

WATER PERMIT NO. 6394-3

Name of Applicant: **Huttenville Hutterian Brethren, Inc.**

Address: **14625 401st Ave, Stratford SD 57474**

Phone: **605 395-6580**

Amount of Water Claimed: **0.49 cfs (220 gpm)**

Total Acres: **NA**

Source of Water Supply: **groundwater (4 wells)**

Water to be used for: **domestic and commercial**

County: **Brown**

Type of Waste Disposal System:

Location: **5 miles southeast of Stratford**

PRIORITY Date Received: **2-6-03**

Application/License Fee: **\$300**

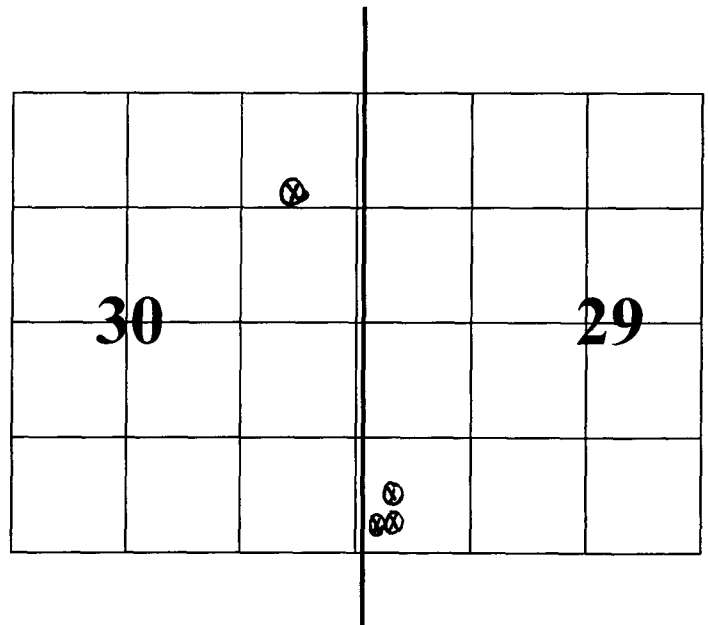
Corrected Application Received: **2-13-03**

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

Remarks: **domestic supply for colony and animal feeding operations**

Diversion Point: **SW ¼ SW ¼ Section 29 and NE ¼ NE ¼ Section 30; T121N-R61W**

Land to be Irrigated:



Depth of Well: **987', 103', 70' & 55'**

Well Driller: : **Pullman Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **John Ries, PE**

Reviewed and the Number Assigned on: **2-18-03**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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. 6394-3 Hydrologic Unit 10160005
Basin James River
Newspaper Aberdeen American News, Aberdeen

RECEIVED
FEB - 6 2003
WATER RIGHTS
PROGRAM

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.)

1. Name of Applicant Huterville Hutterian Brethren, Inc. Phone 605-395-6580
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 14625 401st Ave. Stratford State SD 57474
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.49 ~~xxx~~ *CFS or 220 **GPM xxx ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well water

4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
4 wells: Three wells in SW 1/4 Section 29-121-61, and one well in NE 1/4 Section 30-121-61
County Brown

5. County or counties where water will be used Brown

6. Annual period during which water is to be used January through December 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
The Colony will utilize the water for domestic water supply and animal feeding operation purposes. The water from the deep well is to be used for a domestic water supply, and the other three wells will supply water to confined hog, confined dairy, confined cattle feeding, and some poultry operations. Minimal water quantities may be used for other domestic or commercial uses, as needed. A significant quantity of the water is to be used for cleaning of the hog confinement system. This wastewater is to be pumped into existing ponds after solid wastes are separated, and final distribution of the wastewater is to be made onto growing crops through an irrigation system.

STATE OF SOUTH DAKOTA)
County of Brown SS

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)

I, John Waldner, 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.

Applicant's signature John Waldner Sec.
Subscribed and sworn to before me this 29 day of Jan 20 03

Handa Emery
11/9/01 Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6394-3

Date of first receipt of application February 6, 2003.

Date of return to applicant for corrections, amendments or changes February 10, 2003.

Date of receipt of corrected application February 13, 2003.

