) so the Safety of Dams review can be done.

Thanks,



Whitney Kilts
Office of Water-Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov



**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.**

October 3, 2025

Riverview LLP
c/o Brady Janzen
26406 470th Avenue
Morris MN 56267

Dear Mr. Janzen:

Water Permit Application No. 8971-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Clark County Courier printed at Clark SD (Ph # 605 532-3654) and the Public Opinion printed at Watertown 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. 8971-3 to Appropriate Water

Notice is given that Riverview LLP, 26406 470th Avenue, Morris MN 56267, has filed an application for a water permit to appropriate up to 217 acre-feet of water annually from surface runoff, which will be captured in a holding pond located in the NW 1/4 SE 1/4 Section 3 T115N-R59W. Water will be pumped from the pond at a rate of 1.89 cubic feet of water per second for commercial use in an animal confinement operation located in the E 1/2 Section 3-T115N-R59W. This site is located approximately ten miles southwest of Clark SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8971-3 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. 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 October 20, 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 October 20, 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

Cancelled

From: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Sent: Monday, September 22, 2025 9:24 AM
To: Rodriguez, Rachel
Cc: Dewell, Amanda
Subject: Re: [EXT] Clark Dairy 8971-3 Public Notice

Thank you Rachel!

Taylor Zeltwanger

320-349-1301
taylor.zeltwanger@riverviewllp.com



26406 470th Ave
Morris, MN 56267

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, September 22, 2025 9:21 AM
To: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: Clark Dairy 8971-3 Public Notice

Good morning,

I have cancelled the public notice for both papers.

Thank you,

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



From: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Sent: Monday, September 22, 2025 8:54 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: [EXT] Clark Dairy 8971-3 Public Notice

Good morning Rachel,

Cancelled

I had some dialogue with Amanda and Ron regarding this permit and I think we need to pause the public notice for now as we are looking at modifying the annual amount of water allocated. Please let me know if you have any questions.

Thank You,

Taylor Zeltwanger

320-349-1301

taylor.zeltwanger@riverviewllp.com



RIVERVIEW

26406 470th Ave
Morris, MN 56267

Rodriguez, Rachel

cancelled

From: Clark Courier <clarkcountycourier@gmail.com>
Sent: Friday, September 19, 2025 12:03 PM
To: Rodriguez, Rachel
Subject: Re: [EXT] 8971-3 Riverview LLP - Public Notice

Will do, thank you.

On Fri, Sep 19, 2025 at 11:42 AM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Please **cancel** this public notice.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Clark Courier <clarkcountycourier@gmail.com>
Sent: Thursday, September 18, 2025 3:48 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] 8971-3 Riverview LLP - Public Notice

Received, thank you.

On Thu, Sep 18, 2025 at 3:44 PM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Attached is a notice to be published on September 24, 2025.

Cancelled

Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267, 320-392-5609 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



--

Karli Paulson

Owner/Editor/Publisher

Clark County Courier

Cancelled

-  (605) 532-3654
-  clarkcountycourier@gmail.com
-  <https://www.clarkcountypublishing.com/>
-  119 1st Avenue East, Clark, SD 57225

--

Karli Paulson

Owner/Editor/Publisher

Clark County Courier

-  (605) 532-3654
-  clarkcountycourier@gmail.com
-  <https://www.clarkcountypublishing.com/>
-  119 1st Avenue East, Clark, SD 57225

Rodriguez, Rachel

cancelled

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Friday, September 19, 2025 11:49 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 11685226 8971-3 Riverview LLP - Public Notice --UPDATED

Ad # 11685226 has been cancelled

Thank you

Sirona Marshall
Public Notice Representative



Office: 844-254-5287

Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Friday, September 19, 2025 11:42 AM
To: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Subject: RE: 11685226 8971-3 Riverview LLP - Public Notice --UPDATED

Please **cancel** this public notice.

Thank you,

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



From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, September 18, 2025 4:00 PM
To: brady.janzen@riverviewllp.com
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: RE: [EXT] 11685226 8971-3 Riverview LLP - Public Notice

Please Read Through ENTIRE Confirmation Before Approving.

Cancelled

Please see attached the order confirmation and proof for your requested ad. Your ad is set to run in Watertown Public Opinion, on Sept. 24, costing \$54.80. **FINAL DEADLINE FOR ANY CHANGES OR TO CANCEL IS BEFORE 9am Monday Sept. 22.** Your notice is scheduled to run per your request and will publish.

All orders are subject to a 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 with ACH. Pay by ACH and Save!

**Our invoicing is done on a monthly basis. You will receive an invoice for this ad after the close of the month. **

Final Order cost provided at time of payment and via a receipt.

Thanks,

Sirona Marshall
Public Notice Representative



Office: 844-254-5287

Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, September 18, 2025 3:46 PM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 11685226 8971-3 Riverview LLP - Public Notice

Attached is a notice to be published on September 24, 2025.

Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267, 320-392-5609, brady.janzen@riverviewllp.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

Cancelled

From: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Sent: Monday, September 22, 2025 9:24 AM
To: Rodriguez, Rachel
Cc: Dewell, Amanda
Subject: Re: [EXT] Clark Dairy 8971-3 Public Notice

Thank you Rachel!

Taylor Zeltwanger

320-349-1301
taylor.zeltwanger@riverviewllp.com



26406 470th Ave
Morris, MN 56267

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, September 22, 2025 9:21 AM
To: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: Clark Dairy 8971-3 Public Notice

Good morning,

I have cancelled the public notice for both papers.

Thank you,

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



From: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Sent: Monday, September 22, 2025 8:54 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: [EXT] Clark Dairy 8971-3 Public Notice

Good morning Rachel,

Cancelled

I had some dialogue with Amanda and Ron regarding this permit and I think we need to pause the public notice for now as we are looking at modifying the annual amount of water allocated. Please let me know if you have any questions.

Thank You,

Taylor Zeltwanger

320-349-1301

taylor.zeltwanger@riverviewllp.com



26406 470th Ave
Morris, MN 56267

Rodriguez, Rachel

Cancelled

From: Rodriguez, Rachel
Sent: Friday, September 19, 2025 8:04 AM
To: brady.janzen@riverviewllp.com
Subject: 8971-3 Riverview LLP - Public Notice
Attachments: 8971-3 Rec.pdf; 8971-3 Ltr.pdf; 8971-3 PubNotice.pdf; Public Opinion.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



Rodriguez, Rachel

cancelled

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, September 18, 2025 4:00 PM
To: brady.janzen@riverviewllp.com
Cc: Rodriguez, Rachel
Subject: RE: [EXT] 11685226 8971-3 Riverview LLP - Public Notice
Attachments: 11685226.pdf

Please Read Through ENTIRE Confirmation Before Approving.

Please see attached the order confirmation and proof for your requested ad. Your ad is set to run in Watertown Public Opinion, on Sept. 24, costing \$54.80. **FINAL DEADLINE FOR ANY CHANGES OR TO CANCEL IS BEFORE 9am Monday Sept. 22.** Your notice is scheduled to run per your request and will publish.

All orders are subject to a 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 with ACH. Pay by ACH and Save!

****Our invoicing is done on a monthly basis. You will receive an invoice for this ad after the close of the month. ****

Final Order cost provided at time of payment and via a receipt.

Thanks,

Sirona Marshall
Public Notice Representative



Office: 844-254-5287

Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, September 18, 2025 3:46 PM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 11685226 8971-3 Riverview LLP - Public Notice

Attached is a notice to be published on September 24, 2025.

Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267, 320-392-5609, brady.janzen@riverviewllp.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



Order Confirmation
Not an Invoice

Account Number:	1239418
Customer Name:	Riverview Llp
Customer Address:	Riverview Llp 26406 470Th AVE Morris MN 56267-5370
Contact Name:	Brady Janzen
Contact Phone:	320-392-5609
Contact Email:	brady.janzen@riverviewllp.com
PO Number:	NO. 8971-3

Date:	09/18/2025
Order Number:	11685226
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	166.0000
Height in Inches:	18.3000

Cancelled

Print

Product	#Insertions	Start - End	Category
WAT The Public Opinion	1	09/24/2025 - 09/24/2025	Govt Public Notices
WAT thepublicopinion.com	1	09/24/2025 - 09/24/2025	Govt 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	\$54.80
Tax Amount	\$0.00
Service Fee 3.99%	\$2.19
Cash/Check/ACH Discount	-\$2.19
Payment Amount by Cash/Check/ACH	\$54.80
Payment Amount by Credit Card	\$56.99

Order Confirmation Amount	\$54.80
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Rodriguez, Rachel

cancelled

From: Rodriguez, Rachel
Sent: Thursday, September 18, 2025 3:46 PM
To: legals@thepublicopinion.com
Subject: 8971-3 Riverview LLP - Public Notice
Attachments: 8971-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 24, 2025.

Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267, 320-392-5609, brady.janzen@riverviewllp.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



From: Rodriguez, Rachel
Sent: Thursday, September 18, 2025 3:44 PM
To: Clark Courier
Subject: 8971-3 Riverview LLP - Public Notice
Attachments: 8971-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 24, 2025.

Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267, 320-392-5609 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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

cancelled

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

September 19, 2025

Riverview LLP
c/o Brady Janzen
26406 470th Avenue
Morris MN 56267

Dear Mr. Janzen:

Water Permit Application No. 8971-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Clark County Courier printed at Clark SD (Ph # 605 532-3654) and the Public Opinion printed at Watertown 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.

Cancelled

NOTICE OF APPLICATION NO. 8971-3 to Appropriate Water

Notice is given that Riverview LLP, 26406 470th Avenue, Morris MN 56267, has filed an application for a water permit to appropriate up to 113.6 acre-feet of water annually from surface runoff, which will be captured in a holding pond located in the NW 1/4 SE 1/4 Section 3, T115N-R59W. Water will be pumped from the pond at a rate of 1.89 cubic feet of water per second for commercial use in an animal confinement operation located in the E 1/2 Section 3-T115N-R59W. This site is located approximately ten miles southwest of Clark SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8971-3 because 1) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 2) the proposed use is a beneficial use and 3) it is in the public interest as it pertains to matters of public interest 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 October 6, 2025.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the 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 October 6, 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

cancelled

From: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Sent: Tuesday, September 30, 2025 8:13 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] 8971-3 Riverview LLP - Public Notice - UPDATED

Sounds great!

Thank You,

Taylor Zeltwanger

320-349-1301

taylor.zeltwanger@riverviewllp.com



26406 470th Ave
Morris, MN 56267

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, September 30, 2025 8:12 AM
To: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Subject: RE: 8971-3 Riverview LLP - Public Notice - UPDATED

No, you can discard what I have sent you. I will submit another notice with the correction.

Thank you,

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



From: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Sent: Tuesday, September 30, 2025 8:10 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] 8971-3 Riverview LLP - Public Notice - UPDATED

Got it, So what you have sent me will get changed or am I looking at the changes?

Thank You,

Taylor Zeltwanger

320-349-1301

taylor.zeltwanger@riverviewllp.com



26406 470th Ave

Morris, MN 56267

cancelled

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, September 30, 2025 8:07 AM
To: Taylor Zeltwanger <taylor.zeltwanger@riverviewllp.com>
Subject: RE: 8971-3 Riverview LLP - Public Notice - UPDATED

Good Morning Taylor,

Yes, the second paragraph of the public notice, see below.

NOTICE OF APPLICATION NO. 8971-3 to Appropriate Water

Notice is given that Riverview LLP, 26406 470th Avenue, Morris MN 56267, has filed an application for a water permit to appropriate up to 217 acre-feet of water annually from surface runoff, which will be capture a holding pond located in the NW 1/4 SE 1/4 Section 3 T115N-R59W. Water will be pumped from the pon a rate of 1.89 cubic feet of water per second for commercial use in an animal confinement operation located the E 1/2 Section 3-T115N-R59W. This site is located approximately ten miles southwest of Clark SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8971- 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 pert to matters of public interest within the regulatory authority of the Water Management Board. The Acting C. 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 Rig Program address provided below.

Thank you,

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



Rodriguez, Rachel

Cancelled

From: Clark Courier <clarkcountycourier@gmail.com>
Sent: Monday, September 29, 2025 9:45 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] 8971-3 Riverview LLP - Public Notice - UPDATED

Good morning,

We will cancel the public notice for this week.

Thank you,

On Mon, Sep 29, 2025 at 9:36 AM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Please **cancel** this notice.

It needs to be updated.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Clark Courier <clarkcountycourier@gmail.com>
Sent: Friday, September 26, 2025 10:25 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] 8971-3 Riverview LLP - Public Notice

Good morning,

cancelled

I apologize for not responding sooner. I saw the email and forgot to respond.

We did receive the public notice and we will publish it in the October 1 edition of the Clark County Courier.

Thank you,

On Thu, Sep 25, 2025 at 3:39 PM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Attached is a notice to be published on October 1, 2025.

Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267, 320-392-5609, brady.janzen@riverviewllp.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

Cancelled

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, September 29, 2025 9:50 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 11703525 8971-3 Riverview LLP - Public Notice - UPDATE

Importance: High

10/1 went to press 45 mins ago and cannot be cancelled

Regards,

Erin Oettinger
Supervisor – Public Notices



Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, September 29, 2025 9:41 AM
To: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Subject: RE: 11703525 8971-3 Riverview LLP - Public Notice - UPDATE
Importance: High

Please **cancel** this notice.

Thank you,

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



From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, September 25, 2025 4:12 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Cc: brady.janzen@riverviewllp.com
Subject: RE: [EXT] 11703525 8971-3 Riverview LLP - Public Notice

AD ORDER #11703525

Cancelled

Attached is a proof of your notice **scheduled to publish once in the Watertown Public Opinion on Oct. 1, 2025** at the total cost of \$56.90 to be **invoiced to Riverview LLP account #559590.**

Deadline to make any changes is BEFORE 9am Monday, 9-29-25, otherwise your notice WILL PUBLISH as stated above.

An affidavit will be prepared and mailed as indicated within 7 to 10 days after publishing.

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.

Liz Arceneaux
Public Notice Representative



Office: 844-254-5287

Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, September 25, 2025 3:42 PM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 11703525 8971-3 Riverview LLP - Public Notice

Attached is a notice to be published on October 1, 2025.

Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267, 320-392-5609,
brady.janzen@riverviewllp.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

cancelled

From: Clark Courier <clarkcountycourier@gmail.com>
Sent: Friday, September 26, 2025 10:25 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] 8971-3 Riverview LLP - Public Notice

Good morning,

I apologize for not responding sooner. I saw the email and forgot to respond.

We did receive the public notice and we will publish it in the October 1 edition of the Clark County Courier.

Thank you,

On Thu, Sep 25, 2025 at 3:39 PM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Attached is a notice to be published on October 1, 2025.

Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267, 320-392-5609, brady.janzen@riverviewllp.com has been notified to contact you to authorize publication and arrange for payment.

