

April 24, 2022

Re: Log #31772 – Tammy Thompson Comments submitted for Public Hearing April 25th, 2022.
Water Use and Allocation Permit – Supreme Beef, Monona IA.
Application # 10172

Comments:

This permit log #31772; application #10172 is up for renewal in May. This permit is being request by Jared Walz to be renewed as is with no modifications. I dispute this request for the following reasons below. This permit should NOT be renewed as by doing so would result in unreasonable use for only their (the applicant's) personal gain and negatively impacting residents of the near by communities of Monona and Farmersburg as well as nearby domestic well and cattle farming users.

In 2017, after the original water use permit was granted I filed a complaint with the Manchester DNR office regarding the inaccurate information submitted in the water use application filed by Michael Walz. At that time, I was made aware that the permit could not be rescinded because the permit had already been issued.

The application that was filed had misleading information and it is my opinion that this application was knowingly submitted with inaccurate information. The application indicates that there needed to be an inventory of nearby wells and that the 3 closest privately owned wells were to be identified in an aerial map with distances marked. In review of the aerial map submitted with the application #10172; my home (at 22129 Highway 18 Monona IA) and well were not identified in the permit application. And upon further inspection it is blatantly obvious that our residence is the closest in proximity to the West well at approximately 2,114 feet. Instead, Michael Walz submitted and identified privately owned wells that were further distance than ours and failed to even list ours within the application. Of the 4 wells listed, only two of the four wells were domestic. The other two have no homes on the property (one a hog confinement facility and the other with beef cattle.

The wells identified in the application were 2,625 feet (Lamker), 3,915 feet (Connor), 4,805 feet (Schroder) and 5,885 feet (Meyer). The last well at 5,800 feet is nearly triple the distance than our well. If measurements were to occur from the East well to our well, we would also be closer in proximity than the well at 5,800 feet.

I have been recently included in some emails with the State DNR offices (Ms. Cline and Mr. Poppelreiter) regarding the renewal process of this permit and any comment period that is allowed at the time of renewal. In an email from Ms. Cline to Steve Vesey on January 18, 2022 the following is stated: "if a permit has no major modification, complaints or violations, the permit is renewed at the time the permit holder signs the renewal form" and is renewed as is. Unless a permit were to require major modifications, violations or complaints. I interpret her response to be the following: if there were major modifications needed to the permit, complaints or violations a new permit would need to be filed and a public comment period held. It was indicated that the complaint would need to be filed with the nearest field office.

With that information being revealed by Ms. Cline in her email on 1/18/22 and the fact that my original complaint in 2017 could not be taken into consideration, I formally issued a second complaint against the Water Use permit issued to Michael Walz W6 Farms in April of 2017 to withdraw 21.9 million gallons of water per year. Additionally, I issued a complaint that the information contained within the

application was falsified and knowingly submitted without regard to the distance and proximity of our privately owned well at 22129 Highway 18, Monona IA 52159.

My husband and I have resided at this address and own the home and property for the last 22 years. It is very evident that our house is occupied and has been even before the Supreme Beef facility was constructed. I fully allege that Michael Walz submitted this application without our property identified to shorten the permit application review process and avoid potential red tape in achieving his water use permit for 21.9 million gallons of water per year. This permit was “pushed through quickly”, according to the field office staff person I spoke to in 2017 (which was Mr. Brian Jorgensen or Mike Anderson- I had conversations with both).

I also filed a complaint with the State DNR office in February on 2/9/2022. I am making the request that the renewal of the permit as is not be renewed as I assume that missing information within an application would justify a major modification to the original permit and no longer be valid due to its inaccuracy and would warrant a new permit application being filed.

Unfortunately, the DNR office has continued to ignore my complaints and emails in February, requesting a new application and refile of the permit application with accurate information. Instead, today we are having a public hearing on a permit renewal request that has been submitted with no changes or modifications by Jared Walz and Supreme Beef. The DNR has had numerous comments and complaints on the inaccurate filing of the permit in 2017. Many experts have come forward with information and calculations that differ from the DNR review in 2017, yet the DNR continues to ignore all of this information.