The Water Management Board approved Water Permit No. 6394-3 on May 7, 2003 for Huttenville Hutterian Brethren, Inc., John Waldner, 14625 401st Ave, Stratford SD 57474 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. 6394-3 appropriates 0.49 cubic feet of water per second (220 gallons per minute) from 4 wells (Dakota Formation and Pleistocene Unknown) approximately 987, 103, 70 and 55 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30; all in T121N-R61W. The appropriation from the Dakota Formation well is 11 gallons per minute and the remaining 209 gallons per minute is diverted from the three shallow wells.
2. The water appropriated shall be used for the purpose of commercial use in animal feeding operations and domestic use at Huttenville Colony and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is February 6, 2003.
5. One-fifth of the construction is to be completed on or before November 7, 2005.
6. All construction is to be completed on or before May 7, 2008.
7. Water is to be put to beneficial use on or before May 7, 2012.
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 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. 6394-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6394-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 13 2003

date



(type or print in ink)

1. Well Information - Proposed Construction (Artesian Well near Treatment Facility)

- a) Drill Hole Diameter 8" Depth 987'
- b) Casing Type Plastic Diameter 3" Thickness 3/8"
- c) Screen Type PVC Slotted Diameter 3" Thickness 3/8"
- d) Gravel Pack Unknown Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 900'
- f) Depth to Water (ground surface to water level) Normal Flow= 1/2 gpm. Flow also augmented by pump.
- g) Distance to nearest existing domestic well:
On applicants property 3,500 feet On property owned by others 6,000 feet

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Dom. Pond for domestic wastes, Irrig. For Flush systems
- b) System Capacity (gallons) N/A Year Constructed N/A
- c) Connected to the City of N/A Sanitary System N/A

2A. Well Information – Supplemental Information (Well 500' North of Pump House)

- a) Drill Hole Diameter 12" Depth 103'
- b) Casing Type PVC Diameter 8" Thickness 3/8"
- c) Screen Type PVC Slotted Diameter 8" Thickness 3/8"
- d) Gravel Pack Yes Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 28'
- f) Depth to Water (ground surface to water level) 75'
- g) Distance to nearest existing domestic well:
On applicants property 500 feet On property owned by others 4,500 feet

2B. Well Information – Supplemental Information (Well 20' West of Pump House)

