

WATER PERMIT NO. 3748A-3

Name of Applicant: **Glendale Hutterian Brethren**

Address: **17866 Glendale Drive, Frankfort SD 57440**

Phone: **605-472-1247**

Amount of Water Claimed: **No Add'l**

Total Acres: **No Add'l**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation**

County: **Spink**

Type of Waste Disposal System:

Location: **Approx. 6 miles southeast of Frankfort**

PRIORITY Date Received: **01-27-25**

Application/License Fee: **\$300.00**

Corrected Application Received: **02-24-25**

Period of Annual Use: **April 1 – October 31**

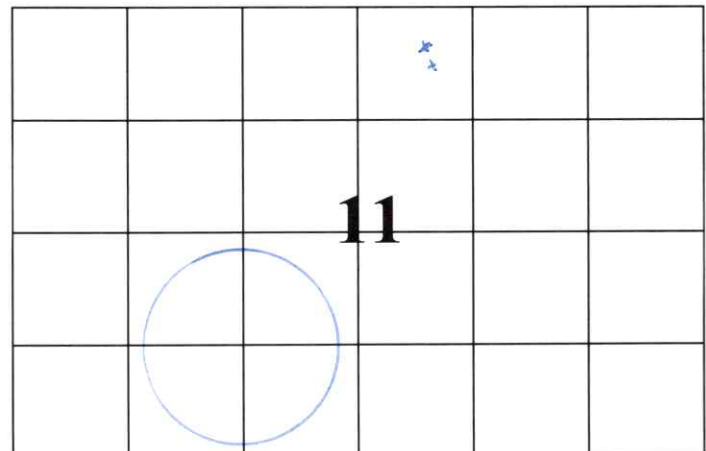
Remarks: **No additional acres or diversion rate, using 2 existing wells and relocating acres.**

Diversion Point: **NW 1/4 NE 1/4 Sec 11-T115N-**

R62W

Land to be Irrigated: **SW 1/4 Sec 11-T115N-**

R62W



Depth of Well: **140**

Well Driller:

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **02-26-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 3748A-3

Date of first receipt of application January 27, 2025.

Date of return to applicant for corrections, amendments or changes February 3, 2025.

Date of receipt of corrected application February 24, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 3748A-3 to Glendale Hutterian Brethren, 17866 Glendale Drive, Frankfort SD 57440, 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. 3748A-3 amends Water Right No. 3748-3 by changing both the location of irrigated acres and diversion rate authority to a new location. Water Right No. 3748-3 appropriates 1.46 cubic feet of water per second (cfs) from one well completed into the Tulare: East James Aquifer located in the NE 1/4 NE 1/4 Section 20 for irrigation of 102 acres located in the NE 1/4 Section 20; all in T115N-R61W. This permit relocates the 102 irrigated acres to the SW 1/4 Section 11 to be irrigated from two existing wells completed into the Tulare: East James Aquifer (140 feet deep), located in the NW 1/4 NE 1/4 Section 11; all in T115N-R62W. This amendment does not authorize an increase in either the 1.46 cfs diversion rate, or 102 acres, authorized by No. 3748-3. This site is located approximately seven miles southeast of Frankfort SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is January 25, 1977.
4. The date of approval of Permit No. 3748A-3 is May 19, 2025.
5. One-fifth of the construction is to be completed on or before November 19, 2027.
6. All construction is to be completed on or before May 19, 2030.
7. Water is to be put to beneficial use on or before May 19, 2034.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under Water Permit No. 3748A-3 are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

6/11/25
date



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

PAID

JAN 27 2025

Ck# 42699

Rec't#

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>3748A-3</u> Hydrologic Unit <u>1016 0006</u> Basin <u>James R</u> Newspaper <u>Redfield Press</u> <u>Huron Plainsman</u> (office use only)
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Application for Permit to Appropriate Water for Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 3748-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
relocate the 102 ac pivot & 1.46 cfs (authorized by WR No. 3748-3) from the NE 1/4 Sec 20-T115N-R61W to the SW 1/4 Sec 11-T115N-R62W and utilize the wells developed under WR No. 1876-3 as diversion points

