

WATER PERMIT NO. 5993-3

Name of Applicant: Grass Ranch Hutterian Brethren

Address: Rr 1 Box 29, Kimball SD 57355

Phone: 605 778-6777

Amount of Water Claimed: 60 gpm (0.133 cfs)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: domestic use County: Brule

Type of Waste Disposal System: septic tank

Location: 8 miles southeast of Kimball

PRIORITY Date Received: 2-24-97

Fee: \$150.00

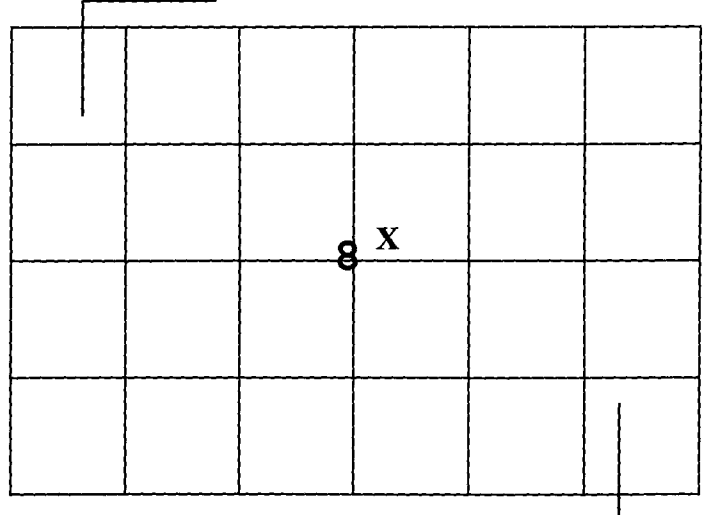
Corrected Application Received: 4-¹⁶~~17~~-97

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: SW 1/4 NE 1/4 Sec 8-
T102N-R67W

Land to be Irrigated: NA



Depth of Well: 840 feet

Well Driller: Huron Drilling

Remarks:

Type of Map: aerial

Prepared by: Gary Hendrickson, NRCS

Reviewed and the Number Assigned on: 4-17-97

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 5993-3

Date of first receipt of application February 24, 1997.

Date of return to applicant for corrections, amendments or changes February 24, 1997.

Date of receipt of corrected application April 16, 1997.

The Water Management Board approved Water Permit Application No. 5993-3 on July 9, 1997 for Grass Ranch Hutterian Brethren, RR 1 Box 29, Kimball SD 57355 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. 5993-3 appropriates 0.133 cubic feet of water per second (60 gallons per minute) from one well (Dakota Formation) 840 feet deep located in the SW 1/4 NE 1/4 Section 8-T102N-R67W.
2. The water appropriated shall be used for the purpose of supplying water for a hog confinement facility and may not exceed the amount of water needed for beneficial use for commercial and domestic use purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is February 24, 1997.
5. One-fifth of the construction is to be completed on or before January 9, 2000.
6. All construction is to be completed on or before July 9, 2002.
7. Water is to be put to beneficial use on or before July 9, 2006.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 5993-3 is subject to the requirements of the Division of Environmental Services' review and approval of the plans and specifications for the animal manure management system prior to construction.
3. Operation of the disposal systems to dispose of manure and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non-point source" is not subject to these conditions.
4. The wastewater storage lagoon and confinement area shall be designed so that it does not receive surface runoff from the surrounding area.

(continued)

Water Permit No. 5993-3

Grass Ranch Hutterian Brethren

Page 2

5. No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.
6. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).
7. Permit No. 5993-3 is subject to compliance with the following then existing and applicable Water Management Rules:
 - a) Chapter 74:03:15 Ground Water Quality Standards,
 - b) Chapter 74:03:16 Ground Water Discharge Permit,
 - c) Chapter 74:03:02 Surface Water Quality Standards,
 - d) Chapter 74:03:04 Uses Assigned to Streams, and
 - e) Chapter 74:03:17 through 74:03:26 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

By: _____

John Hatch, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

AUG 8 1997

date



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



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5993-3</u> Hydrologic Unit <u>10/40101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Brule Co. News, Kimball, SD</u>