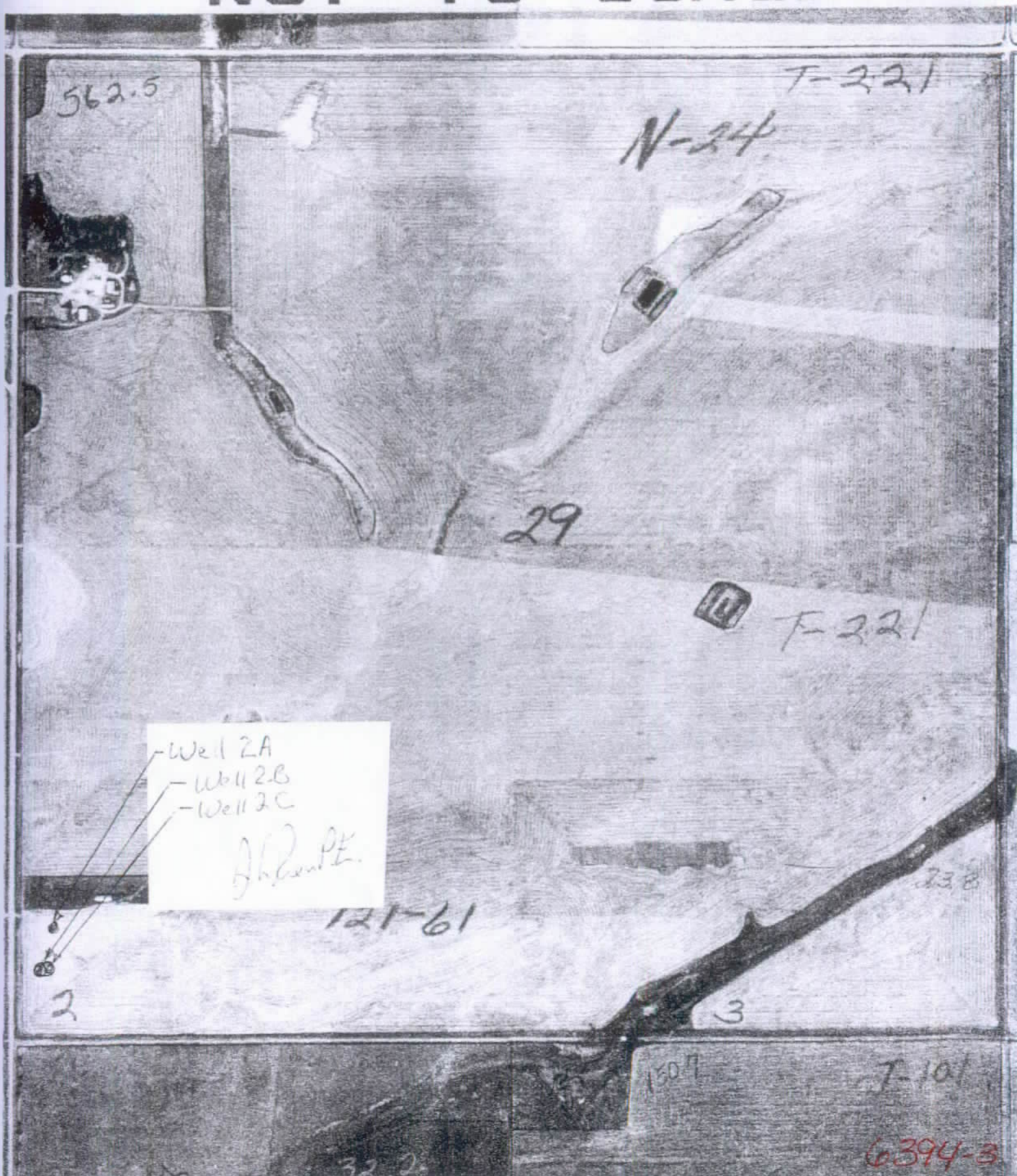
- a) Drill Hole Diameter 12" Depth 70'+
- b) Casing Type PVC Diameter 8" Thickness 3/8"
- c) Screen Type PVC Slotted Diameter 8" Thickness 3/8"
- d) Gravel Pack Yes Length of Gravel Pack Unknown
- e) Depth to Top of Water Bearing Material Unknown
- f) Depth to Water (ground surface to water level) 70'
- g) Distance to nearest existing domestic well:
On applicants property 20 feet On property owned by others 4,500 feet

2C. Well Information – Supplemental Information (Well within Pump House)

- a) Drill Hole Diameter 12" Depth 55'
- b) Casing Type PVC Diameter 8" Thickness 3/8"
- c) Screen Type PVC Slotted Diameter 8" Thickness 3/8"
- d) Gravel Pack Yes Length of Gravel Pack Unknown
- e) Depth to Top of Water Bearing Material Unknown
- f) Depth to Water (ground surface to water level) 55'
- g) Distance to nearest existing domestic well:
On applicants property 20 feet On property owned by others 4,500 feet

Please note that some Well Drilling Information is not available, since these wells were installed several decades ago. Information is based on "best guess" information for wells 2B and 2C.

NOT TO SCALE



MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

T-221

Well #1 -
Al Press, P.E.

m-26

NC

30

121-61

NC

4451.6

T-222

M-26

6394-3

PULLMAN DRILLING — DRILLERS LOG

Phone: 1-800-451-4884

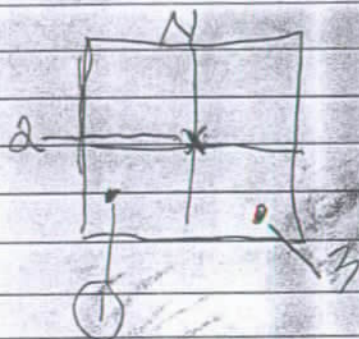
Hatterville Colony T-121-N R-61-W
JOB NAME LOCATION

8-22-1990
DATE

RIG NO. 11

J. D. P.
FOREMAN

JI No.	DEPTH	TIME	REMARKS
1	20		0-20 Yellow Clay By Goose Barn
2	40		20-40 Blue Clay
3	60		40-60 Blue Clay
4	80		60-69 Blue Clay 69-80 Coarse Sand
5	100		80-85 Blue Clay 85-97 Med. Sand 97-100 Shale
6			
7			
8			Hole # 2
9			
10	20		0-20 Yellow Clay
11	40		20-22 Yellow Clay 22-40 Blue Clay
12	60		40-53 Blue Clay 53-60 Med. Sand w/ little clay b
13	80		60-75 Blue Clay w/sand streaks 75-80 Shale
14			
15			Hole # 3
16			
17	20		0-17 Yellow Clay 17-20 Blue Clay
18	40		20-40 Blue Clay
19	60		40-50 Blue Clay 50-60 Shale
20			
21			
22			
23			
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30			
31			