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

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us

Rodriguez, Rachel

cancelled

From: Rodriguez, Rachel
Sent: Friday, September 26, 2025 7:56 AM
To: brady.janzen@riverviewllp.com
Subject: 8971-3 Riverview LLP - Public Notice
Attachments: 8971-3Rec.pdf; 8971-3 Ltr.pdf; 8971-3 PubNotice.pdf; Watertown 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



Rodriguez, Rachel

cancelled

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Thursday, September 25, 2025 4:12 PM
To: Rodriguez, Rachel
Cc: brady.janzen@riverviewllp.com
Subject: RE: [EXT] 11703525 8971-3 Riverview LLP - Public Notice
Attachments: 11703525.pdf

AD ORDER #11703525

Attached is a proof of your notice **scheduled to publish once in the Watertown Public Opinion on Oct. 1, 2025** at the total cost of \$56.90 to be **invoiced to Riverview LLP account #559590**.

Deadline to make any changes is BEFORE 9am Monday, 9-29-25, otherwise your notice WILL PUBLISH as stated above.

An affidavit will be prepared and mailed as indicated within 7 to 10 days after publishing.

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.

Liz Arceneaux
Public Notice Representative



Office: 844-254-5287

Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, September 25, 2025 3:42 PM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Subject: 11703525 8971-3 Riverview LLP - Public Notice

Attached is a notice to be published on October 1, 2025.

Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267, 320-392-5609,
brady.janzen@riverviewllp.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

cancelled

From: Rodriguez, Rachel
Sent: Thursday, September 25, 2025 3:39 PM
To: Clark Courier
Subject: 8971-3 Riverview LLP - Public Notice
Attachments: 8971-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 1, 2025.

Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267, 320-392-5609,
brady.janzen@riverviewllp.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

Cancelled

From: Rodriguez, Rachel
Sent: Thursday, September 25, 2025 3:42 PM
To: legals@thepublicopinion.com
Subject: 8971-3 Riverview LLP - Public Notice
Attachments: 8971-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 1, 2025.

Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267, 320-392-5609, brady.janzen@riverviewllp.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





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Cancelled

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

September 26, 2025

Riverview LLP
c/o Brady Janzen
26406 470th Avenue
Morris MN 56267

Dear Mr. Janzen:

Water Permit Application No. 8971-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Clark County Courier printed at Clark SD (Ph # 605 532-3654) and the Public Opinion printed at Watertown 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. 8971-3 to Appropriate Water

Notice is given that Riverview LLP, 26406 470th Avenue, Morris MN 56267, has filed an application for a water permit to appropriate up to 217 acre-feet of water annually from surface runoff, which will be captured in a holding pond located in the NW 1/4 SE 1/4 Section 3 T115N-R59W. Water will be pumped from the pond at a rate of 1.89 cubic feet of water per second for commercial use in an animal confinement operation located in the E 1/2 Section 3-T115N-R59W. This site is located approximately ten miles southwest of Clark SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8971-3 because 1) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 2) the proposed use is a beneficial use and 3) it is in the public interest as it pertains to matters of public interest 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 October 14, 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 October 14, 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: Friday, October 3, 2025 11:10 AM
To: Rodriguez, Rachel
Cc: taylor.zeltwanger@riverviewllp.com
Subject: RE: [EXT] 11731972 8971-3 Riverview LLP - Public Notice
Attachments: 11731972.pdf

Good Morning

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Public Opinion on October 8. The order cost is \$56.30 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing. Please reply by 8:00 AM on Monday with any changes.

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: Friday, October 3, 2025 10:47 AM
To: SD-Watertown Legals <legals@thepublicopinion.com>
Cc: taylor.zeltwanger@riverviewllp.com
Subject: 11731972 8971-3 Riverview LLP - Public Notice

Attached is a notice to be published on October 8, 2025.

Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267, 320-392-5609, brady.janzen@riverviewllp.com, taylor.zeltwanger@riverviewllp.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 confirm receipt of this email.



Order Confirmation
Not an Invoice

Account Number:	1219551
Customer Name:	Riverview
Customer Address:	Riverview 26406 470Th Ave Morris MN 56267-5370
Contact Name:	RIVERVIEW
Contact Phone:	
Contact Email:	
PO Number:	

Date:	10/03/2025
Order Number:	11731972
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	171.0000
Height in Inches:	18.8500

Print

Product	#Insertions	Start - End	Category
WAT The Public Opinion	1	10/08/2025 - 10/08/2025	Public Notices
WAT thepublicopinion.com	1	10/08/2025 - 10/08/2025	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	\$56.30
Tax Amount	\$0.00
Service Fee 3.99%	\$2.25
Cash/Check/ACH Discount	-\$2.25
Payment Amount by Cash/Check/ACH	\$56.30
Payment Amount by Credit Card	\$58.55

Order Confirmation Amount	\$56.30
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Rodriguez, Rachel

From: Clark Courier <clarkcountycourier@gmail.com>
Sent: Friday, October 3, 2025 10:53 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] 8971-3 Riverview LLP - Public Notice

Good morning,

We have received the legal notice and will publish it in the October 8 edition of the Clark County Courier.

Thank you,

On Fri, Oct 3, 2025 at 10:43 AM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Attached is a notice to be published on October 8, 2025.

Riverview LLP, c/o Brady Janzen, 26406 470th Avenue, Morris MN 56267, 320-392-5609, 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 confirm receipt of this email.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us

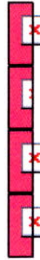


--

Karli Paulson

Owner/Editor/Publisher

Clark County Courier



(605) 532-3654

clarkcountycourier@gmail.com

<https://www.clarkcountypublishing.com/>

119 1st Avenue East, Clark, SD 57225

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, October 3, 2025 10:47 AM
To: legals@thepublicopinion.com
Cc: taylor.zeltwanger@riverviewllp.com
Subject: 8971-3 Riverview LLP - Public Notice
Attachments: 8971-3 public.short_final.docx; FORM8.FRM.doc

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, October 3, 2025 10:43 AM
To: Clark Courier
Subject: 8971-3 Riverview LLP - Public Notice
Attachments: 8971-3 public.short_final.docx; FORM8.FRM.doc

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

Thank you,

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



Affidavit of Publication

State of South Dakota

§

NOTICE OF APPLICATION NO. 8971-3 to App

County of Clark

Notice is given that Riverview LLP, 26406 470th Avenue, Morris, Minn. 56267, has filed an application for a water permit to appropriate up to 217 acre-feet of water annually from surface runoff, which will be captured in a holding pond located in the NW 1/4 SE 1/4 Section 3 T115N-R59W. Water will be pumped from the pond at a rate of 1.89 cubic feet of water per second for commercial use in an animal confinement operation located in the E 1/2 Section 3-T115N-R59W. This site is located approximately 10 miles southwest of Clark, S.D.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8971-3 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. 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, S.D. 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 October 20, 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 peti-

Paulson of said county, being first duly sworn, says that she is the publisher of the **Clark Courier**, a weekly newspaper printed and ed in Clark in said County of Clark and has a personal knowledge of all the facts therein that said newspaper is a legal newspaper is a bona-fide circulation of at least two hundred copies weekly, and has been published within county for fifty-two successive weeks next prior publication of the notice herein mentioned, as and is printed wholly or in part in an office at said place of publication; that the

Water Rights Program

ated copy of which taken from the paper in same was published, is attached to this sheet, made a part of this Affidavit, was published in newspaper at least once in each week for

One

essive week(s), on the day of each week on said newspaper was regularly published, to

October 8, 2025

the full amount of the fees for the publication of annexed notice is

\$46.52

Karli Paulson

Subscribed and sworn to before me this

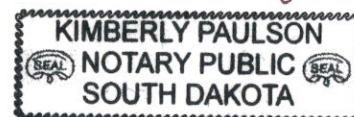
16th day of October, 2025

RECEIVED

OCT 20 2025

OFFICE OF
WATER

Kimberly Paulson



Notary Public

Clark County, South Dakota

My Commission expires: 04/27/2029

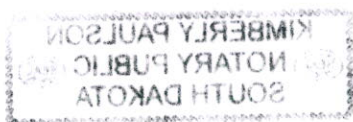
Appropriate Water

tioner or the petitioner's legal counsel, if legal counsel is obtained.