1. Why is the DNR not addressing this? The applicant under predicts the amount of water that will be used at this facility. The experts find that two times the amount of water is needed for the cattle at this facility.
2. Why does the DNR calculations and review not support this finding?
 - a. What are your calculations and methods of determining that this facility will not impact the health and well-being of the community around the facility?
3. Who is the DNR really supporting? One family with only the intent of personal gain or the Communities and residents in Northeast Iowa? It appears you only support the personal gain of one family and no intention of protecting the environment and our precious resources.
 - a. Who does the DNR really work for when it comes to permitting such a facility? What are your connections with the politicians in Des Moines? It is very evident that you work for and only do what Senator Dan Zumbach wants. He has a personal interest in this facility.
4. Please speak to why Senator Dan Zumbach is included in the emails from the DNR internally and externally on this facilities water permit application. His email or his office staff is included in the emails that were requested as an open record request in February by Steven Veysey.
 - a. Was his influence the determining factor of this application being permitted? It certainly isn't based on science or this permit would not have been issued.

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Comments:

General permit conditions (GPC 2 requires an accurately measured static water level in the spring of each year.

1. Was this submitted in 2021? We are now in the Spring of 2022, was a level submitted in 2022?
2. The GPC 2 requires an “accurately measured static water level”. An “accurately measured static water level would lead one to believe that this is done by someone (other than the permit holder, with a calibrated instrument).
 - a. Who does/did the measuring?
 - b. If the permit holder does/did this, was someone from the DNR present during measurement?
 - c. How do you know it is accurately reported?
 - i. If the permit holder obtains the static water level measurement than this would not meet permit condition #2. This would most likely represent an “estimated measure of static water level, not “accurate”. Accurate measurements could only be obtained via a calibrated instrument and someone that is not the permit holder. This is the only true indication of an accurate static water level.
 1. How does the DNR interpret the word “accurate” in this permit condition?
3. As evidence in the 2017 permit application the applicant does not truthfully depict the closest privately owned domestic well. The applicant left off the closest well and cites 4 others farther away.
 - a. How do you account for the inaccurate information submitted by the permit holder?

It is my belief this was done purposefully to avoid a more in-depth analysis of the permit application. This was a conclusion that I came to after speaking with Mike Anderson and Brian Jorgenson in the Spring of 2017. I was told that this application was “pushed through quickly”. When I contested the approved application, it was stated that it would cost me a lot of money to legally contest an approved permit. Instead, I was sent a document by Mike Anderson titled: TECH BULLETIN 23: GUIDELINES FOR WELL INTERFERENCE AND COMPENSATION. And a guide on how to measure my water level.

1. Why does the DNR state that water withdrawal in the amount being requested would not interfere with area wells? They must certainly have a fear that interference could happen or they would not have sent me this document on October 18, 2017.
4. Sink holes were left out of the permit application. The review document only mentions one at 2,000 feet from the wells.
 - a. Why were the other four sinkholes not included in the permit review? The DNR clearly knew about them. They showed up in a map 20 days later (after the permit was approved.) There are also emails documenting and referencing these sinkholes. In fact an email contained the statement “the area is full of sink holes”.