PULLMAN DRILLING — DRILLERS LOG

Phone: 1-800-451-4884

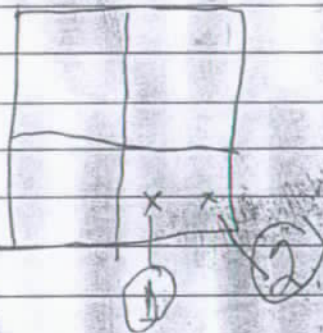
Hutterville Colony T-121 - R-61-W
 Section 14

2-22-1990

RIG NO. 11

J. D. P.
 FOREMAN

Jt No.	DEPTH	TIME	REMARKS
			Hole 1
1	20		0-17 Yellow Clay 17-20 Blue Clay
2	40		20-40 Blue Clay
3	60		40-57 Blue clay 57-60 Shale
4			
5			
6			No. 2
7			
8	20		0-17 Yellow Clay 17-20 Blue Clay
9	40		17-40 Blue Clay
10	60		40-55 Blue Clay 55-60 Shale
11			
12			
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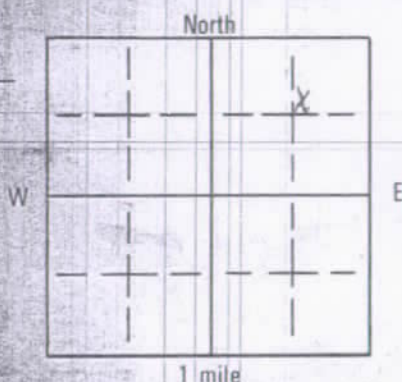


SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location N 18 1/4 Sec 30 Twp 121 Rg 61WCounty DeWitt

Please mark well location with an 'X'

Well Completion Date 9-30-86

PROPOSED USE

☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

CASING DATA

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>5</u>	IN <u>5</u>	FT <u>0</u>	FT <u>220</u>	IN <u>9</u>
LB/FT <u>3</u>	IN <u>3</u>	FT <u>220</u>	FT <u>687</u>	IN <u>7 1/8</u>
LB/FT _____	IN _____	FT _____	FT _____	IN _____
LB/FT _____	IN _____	FT _____	FT _____	IN _____

GROUT

Was the well grouted? ☒ YES ☐ NOTo what depth? 220 FEETWhat is grouting material? cement and bentoniteIf cement number of sacks? 20 - 27Describe grouting procedure Line

What was grout weight? _____ LB/GAL

SCREEN ☐ Perforated pipe ☒ ManufacturedDiameter 3 IN Length 80 FEET

Material _____

Slot Size 0.016 Set From 227 Feet To 987 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Well Owner:

Name Hutterville ColonyAddress 50 Stratford St

Well Log: _____ Depth _____

Formation

	From	To
top soil	0	3
yellow clay	3	15
Blue Clay	15	75
shale	75	168
Chalk	168	240
shale	240	907
stratford sand	907	912
good sand	912	920
shale w/open streaks	920	938
good sand	938	950
shale	950	960
fine w/open streaks	960	967
fair to good	967	980
sand streaks	980	987

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow 5 through _____ inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? yes

WELL TEST DATA:

☒ Pumped 50 g.p.m. 41 hrs
☐ Bailed Describe: _____
☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

2 grains hard

PULLMAN DRILLING — DRILLERS LOG

Phone: 1-800-451-4884

Huttenville Colony
JOB NAME

Stratford S.D.
LOCATION

4-11/91
DATE

RIG NO//

J. P. P.
FOREMAN

Jt No.	DEPTH	TIME	REMARKS
1	20		0-18 yellow clay 18-20 Blue Clay
2	40		20-60 Blue Clay
3	60		60-69 med sand
4	80		69-99 med to coarse sand
5	100		99 ft. shale
6	120		
7			
8			
9			T.P. 103 ft.
10			30 ft. 8 in screen
11			73 ft. 8 in Plank
12			
13			150 g.p.m
14			water head 28 ft.
15			drew down to 35 ft.
16			
17			Cement 0-70 ft.
18			
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34			
35			

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 13, 2003

RECEIVED OF Hutterville Hutterian Brethren Inc., 14625 401st Ave, Stratford SD 57474-7204

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

Fee for Application for Permit No. <u>6394-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>6394-3</u>	50	00
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	300.00

No.