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☒ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☒ Domestic (over 18 gpm) ☐ Industrial ☐ Other _____

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

- Name of Applicant Grass Ranch Dutterman Brothers Phone 605 778-6777
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 1991 Box 29 Kimball SD State So Dak 57355
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 60 GPM *CFS or 0.133 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply ground water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW1/4 ~~NE1/4~~ Sec 8 T102N - 67W
NE1/4 County Brule
- County or counties where water will be used Brule
- Annual period during which water is to be used Annually January 1 - December 31
- 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)

60 gal GPM Well for Domestic use
& hog confinement facilities

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

STATE OF SOUTH DAKOTA)

County of Brule SS

I, Reinhold J. Stahl, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Reinhold J. Stahl
Subscribed and sworn to before me this 21st day of February 19 97

Judy Busack
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicants property 1000' On property owned by others Grass Ranch Co

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Septic tank
- b) System Capacity (gallons) _____ c) Year Constructed 1995
- d) 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

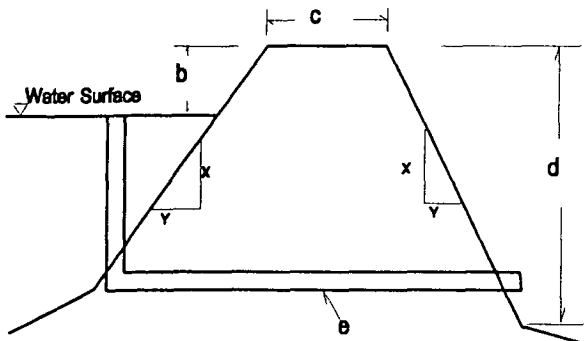
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



07-92

A circular stamp with a black border. Inside the border, the numbers 1 through 12 are arranged in a circle. At the top center is a small black silhouette of a water drop. Below the drop, the text "MAR 1996" is printed. Underneath that, "WATER RIGHTS" is printed in a larger, bold font. Below "WATER RIGHTS" is the word "PROGRAM" in a smaller font. At the bottom of the stamp, "Pierre, SD" is printed. The entire stamp is slightly tilted.

Date: 3/8/94

NOT TO SCALE



RECEIPT

415251

Division of Water Rights

South Dakota Department of Environment and Natural Resources

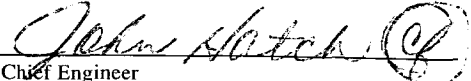
Pierre, _____ February 24, 19 97

RECEIVED OF Green Ranch Lutheran Brotherhood, Inc., Box 1, Box 25, Kimball, SD 57355

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

Fee for Application for Permit No. <u>5595-P</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatch 
Chief Engineer



January 9, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

Grass Ranch Hutterian
ATTN: Reinhart Stahl
Rt 1, Box 29
Kimball SD 57355

Dear Mr. Stahl:

On November 8, 1996, we sent you a letter (copy enclosed) and applications forms for a permit to appropriate water. To date, we have not received a response regarding this application.

Enclosed is another set of application forms and instruction sheet. Please complete the application, have it signed, notarized and return it with the other required information listed on the instruction sheet.

Obtaining a water permit that accurately reflect your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water. If you have questions or need assistance completing the forms, please contact Barry McLaury at: Phone: 605 773-3352.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

November 8, 1996

Grass Ranch Hutterian
ATTN: Reinhart Stahl
Rt. 1 Box 29
Kimball, SD 57355

Dear Mr. Stahl:

After reviewing a well completion report filed by Huron Drilling for a well they completed for you on March 8, 1996, it appears that you need a water permit. On November 7, 1996 I talked to Sam Wipf about the new well. He stated in our phone conversation that the well produced approximately 65 gallons per minute (GPM). A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Households, farms and ranches that exceed reasonable domestic use require a water permit.

Enclosed is a copy of the South Dakota Water Well Completion Report which was filed by Huron Drilling upon completion of the well. Also enclosed is an application for a water permit for uses other than irrigation. Please return the completed application form with the correct fee to the "Water Rights Program, 523 East Capitol, Joe Foss Building, 523 East Capitol, Pierre, SD 57501" by December 6, 1996. If you have questions or need assistance, feel free to contact me at (605) 773-3352.