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Published once at the
approximate cost of \$46.52
and can be viewed free of charge
at www.sdpublicnotices.com
10-8-25



LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

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

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OCT 09 2025

OFFICE OF
WATER

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

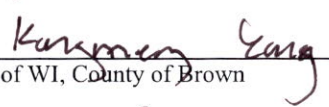
The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

10/01/2025

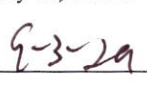
and that the fees charged are legal.
Sworn to and subscribed before on 10/01/2025



Legal Clerk



Notary, State of WI, County of Brown



My commission expires

Publication Cost:	\$56.90	
Tax Amount:	\$0.00	
Payment Cost:	\$56.90	
Order No:	11703525	# of Copies:
Customer No:	559590	1
PO #:	8971-3 Riverview LLP	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

**NOTICE OF APPLICATION
NO. 8971-3 to
Appropriate Water**

Notice is given that Riverview LLP, 26406 470th Avenue, Morris MN 56267, has filed an application for a water permit to appropriate up to 217 acre-feet of water annually from surface runoff, which will be captured in a holding pond located in the NW 1/4 SE 1/4 Section 3 T115N-R59W. Water will be pumped from the pond at a rate of 1.89 cubic feet of water per second for commercial use in an animal confinement operation located in the E 1/2 Section 3-T115N-R59W. This site is located approximately ten miles southwest of Clark SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8971-3 because 1) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 2) the proposed use is a beneficial use and 3) it is in the public interest as it pertains to matters of public interest 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.

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RECEIVED

OCT 09 2025

OFFICE OF
WATER

RECEIVED

OCT 09 2025

OFFICE OF
WATER

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 October 14, 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 October 14, 2025.**

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11703525

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, October 3, 2025 11:21 AM
To: taylor.zeltwanger@riverviewllp.com
Cc: brady.janzen@riverviewllp.com
Subject: 8971-3 Riverview LLP - Public Notice
Attachments: 8971-3Rec.pdf; 8971-3 Letter.pdf; 8971-3 PubNotice.pdf; Watertown 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 confirm 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

November 21, 2025

Riverview LLP
c/o Brady Janzen
26406 470th Avenue
Morris MN 56267

Dear Mr. Janzen:

Enclosed is Water Permit No. 8971-3 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**

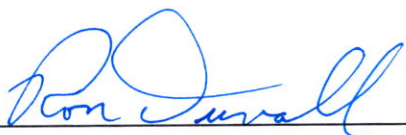
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 8971-3

Name of Applicant: Riverview LLP, c/o Brady Janzen

Date of Posting: 10/9/2025

Date of Removal: 11/21/2025

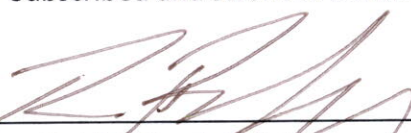


Ron Duvall, Engineer III

11/21/2025

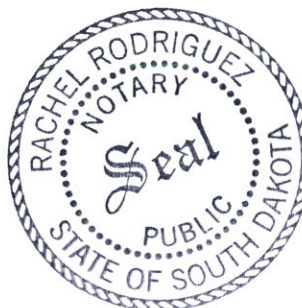
Date

Subscribed and sworn to before me, a notary public, this 21st day of Nov, 2025.



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

(SEAL)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 17, 2026

Settje Agri-Services & Engineering, Inc.
Attn Stephen Westerbuhr
15460 NW 48th St
Raymond, NE 68428
Delivered via email

Dear Mr. Westerbuhr:

The South Dakota DANR Water Rights Program has completed the Safety of Dams plans and specifications review for the Clark Darity stormwater basin submitted by Settje Agri-Services & Engineering, Inc. to be located in Section 3-T115N-R59W in Clark County. Due to the size and above grade water storage capacity of the proposed stormwater basin; it will fall under the regulation of South Dakota's Safety of Dam Rules. The purpose of a Safety of Dams plan and specification review is to determine compliance with the requirements of the Administrative Rules of South Dakota Chapter 74:02:08 Safety of Dams. The plans and specifications for the stormwater basin for Clark Dairy are approved for meeting the minimum design standards required for compliance with the requirements of the South Dakota Safety of Dams Rules, Chapter 74:02:08. Approval of these plans and specifications does not release Clark Dairy, the owner of the stormwater basin, from the responsibility for operating and maintaining them to ensure the safety of the structures.

These facilities will be classified as small sized category 3, (low hazard) dams. A category 3 dam is a low hazard dam whose failure may cause limited damage to agricultural lands or county or township roads or minimum economic loss. However, be aware, future downstream development could change this hazard classification and dams that have a change in hazard classification may need to be modified to meet the design requirements of the new classification. Additionally, the Water Rights Program does not have an inspection program for privately owned low hazard dams, so you are encouraged to develop an inspection and maintenance routine to help ensure the long-term safety of the structure.

If a set of as-built plans are prepared for this project, the Water Rights Program requests a copy of them for our records.

With this approval, the portion qualification 2 of Water Permit No. 8971-3 for this project requiring a plan and specification approval under the State's Safety of Dams Rule for this project has been complied with.

Please be aware that long term if the basin is to be significantly altered or reconstructed, additional plans and specification review for that work may be required.

If you have any questions regarding the Safety of Dams plans and specifications review for Clark Dairy, please feel free to contact Whitney Kilts with the Water Rights Program at (605) 773-3352 or whitney.kilts@state.sd.us

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer-DANR Water Rights Program

Cc: Riverview LLP via e-mail & DANR Livestock Services Program via email



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

CLARK DAIRY

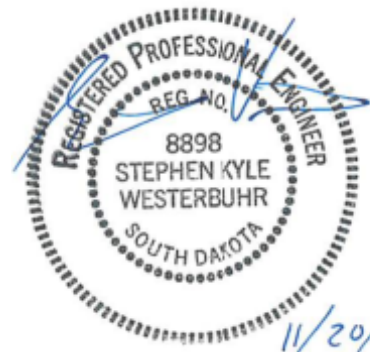
E 1/2 SECTION 3, T-115-N, R-59-W
CLARK COUNTY, SOUTH DAKOTA



PROJECT LOCATION
NOT TO SCALE

PAGE INDEX

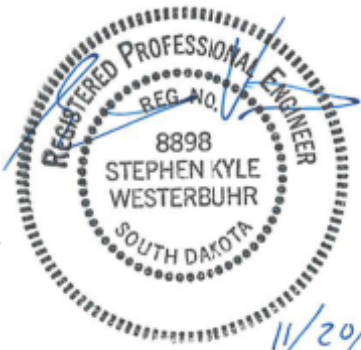
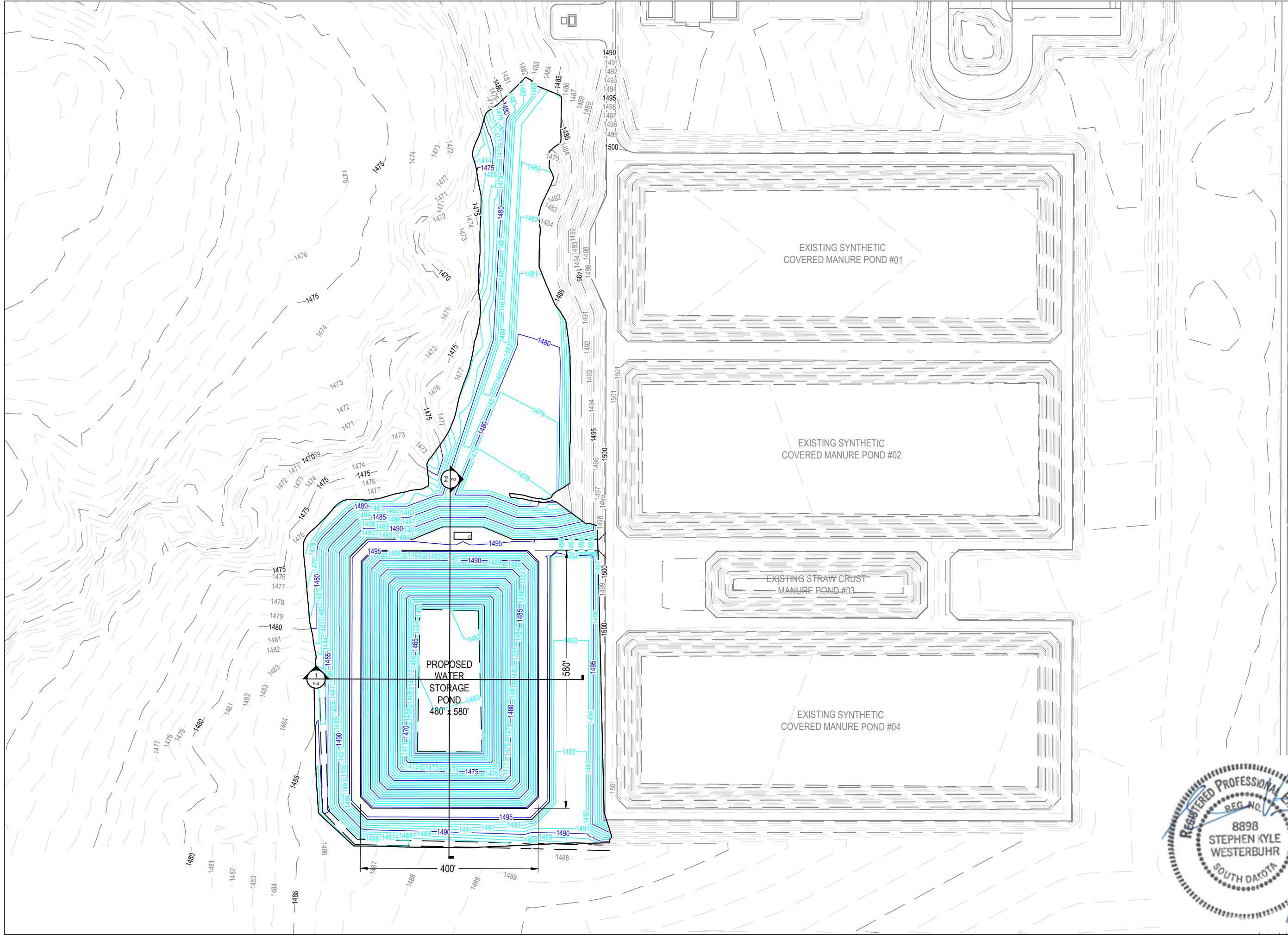
P-0	COVER PAGE
P-1	SITE PLAN
P-2	PROPOSED TOPOGRAPHY
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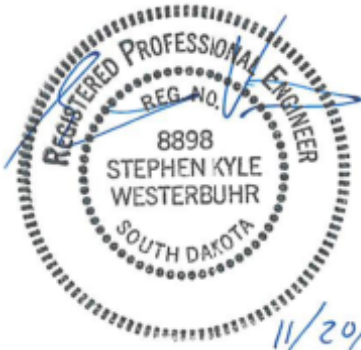
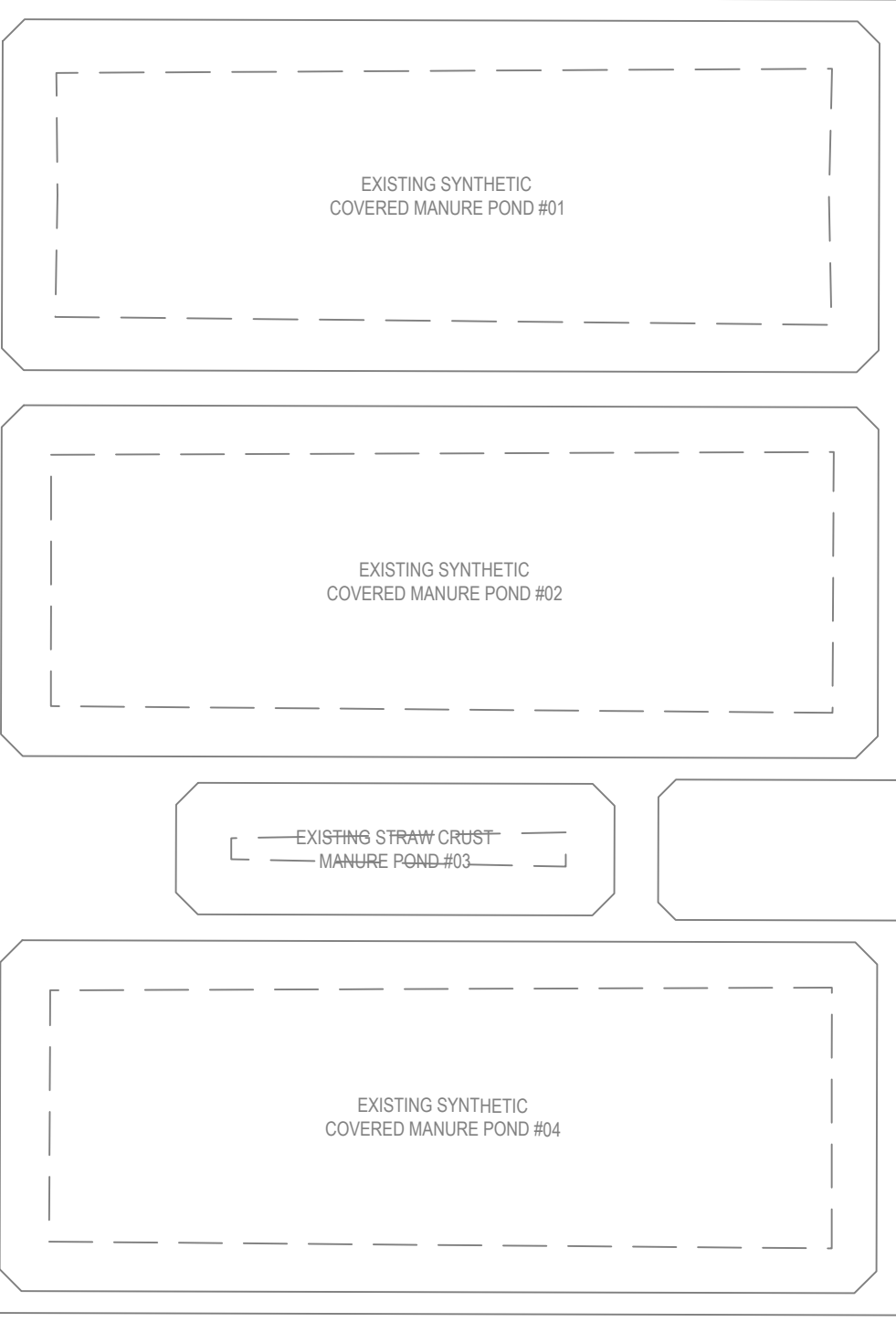
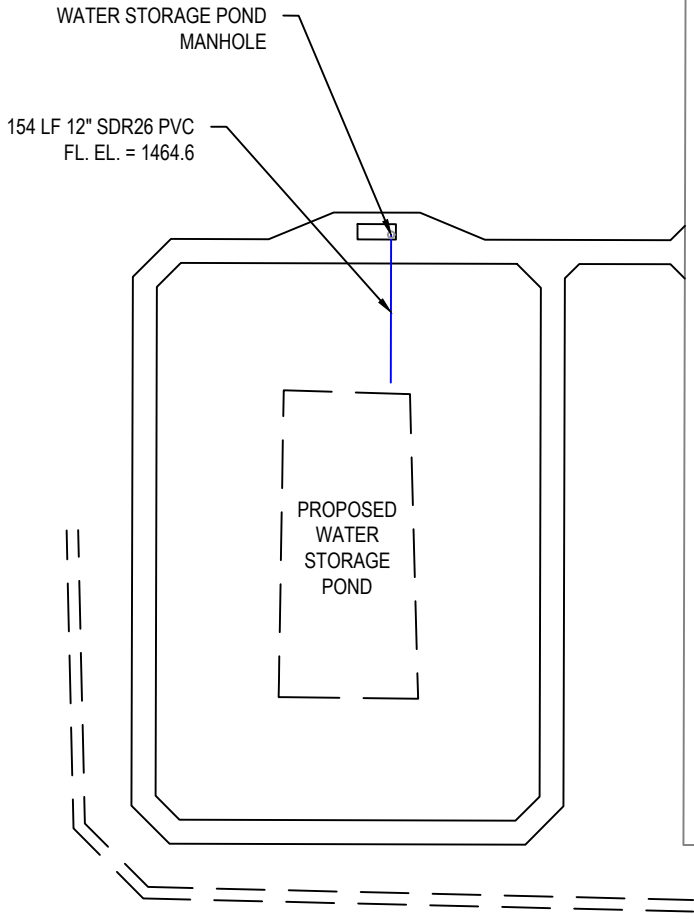
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	Drawn By	KMH
	Reviewed By	TZ
CLARK DAIRY E 1/2 SECTION 3, T-115-N, R-59-W CLARK COUNTY, SOUTH DAKOTA		
15460 NW 48th St. Raymond, NE 68428 Office: (402) 783-2100 Web Site: www.settje.com		
 Agri-Services & Engineering, Inc.		
P-0		