000059

By

Darland Erbe

Chief Engineer

gm

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No 6394-3, Hutterville Colony.

ADDRESS: COUNTY: Brown

DATE: March 31, 2003 TELEPHONE:

RE: Call from John Ries, Engineering Consultant

COMMENTS:

Mr. Ries called and said that Hutterville Hutterian Brethren test pumped their Dakota Formation well and determined that it was producing 11 gallons per minute. I stated then that the application would be defined as 11 gpm from the Dakota well and the remaining (209 gpm) that was requested on their application would be attributed to the three shallow wells. Mr. Ries agreed that the application should be quantified in this manner.

NAME: 

REPORT ON WATER PERMIT APPLICATION NO. 6394-3
For Hutterville Hutterian Brethern, Inc.
March 26, 2003

Application No. 6394-3 proposes to appropriate 0.49 cfs (220 gpm) from four wells approximately 987 feet, 103 feet, 70 + feet, and 55 + feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 29 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 30; all in T121N R61W in Brown County. The water is for commercial use in animal feeding operations and for domestic use at Hutterville Colony.

AQUIFER – DAKOTA FORMATION (DKOT), PLEISTOCENE UNKNOWN (PSU)

The Dakota Formation consists of a buried sand, sandstone and shale that is under artesian conditions at this site. In fact, the well at this site will free flow at the land surface. The Dakota Formation underlies 1,750 square miles and contains an estimated 25.2 million acre-feet of recoverable water in storage in Brown County (Hedges, 1982). A driller's log filed with the application indicates the top of the Dakota Formation was at about 907 feet and continued to a depth of 987 feet below land surface. This well free-flowed at the land surface and was capable of producing 50 gpm using air to develop. This well was completed in 1986 and is constructed in accordance with SD Well Construction Standards. This is the well described as the #1 well (NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 30) on the map for this water permit application. This well is listed as the primary source of domestic water for the Colony.

The Pleistocene Unknown aquifer simply describes an aquifer which not been mapped or is not well understood. Neither the Brown County Study (Koch, 1976) nor the Spink County Study (Hamilton, 1996) indicate a mapped aquifer in this area. This is not unusual and the source of water for this portion of the application could be part of the Middle James aquifer system. The driller's logs filed with the application indicate medium sand from 60 to 69 feet and medium to coarse sand from 69 feet to 99 feet. This well had a water level of 28 feet below land surface and was capable of producing 150 gpm using air to develop. This well also appears to be constructed in accordance with SD Well Construction Standards. The two older wells at this site are reportedly 55 plus feet and 70 plus feet deep. This would make sense looking at the new driller's log. The old wells were completed into the top of the formation and are pumping from the head pressure on the well. These three wells are listed as the primary source of water for the hog confinement system, dairy operation and poultry operations.

The Water Rights Program does not monitor any observation wells completed into the Pleistocene Unknown or Dakota aquifers in this area. Historically, the Dakota Formation has had declining water levels since initial development of aquifer began. Primarily this was because of the large amount of water produced from free flowing which was allowed to flow to waste. The Koch report indicates the Dakota Formation declined about 390 feet in the Aberdeen area from 1900 to 1950. The information available from Water Rights Observation wells completed into the Dakota Formation but many miles from this