Sincerely,

Barry A. McLaury
DENR, Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 24, 1997

Reinhart J Stahl
Grass Ranch Hutterian Brethren
RR 1 Box 29
Kimball SD 57355

Dear Mr. Stahl:

Thank you for submitting your *Application for a Permit to Appropriate Water*.

The map is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

Also, enclosed is the Form 2A, Supplemental Information. Please complete Item No. 2 regarding the type of wastewater disposal system utilized.

If you have any questions, please contact Barry McLaury or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

4/10/97

Dary Hendrickson NRC's
Chamblain
605 - 734-6941

He verified well location.
Said colony showed him
where the ^{waste-water} Septic System
was located. Dary said
he wasn't in the position
to give us info on waste-
water system. He figured
it had something to do with
a turkey operation.

He figured
the colony
probably thought
he was completing
that part of
application

Eric commented that he'd check
down the hall and see what they
have.

REPORT ON WATER PERMIT APPLICATION NO. 5993-3
for Grass Ranch Hutterian Brethern
May 5, 1997

Application No. 5993-3 proposes to appropriate 0.133 cfs (60 gpm) from one well approximately 840 feet deep located in the SW 1/4 NE 1/4 of Section 8, T120N-R67W in Brule County. The water is for domestic use and commercial use in a hog confinement facility at the Colony.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of interbedded sandstone and shale which attains a maximum thickness of about 350 feet in this area (Schoon, 1971). The aquifer is confined and under artesian conditions at this site. The Dakota Formation underlies 837 square miles and contains an estimated 12.65 million acre feet of recoverable water in storage in Brule County (Hedges, 1982). The Dakota Formation is laterally extensive and hydraulically connected into all surrounding counties. According to the driller's log filed with the application, the top of the Dakota Formation was encountered at a depth of 755 feet and was penetrated to a depth of 840 feet. The well was cased to a depth of 740 with five inch plastic and grouted at that depth to surface. The well was also screened from 740 to 840 feet with two and one-half inch plastic 25 slot screen and gravel packed. The well had a static water level of 43 feet below land surface and was capable of producing 40 gpm with a drawdown of 12 feet. This results in a specific capacity of about 3.3 gpm per foot of drawdown.

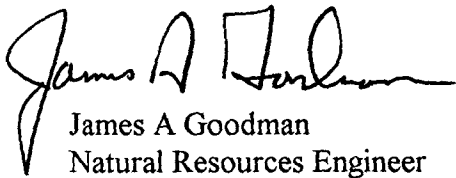
The Water Rights Program does monitor two Dakota Formation observation in this part of the state. BL-83A is located near Chamberlain about 22 miles northwest of this application and AU-89A located about 19 miles east of this application. Water levels for these two observation wells have shown some decline since installation. For BL-83A, water levels have declined about 8 feet since 1983, however, since 1991 there has been little change in the levels. For AU-89A, water levels have declined only about two feet, and continue to fluctuate within that two feet range. Historically, water levels have shown significant decline for the Dakota Formation. Water levels near Chamberlain reportedly declined 300 to 350 feet with most of this occurring during initial development of the aquifer in the early 1900's (Schoon, 1972). Most of the decline can be attributed to the large number of uncontrolled flowing wells which were allowed to flow to waste. This is still a problem to this day, although not as significant. The rate of decline has diminished to less than one foot per year and in fact may be beginning to stabilize in this area (Water Rights, 1997).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Right No. 5654-3 (Grass Range Colony) which appropriates water from the Dakota Formation and is located about one-quarter mile southeast of this application. Interference is not expected to be a concern. Both diversions are relatively small pumping rates and drawdown created by pumping should not be significant at the distance between wells. Also, there are existing domestic wells in the area which obtain water from the Dakota Formation.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is confined and under artesian conditions. Drawdown will be created by pumping but this should not be significant and interference should not be adverse.
3. The well for this application has been completed in accordance with SD Well Construction Standards.
4. Ground water levels have declined for many years in the Dakota Formation primarily due to the large number of free flowing wells allowed to discharge uncontrolled and to waste water . The record shows that the decline appears to be stabilizing at least in the area of this application.
5. Plans and specifications for this facility must be reviewed and approved by the Air and Surface Water Program of the Division of Environmental Services. The Plans and Specifications are presently under review.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources of Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, Report of Investigations No. 104, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1997, Unpublished Observation Well Data for the Dakota Formation, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION
NO. 5993-3, Grass Ranch Hutterian Brethren**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5993-3, Grass Ranch Hutterian Brethren, c/o Reinhart J. Stahl, RR 1, Box 29, Kimball, SD 57355.

The Chief Engineer is recommending APPROVAL of Application No. 5993-3 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 rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 5993-3 is subject to the requirements of the Division of Environmental Services' review and approval of the plans and specifications for the animal manure management system prior to construction.
3. Operation of the disposal systems to dispose of manure and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non-point source" is not subject to these conditions.
4. The wastewater storage lagoon and confinement area shall be designed so that it does not receive surface runoff from the surrounding area.
5. No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.
6. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).
7. Permit No. 5993-3 is subject to compliance with the following then existing and applicable Water Management Rules:
 - a) Chapter 74:03:15 Ground Water Quality Standards,
 - b) Chapter 74:03:16 Ground Water Discharge Permit,
 - c) Chapter 74:03:02 Surface Water Quality Standards,
 - d) Chapter 74:03:04 Uses Assigned to Streams, and
 - e) Chapter 74:03:17 through 74:03:26 Surface Water Discharge Provisions.

See report on application for additional information.


JOHN HATCH, Chief Engineer
May 8, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

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

May 9, 1997

Grass Ranch Hutterian Brethren
%Reinhart Stahl
RR 1, Box 29
Kimball, SD 57355

Dear Mr. Stahl:

Water Permit Application No. 5993-3 for domestic and commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Brule Co. News printed at Kimball, SD (Ph # (605) 778-6253). For your information, a copy of the notice, the recommendation of the Chief Engineer and a 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 newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 9, 1997

Brule Co. News
Box 46
Kimball, SD 57355-0046

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5993-3 to be published twice. Please publish the first notice on May 21, 1997, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Grass Ranch Hutterian Brethren, %Reinhart Stahl, RR 1, Box 29, Kimball, SD 57355 (Ph # (605) 778-6777).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. 5993-3

Date 5/9/97

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. 5993-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 21, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5993-3 to Appropriate Water

Notice is given that Grass Ranch Hutterian Brethren, RR 1 Box 29, Kimball SD 57355 has filed an application for a water permit to appropriate 0.133 cubic feet of water per second (60 gallons per minute) from one well (Dakota Formation) 840 feet deep located in the SW 1/4 NE 1/4 Section 8-T102N-R67W. The water is for domestic use and commercial use in the confinement facilities at the Colony.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5993-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 27, 1997. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 a.m., July 9, 1997, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 9, 1997, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 27, 1997.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 27, 1997, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brule) SS

I, Charles Vurick

certify that the attached printed Notice was taken
from the Brule County News

printed and published in Kimball
County of Brule and

state of South Dakota. The notice was published
in the newspaper on the following two dates:

May 22, 1997

May 29, 1997

Cost of Printing 42.50

Patricia L. Hays
(Signature)

Bookkeeper
(Title)

5-29-97
(Date Signed)

NOTICE OF APPLICATION NO. 5993-3 TO APPROPRIATE WATER

Notice is given that Grass Ranch Hutterian Brethren, RR 1 Box 29, Kimball SD 57355 has filed an application for a water permit to appropriate 0.133 cubic feet of water per second (60 gallons per minute) from one well (Dakota Formation) 840 feet deep located in the SW 1/4 NE 1/4 Section 8-T102N-R67W. The water is for domestic use and commercial use in the confinement facilities at the colony.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5993-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 27, 1997. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 a.m., July 9, 1997, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 9, 1997 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 27, 1997.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 27, 1997, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

(May 22, May 29)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

AUG 8 1997

Grass Ranch Hutterian Brethren
%Reinhart Stahl
RR 1, Box 29
Kimball, SD 57355

Dear Mr. Stahl:

Enclosed is Water Permit No. 5993-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

Permit No. 5993-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, July 11, 2006, made a thorough examination of the water use system constructed by Grass Ranch Colony of 36570 258TH St, Kimball SD 57355 holder of Permit No. 5993-3, bearing the priority of February 24, 1997 authorizing the diversion of 0.133 cu. ft. per second of the waters of ground water (Dakota Formation) for commercial and domestic purposes, in Brule County.