- i. This is a statement taken directly from an email written by Nic Row to members of Supreme Beef and Senator Dan Zumbach. As I stated in another comment, why was Senator Dan Zumbach included in this email? Is it customary to have a State Senator included on water use permit applications? I suspect it isn't customary, we already can conclude that Senator Dan Zumbach and his office was the major influencing factor in the permitting process. If he wasn't than why was this permit application and approval any of his business, unless he was personally involved.
- 5. Item 4 of the GPC-
 - a. Did the permit holder notify the DNR of their 9 notices of violation with their storm water permit? Wouldn't the DNR want to know this information for future renewals? Clearly, there is a pattern of violation. What makes the DNR think there won't be violations of the water use permit? Nine violations is a lot, and seems habitual to anyone with common sense.
 - i. This is also a reason why we can conclude the permit holders aren't truthful and capable of reporting accurate information when it comes to the provisions of GPC 2 and 4.
 - ii. This behavior is merely evidence that would make one assume any static water levels reported by this permit holder to only be "guesstimations" and not "accurate measurements".
- 6. Are there observation wells? Are these required? If they are not required, why not? Why are there no observation wells? Would this not be a way to guarantee an accurate measurement of static water level?
- 7. Review Documents refer to the Jordan aquifer as an "uncharged aquifer. Water levels reported in the aquifer date back to 1978.
 - a. How can the DRN assume the water level is still the same as it was the last time it was reported?
 - b. The last several years have been "drought" years with lower than normal rain and snowfall. How can you conclude that there is "enough" water to continue issuance of a permit for over 21 million gallons of water per year?
 - i. Expert scientists report 21 million gallons of water a year to be under estimated. Scientists report 42 million gallons per year for 11,600 head of cattle.
 - ii. Why does the DNR realize that 21 million gallons is too little? Do you not confirm calculations? What is your process for determining that what was requested in the permit application accurate and enough? Why do your estimations differ from Scientists? Wouldn't you base your decision on Scientific Fact? This only accounts for the water the cattle will consume.
- 8. Is the DNR aware of or is it described in the permit application that not only will millions of gallons of water be used for watering cattle, but additional millions of gallons will be needed to flush manure pits under 6 of the barns on a daily or every other day basis?
 - a. The pits under the barns are shallow and were planned to be flushed daily at the time of the 2017 application. When the application was created in 2017, this was a "renewable energy production facility, i.e., a digester would be used to create energy. This facility is no longer this type of operation. Instead, this is now a large cattle feeding operation.

- b. Water needs are required to adequately flush these barns. Currently this flushing occurs every other to every two days and as of today are not completely full and operational, but semis of cattle continue to arrive daily with more cattle.
 - i. How do I know this? I live about 1,000 feet from the three west barns. I smell it. Flushing these barns requires a large amount of water.
 - ii. How can the DNR conclude that flushing barns is a “beneficial” use of our precious water resources? Watering cattle is one thing, but using millions of gallons of water to flush manure from barns is not or should not be considered “beneficial Use”. It is wasteful more than anything. Shouldn’t they be required to have a “waste water permit”?
9. Item 10 of the GPC:
- a. Do you have a copy of the Supreme Beef Water conservation plan, as required in item 10 of the GPC?
 - b. Has the plan been approved?
 - c. If it hasn’t been received by the permit renewal date, the permit cannot be renewed. Is this a correct assumption?
 - d. If the plan has been approved, does it accurately reflect the intent of water use? Does it mention requiring large amounts of water to flush barns? How will Supreme Beef reduce water use, in the event there is a water shortage? Is this public information? If so, why cannot it not be obtained? It was requested by Steve Veysey, was this sent to him?
 - e. Would the DNR consider, water use for flushing barns a reasonable and necessary request? One would think that human welfare and would override the importance of water needs for barn flushing. This would not be a reasonable and necessary request.
 - f. How does the DNR plan to handle this facilities water use should there be a water shortage? What will the DNR’s plan be to reduce water use at this facility? Do you have a plan? The DNR provided me with TECH BULLITEN 23, this certainly should not be the only measure the DNR takes, what will the DNR do, if there is a water shortage?
 - g. Does the DNR feel that it is reasonable and necessary or is it beneficial to allow a facility this large the right to withdraw millions of gallons of water to flush cattle barns?
 - h. Would flushing cattle barns be more important than ensuring that all domestic wells in the area continue to have enough water to meet their needs?
 - i. I disagree!! Allowing a permit holder to withdraw millions of gallons of water is high risk and would negatively impacts the Health and well being of allother domestic wells in the area.
10. By the way- the scientists show more than 92 wells that would be impacted from negligent use and permitting of this facility.
- a. When it comes to the Health and Well being of area well users (including the Thompson well 1200 feet from these permitted wells and this facility); it is not reasonable nor a benefit to permit such a facility to use millions of gallons of water to flush manure pits. This is not in the 2017 application and it should be.
11. The water permit decision should be based upon science and facts- not political loopholes or political influence? Where is the DNR’s science and facts supporting the approval of this

permit? Clearly the DNR decision was based on politics not science? Again, Senator Dan Zumbach is included in your permitting emails? Why?

