

WATER PERMIT NO. 6657-3

Name of Applicant: Westwood Hutterian

Address: 499 Westwood Rd, Britton SD 57430

Phone: 605 448-5075

Amount of Water Claimed: 0.67 cfs

Total Acres: NA

Source of Water Supply: groundwater (two wells)

Water to be used for: domestic

County: Marshall

Type of Waste Disposal System:

Location: 8 miles northwest of Britton

PRIORITY Date Received: 8-22-05

Application/License Fee: \$325

Corrected Application Received: 9-¹⁴6-05

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SE ¼ NW ¼ Sec 22-T128N-
R58W

Land to be Irrigated: NA

Depth of Well: 160 feet deep

Well Driller: : Lenius Well Drilling Co

Remarks:

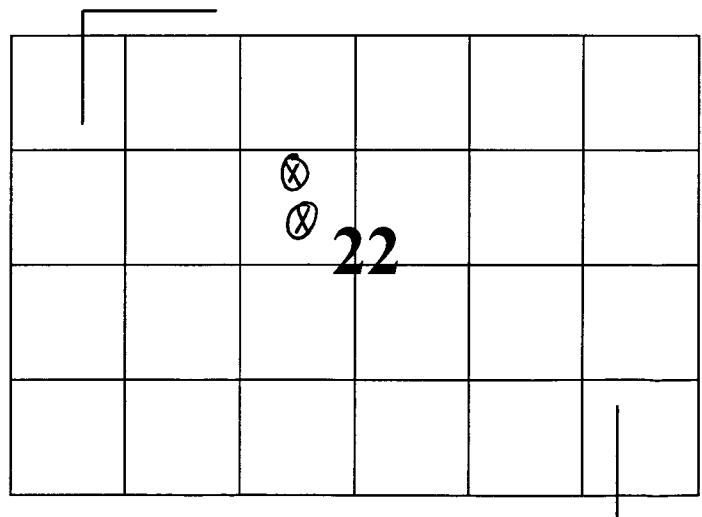
Type of Map: aerial

Prepared by: Steve Thompson, Marshall Co FSA

Reviewed and the Number Assigned on: 9-6-05

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. 0657-3 Hydrologic Unit 09020105
Basin Red Rainy
Newspaper Britton Journal, Britton

RECEIVED

AUG 22 2005

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.) _____

- Name of Applicant Westwood Hutterian Phone 605 448 5075
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 499 Westwood Rd. Britton SD 57430 State SD
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.67 *CFS or 300 **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 WELL
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 WELLS
SE 1/4 NW 1/4 SEC 22-T128N-R58W
County MARSHALL
- County or counties where water will be used MARSHALL
- Annual period during which water is to be used YEAR AROUND Jan 1 - Dec 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)

STATE OF SOUTH DAKOTA)

County of Brainerd 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, Joe Wurtz, 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 Joe Wurtz

Subscribed and sworn to before me this 19TH day of August 20 05

[Signature]
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6657-3

Date of first receipt of application August 22, 2005.

Date of return to applicant for corrections, amendments or changes August 23, 2005.

Date of receipt of corrected application September 19, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6657-3 to Westwood Hutterian, c/o Joe Wurtz, 499 Westwood Rd, Britton SD 57430 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. 6657-3 appropriates 0.67 cubic feet of water per second from two wells to be completed into the Middle James:Columbia Aquifer (approximately 160 feet deep) located in the SE 1/4 NW 1/4 Section 22-T128N-R58W.
2. The water appropriated shall be used for the purpose of domestic use 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 of approval of Permit No. 6657-3 is December 19, 2005.
5. The date from which applicant may claim right is August 22, 2005.
6. One-fifth of the construction is to be completed on or before June 19, 2008.
7. All construction is to be completed on or before December 19, 2010.
8. Water is to be put to beneficial use on or before December 19, 2014.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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.

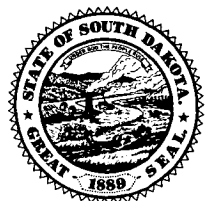
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 26 2008

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12 1/4" Depth 160 FT
- b) Casing Type PLASTIC Diameter 8 IN Thickness SDR 21
- c) Screen Type PLASTIC Diameter 8 IN Thickness SDR 21
- d) Gravel Pack #30 RED FLINT Length of Gravel Pack 20 ft.
- e) Depth to Top of Water Bearing Material 124 ft
- f) Depth to Water (ground surface to water level) 46 ft
- g) Distance to nearest existing domestic well:

On applicants property NONE

On property owned by others 2 MILES

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 _____

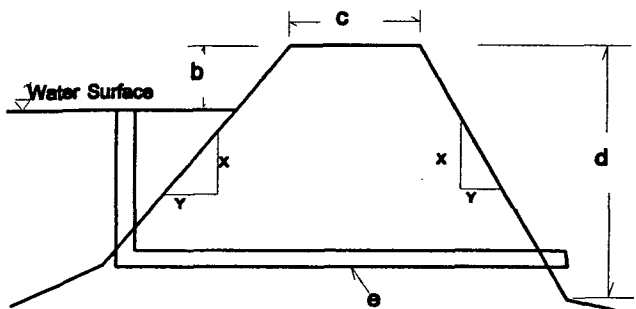
3. Dugout Information

- 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 _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Supplemental Information

(type or print in ink)

WELL # 2

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12 $\frac{1}{4}$ Depth 160 ft
- b) Casing Type PVC Diameter 8 in Thickness SDR 21
- c) Screen Type PVC Diameter 8 in Thickness SDR 21
- d) Gravel Pack #30 RED FINE Length of Gravel Pack 40 ft
- e) Depth to Top of Water Bearing Material 120 ft
- f) Depth to Water (ground surface to water level) 46 ft
- g) Distance to nearest existing domestic well:

On applicants property 300 ft

On property owned by others 2 miles

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 _____

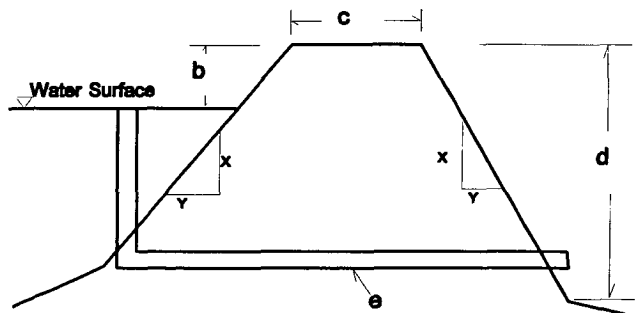
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- b) Depth to water (ground surface to water level) _____

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- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 6, 2005

RECEIVED OF Joe Wurtz, Westwood Hutterian, 499 Westwood Rd., Britton SD 57430

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

Fee for Application for Permit No. <u>6657-3</u> to Appropriate Water, to construct and to put water to beneficial use	275	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>6657-3</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	325.00

No.

001947

By

Darland Ebel
Chief Engineer *gm*

F 3377
T 4120
7 37.2
HEL

F 3377
T 4120
8 115.6
NHEL

5 2.2 C

F 3377
T 4120
4 42.4
HEL

6 10.2 C

F 3377
T 4120
3 54.8
NHEL

X - WELL 2

WELL 1

10 3.2 C

F 3377
T 4120
9 50.9
NHEL

2 2.4 C

F 3377
T 632
1 297.3
HEL

United States Department of Agriculture
Farm Service Agency

22-128-58

Marshall County

May 19, 2005

1997 Digital Orthophotography - Not To Scale



Steve Fonger, CED 8-29-05

10-85

Date 8/18/05

~~WATER RIGHTS
PROGRAM~~

PUMP CAPACITY OF BOTH WELL IS 300 GPM
EACH WELL WILL PRODUCE 150 GPM EACH
SECOND WELL IS USED MAINLY AS BACKUP



**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 23, 2005

Joe Wurtz
Westwood Hutterian
499 Westwood Rd
Britton SD 57430

Dear Mr. Wurtz:

Thank you for submitting the *Application for a Permit to Appropriate Water* for domestic use. In order to complete the application the following is required.

- A map showing the location of the well in relation to a government section corner or quarter corner by direction and distance is required. The map 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. aerial photo maps from local NRCS office).
- The application/license filing fee will be \$325.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

*Water
Permit.*

enclosure

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SEP 06 2005
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www.state.sd.us/denr

September 7, 2005

Joe Wurtz
Westwood Hutterian
499 Westwood Rd
Britton SD 57430

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SEP 19 2005
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Dear Mr. Wurtz:

We have received the application/license fee and map for your *Application for a Permit to Appropriate Water* for domestic use. Before we can proceed with the application, more information is needed regarding the second well.

- Please mark the location of the second well on the map.
- Complete the enclosed Form 2A, Supplemental Information for the second well. We have reviewed our files cannot find a Well Completion Report for this well. At the very least, we need the depth of the second well.
- What is the pump capacity of the second well? The application states 300 gallons per minute. Is this amount for both wells? Is the second well maintained as a back-up well? ^{150 GPM} YES

Upon receipt of the above information, further processing of your application will continue. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 14, 2005

Westwood Hutterian
c/o Joe Wurtz
499 Westwood Rd
Britton SD 57430

Dear Mr. Wurtz:

Enclosed is your check in the amount of \$325.00 and receipt. The receipt indicates that the application/license filing fee was submitted on September 6, 2005.

You will be receiving a bill from the Britton Journal for publishing of the public notice on November 30th and December 7th.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 6657-3
For Westwood Hutterian
November 9, 2005

Application No. 6657-3 proposes to appropriate 0.67 cfs (300 gpm) from two wells approximately 160 feet deep located in the SE ¼ NW ¼ of section 22, T128N R58W in Marshall County. The water is for domestic use.

AQUIFER – MIDDLE JAMES – COLUMBIA (MJ-C)

The Middle James Columbia is a buried outwash (sand and gravel) that is under artesian conditions at this site. The aquifer underlies 95,400 acres and contains an estimated 715,500 acre-feet of recoverable water in storage in Marshall County (Hedges, 1982). The aquifer extends into North Dakota to the north, Brown County to the west and into Clark County to the south (Koch, 1975). Ground water movement is from west to east and slightly to the north in the area of this application (Koch, 1975).

A well log filed with the application indicates topsoil from 0-2 feet, yellow clay from 2-12 feet, yellow sand from 12 to 21 feet, dark sand from 21 to 34 feet, blue clay from 34 to 126 feet, coarse sand from 126 to 160 feet. This well was capable of producing 125 gpm using air to develop and had a static water level of 44 feet below land surface. This well was completed in accordance with SD Well Construction Standards.

The Water Rights Program monitors six observation wells within a five mile radius of this application all completed into the Middle James-Columbia aquifer. One of these observation wells (ML-70J) is located within one-half mile of this application. Water levels for this well reflect climatic conditions, that is, rising during wet years (recharge) and gradually declining during dry years. Also the record indicates that pumping will affect water levels significantly. That is fluctuation of 20 feet or so can occur during the irrigation season due to pumping. This is shown by the observation well hydrograph. The other wells in the area show the same scenario. A hydrograph for ML-70J is included with this report. In general, the observation well data indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005).

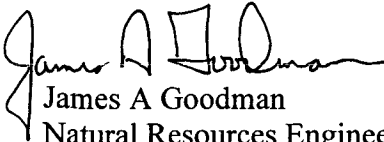
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing irrigation water right Nos. 3532-3 and 3014-3 located about two miles from this application with wells into the same water source. Interference is not a concern. Drawdown does occur as a result of pumping however this does not adversely impact adequate wells. This is shown by the historical water level record. It may become necessary at some later date to lower the pumps in the production wells in order to maintain pumping capacity.

CONCLUSIONS

1. Water is available from the Middle James Columbia aquifer.

2. The aquifer is under artesian conditions. Drawdown will be created by pumping. This drawdown is not expected to adversely impact exiting users. Interference is not a concern.
3. The well completion report filed with the application indicates that it is constructed in accordance with SD Well Construction Standards. No information is available for the #1 well.


James A Goodman
Natural Resources Engineer

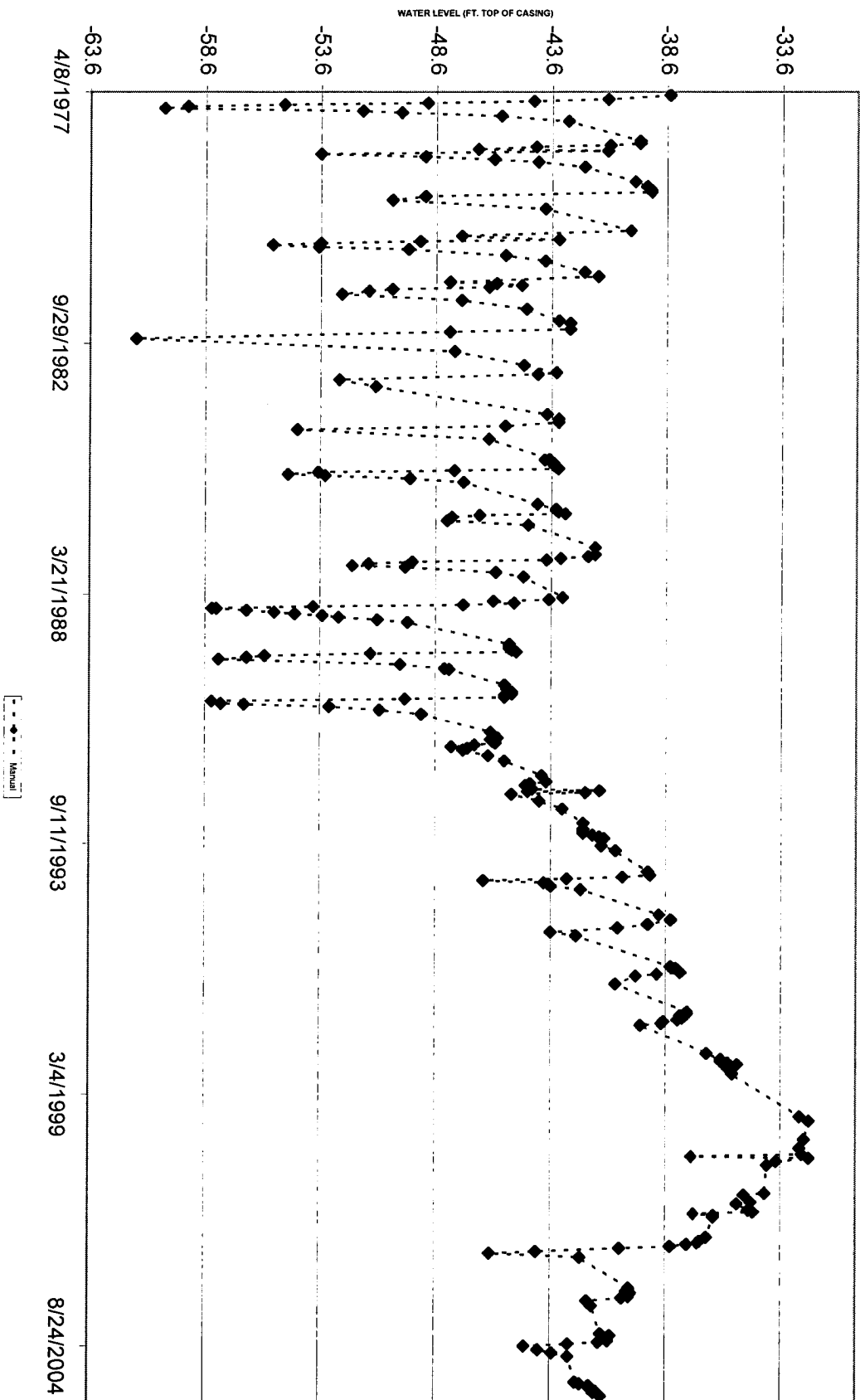
BIBLIOGRAPHY

Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Koch, N.C., 1975, Geology and Water Resources of Marshall County, South Dakota, Bulletin 23, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2005, Unpublished Observation Well Data for the Middle James Columbia Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
ML-70J





**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. 6657-3 Westwood Hutterian**

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. 6657-3, Westwood Hutterian, c/o Joe Wurtz, 499 Westwood Rd, Britton SD 57430.

The Chief Engineer is recommending APPROVAL of Application No. 6657-3 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) it is in the public interest with the following qualification:

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.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 21, 2005

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Marshall) SS

I, Kim Buhl

certify that the attached printed Notice was taken

from the Britton Journal

printed and published in Britton

County of Marshall and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

11/30/05

12/7/05

Cost of Printing \$34.09

Kim Buhl
(Signature)

Business Office Manager
(Title)

12/7/05
(Date Signed)

2T(Nov. 30-Dec. 7)

NOTICE OF APPLICATION NO.
6657-3 to Appropriate Water

Notice is given that Westwood Hutterian, c/o Joe Wurtz, 499 Westwood Rd, Britton SD 57430 has filed an application for a water permit to appropriate 0.67 cubic feet of water per second from two wells to be completed into the Middle James-Columbia Aquifer (approximately 160 feet deep) located in the SE 1/4 NW 1/4 Section 22-T128N-R58W. The water is for domestic use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6657-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 December 19, 2005.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. /

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DEC 15 2005
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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 21, 2005

Britton Journal
PO Box 69
Britton SD 57430-0069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6657-3 to Appropriate Water to be published twice. Please publish the first notice on November 30, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Westwood Hutterian, % Joe Wurtz, 499 Westwood Rd., Britton SD (Ph # 605-448-5075).

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-----

No. 6657-3

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

Date _____

We are in receipt of your letter of November 21, 2005 enclosing Notice to Appropriate Water by Application No. 6657-3 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.

November 21, 2005

Westwood Hutterian
% Joe Wurtz
499 Westwood Rd
Britton SD 57430

Dear Mr. Wurtz:

Water Permit Application No. 6657-3 for domestic use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Britton Journal printed at Britton, SD (Ph # 605-448-2281). 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 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. 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

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.

Instruction to Newspaper - Publish first Notice on November 30, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6657-3 to Appropriate Water

Notice is given that Westwood Hutterian, c/o Joe Wurtz, 499 Westwood Rd, Britton SD 57430 has filed an application for a water permit to appropriate 0.67 cubic feet of water per second from two wells to be completed into the Middle James:Columbia Aquifer (approximately 160 feet deep) located in the SE ¼ NW ¼ Section 22-T128N-R58W. The water is for domestic use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6657-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 26 2008

Westwood Hutterian
% Joe Wurtz
499 Westwood Rd
Britton SD 57430

Dear Mr. Wurtz:

Enclosed is Water Permit No. 6657-3 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 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,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6657-3

I have this day, October 20, 2023, made a thorough examination of the water use system constructed by Westwood Hutterian, 499 Westwood Rd, Britton, SD 57430 of Permit No. 6657-3, bearing the priority of August 22, 2005 authorizing the diversion of 0.67 cu. ft. per second of the waters of the Middle James: Columbia Aquifer for domestic use purposes, in Marshall County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lenius Well Drilling
- 2) No. of Wells 2 (Small & Large - See section F)
- 3) Depth(s) Large 160 & Small Unknown (shallow) feet
- 4) Well log is available Y If no, explain in comments

Comments: See Section F

Casing:

- 1) Diameter Large 8 & Small 1.25 inches
- 2) Length Large 140 & Small Unknown feet
- 3) Type Plastic

Screen:

- 1) Type Perf pipe
- 2) Length Large 20 & Small Unknown feet
- 3) Static water level 44 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity Large 100 & Small 20 (120 total) GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating Unknown hp

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

- 1) Type Unknown (See Section F) 2) Size Unknown inches 3) Length 1800 feet

Comments: To hog barns to the north

D. Compliance with Permit Requirements:

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

E. Condition and Location:

- The system is in good condition with the point(s) of diversion located as follows: WELL LOCATIONS
From the NW corner Sec 22 T128N R58W Small Well: 1820 ft S & 1915 ft E Lat 45.88781/Long -
97.78426 Large Well: 1820 ft S & 2000 ft E Lat 45.88781/Long -97.78394 (SE ¼ NW ¼)
- The works are capable of diverting and conveying to the place of use 0.27 cu. ft. per second of water
the license should be issued for 0.27 cfs
All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

There are two (2) wells, a big well (8-inch diameter) and a small well (1 ¼ inch diameter) about 100 feet east of big well. The big well is used to supply water to the hog barns while the small well is used for watering a garden and filling sprayer tanks.

The well log shows a plastic casing, but the current casing is steel and very similar to what is found on rural water system wells.

Visited with Josh Stahl (605/290-9268) who is responsible for the water systems on the colony and talked to Paul Stahl (605/216-2148), Farm Manager, on the phone during the field visit. Josh estimated that the big well can supply about 100 gpm).

- Amanda Dewell called Paul on 10/24/23 for a rate on the small well. Paul says well is shallow and does not always produce, but when it does it produces an estimated 20gpm.

One issue is that the folks currently responsible for day-to-day operations were not involved in the original decision-making process, so they are not always sure of specific details.

The colony is on rural water which they use for domestic purposes.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: October 23, 2023



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

OCT 25 2023

6657-3

Westwood Hutterian
c/o Paul Stahl
499 Westwood Rd
Britton SD 57430

Dear Mr. Stahl:

Enclosed is Water License No. 6657-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6657-3**

(1) Westwood Hutterian; 499 Westwood Rd, Britton SD 57430, made Application No. 6657-3, August 22, 2005, for a water permit to divert 0.67 cubic feet of water per second from groundwater, two wells (Middle James: Columbia Aquifer), Marshall County, South Dakota for domestic purposes. Permit No. 6657-3, with a priority date of August 22, 2005, was approved December 19, 2005, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 19, 2010, and for the application to beneficial use of water on or before December 19, 2014.

(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 0.27 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- Small Well: 1,820 ft S & 1,915 ft E of the NW corner of Section 22, T128N, R58W (SE ¼ NW ¼) (Latitude 45.88781 & Longitude -97.78426)
- Large Well: 1,820 ft S & 2,000 ft E of the NW corner of Section 22, T128N, R58W (SE ¼ NW ¼) (Latitude 45.88781 & Longitude -97.78394)

(3) The water is to be used during the following described annual period: January 1 – December 31.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

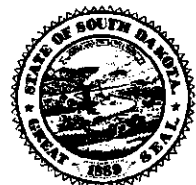
(5) Pursuant to South Dakota Water Law 46-5-30.1 Westwood Hutterian, the holder and/or owner of Water Right No. 6657-3, is issued a license to appropriate water, the right to use 0.27 cubic feet of water per second from groundwater, two wells (Middle James: Columbia Aquifer), with a priority date of August 22, 2005, from the location specified in (2) of this license for domestic purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6657-3 and subject to the following qualification:

1. The wells approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The wells owner under this permit shall control their withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.


Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

OCT 25 2023
date





0 0.075 0.15 0.3 0.45 0.6 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

6657-3

Mathiowetz, Adam (DENR)

From: Duvall, Ron
Sent: Monday, June 30, 2025 8:23 AM
To: Mathiowetz, Adam (DENR)
Cc: Dewell, Amanda
Subject: FW: [EXT] Moving wells
Attachments: westwood_map.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Adam,

Can you please assign this to someone to see whether this can be handled administratively? Attached is a map showing the lay of the land and proposed relocation for the existing wells.

Thank you,

Ron

From: Paul Stahl <paulstahlww@gmail.com>
Sent: Saturday, June 28, 2025 5:40 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Subject: Re: [EXT] Moving wells

Yes, this is correct Ron

On Fri, Jun 27, 2025 at 1:40 PM Duvall, Ron <Ron.Duvall@state.sd.us> wrote:

Paul,

Based on our recent email conversation, you decided that the current 120 gallons per minute is sufficient to meet your needs, but you would like to relocate the wells to a location with better aquifer material. I have attached a map showing the current well locations and the proposed new location in section 15. Please confirm this information and the map is correct and then we will see if we can administratively approve the change pursuant to South Dakota Codified Law 46-5-13.1 without going through the usual permitting process to change well locations.

Thank you,

Ron

From: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>
Sent: Friday, June 20, 2025 10:21 AM
To: paulstahlww@gmail.com
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Duvall, Ron <Ron.Duvall@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: Moving wells

Paul,

At the proposed location, wells approximately 140 feet deep would still be completed into the Middle James: Columbia aquifer as authorized by your existing water right, Water Right No. 6657-3.



Adam Mathiowetz, PE

Engineer, Water Rights Program

Department of Agriculture and Natural Resources

523 E. Capitol Ave. Pierre SD, 57501

605.773.3352

danr.sd.gov

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Friday, June 20, 2025 8:52 AM
To: paulstahlww@gmail.com
Cc: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; amanada.dewell@state.sd.us
Subject: Moving wells

Paul,

Here is a link to see your existing water right – No. 6657-3. Attached are blank application forms. As we discussed, you are planning to relocate the existing wells covered by No. 6657-3 to a location in the SE1/4 NE1/4 section 15-T128N-R58W which is approximately one mile to the northeast of the existing wells. If the site for the two replacement wells is in the same aquifer, then you will need to apply for 80 gallons per minute to increase your permitted rate to a total of 200 gpm. The diversion authority for your two existing wells will then be transferred to your new wells. The test holes you had drilled in section 15 were into the sand at around 140 feet deep. I am copying Adam this email so he can respond concerning whether you are still in the Middle James Columbia Aquifer.

Please let me know if you have any questions.

Thank you,

Ron Duvall

**Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program**

605.773.3352

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DANR
SOUTH DAKOTA

Scale: 1 inch = 1,042 feet

1,400

Feet



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SOUTH DAKOTA

Ron Duvall, Engineer
SD DANR, Water Rights Program

Date: June 30, 2025

Water Right No. 6657-3

Approval of Location Change and/or Additional Diversion Point(s)NAME: Westwood HutterianCOUNTY: MarshallADDRESS: 499 Westwood Rd Britton SD 57430DATE: July 02, 2025**GENERAL DESCRIPTION OF AUTHORIZED PROJECT:**

Water Right No. 6657-3 authorizes the diversion of 0.27 cfs from groundwater, two wells, Middle James : Columbia aquifer (MJ:C) with both wells located in the SE ¼ NW ¼ Section 22-T95N-R52W for domestic purposes.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be added, provided the following conditions are met and the potential for interference with other existing diversions is not increased.

Developed water source same as permitted source and no additional water appropriated,

On June 20, 2025, the Water Rights Program received a request submitted by Paul Stahl to allow for Water Right No. 6657-3 to relocate the two wells currently authorized to the SE ¼ NE ¼ Section 15-T128N-R58W. The proposed well sites are approximately one mile northeast of the current well sites. The proposed well depth, based on test hole information, is 140 feet which would still be completed into the Middle James: Columbia aquifer. There is no request to increase the authorized diversion rate.

Review of Existing Diversions

The nearest Middle James: Columbia aquifer water right to the proposed diversion points is Water Right No. 5204-3 (Arlo Tank) located approximate 2.6 miles southeast. The nearest domestic well on file with the Water Rights Program completed into the Middle James: Columbia aquifer is located approximately one mile southwest of the proposed diversion points. This domestic well is located within one-half mile of the current well sites for Water Right No. 6657-3. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report. During the initial review of Water Right No. 6657-3, it was determined there was a reasonable probability development of Water Right No. 6657-3 would not cause an unlawful impairment of existing water rights with adequate wells or adequate domestic wells. Both the previously mentioned wells pre-date the construction of the current wells for Water Right No. 6657-3. Furthermore, the proposed diversion points are even further away from the existing well sites.

There has been one complaint filed with the Water Rights Program regarding well interference for wells completed into the Middle James: Columbia aquifer. The complaint, from 1980, involved now cancelled Water Permit No. 2504-3 claiming well interference by pumping under Water Right No. 2984-3. The issue was resolved by the irrigators developing an irrigation schedule for the remainder of the 1980 irrigation season. This complaint was located approximately 16 miles west of the proposed diversion points. There have been no other complaints regarding wells completed into the Middle James: Columbia aquifer. Water Right No. 6657-3 has a qualification (1) which addresses the close proximity of domestic wells and other wells completed into the same aquifer. The qualification requires the permit holder to control withdrawals so as not to reduce water supplies in nearby adequate domestic wells or adequate wells utilized by senior water rights.

RECOMMENDED ACTION

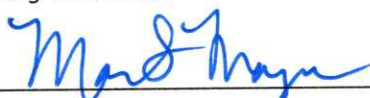
Based on the above criteria, it is recommended that the change in diversion point location be approved.



Adam Mathiowetz, Engineer IV
Water Rights Program

The acting Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Mark Mayer, PE
Director of Office of Water