Inspection contact & relationship to permit holder, if applicable: **Jonathon Walters**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 840 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 & 2.5 inches
- 2) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 100 feet
- 3) Static water level ≈ 43 feet

Motor/Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Capacity 60 GPM

B. Works used to transport water to place of use:

Water from the well is used to supply domestic purposes in the colony and hog and turkey units.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: none

The system is in good condition with the points of diversion located as follows: Well: 1,600 feet W and 2,840 feet N (Latitude 43.65119, Longitude -98.87988) from the SE corner section 8-T102N-R67W (SW¹/₄NE¹/₄). The works are capable of diverting and conveying to the place of use 0.133 cu. ft. per second of water which is to be used for commercial and domestic purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.133 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: **Water Right No. 5654-3 and Permit No. 6251-3**



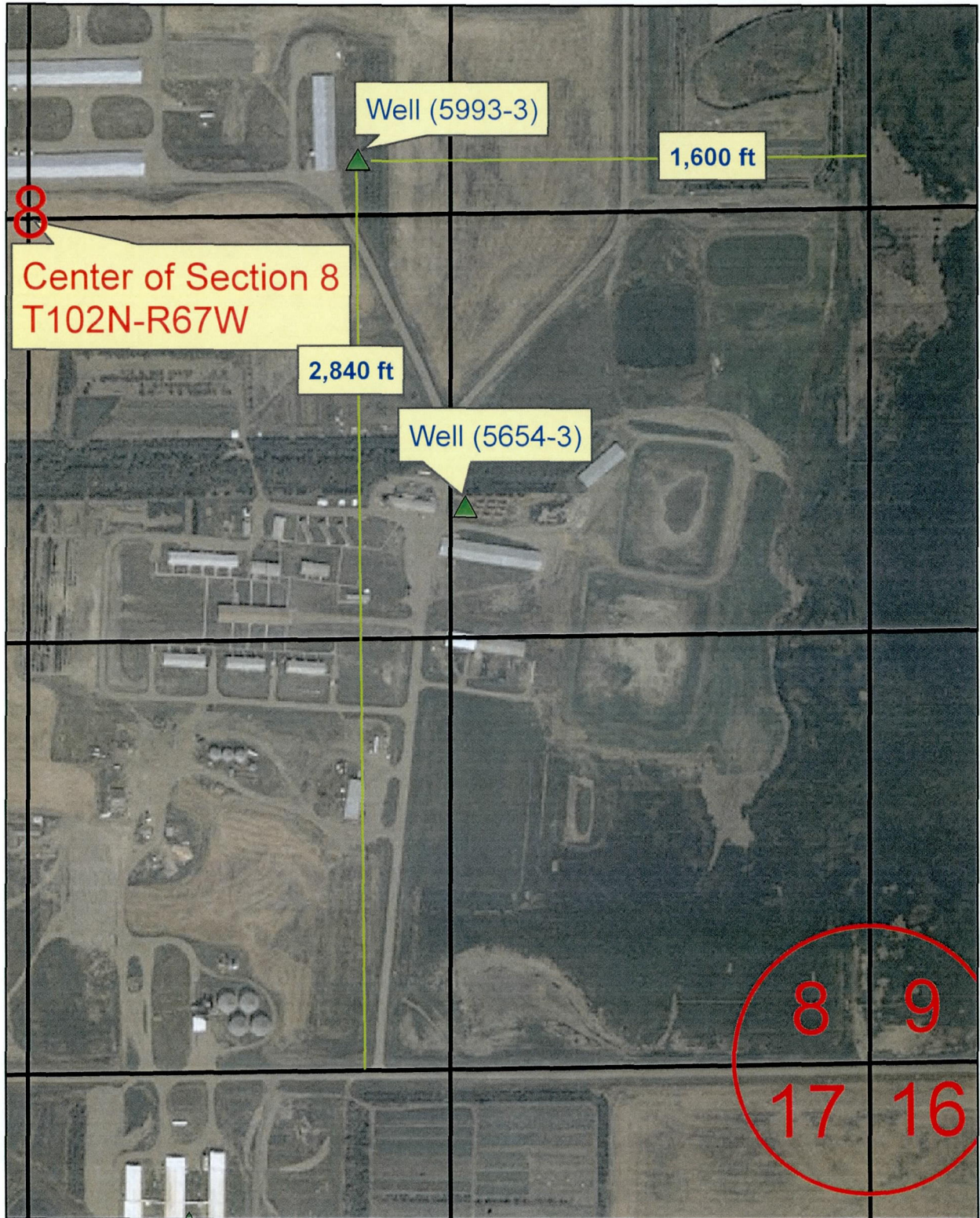
Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: August 23, 2006

Scale: 1 inch equals 467 feet

660

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Aug 23, 2006

Water Right No. 5993-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 28, 2006

5993-3

Jonathon Walters
Grass Ranch Colony
36570 258th St
Kimball SD 57355

Dear Mr. Walters:

On July 11, 2006 the investigation of your water use systems, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 5993-3 and 6251-3, was completed by Ron Duvall, a staff engineer with our program. The final water right documents, the water licenses, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing of the water licenses. A fee is required for No. 5993-3 only. The fee for Water Permit No. 6251-3 has already been paid. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use systems or payment of the fee, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 31, 20 06

RECEIVED OF Grass Ranch Hutterian Brethren Inc., 36570 258th St, Kimball SD 57355-7100

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	50	00
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>5993-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

02565

By

Darland Eide
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOV 03 2008

5993-3
6251-3

Jonathon Walters
Grass Ranch Colony
26570 258th St
Kimball SD 57355

Dear Mr. Walters:

Enclosed are your Water License Nos. 5993-3 and 6251-3. They are the final water right documents completing your process of obtaining Water Rights. We have included maps prepared by the staff engineer who conducted the field investigation. Also enclosed is Receipt No. 02585 in the amount of \$50.00 which you paid for the investigation and issuance of the water license for No. 5993-3.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 5993-3 and 6251-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5993-3

(1) Grass Ranch Hutterian Brethren Inc., 36570 258th St, Kimball SD 57355-7100 made Application No. 5993-3, February 24, 1997 for a water permit to divert 0.133 cubic feet of water per second from ground water (one well, Dakota Formation), Brule County, South Dakota for domestic use and commercial purposes. Permit No. 5993-3, with a priority date of February 24, 1997 was approved July 9, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 9, 2002 and for the application to beneficial use of said water on or before July 9, 2006.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.133 cubic feet of water per second for beneficial use. The location of the diversion point is:

1,600 feet W and 2,840 feet N of the SE corner of Section 8, T102N, R67W (SW ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for domestic purposes and also for commercial purposes for hog and turkey units.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Grass Ranch Hutterian Brethren Inc the holder and/or owner of Water Right No. 5993-3 is issued a license to appropriate water, the right to use 0.133 cubic feet of water per second from ground water (one well – Dakota Formation) with a priority date of February 24, 1997 from the location specified in (2) of this license for domestic use and commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5993-3 and subject to the following qualifications:

- The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Water Right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Water Right No. 5993-3 is subject to requirements of the Division of Environmental Services review and approval of the plans and specifications for the animal manure management system.
- Operation of the disposal systems to dispose of manure and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a “non-point source” is not subject to these conditions.
- The wastewater storage lagoon and confinement area shall be designed so that it does not receive surface runoff from the surrounding area.
- No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.

- Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).
- Water Right No. 5993-3 is subject to compliance with the following applicable Water Management Rules:
 - 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 74:51:03 Uses Assigned to Streams, and
 - e) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 03 2006

date