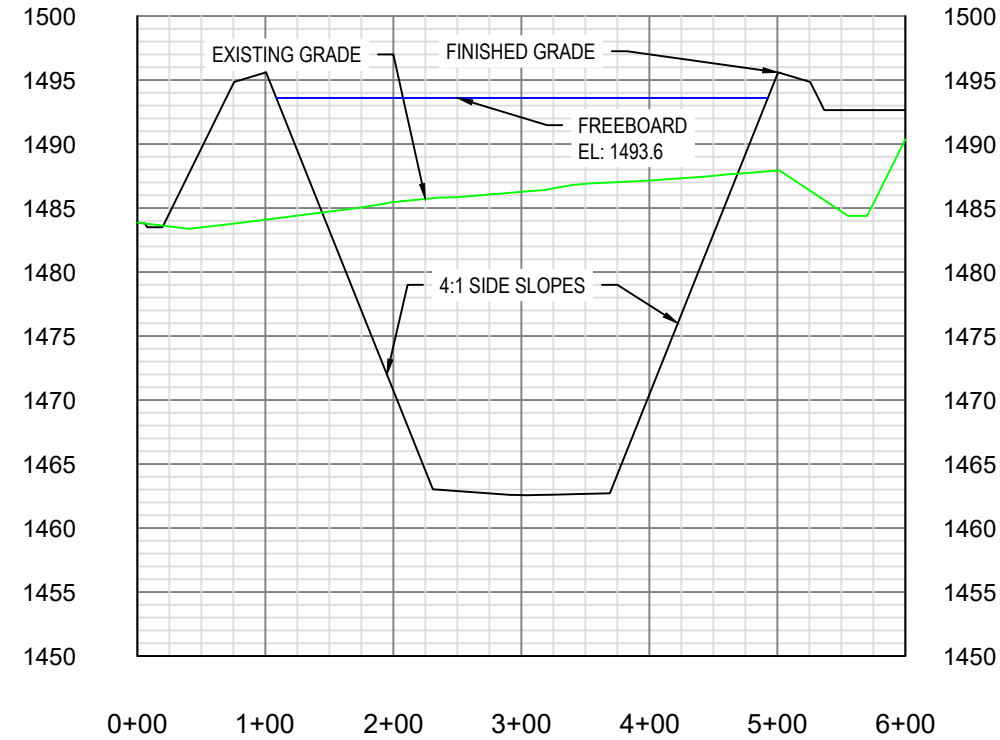
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	Reviewed By	TZ
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CLARK DAIRY E 1/2 SECTION 3, T-115-N, R-59-W CLARK COUNTY, SOUTH DAKOTA		
15460 NW 48th St. Raymond, NE 68428 Office: (402) 783-2100 Web Site: www.settje.com		
 Agri-Services & Engineering, Inc.		
P-1		



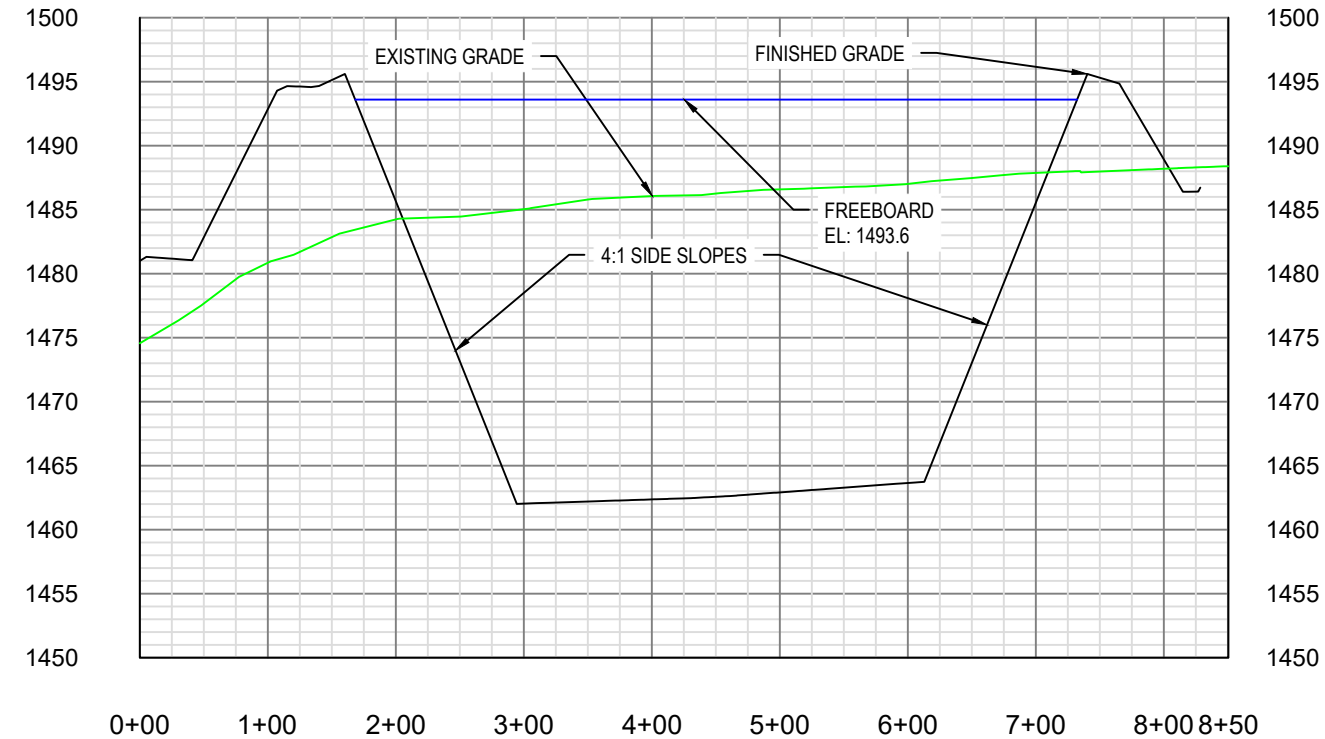
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15460 NW 48th St. Raymond, NE 68428 Office: (402) 783-2100 Web Site: www.settje.com		
 Agri-Services & Engineering, Inc.		
P-2		