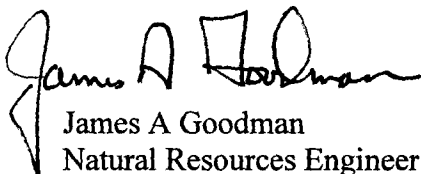
application indicate either slightly declining water levels continuing or water levels which have stabilized or even coming up slightly (Water Rights, 2003).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no existing water permits/rights from either the Dakota Formation or the Pleistocene Unknown aquifers in this area. The nearest Dakota Formation permit/right is located over five mile to the northwest and in Stratford. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. Water is available from the Pleistocene Unknown aquifer.
3. Both aquifers are under artesian conditions. Pumping from either will create some drawdown. Interference is not a concern primarily because there does not appear to be any other nearby users and these wells have been used for many years with no apparent problems.
4. The well records on file indicate the two newest wells have been completed in accordance with SD Well Construction Standards. No information is available for the two old wells (described as 2B and 2C in the application).
5. There is no indication of what portion of the total diversion rate will come from the three shallow well or from the Dakota well.
6. Plans and Specifications for handling the wastewater from this facility have been submitted to the Department and are presently under review.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Hamilton, L.J., L.W. Howells, 1996, Water Resources of Spink County South Dakota, WRI 96-4056, USGS, Rapid City, SD, 57702.
- Koch, N.C., W. Bradford, 1976, Geology and Water Resources of Brown County, South Dakota, Part II: Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2003, Unpublished Observation Well Data for the Dakota Formation, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6394-3, Hutterville Hutterian Brethren, Inc.**

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. 6394-3, Hutterville Hutterian Brethren, Inc., c/o John Waldner, 14625 401st Avenue, Stratford SD 57474.

The Chief Engineer is recommending APPROVAL of Application No. 6394-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells 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. 6394-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6394-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 1, 2003

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Alice Rents being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Notice of Application
Legal # 926681

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

Week for 2 successive Weeks
The first publication being made on the 8 day of April.
The second publication being made on the 15 day of April.
The third publication being made on the _____ day of _____.
The fourth publication being made on the _____ day of _____.
The fifth publication being made on the _____ day of _____.
The sixth publication being made on the _____ day of _____;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 121.50, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Alice Rents

Subscribed and sworn to before me this 6 day of May, 2003.

Daily Circulation 18,000

Don Valfrank

Notary Public, Brown County,

My commission expires March 20, 2007

No. 926681 - April 8, 15 - 2T)
NOTICE OF APPLICATION NOS. 6394-3
and 6395-3 to Appropriate Water
Notice is given that Hutterville Hutterian Brethren, Inc., 14625 401st Ave, Stratford SD 57474 have filed the following applications for a water permit.

Application No. 6394-3 proposes to appropriate 0.49 cubic feet of water per second (cfs) (220 gallons per minute) from 4 wells (Dakota Formation and Pleistocene Unknown) approximately 987, 103, 70 and 55 feet deep located in the SW 1/4 SW 1/4 Section 29 and NE 1/4 NE 1/4 Section 30' all in T121N-R61W. The water is for commercial use in animal feeding operations and domestic use at Hutterville Colony. The appropriation from the Dakota Formation well is 11 gallons per minute and the remaining 209 gallons per minute is diverted from the three shallow wells.

Application No. 6395-3 proposes to appropriate 0.71 cfs (320 gallons per minute) from 1 well (Pleistocene Unknown) 115 feet deep located in the NW 1/4 SW 1/4 Section 29 to irrigate 50 acres of garden located in portions of the W1/2 NE 1/4 Section 30 and SW 1/4 Section 29; all in T121N-R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6394-3 and 6395-3, 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 these applications 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 April 28, 2003. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications at 10 A.M. May 7, 2003 in the Matthew Training Center, Foss Building, 523 E Capitol Ave., 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 the applications based on the facts presented at the public hearing. The May 7, 2003 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 applications. The request for an automatic delay must be filed by April 28, 2003.

Any hearing may be an adversarial 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 April 28, 2003, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are 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. Steven M. Pinner, Secretary, Department of Environmental and Natural Resources.

RECEIVED

MAY - 8 2003

WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on April 8, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6394-3 and 6395-3 to Appropriate Water

Notice is given that Hutterville Hutterian Brethren, Inc., 14625 401st Ave, Stratford SD 57474 have filed the following applications for a water permit.

Application No. 6394-3 proposes to appropriate 0.49 cubic feet of water per second (cfs) (220 gallons per minute) from 4 wells (Dakota Formation and Pleistocene Unknown) approximately 987, 103, 70 and 55 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30; all in T121N-R61W. The water is for commercial use in animal feeding operations and domestic use at Hutterville Colony. The appropriation from the Dakota Formation well is 11 gallons per minute and the remaining 209 gallons per minute is diverted from the three shallow wells.