12. According to the Iowa Code: Water withdrawal permits that are granted shall not result in pollution or pose an unreasonable risk to the health and wellbeing of area residents and wells.
 - a. There are sinkholes 1,000 feet from the barns and manure holding areas. You are permitting millions of gallons of water to be used to flush manure from barns into a lagoon that sits in a FEMA flood plan (by the way this is illegal) and sits within 1,000 feet of five sink holes. The “flush pit”, on the north side of the operation sits even closer to these sink holes. The DNR ignores the sinkholes in their review documents and doesn’t account for them.
 - b. This permit should not be renewed because the DNR is permitting millions of gallons to be used to flush manure pits into basins that sit within 1,000 feet of sink holes and in a known flood plain. Steve Veysey points this out in his documents shared with you.
 - i. Does the DNR recognize that water permitted in the water use application and used to flush manure from barns, is and will ultimately result in pollution of Iowa’s water? This is an unreasonable risk to the health and wellbeing of area residents and wells.
 - ii. Can the DNR provide an answer to justify this water use as reasonable and not risky to the health and wellbeing of area residents? What is the DNR’s comment and statement on this?
13. According to GEsam 50% of wells in Clayton County are less than 300 feet deep. 350 wells are less than 200 feet deep. My well is approximately 250 feet deep. If you didn’t think 21 million gallons of water withdrawn every year by Supreme Beef would affect the withdrawal rates on my well, (or didn’t think this water withdrawal would interfere with my well).... Why did Mike Anderson send me the TECH BULLETIN 23: Guidelines for well interference and compensation?
14. The DNR claims in their permit review that SB water withdrawal won’t affect levels and delivery rates from my well. How do you know? Do you account for the water needs of my cattle and goats at my home? I suspect you did not.
 - a. The scientists report that withdrawing 21 million or more gallons a year of water out of the Jordan aquifer will create a “cone effect” and deplete water in the wells that are less than 300 feet deep. What does the DNR know about the cone effect and how does the DNR conclude this would not be true? Any lay person would know that withdrawing high amounts of water at 600 feet deep, would deplete water levels in shallower wells first. How does the DNR not recognize this and why is it not part of your permit review? Does the DNR realize that you are jeopardizing hundreds of shallow well users and their ability to access water?
15. The permit application is permitting 100 gallons per minute of water for agricultural use for approximately 10,000 head of cattle in an open feed lot and used in the production of livestock.
 - a. Does this include the amount of water to flush manure pits? Is this really “agricultural use” One would think it would be “wastewater use”.

Section 3 Option A of the permit states that if any conditions in your current authorization ((# and location of wells/intakes, pumping rates and requested water allocation has changed you will need to modify this permit.

1. This facility is now approved for 11,600 head of cattle and barn flushing is not listed or accounted for in this permit application.
- ii. Actually the # of gallons is drastically underestimated.
 1. Scientists data show 42 million gallons of water are needed for this many cattle.
 2. Flushing pits is not accounted for in their calculations either.

In 2017, two wells were drilled. One of the original wells was plugged in 2021 and a new well re-drilled in another location-

- a. Doesn't this need to be reflected in the permit renewal? Clearly the new well is not in the location of the stated/intended wells.
- b. Jared Walz checked the "please renew without changes box of the current permit.
 - a. How is a new well drilled in 2021 and the original well plugged in 2021 not considered a change in well location?
 - b. The # of permitted cattle in 2017 was 10,000. Now it is 11,600. 1,600 head more than the permit allows. Shouldn't this require an updated permit application?
 - c. The Thompson well 1,200 feet from the original West Well is not in the permit application, which makes the original application false and misleading. It misrepresents the actual locations of the nearest wells.
 - i. This should be changed in the permit documents, it doesn't give a true picture to the permit reviewer of impacted wells.
 - ii. How can a well in use for longer than this facilities existence be missed by the applicant and the DNR's initial review?
 - iii. The fact that the Thompson well was left out of the application should make the application invalid because they didn't identify the closest wells and I would argue that the applicant did not make a good faith, honest representation of the nearest domestic privately owned wells.
 1. How could the applicants, who are life long residents in the Monona Community not know someone resides and uses the well nearest the facility- We have lived at our home for 22 years!

Please reject the renewal of this water use permit. The DNR has a lot of questions that need to be answered before proceeding with this permit renewal. The DNR should speak to all of our questions and inform the public why they choose to continue to ignore science and Iowa codes and allow this much water to be removed from our aquifers. Quit working for Dan Zumbach and work for the residents of Northeast Iowa.

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