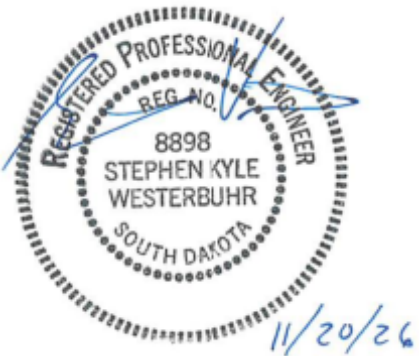
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			Date Printed	Drawn By	KMH
				Reviewed By	TZ
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CLARK DAIRY			E 1/2 SECTION 3, T-115-N, R-59-W		
			CLARK COUNTY, SOUTH DAKOTA		
15460 NW 48th St. Raymond, NE 68428 Office: (402) 783-2100 Web Site: www.settje.com			Agri-Services & Engineering, Inc.		
P-3			11/20/26		



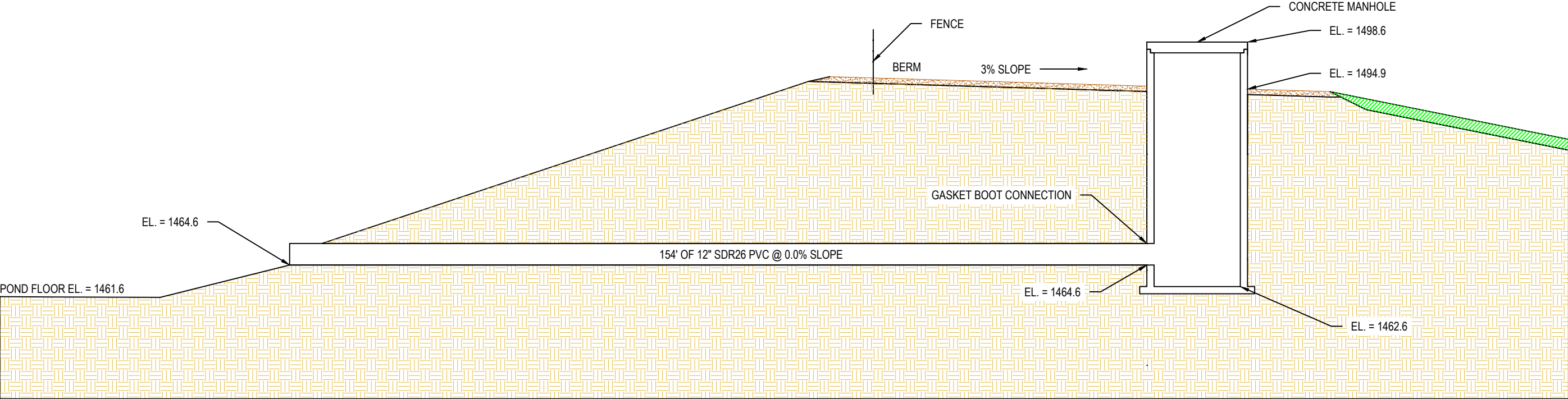
1 WATER STORAGE POND PROFILE
VERTICAL EXAGGERATION = 10:1



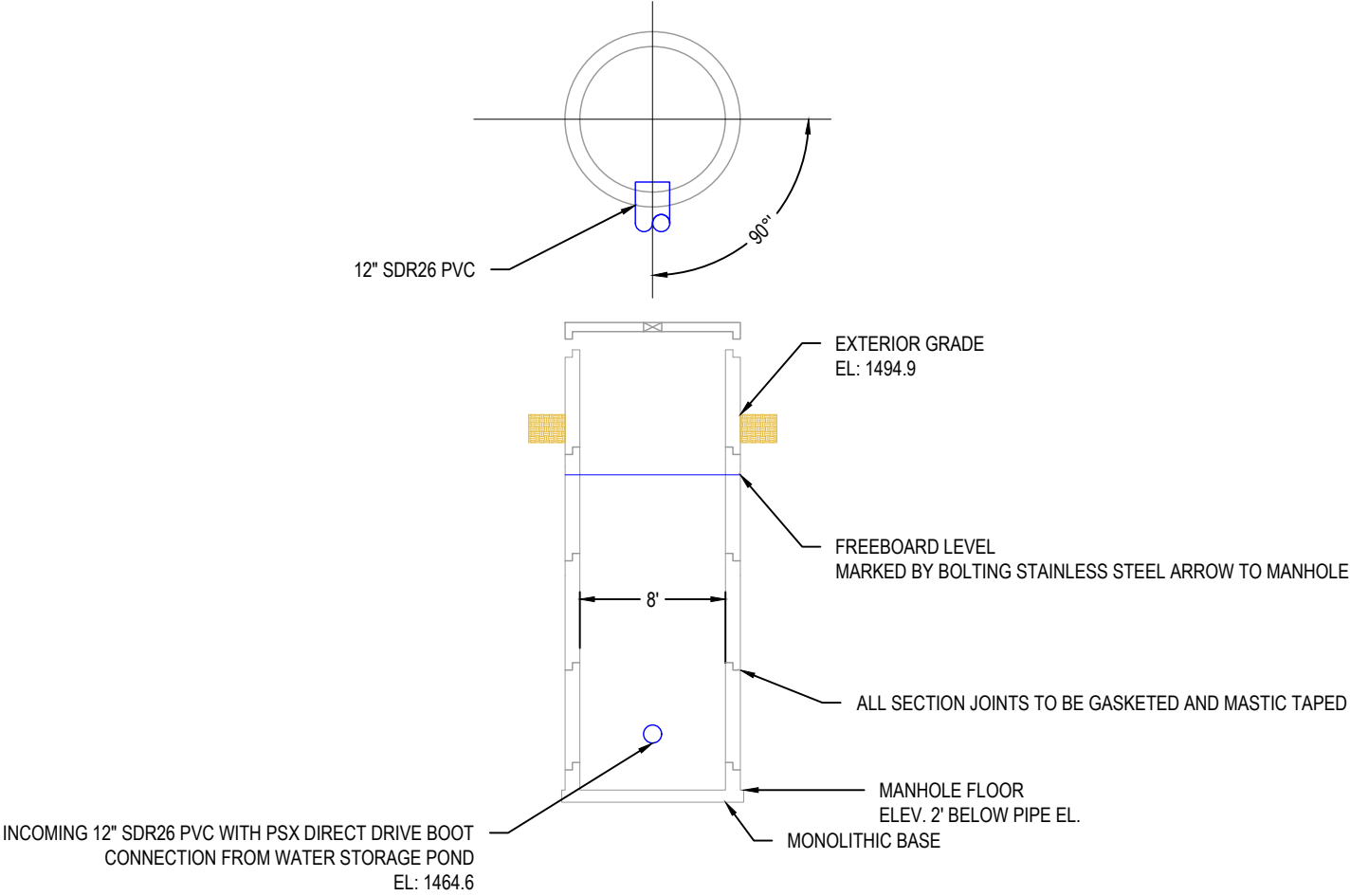
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VERTICAL EXAGGERATION = 10:1