Application No. 6395-3 proposes to appropriate 0.71 cfs (320 gallons per minute) from 1 well (Pleistocene Unknown) 115 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 to irrigate 50 acres of garden located in portions of the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 30 and SW $\frac{1}{4}$ Section 29; all in T121N-R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6394-3 and 6395-3 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 these applications 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 April 28, 2003. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications at 10 A.M. May 7, 2003 in the Matthew Training Center, Foss Building, 523 E Capitol Ave., 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 the applications based on the facts presented at the public hearing. The May 7, 2003 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 applications. The request for an automatic delay must be filed by April 28, 2003.

Any hearing may be an adversarial 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 April 28, 2003, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 1, 2003

Aberdeen American News
PO Box 4430
Aberdeen SD 57402-4430

ATTENTION: Legal Public Notice

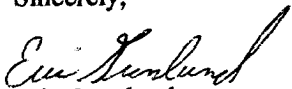
Enclosed is a Notice of Hearing on Application Nos. 6394-3 & 6395-3 to Appropriate Water to be published twice. Please publish the first notice on April 8, 2003 with the second publication 7 days later.

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 Hutterville Hutterian Brethren Inc., John Waldner, 14625 401st Ave., Stratford SD 57474 (Ph # 605-395-6580).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

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

No. 6394-3

Date _____

We are in receipt of your letter of April 1, 2003 enclosing Notice of Hearing to Appropriate Water by Application Nos. 6394-3 & 6395-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

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

April 1, 2003

Huttenerville Hutterian Brethren Inc.
John Waldner
14625 401st Ave
Stratford SD 57474

Dear M. Waldner:

Water Permit Application Nos. 6394-3 & 6395-3 for domestic and commercial use have 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 Aberdeen American News printed at Aberdeen, SD (Ph # 605-225-4100). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 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,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

cc: John Ries, McLaury Flannery Engineering

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**

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

JUN 13 2003

Huttenerville Hutterian Brethren Inc
% John Waldner
14625 401st Ave
Stratford SD 57474

Dear Mr. Waldner:

Enclosed are Water Permit Nos. 6394-3 & 6395-3 authorizing construction of your 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 systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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,

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

enclosures

STEVEN D. SANDVEN**LAW OFFICE P C****PRINCIPAL
STEVEN D. SANDVEN***Admitted in South Dakota,
Minnesota & Washington D.C.***3600 SOUTH WESTPORT AVENUE, SUITE 200
SIOUX FALLS, SOUTH DAKOTA 57106-6344
TELEPHONE (605) 332-4408
FACSIMILE (605) 332-4496
SSANDVENLAW@AOL.COM**

July 16, 2013

Tim Tollefsrud, Director
DENR
523 E Capitol Pierre, SD 57501
(605) 773-3151
tim.tollefsrud@state.sd.us

Re: Information Request

Dear Mr. Tollefsrud:

This memorandum is provided to request copies of all public records regarding permit compliance issues for land owned by Hutterville Hutterian Brethren, Inc. including all communication with Siegel Barnett & Shutz. Please provide the anticipated date for providing requested information.

Please contact me if there are any questions.

Sincerely,

Steven D. Sandven
Attorney for Hutterville Hutterian Brethren, Inc.

Cc: Client
David Bradley Olsen/Court Anderson, Henson & Efron PA, Attorneys for Hutterville
Hutterian Brethren, Inc.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 17, 2013

Steven D Sandven
3600 South Westport Avenue, Suite 200
Sioux Falls SD 57106-6344

Dear Mr. Sandven:

You made an information request to Tim Tollefsrud with the Department of Environment and Natural Resources (DENR) for all public records regarding permit compliance issues for land owned by Hutterville Hutterian Brethren, Inc. I am responding to the water rights held in the name of Hutterville Hutterian Brethren. The Surface Water Quality Program of DENR will be responding separately on the general water pollution control permit.

Hutterville Hutterian Brethren holds Water Permit No. 6394-3 for wells to supply the animal feeding operations and domestic use at the colony. In addition, they hold Water License No. 6395-3 for wells to irrigate the garden area.

I hope this information is helpful. Please let me know if you have further questions regarding water rights.

Sincerely,

Eric Gronlund
Water Right Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosures