

**NOTICE OF INTENT TO MODIFY A PERMIT
AUTHORIZING THE USE OF WATER
FOR MUNICIPAL PURPOSES
IN O'BRIEN COUNTY, IOWA**

Notice is hereby given that pursuant to Iowa Code Chapter 455B, there is now on file with the Iowa Department of Natural Resources, 6200 Park Avenue, Suite "200"; Des Moines, Iowa 50321, an application as described below.

City View Farms East, Iowa DNR Log Number 34,700, requests a newly-modified water use permit authorizing withdrawals of water from three Cretaceous Dakota Sandstone wells, each about 500 feet deep, located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, and from one new Cretaceous Dakota Sandstone well, about 575 feet deep, in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, and from Waterman Creek, located in the NE $\frac{1}{4}$ of Section 15, all in T95N, R39W, O'Brien County, Iowa, in the maximum quantity of 78.9 million gallons per year at a maximum rate of 420 gallons per minute throughout each year for use in a cattle feeding operation on land generally described as the NW $\frac{1}{4}$ of Section 14 and the NE $\frac{1}{4}$ of Section 15, all in T95N, R39W, O'Brien County, Iowa.

The proposed permit modification represents the construction of the new Dakota well as described above. The instantaneous pumping capacity is being increased from 240 gallons per minute to 420 gallons per minute to facilitate operational flexibility.

The Department has determined that this use of water conforms to the relevant criteria (Iowa Code Chapter 455B and Iowa Administrative Code Chapter 567) and recommends the permit be granted. A copy of the summary report for the application is available upon request to the Department at the address listed above. Comments on the report and this use of water must be received by AUGUST 05, 2026, and should specify the Iowa DNR log number.

(By Michael K. Anderson, P.E.)

**IOWA DEPARTMENT OF NATURAL RESOURCES
WATER USE PERMIT SUMMARY REPORT**

Applicant: City View Farms East (O'Brien County)

Application Log No.: 34,700

City View Farms East, Iowa DNR Log Number 34,700, requests a newly-modified water use permit authorizing withdrawals of water from three Cretaceous Dakota Sandstone wells, each about 500 feet deep, located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, and from one new Cretaceous Dakota Sandstone well, about 575 feet deep, in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, and from Waterman Creek, located in the NE $\frac{1}{4}$ of Section 15, all in T95N, R39W, O'Brien County, Iowa, in the maximum quantity of 78.9 million gallons per year at a maximum rate of 420 gallons per minute throughout each year for use in a cattle feeding operation on land generally described as the NW $\frac{1}{4}$ of Section 14 and the NE $\frac{1}{4}$ of Section 15, all in T95N, R39W, O'Brien County, Iowa.

The proposed permit modification represents the construction of the new Dakota well as described above. The instantaneous pumping capacity is being increased from 240 gallons per minute to 420 gallons per minute to facilitate operational flexibility.

1. The newly-constructed well (as described above) is intended to provide redundancy to the system and help accommodate future demand.
 - The original permit was granted in the fall of 1966 following an extensive public hearing at the City of Primghar (proximate to the area in question). While it was contested at that time, it was granted subsequent to this hearing, and it has been renewed six times since with no objection and with no apparent effects on nearby users.
2. The nearest neighboring water use requiring the diversion of water in sufficiently large proportions to require a water use permit, lies approximately 2 miles northwest of the applicant's proposed withdrawal site, and involves the use of water for the irrigation of general and specialty farm crops. Whereas there is a significant distance between the two users, there should be no negative impacts created by said increased annual allowance and instantaneous rate on this distant neighboring user.
3. The source of water for this cattle feeding operation is the Cretaceous Dakota Sandstone Aquifer, composed of the Woodbury and underlying Nishnabotna sandstones. The Dakota Aquifer in the Sheldon vicinity provides water with poor to fair quality, which result from high concentrations of dissolved solids. This area is historically a reasonably producing aquifer, which supports some agricultural and municipal permits within this vicinity. The per capita water usage is in the acceptable range of water use for an operation of this size and consequent demand for water usage. No material effect on other wells in the vicinity is expected.
4. The well will have an 8-inch casing, and be about 675 feet deep. The public wells historically in this area show a sustained capacity of around 300 gallons per minute (GPM) and a drawdown of about 35 feet. In as much as the Dakota aquifer is a reliable and consistent water source in the Sheldon area, with no history of significant decline in static water levels, Iowa DNR anticipates few if any substantial impacts on water availability in the confined aquifer as a result of the Applicant's water use.
5. The utility's primary water source consists of Cretaceous Dakota Sandstone as described above. The geology of the northwest Iowa study area is characterized by a sequence of unconsolidated upper Cenozoic (less than about 5 million years) deposits, overlying Mesozoic Cretaceous (about 100 million years) sandstones, shales, and limestones, Paleozoic (520 million to 280 million years) sandstones, shales, and limestones, and Precambrian

(2.8 billion to 1.1 billion years) quartzites, granites, and related rocks. The major sources of groundwater in this area are the sandstones in the Cretaceous Dakota Formation.

6. Most of the water-producing sandstones in the Dakota Formation are found in the basal Nishnabotna Member, although scattered sandstones in the overlying Woodbury Member also yield significant amounts of groundwater. Iowa Geological Survey geologists have defined the Lower Dakota aquifer as the water-bearing sandstone and conglomerate units of the Nishnabotna Member and the directly adjacent and hydrologically contiguous sandstone bodies in the overlying Woodbury Member. An intensive one-year study of the geology and hydrogeology of this formation was undertaken to provide a more quantitative assessment of the aquifer, and to construct a groundwater flow model that can be used as a planning tool for future water development/beneficial use.
7. A numerical groundwater flow model of the Lower Dakota aquifer was developed using four hydrogeologic layers. The model was created using Visual MODFLOW version 4.2. Hydrologic processes include net recharge, hydraulic conductivity, specific storage, flow through boundaries, no flow boundaries, well discharge, river boundary, and groundwater upwelling. Insertion of this water usage into the model indicates that the aquifer can easily support this usage.
8. Based on the depth of the Applicant's wells and the aquifer associated with these wells, it is unlikely that persons living in the vicinity of the Applicant and having private (non-regulated) wells in a similar Dakota or Alluvial aquifer will experience any significant impact because of the proposed withdrawals by the applicant. In any event, the interests of individuals using water for domestic purposes, as well as those persons benefiting from the permits mentioned above, are amply protected, in the event of substantial injury, pursuant to Section 455B.271, Code of Iowa.
9. Whereas the Department has received no allegations of public or private damage resulting from the use of water authorized under the predecessors to this permit since the original permit was granted in September, 1966, the new well is justified by law, barring compelling circumstances to the contrary.
10. The applicant is using a reasonable amount of water in a beneficial manner. Cattle feeding is economically beneficial and contributes to the overall State of Iowa economic development. There is no evidence that the use of water pursuant to a permit granted in accordance with the conclusions contained herein will constitute a waste of the water resources of the State, will be incompatible with the state comprehensive plan for water resources, will impair the effect of pollution control laws of this State or the navigability of and navigable watercourse, or will be detrimental to the public interest or to the interests of property owners with prior or superior rights who might be affected.

THEREFORE:

The requested use of water conforms to the relevant criteria in Division III, Part 4, Chapter 455B, Code of Iowa and Chapter 52 of Part 567, Iowa Administrative Code. No adverse effect upon other water users is foreseen at this time. (No well interference has been noted.) Following publication of notice and subject to revisions in response to comments that may be submitted, the attached draft permit should be issued for a period of ten years.

Water Supply Engrg. Section

Date: July 08, 2026

IOWA DEPARTMENT OF NATURAL RESOURCES

WATER USE PERMIT

Permit issued to:	Permit Number:	2026-M7
CITY VIEW FARMS EAST	Effective:	XXXXX
JAMIE FRANKEN	Expires:	XXXXX
4135 YELLOW AVE		
SUTHERLAND IA 51058-7433		

The Permittee is authorized to:

withdraw water from three Cretaceous Dakota Sandstone wells, each about 500 feet deep, located in the NE ¼ of the SW ¼ of Section 14, and from one new Cretaceous Dakota Sandstone well, about 575 feet deep, in the SW ¼ of the NE ¼ of Section 14, and from Waterman Creek, located in the NE ¼ of Section 15, all in T95N, R39W, O'Brien County, Iowa, in the maximum quantity of 78.9 million gallons per year at a maximum rate of 420 gallons per minute throughout each year for use in a cattle feeding operation on land generally described as the NW ¼ of Section 14 and the NE ¼ of Section 15, all in T95N, R39W, O'Brien County, Iowa.