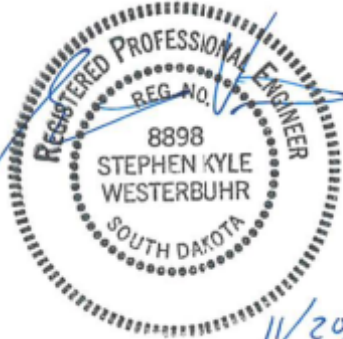
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	Reviewed By	TZ
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 Agri-Services & Engineering, Inc.		
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1 WATER STORAGE POND MANHOLE SECTION VIEW
NOT TO SCALE



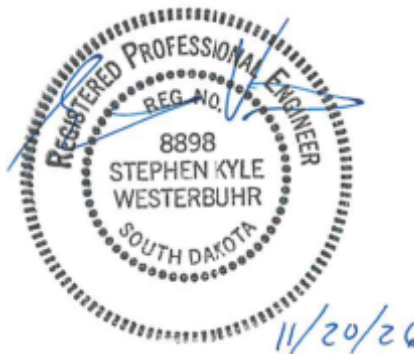
2 WATER STORAGE POND MANHOLE
NOT TO SCALE



1/19/26	Date Printed	1/19/26
KMH	Drawn By	KMH
TZ	Reviewed By	TZ
MANHOLE DETAILS WATER STORAGE POND		
CLARK DAIRY E 1/2 SECTION 3, T-115-N, R-56-W CLARK COUNTY, SOUTH DAKOTA		
15460 NW 48th St. Raymond, NE 68428 Office: (402) 783-2100 Web Site: www.settje.com		
		
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**Stage Storage Data
Water Storage Pond**

	Depth		Volume			
	Elev.	From Bottom	Cubic ft.	Acre ft.	Acre in.	Gallons
Overflow Level	1495.6	34.0	4,133,364	94.9	1138.7	30,919,626
	1494.6	33.0	3,906,474	89.7	1076.2	29,222,377
Freeboard Level	1493.6	32.0	3,687,221	84.6	1015.8	27,582,254
	1492.6	31.0	3,475,478	79.8	957.4	25,998,317
	1491.6	30.0	3,271,122	75.1	901.1	24,469,625
	1490.6	29.0	3,074,024	70.6	846.8	22,995,239
	1489.6	28.0	2,884,061	66.2	794.5	21,574,218
	1488.6	27.0	2,701,106	62.0	744.1	20,205,622
	1487.6	26.0	2,525,033	58.0	695.6	18,888,511
	1486.6	25.0	2,355,717	54.1	649.0	17,621,944
	1485.6	24.0	2,193,033	50.3	604.1	16,404,981
	1484.6	23.0	2,036,854	46.8	561.1	15,236,683
	1483.6	22.0	1,887,054	43.3	519.8	14,116,109
	1482.6	21.0	1,743,509	40.0	480.3	13,042,318
	1481.6	20.0	1,606,092	36.9	442.4	12,014,371
	1480.6	19.0	1,474,678	33.9	406.2	11,031,327
	1479.6	18.0	1,349,141	31.0	371.7	10,092,246
	1478.6	17.0	1,229,355	28.2	338.7	9,196,188
	1477.6	16.0	1,115,194	25.6	307.2	8,342,212
	1476.6	15.0	1,006,534	23.1	277.3	7,529,379
	1475.6	14.0	903,248	20.7	248.8	6,756,748
	1474.6	13.0	805,211	18.5	221.8	6,023,380
	1473.6	12.0	712,296	16.4	196.2	5,328,333
	1472.6	11.0	624,379	14.3	172.0	4,670,667
	1471.6	10.0	541,333	12.4	149.1	4,049,444
	1470.6	9.0	463,033	10.6	127.6	3,463,721
	1469.6	8.0	389,354	8.9	107.3	2,912,559
	1468.6	7.0	320,168	7.4	88.2	2,395,018
	1467.6	6.0	255,352	5.9	70.3	1,910,159
	1466.6	5.0	194,779	4.5	53.7	1,457,042
	1465.6	4.0	138,324	3.2	38.1	1,034,729
Drawdown Pipe	1464.6	3.0	85,861	2.0	23.7	642,281
	1463.6	2.0	37,572	0.9	10.4	281,055
	1462.6	1.0	6,126	0.1	1.7	45,823
Floor	1461.6	0.0	0	0.0	0.0	0





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 17, 2026

Brad Fehr
Clark Dairy
26406 470th Avenue
Morris, MN 56267

Re: Clark Dairy – Manure Management System
Additional Information Review

Dear Mr. Fehr:

The Department of Agriculture and Natural Resources received an updated site layout on September 15, 2026. Your operation received state permit coverage under the 2017 *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (general permit) on June 9, 2021, **permit number SDG-100422**. The manure management system is located in the East ½ and in the East ½ of the Northwest ¼ of Section 3, Township 115 North, Range 59 West in Clark County, South Dakota.

Your permitted manure management system is for a housed lot feeding a maximum of 11,000 mature dairy cattle. Your system consists of a freestall barn, milk parlor, feed storage pad, feed pad runoff basin, lift station, covered runoff holding pond, piping, solid separator building, a concrete solids stacking pad, two concrete tanks, an underground manure transfer pipeline, a digester facility, three covered holding ponds, one uncovered holding pond, and 24.7 acres of drainage area. The designed capacity of the holding ponds is for at least 365 days of liquid storage capacity.

You were required to submit an updated site layout in response to the department's August 12, 2026, operation and maintenance inspection when a new clean stormwater pond that had been constructed west of the dairy holding ponds was observed. This clean stormwater pond is covered under Water Right Permit 8971-3.

We have reviewed and hereby accept the updated site layout plan sheet. An electronic copy of the site layout plan sheet will be made available to you for your use. If you are unable to access the files, please contact the department.

Continued compliance is dependent upon you performing proper operation and maintenance activities. You will be liable for any noncompliance with applicable South Dakota environmental laws or regulations.

Brad Fehr
Clark Dairy
September 17, 2026
Page 2 of 2

Our review covers works of sanitary significance and does not cover items such as quality of material, structural soundness, or electrical and mechanical design features. Approval of the plans and specifications does not in any way release the applicant from the responsibility that the project will be an operable facility when construction is completed.

You are responsible for contacting the local planning and zoning office in the county where manure application will take place to determine if there are any local ordinances or requirements with which you need to comply. It is up to local government to enforce their local ordinances.

If you have any questions regarding the content of this letter, please feel free to contact Ben Myers, Livestock Services Program at (605) 773-4647. Thank you for your cooperation.

Sincerely,



Neal Konda, PE, Natural Resources Engineer
Livestock Services Program
Phone: (605) 773-4647

cc: Steve Westerbuhr, PE, Settje Agri-Services (email)
Clark County Commissioners
Luke Muller, F.D.A.L.G., Watertown, SD (email)
Gene Stegeman, SD DANR (email)
Adam Mathiowetz, SD DANR (email)