1. Name to Appear on Irrigation Permit Glendale Hutterian Brethren

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

Mailing Address 17866 Glendale Dr Frankfort SD 57440
(Address) (City) (State) (Zip Code)

Phone 605.472.1247 Mobile 605.460.0013 Email

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

3. Source of water supply 2 wells (T:EJ)

4. Location of point of diversion 2 existing wells located in the NW 1/4 NE 1/4 Sec 11-T115N-R62W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used April 1 - October 31

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

Land Description	Acres	Land Description	Acres
SW 1/4 Sec 11-T115N-R62W	102		

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

The 102 acres authorized for irrigation under WR No. 3748-3 will be relocated to the SW 1/4 Sec 11-T115N-R62W and the wells developed for WR No. 1876-3 in the NE 1/4 NW 1/4 Sec 11-T115N-R62W will be utilized as diversion points. Diversion of water to this system will be limited to 1.46 cfs, per WR No. 3748-3.

I, John K. Lemm, 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.

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)

2021-08

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JAN 27 2025

OFFICE OF
WATER

Supplemental Information

(type or print)

Well auth. under 1876-3

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 2 Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

- c) Well Depth (required) 140 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

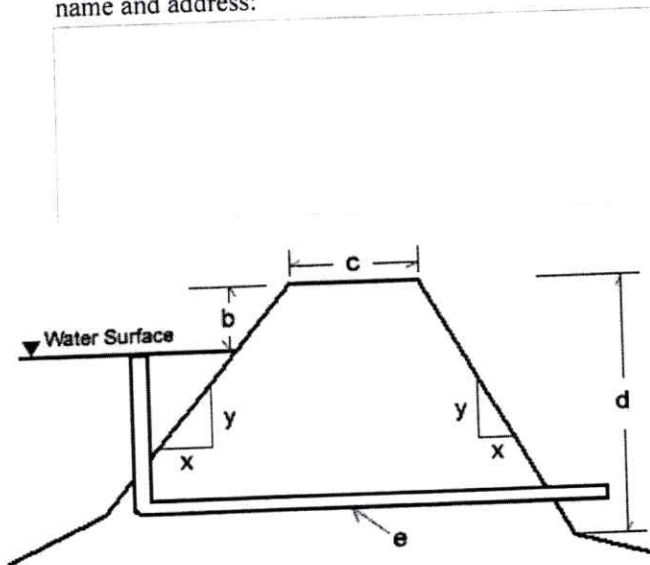
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

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JAN 27 2025

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WATER

116N 62W
Section: 34

116N 62W
Section: 35

116N 62W
Section: 36

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FEB 24 2025
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WATER

115N 62W
Section: 03

115N 62W
Section: 02

115N 62W
Section: 01

115N 62W
Section: 10

10160006 Middle James

115N 62W
Section: 11

James

115N 62W
Section: 12

115N 62W
Section: 15

115N 62W
Section: 14

115N 62W
Section: 13

Zwells

115N 62W
Section: 02

115N 62W
Section: 01

See file documentation dated February 24, 2055

Proposed well

115N 62W

179 ST

Two wells side-by-side about 10 feet apart

115N 62W
Section: 11

115N 62W
Section: 12

500 AV

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 30th 2025

RECEIVED OF Glendale Hutterian Brethren 17866 Glendale Drive Frankfort SD 57440

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ <u>100.00</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>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>300.00</u>

By Eric Groenewald
Chief Engineer

See



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Applications to Amend Nos. 1876-3 and 3748-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: John Kleinsasser, Glendale Hutterian Brethren

ADDRESS: 17866 Glendale Drive, Frankfort SD

DATE: February 24, 2025 **PHONE:** 605.460.0013

RE: Existing well locations, proposed well location, and depth of proposed well

COMMENTS:

I contacted Mr. Kleinsasser concerning two applications to change the location of irrigated acreage covered by Water Right Nos. 3748-3 and 1876-3 and add a second, existing well to the well identified on Water Right No. 1876-3, plus a proposed new well in the center of the SE1/4 section 2-T115N-R62W.

Mr. Kleinsasser indicated the second, existing well was drilled about 10 feet from the well covered by No. 1876-3. It was intended to be a replacement well but, after drilling, it was discovered the original well was still functional so they can use either, existing well. Concerning the proposed well to be completed near the center of the SE1/4 section 2-T115N-R62W, Mr. Kleinsasser estimated the depth to range from 110 to 140 feet deep.

I prepared a map showing the location of the two existing wells and the proposed well in the SE1/4 section 2-T115N-R62W.

Ron Duvall, Engineer
SD DANR, Water Rights Program



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FEB 24 2025

OFFICE OF
WATER

February 3, 2025

Glendale Hutterian Brethren
c/o John Kleinsasser
17866 Glendale Drive
Frankfort SD 57440

RE: Amending Permit 3748-3

Dear Mr. Kleinsasser:

In reviewing your application, the following item is required:

- The map you submitted has the well locations in the SE 1/4 SE 1/4 Sec 2-T115N-R62W. However, the application states using two existing wells in the NW 1/4 NE 1/4 Sec 11-T115N-R62W. Enclosed is a map, please mark the location of the existing wells with an "X" and return by mail or email.

Once I receive the items above, I can begin processing your application.

Sincerely,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352
rachel.rodriquez@state.sd.us

enclosures



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and NATURAL RESOURCES**

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**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3748A-3, Glendale Hutterian Brethren**

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. 3748A-3, Glendale Hutterian Brethren, 17866 Glendale Drive, Frankfort SD 57440.

The Acting Chief Engineer is recommending APPROVAL of Application No. 3748A-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 with the following qualifications:

1. The wells approved under Water Permit No. 3748A-3 are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
April 28, 2025

Report to the Chief Engineer
Water Permit Application No. 3748A-3
Glendale Hutterian Brethren
04/04/2025

Water Permit Application No. 3748A-3 proposes to amend Water Right No. 3748-3 by changing both the location of irrigated acres and diversion rate authority to a new location with no increase in the irrigated acres or diversion rate authorized by Water Right No. 3748-3. Water Right No. 3748-3 appropriates 1.46 cubic feet of water per second (cfs) from one well completed into the Tulare: East James aquifer located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20 for the irrigation of 102 acres located in the NE $\frac{1}{4}$ of Section 20; all in T115N-R61W. This application proposes to relocate the 102 irrigated acres to the SW $\frac{1}{4}$ of Section 11 to be irrigated from two existing wells completed into the Tulare: East James aquifer (140 feet deep), located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11; all in T115N-R62W. No increase in either the 1.46 cfs diversion rate or 102 acres authorized by Water Right No. 3748-3 is authorized by this application. This site is located in Spink County approximately seven miles southeast of Frankfort, South Dakota.

Water Source: Tulare: East James (T:EJ) aquifer

South Dakota Codified Law (SDCL) 46-2A-12

“An amendment of an existing permit or license may be granted for a change in use, a change in point of diversion or other change only if the change does not unlawfully impair existing rights and is for a beneficial use and in the public interest.”

This application is for the amendment of Water Right No. 3748-3. This report will not address water availability for Water Permit Application No. 3748A-3 because water availability was considered during the original review and recommendation of the Chief Engineer for Water Right No. 3748-3. This report will only address the potential for unlawful impairment of existing domestic water uses and water rights within the Tulare: East James aquifer.

SDCL 46-5-30.4

“Subject to the limitations in SDCL 46-5-33 and 46-5-34 governing changes in irrigation rights from one parcel of land to another, any water permit or right holder may apply for a change of use of the water, a change of location of the use or other amendment to the permit or right. Permits or rights may be amended pursuant to the procedure contained in chapter 46-2A. Priority shall be retained upon amendment. An amendment of a water permit or right may not increase the rate of diversion or increase the volume of water to be appropriated under the original water permit or right. The amendment may not impair existing rights.”

Pursuant to SDCL 46-5-30.4, Water Permit Application No. 3748A-3 shall have the same January 25, 1977, priority date as Water Right No. 3748-3, upon amendment. This application is not requesting an increase in the rate of diversion or an increase to the volume of water appropriated under Water Right No. 3748-3.

SDCL 46-5-34

“All water used in this state for irrigation purposes shall remain appurtenant to the land upon which it is used. However, if for any reason it should become impractical to use all or any part of the water beneficially or economically for irrigation of any land to which the right of its use is appurtenant, all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land without losing priority of right previously established, subject to existing rights, upon approval of an application for an amended permit. No increase in total acres irrigated may be allowed under this section.”

This application is not requesting an increase in total acres irrigated; however, the applicant is requesting a relocation of acres without change in use type or ownership. Reported irrigation use is available for Water Right No. 3748-3 since 1979. **Table 1** below shows the amount pumped in acre-feet from the T:EJ aquifer by Water Right No. 3748-3 for each year since 1979. The average annual pumping for this period of record is approximately 62 acre-feet (Water Rights, 2025a). Water Right No. 3748-3 is not currently subject to cancellation.

Table 1. Reported pumping by Water Right No. 3748-3 since 1979, in acre-feet (Water Rights, 2025a).

1979	24.3	1994	14.14	2009	24.75
1980	73.24	1995	0	2010	0
1981	106.63	1996	119.32	2011	0
1982	27.03	1997	0	2012	221.62
1983	65.81	1998	0	2013	75.13
1984	40	1999	222.73	2014	131.47
1985	57	2000	137.88	2015	15.47
1986	28	2001	155.56	2016	99.43
1987	37	2002	159.09	2017	29.17
1988	88.1	2003	148.49	2018	9.94
1989	95	2004	98.99	2019	0
1990	39	2005	56.57	2020	0
1991	74	2006	155.56	2021	9.72
1992	18	2007	70.71	2022	17.68
1993	0	2008	24.75	2023	7.07

Background

The original well associated with Water Right No. 3748-3 is located in the NE corner of Section 20 and is licensed to operate a center pivot in the NE $\frac{1}{4}$ of Section 20 for the irrigation of 102 acres (22 acres from the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 39 acres from the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 13 acres from the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 28 acres from the SE $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 20), all in T115N-R61W.

This amendment to Water Right No. 3748A-3 seeks to relocate the 102 irrigated acres in NE $\frac{1}{4}$ of Section 20, T115N-R61W to the SW $\frac{1}{4}$ of Section 11, T115N-R62W. The authorized diversion rate of 1.46 cfs for the original well used for Water Right No. 3748-3 will be transferred to two existing wells located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T115N-R62W.

The two wells that the applicant proposes to use for this amendment to Water Right No. 3748-3 are located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T115N-R62W. The first of the two wells was originally associated with Water Right No. 1876-3, and the second well was recently drilled about ten feet from the original well, and was meant to be a replacement well for Water Right No. 1876-3. However, after drilling the replacement well, it was discovered that the original well was still functional, and that either of the wells could be used. This application proposes to transfer 1.46 cfs of diversion authority under Water Right No. 3748-3 to those two wells to irrigate 102 acres in the SW $\frac{1}{4}$ of Section 11, T115N-R62W.

Well completion reports for the existing wells in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T115N-R62W are unavailable, however other well reports within 1.5 miles completed into the T:EJ aquifer indicate that the top of aquifer materials occur at a depth of 32 to 60 feet below ground surface, and the aquifer thickness ranging from 28 to 110 feet. Static water levels for nearby well completion reports range between 15 to 21 feet below the ground surface (Water Rights, 2025c). The aquifer is likely under confined conditions at the existing well locations to be used for this application.

Potential for Unlawful Impairment

There are currently 95 active water rights/permits authorized to appropriate water from the Tulare: East James aquifer, all for irrigation use. The nearest water rights to the existing wells to be used by this application are No. 1894-3 held by Maendl Living Trust (located approximately one mile southeast), No. 4714-3 held by Robert & Sheryl Robinson (located approximately 1.25 miles northwest), and No. 1358B-3 held by Wipf Acres LP (located approximately 1.5 miles east-southeast) (Water Rights, 2025b).

There are domestic wells on file with the Water Rights Program that are completed into the T:EJ aquifer, with the closest domestic well to the proposed diversion points completed into the T:EJ aquifer located approximately three miles south from the existing wells (Water Rights, 2025c). There could potentially be other domestic wells completed into the Tulare: East James aquifer near the proposed diversion points that are not on file with the Water Rights Program. The location of domestic wells in the well completion report database are based on the location listed by the driller at the time of well completion.

This application proposes to use the two existing wells in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T115N-R62W that were developed for Water Right No. 1876-3 as the diversion points for this application. Before this amendment, the original well associated with Water Right No. 1876-3 was pumping a full 3.55 cfs by itself to operate two pivots. A recent amendment application to Water Right No. 1876-3 proposes to move the location of a center pivot and proposed a new well using a portion of the 3.55 cfs. Thus, only a portion of the 3.55 cfs will be used to operate the center pivot in the N $\frac{1}{2}$ of Section 11, T115N-R62W for amendment No. 1876A-3. This application proposes to relocate the 1.46 cfs diversion rate authorized by Water Right No. 3748-3 to those same two wells in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T115N-R62W.

SD DANR observation well SP-79E is completed into a confined portion of the T:EJ aquifer and is located approximately 1.8 miles northwest of the proposed diversion points for this amendment (Water

Rights, 2025d). The hydrograph for well SP-79E is shown below in **Figure 1**. Static water level elevations are referenced to the top of the casing.

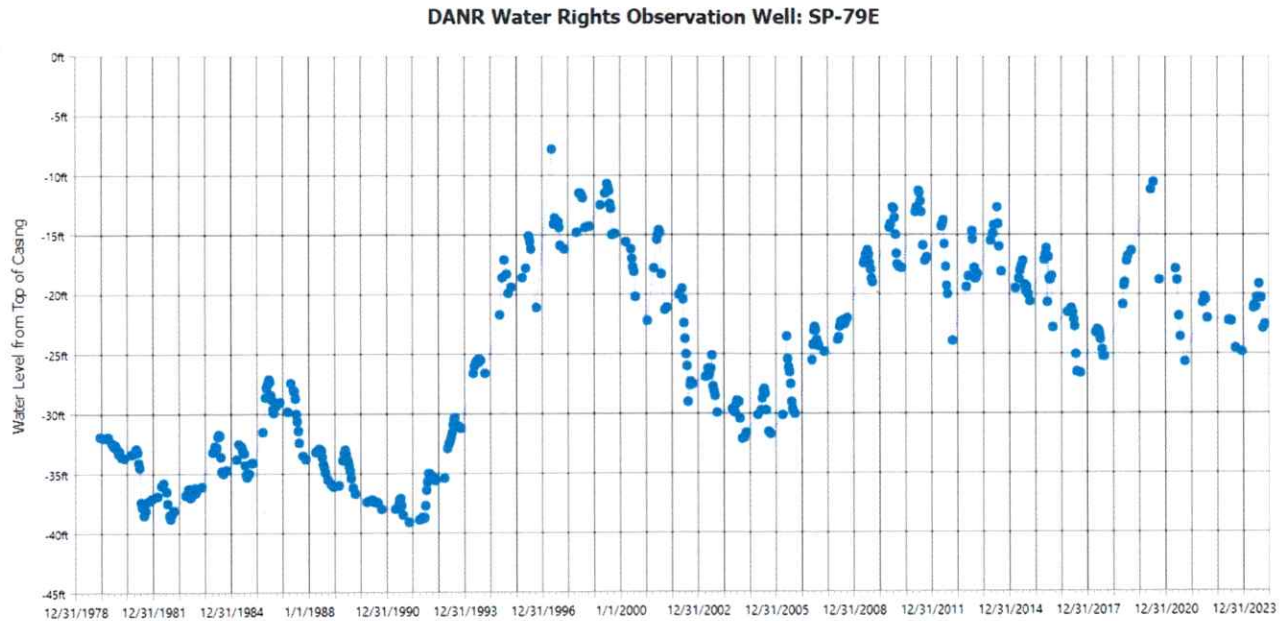


Figure 1. Hydrograph for observation well SP-79E (Water Rights, 2025d).

Figure 1 shows stable to increasing water levels overall. Water levels in this aquifer are representative of the available head in a confined aquifer and while they don't represent the amount of water in storage, they are indicative of nearby pumping and climatic conditions at that location. These observation wells respond well to climatic conditions on a long-term scale, for example the multi-year drought in the late 1970s and late 1980s, the wet period during the mid- to late 1990s, another dry period in the early to mid-2000s, as well as flooding events that occurred in 2011 and 2019. Seasonally, water levels return to pre-pumped levels in the spring. SP-77K generally fluctuates between 90 and 100 feet of head pressure and SP-79K generally fluctuates between 20 and 50 feet of head pressure (Water Rights, 2025d).

The nearest water rights and wells with the greatest risk of impairment are the applicant's own. Furthermore, the existing well that this application is requesting to move diversion authority to has been in use since the mid- 1970s without impairing others, and this application is not requesting a greater diversion rate or additional acreage. There are no complaints in Spink County for well interference (Water Rights, 2025e). Preventing impairment of the applicant's own wells will also prevent impairment on the nearest wells not owned by the applicant. There is a reasonable probability that this application can relocate acreage and change diversion rate authority to a new location without unlawfully impairing existing appropriative users or domestic users with adequate wells (Administrative Rule of South Dakota 74:02:04:20(6)).

Conclusions

1. Water Permit Application No. 3748A-3 proposes to amend Water Right No. 3748-3 held by Glendale Hutterian Brethren by transferring the location of 102 acres from the NE $\frac{1}{4}$ of Section 20, T115N-R61W to the SW $\frac{1}{4}$ of Section 11, T115N-R62W.
2. Water Right No. 3748-3 appropriates a total of 1.46 cfs from one well completed into the Tulare: East James aquifer located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T115N-R61W. This application proposes to relocate the diversion location to two existing wells completed into the Tulare: East James aquifer located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T115N-R62W. This application does not seek to increase the diversion rate authority, nor the volume of water appropriated, nor the 102 acres permitted under Water Right No. 3748-3.
3. The water has already been appropriated as authorized by Water Right No. 3748-3 and therefore water availability is not an issue.
4. The diversion point and acreage authorized by Water Right No. 3748-3 can be relocated and developed without unlawful impairment of existing domestic water uses and water rights as allowed by SDCL 46-2A-12, 46-5-30.4 and 46-5-34.



Brittan R. Hullinger
Natural Resources Engineer I
SD DANR Water Rights Program

Reviewed By:



Adam Mathiowetz, P.E.
Natural Resources Engineer IV
SD DANR Water Rights Program

References

- Water Rights, 2025a. "1979-2023 Irrigation Summaries by Aquifer." SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights, 2025b. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights, 2025c. Well Completion Reports. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights, 2025d. Observation Well Data. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights, 2025e. County Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.



**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.**

April 29, 2025

Glendale Hutterian Brethren
c/o John Kleinsasser
17866 Glendale Drive
Frankfort SD 57440

Dear Mr. Kleinsasser:

Water Permit Application No. 3748A-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Redfield Press printed at Redfield SD (Ph # 605 472-0822) and the Plainsman printed at Huron SD (Ph # 605 353-7414). 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. 3748A-3 to Amend Water Right No. 3748-3

Notice is given that Glendale Hutterian Brethren, 17866 Glendale Drive, Frankfort SD 57440, has filed an application to amend Water Right No. 3748-3 by changing both the location of irrigated acres and diversion rate authority to a new location with no increase in the irrigated acres or diversion rate authorized by No. 3748-3. Water Right No. 3748-3 appropriates 1.46 cubic feet of water per second (cfs) from one well completed into the Tulare: East James Aquifer located in the NE 1/4 NE 1/4 Section 20 for irrigation of 102 acres located in the NE 1/4 Section 20; all in T115N-R61W. This application is to relocate the 102 irrigated acres to the SW 1/4 Section 11 to be irrigated from two existing wells completed into the Tulare: East James Aquifer (140 feet deep), located in the NW 1/4 NE 1/4 Section 11; all in T115N-R62W. No increase in either the 1.46 cfs diversion rate, or 102 acres, authorized by No. 3748-3 is authorized by this application. This site is located approximately seven miles southeast of Frankfort SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 3748A-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 May 19, 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 May 19, 2025.

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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, April 28, 2025 4:09 PM
To: Ruby Crandall
Subject: 3748A-3 Glendale Hutterian Brethren - Public Notice
Attachments: 3748A-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 7, 2025.

Glendale Hutterian Brethren, 17866 Glendale Drive, Frankfort SD 57440, 605-472-1247 has been notified to contact you to authorize publication and arrange for payment.

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

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

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, April 28, 2025 4:08 PM
To: Redfield Office
Subject: 3748A-3 Glendale Hutterian Brethren - Public Notice
Attachments: 3748A-3 public.short_final.docx; FORM8.FRM.doc

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Thank you,

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



Notice of Application

#7827

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Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 3748A-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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Published once at the total approximate cost of \$42.31 and may be viewed free of charge at www.sdpublishnotices.com. (May 7)

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

I, Cindy Crook, being duly sworn on oath, say that THE REDFIELD PRESS is a weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS. I, Cindy Crook, am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

#7827 NOTICE OF APPLICATION

was printed and published in said newspaper in 1 issue, to wit: The first publication being made on May 7th. That Forty-Two and 31/100 dollars insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Cindy Crook

Subscribed and sworn to before me this 7th, day of May, 2025

Kayla Jessen

Notary Public, South Dakota

My commission expires 09/26/2030



RECEIVED

JUN 02 2025

Proof Of Publication

OFFICE OF
WATER

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402
Legal Notice Number: 3098

I, Shelly Ames, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Glendale Hutterian Brethren - Water No. 3748A-3 was published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on 5/07/2025. The full amount of the fee charged for publishing \$53.00 is to the benefit of the publisher of said newspaper; that no agreement or understanding of the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomever.

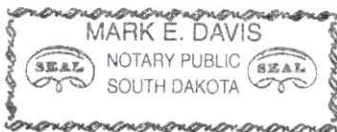
Shelly Ames

Subscribed and sworn to me before this date 5/29/25.

Mark E. Davis

Notary Public, South Dakota

My Term Expires 12/27/2030



2000 - Legals

F. P. 05-07-25

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2000 - Legals

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No. 3098 (adv.)
Published once at the total approximate cost of \$53.00 and may be viewed free of charge at www.sdpublicnotices.com.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 11 2025

Glendale Hutterian Brethren
c/o John Kleinsasser
17866 Glendale Drive
Frankfort SD 57440

Dear Mr. Kleinsasser:

Enclosed is Water Permit No. 3748A-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**

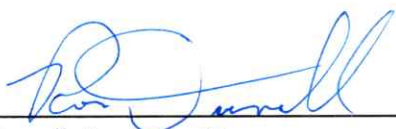
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.: 3748A-3

Name of Applicant: Glendale Hutterian Brethren, John Kleinsasser

Date of Posting: 5/5/2025

Date of Removal: 6/11/2025



Ron Duvall, Engineer III

6/11/2025

Date

Subscribed and sworn to before me, a notary public, this 11th day of June, 20 25.



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