This authorization to withdraw water has been granted pursuant to the provisions of Part 4 of Division III of Chapter 455B, Code of Iowa, and Chapters 50 of Part 567, Iowa Administrative Code, and is further subject to the general permit conditions within this permit.

Conditions of this permit may be appealed as provided in rule 567--50.9, Iowa Administrative Code. Appeal must be in writing and must be received at the Iowa Department of Natural Resources, EPD/Water Supply Engineering Section, 6200 Park Avenue, Suite '200' Des Moines, Iowa 50321 within thirty days of the date of the certification of the mailing of the permit.

FOR THE DIRECTOR:

By: _____ Date Executed: _____
(mka)

cc: Field Office No. 3 - Spencer
Permit File #2026

CERTIFICATE OF MAILING

On the date shown below, a copy of the foregoing permit was mailed to the Permittee and to each person entitled to receive a copy as provided by rule 567--50.8(2), Iowa Administrative Code.

Certified by (initials): _____ Date: _____

GENERAL PERMIT CONDITIONS

1. Permittee shall maintain accurate and up-to-date records of water use from said sources and submit them annually to the department. Additional records on pumping rates from said sources, water levels in said wells and other data related to the regulation of this use of water shall be maintained and submitted as directed by the department.

2. Permittee shall be responsible for securing such other permits or approvals as may be required by this department, federal, or local governmental agencies for the operation of said irrigation system or the discharge of water or other materials due to this operation.
3. Permittee is responsible for compliance with all applicable provisions of state law and the rules and regulations of this department and of federal and local health and water pollution control agencies in the operation of its cattle feeding operation and in the disposal of its wastes.
4. Once each spring prior to March 31, the Permittee shall be responsible for accurately measuring the distance to water (static water level) from the access port in all permitted wells. The distance to water shall be submitted to the department annually as part of the records of water use.
5. Permittee shall construct, maintain, and monitor observation wells, as directed by the department to define the effects of perimeter's water withdrawals on groundwater resources or on other water users who might be affected by the withdrawals authorized herein.
6. Permittee shall provide screening on water intakes as required in Section 109.14, Code of Iowa, to protect fish and other aquatic life.
7. Permittee may withdraw water from Waterman Creek only at such times as the wells will not furnish sufficient quantities of water for the required use.
8. Permittee shall cooperate with representatives of the department to determine that the authorized withdrawals do not violate the stream withdrawal restriction imposed herein.
9. Permittee shall provide for the downstream discharge of that portion of the natural flow in said stream that is required to prevent material damage to downstream users.
10. Existing wells shall not be replaced without notifying the Iowa Department of Natural Resources. Changes to the location, depth, source aquifer, or other physical features of said wells may require that this permit be modified to accommodate the changes.
11. With respect to each proposed or replacement well authorized as a source of water in this permit, withdrawals of water may be made only after the Permittee has made the following information available to the Iowa Geological Survey: well location, well log, casing and grouting schedule, results of yield tests, and cutting samples.
12. Each proposed or replacement well authorized as a source of water in this permit must be equipped with an access port having a minimum diameter of three-fourths inch. The access port must be equipped with a threaded cap or plug. The access port must be located to allow insertion of a steel tape or electric probe into the well casing for measurement of water levels. Any future well that is constructed to replace an existing well which is authorized for use by this permit must also be equipped with such an access port.
13. Permittee shall submit to the department within 90 days of being notified by the department, or no later than the expiration date of this permit, whichever first occurs, a plan for implementing routine day-to-day water conservation measures and for implementing emergency water conservation measures during periods of water shortage. Until such a plan has been submitted to and approved by the department, Permittee shall implement those emergency water conservation measures determined to be necessary by the department pursuant to Iowa Code Sections 455B.265 and 455B.266.

14. This permit supersedes Water Use Permit No. 2026-M6.

CAVEAT

Permittee is advised that pursuant to Section 455B.271, Code of Iowa, the authority to withdraw water provided by this permit may be modified, canceled or suspended in case of any breach of the terms or conditions herein, in case of any violation of state law pertaining to the permit, or if found necessary to prevent substantial injury to private or public interests.