

WATER PERMIT NO. 7434-3

Name of Applicant: **Poinsett Hutterian Brn Inc.**

Address: **46527 189th St, Estelline SD 57234** Phone: **605 873-2630**

Amount of Water Claimed: **3.56 cfs** Total Acres: **520 acres**

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

Water to be used for: **irrigation** County: **Hamlin**

Type of Waste Disposal System:

Location: **4 miles north of Estelline**

PRIORITY Date Received: **9-14-12** Application/License Fee: **\$ 1650**

Corrected Application Received: Period of Annual Use: **May 1- Sept 30**

Remarks:

Diversion Point: **N 1/2 NW 1/4 Sec 35-T114N-R51W**

Land to be Irrigated: **Sec 35-T114N-R51W**

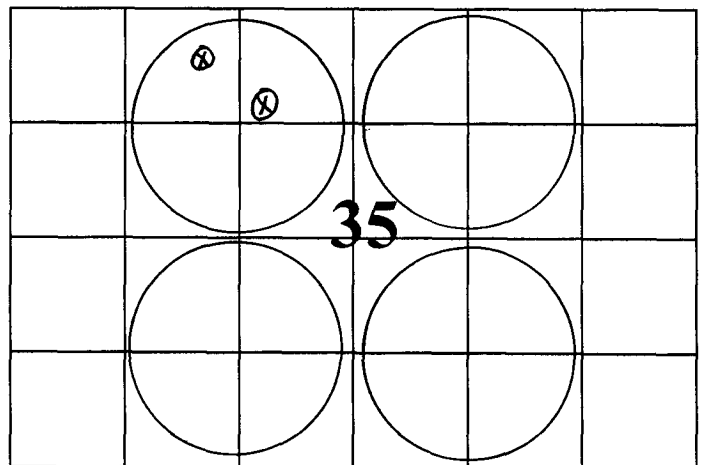
Depth of Well: **90 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Hamlin Co FSA**



Reviewed and the Number Assigned on: **9-17-12**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7434-3</u> (office use only)	Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Estelline Journal</u>	
	<u>Public Opinion</u>	

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WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

- Name of Applicant Poinsett Lutheran Bn Inc. Phone 605-873-2630
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 46527 189th St. Estelline SD State SD (Zip Code) 57234
 (Street, RR, or Box and City)
- Amount of water claimed 3.56 *CFS or 1600 **GPM ***AF Total Acreage 520
 (*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 1/4 NE 1/4 section 12-T104N-R53W)
2 Wells N 1/2 N.W 1/4 Sec. 35-114-51
 County Hamlin
- County or counties where water will be used Hamlin
- Annual period during which water is to be used May 1 - Sept 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
35-114-51 NE 1/4 130 AC		35-114-51 NW 1/4 130 Acres Trl.	
35-114-51 SE 1/4 130 AC		35-114-51 SW 1/4 130 acres	
Sec 35 T 114N R 51W 520		Total	

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



Look at Attached Sheet

STATE OF SOUTH DAKOTA) SS
 County of Hamlin

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, Lori Truchette, 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 Lori Truchette

Subscribed and sworn to before me this 12 day of September 20 12

My Commission Expires
 October 1, 2017

Karen Sonnenburg
 Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7434-3**

Date of first receipt of application September 14, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7434-3 to Poinsett Hutterian Brethren, Inc., c/o Levi Tschetter, 46527 189th St, Estelline SD 57234 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. 7434-3 appropriates 3.56 cubic feet of water per second from two wells to be completed into the Big Sioux:Brookings Aquifer (90 feet deep) located in the N 1/2 NW 1/4 Section 35 for irrigation of 520 acres located in Section 35; all in T114N-R51W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is September 14, 2012
4. The date of approval of Permit No. 7434-3 is December 3, 2012.
5. One-fifth of the construction is to be completed on or before June 3, 2015.
6. All construction is to be completed on or before December 3, 2017.
7. Water is to be put to beneficial use on or before December 3, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

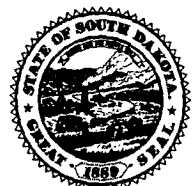
QUALIFICATIONS

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. The wells authorized by Permit No. 7434-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JAN 17 2013
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22 Depth 90
- b) Casing Type PVC Diameter 16" Thickness sch 40
- c) Screen Type PVC Diameter 16" Thickness sch 40
- d) Gravel Pack 1/4 x 1/8 Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 60'
- f) Depth to Water (ground surface to water level) 15'
- g) Distance to nearest existing domestic well: None
- On applicants property ☒ On property owned by others ☐

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

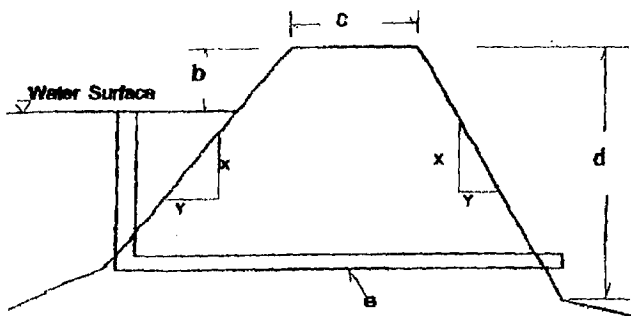
3. Dugout Information

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

4. Water Storage Dams

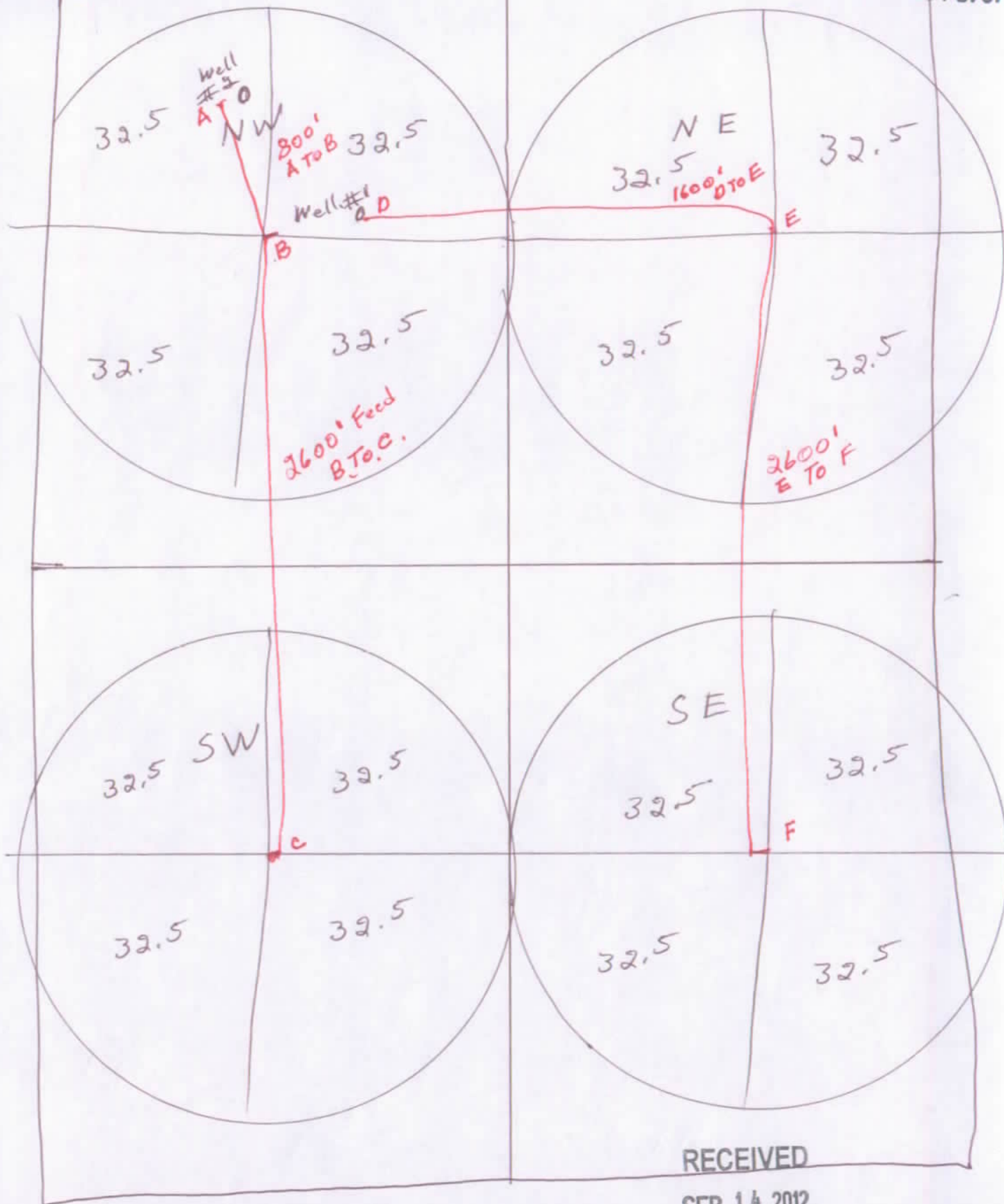
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

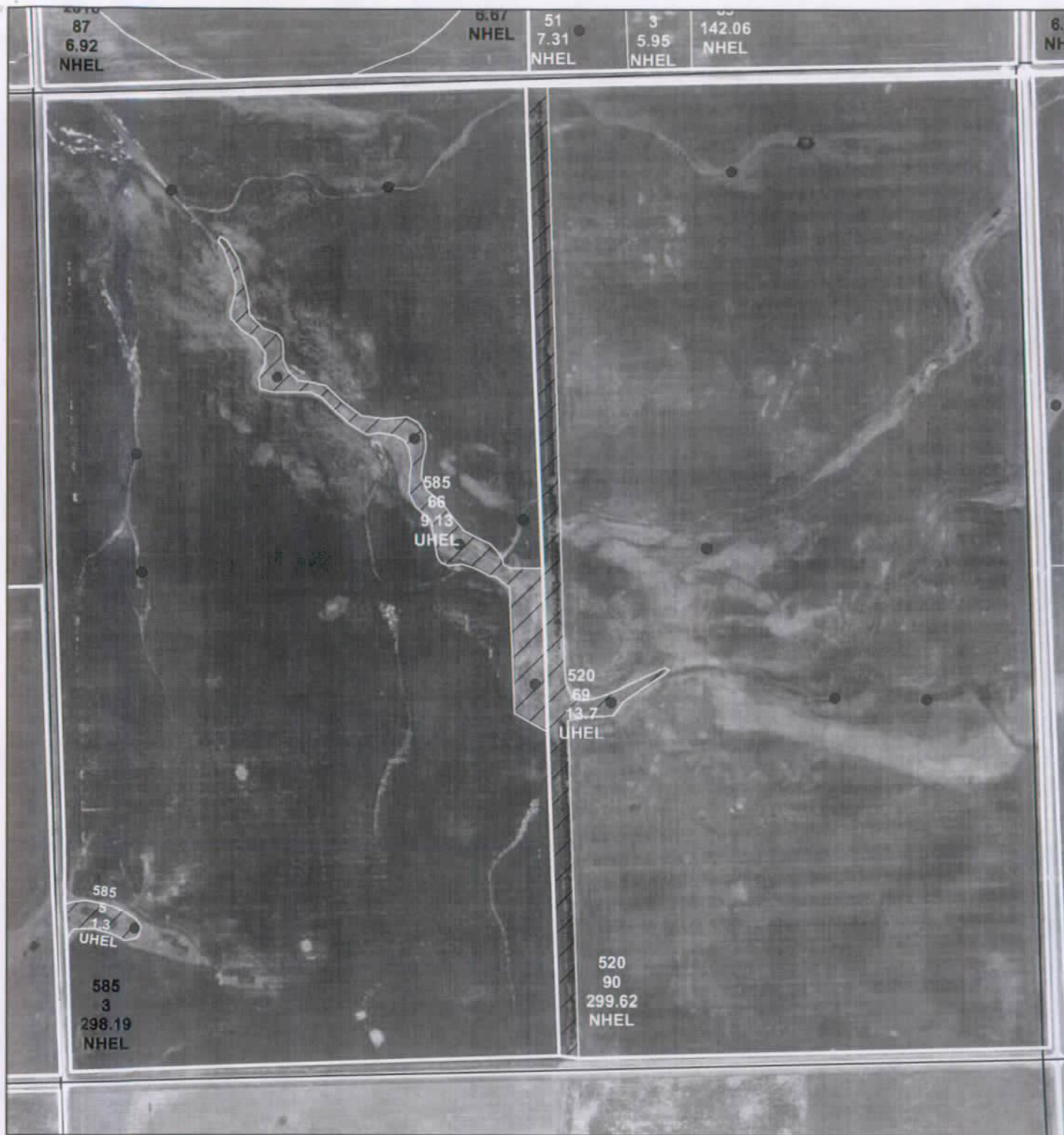


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

N 35-114-51 POINSETT COLONY
46527 189th St.
Estelline, SD 57234-5707



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United States Department of Agriculture
Farm Service Agency

January 25, 2012

PLSS: 35_114N_51W
Farm: 4934

Hamlin County, SD
1:8,678

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Wetland Determination Identifiers
● Restricted Use
▽ Limited Restrictions
■ Exempt from Conservation Compliance Provisions

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

WATER RIGHTS
PROGRAM

Common Land Units
Non Cropland

2010 Ortho-Photography - Not to Scale

Brandy J. Am. Acting CEO

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 9/17, 20 12

RECEIVED OF Poinsett Hutterian Brethren 46527 189th St Estelline SD 57234

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

Fee for Application for Permit No. <u>7434-3</u> to Appropriate Water, to construct and to put water to beneficial use	1450	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>7434-3</u>	200	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	1650 00

No. **05579**

By *David Erbe*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7434-3, Poinsett 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. 7434-3, Poinsett Hutterian Brethren Inc., c/o Levi Tschetter, 46527 189th Street, Estelline SD 57234.

The Chief Engineer is recommending APPROVAL of Application No. 7434-3 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 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. The wells authorized by Permit No. 7434-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 13, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 7433-3 AND 7434-3
POINSETT HUTTERIAN BRETHERN INC.
C/O LEVI TSCHETTER
NOVEMBER 13, 2012

Water Permit Application No. 7433-3 proposes to appropriate up to 260 acre-feet (ac-ft) annually at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Brookings management unit of the Big Sioux aquifer. The well is expected to be approximately 90 feet deep and is to be located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22 for the irrigation of 130 acres located in the SW $\frac{1}{4}$ Section 22; all in T114N-R51W in Hamlin County.

Water Permit Application No. 7434-3 proposes to appropriate up to 1,040 ac-ft annually at a maximum diversion rate of 3.56 cfs from two wells to be completed into the Brookings management unit of the Big Sioux aquifer. The wells are expected to be approximately 90 feet deep and are to be located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 35 for the irrigation of 520 acres located in Section 35; all in T114N-R51W in Hamlin County.

AQUIFER: Brookings management unit of the Big Sioux aquifer (BS: B)

GEOLOGY AND AQUIFER CHARACTERISTICS:

Test hole information was not submitted with these permit applications. However, sufficient data is available through well completion reports, water right/permit files, and SD DENR-Geological Survey test hole logs to evaluate this application. The Big Sioux: Brookings is a predominantly surficial outwash aquifer that is primarily under water table condition in the area of this application (Koch, 1980). The Big Sioux: Brookings extends south into Brookings County, and east into Deuel County. The aquifer underlies approximately 191,100 acres and contains an estimated 642,230 ac-ft of recoverable water in storage with 114,900 acres underlying and 391,280 ac-ft of water in Hamlin and Deuel Counties (Hedges et. al, 1982). The aquifer is hydraulically connected to area lakes, streams, and the Big Sioux River (Kume, 1985). Kume (1985) determined that Big Sioux: Brookings has an average thickness of 30 feet and can be encountered generally less than 50 below ground surface. Kume (1985) also stated that wells completed into the Big Sioux: Brookings aquifer could yield in excess of 1,000 gpm of water that is suitable for irrigation.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer.

WATER AVAILABILITY:

Water Permit Application Nos. 7433-3 and 7434-3 propose to appropriate up to 260 ac-ft/yr, and 1,040 ac-ft/yr, respectively, from the Big Sioux: Brookings aquifer. Although the actual water

use if these applications are approved will most likely be less than the proposed appropriations. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.

Recharge versus Discharge:

Recharge:

Recharge to the Big Sioux: Brookings is by infiltration of precipitation, and seepage from the Big Sioux River and its tributaries (Kume, 1985). Koch (1980) estimated a recharge rate of 6.57 inches per year (62,908 ac-ft/yr for Hamlin and Deuel Counties) and Kume (1985) estimated an average annual recharge of 48,531 ac-ft/yr for the Big Sioux: Brookings aquifer in Hamlin and Deuel Counties.

Discharge:

The Big Sioux: Brookings natural discharge is through seepage to the Big Sioux River and its tributaries during periods of low flow and stage and evapotranspiration (Koch, 1980). There are 122 water rights/permits appropriating water from the Big Sioux: Brookings aquifer in Hamlin and Deuel Counties and several domestic wells (Water Rights, 2012b and 2012c). The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming: 1) water rights/permits limited by an annual volume will pump the entire volume appropriated (1,990 ac-ft/yr), 2) water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time (5,686 ac-ft/yr), and 3) future use permits can be fully developed (883 ac-ft/yr). Table 1 shows the irrigation withdrawal from the Big Sioux: Brookings aquifer. Annual withdrawal from the Big Sioux: Brookings in Hamlin and Deuel Counties by all appropriations is expected to total less than 13,114 ac-ft at the current appropriation amount. Therefore, there is a reasonable probability that unappropriated water is available from the Big Sioux: Brookings aquifer for these proposed appropriations.

YEAR	NO. OF PERMITS REPORTING	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2011	95	34508	5489.58
2010	94	34268	1898.69
2009	90	33348	4555.83
2008	85	32001.2	6831.57
2007	83	31535.2	6376.5
2006	79	30651.2	7742.7
2005	78	30537.2	6430.01
2004	76	30057.2	6888.77
2003	69	28317.2	6334.45
2002	70	28587.2	6224.68
2001	70	28587.2	4379.06
2000	73	29868.2	4380.19
1999	75	30522.2	3702.58
1998	76	31286.2	3499.82
1997	74	30743.7	2538
1996	74	30743.7	4195.95
1995	79	31873.7	2561.78
1994	78	31873.7	1019.06
1993	79	32280.7	783.5
1992	79	31882.7	1456.6
1991	79	32455.7	4894.54
1990	87	37548.08	3751.22
1989	82	36784.4	8667.6
1988	78	36744.4	9702.6
1987	75	35584.9	5181.5
1986	77	37730.9	1617.82
1985	78	37986.9	1872.4
1984	77	38267.9	4572.1
Min	69	28317.2	783.50
Max	95	38267.9	9702.60
Avg	78.9	32734.8	4555.33

Table 1- Irrigation Water Use from the Big Sioux: Brookings in Hamlin and Deuel Counties (Water Rights 1979-2012).

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors 38 observation wells located into the Big Sioux: Brookings aquifer in Deuel and Hamlin Counties (Water Rights, 2012a). The nearest observation wells are HN-77E, HN-77F, and HN-83A. Water levels in the observation wells show response to climatic conditions. The water levels rise (recharge) during wet years and gradually decline during dry years. The observation wells show the effects of pumping, but it does not appear to be adverse over the period of record. The climatic effects on water level greatly mask the temporal impacts of well withdrawal. Therefore, recharge to and natural discharge from the Big Sioux: Brookings aquifer significantly exceeds pumping. There is, generally, more water in transient storage now than in the past. Figure 1, 2 and 3 show the hydrographs for observation wells HN-77E, HN-77F, and HN-83A, respectively.

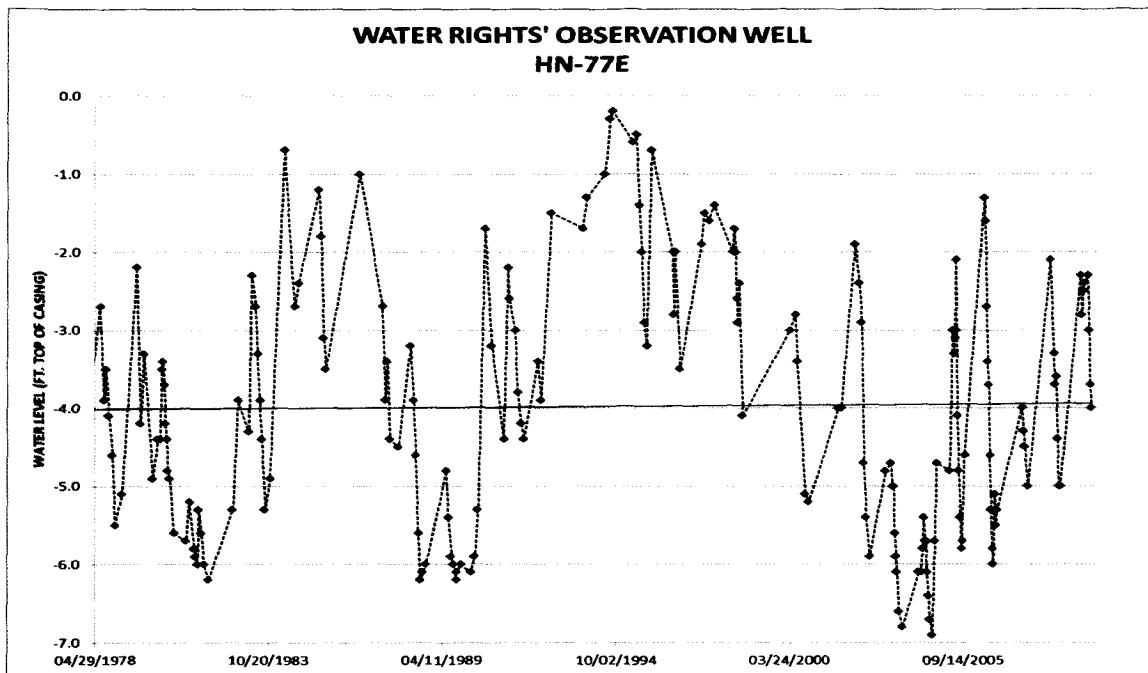


Figure 1- Hydrograph of DENR-Water Rights' observation well HN-77E (Water Rights, 2012a)

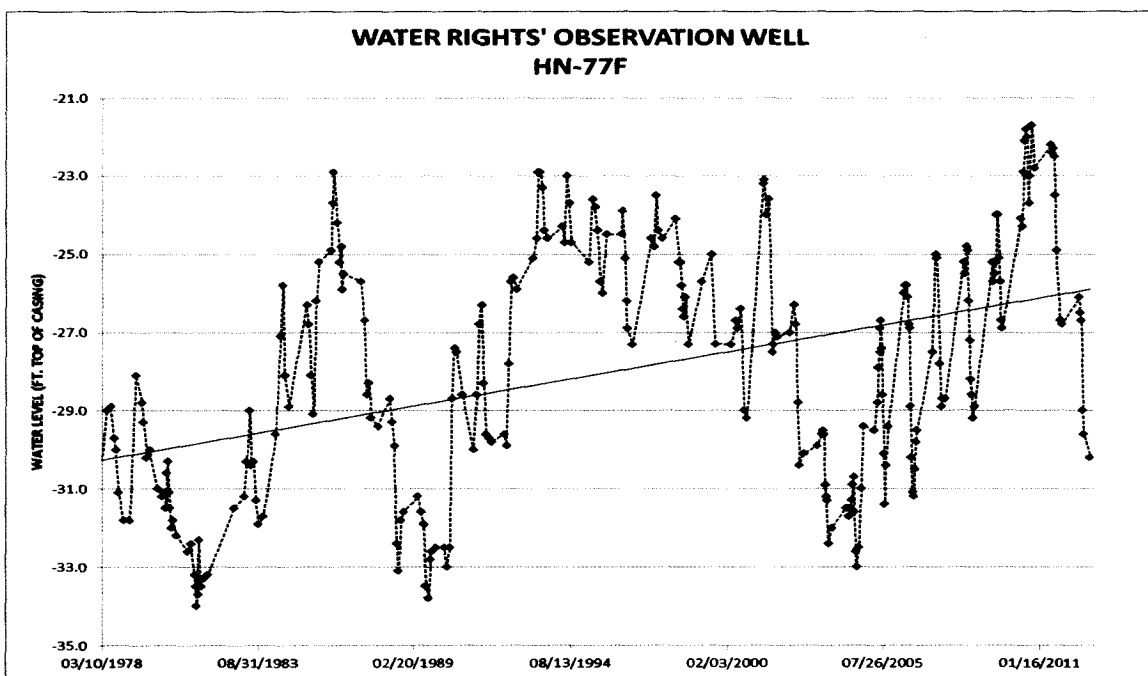


Figure 2- Hydrograph of DENR-Water Rights' observation well HN-77F (Water Rights, 2012a)

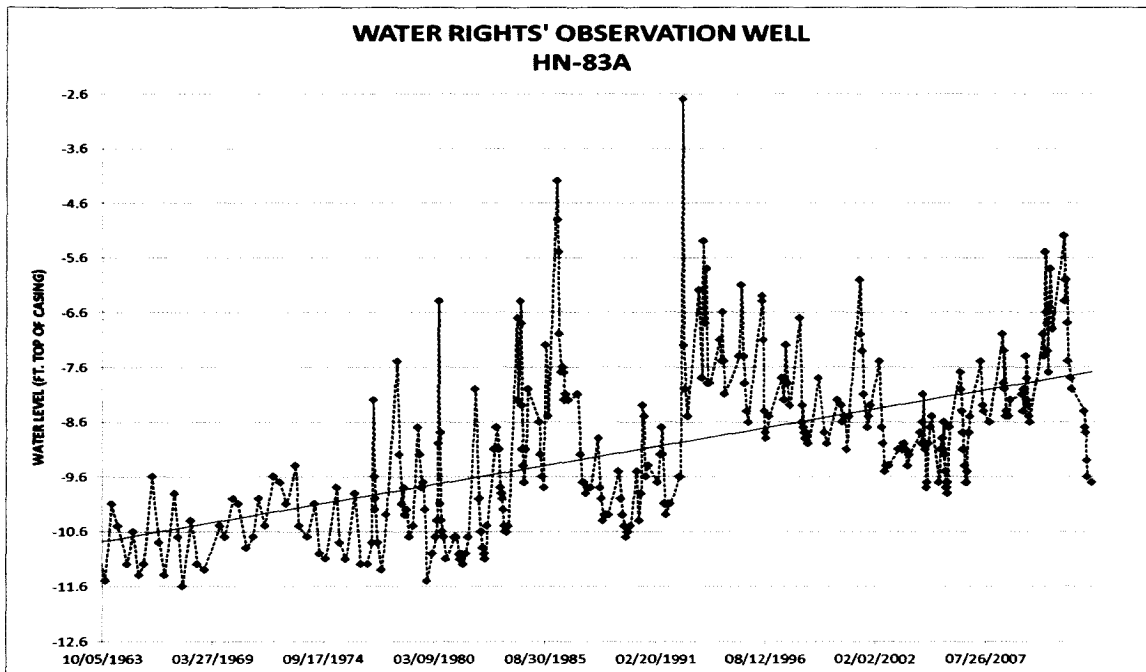


Figure 3- Hydrograph of DENR-Water Rights' observation well HN-83A (Water Rights, 2012a)

EXISTING WATER RIGHTS:

There are 10 water rights/permits authorizing wells and two domestic wells are within one mile of any of the proposed well locations (Water Rights, 2012b and 2012c). Table 2 shows the water rights/permits within one mile of the proposed well locations.

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
2841-3	Wayne Janssen	LC	IRR	1.78	124
3563-3	Donald Linneman	LC	IRR	2	238
4130-3	Laverne Mennenga	LC	IRR	1.88	132
5328-3	Poinsett Httrn Brth	LC	IRR	2.22	257.5
5394-3	Wayne Janssen	LC	IRR	1.11	121
5402-3	Poinsett Httrn Brth	LC	IRR	1.77	132
5627A-3	Poinsett Httrn Brth	LC	IRR	1.78	136
5817-3	Sanderson Farms Partnership	LC	IRR	1.77	280
6797-3	Poinsett Httrn Brth	PE	IRR	1.67	136
6986-3	Laverne Mennenga	PE	IRR	3.56	225
LC = Water Right, PE = Water Permit, IRR = Irrigation					

Table 2 – Water Rights from the Big Sioux: Brookings aquifer within one mile of the proposed well locations (Water Rights, 2012b)

The hydrographs show that the impacts of pumping have not been adverse over the period of record. The minimal drawdown and interference from pumping high capacity wells is clearly shown by figures 1, 2, and 3. Therefore, there is a reasonable probability that the diversion proposed by these applications can be made without impairing existing water rights/permits and domestic users. Figure 4 shows a map of the proposed well locations, water rights/permits within one mile of the proposed well locations, and the nearest observation wells completed into the Big Sioux: Brookings aquifer.

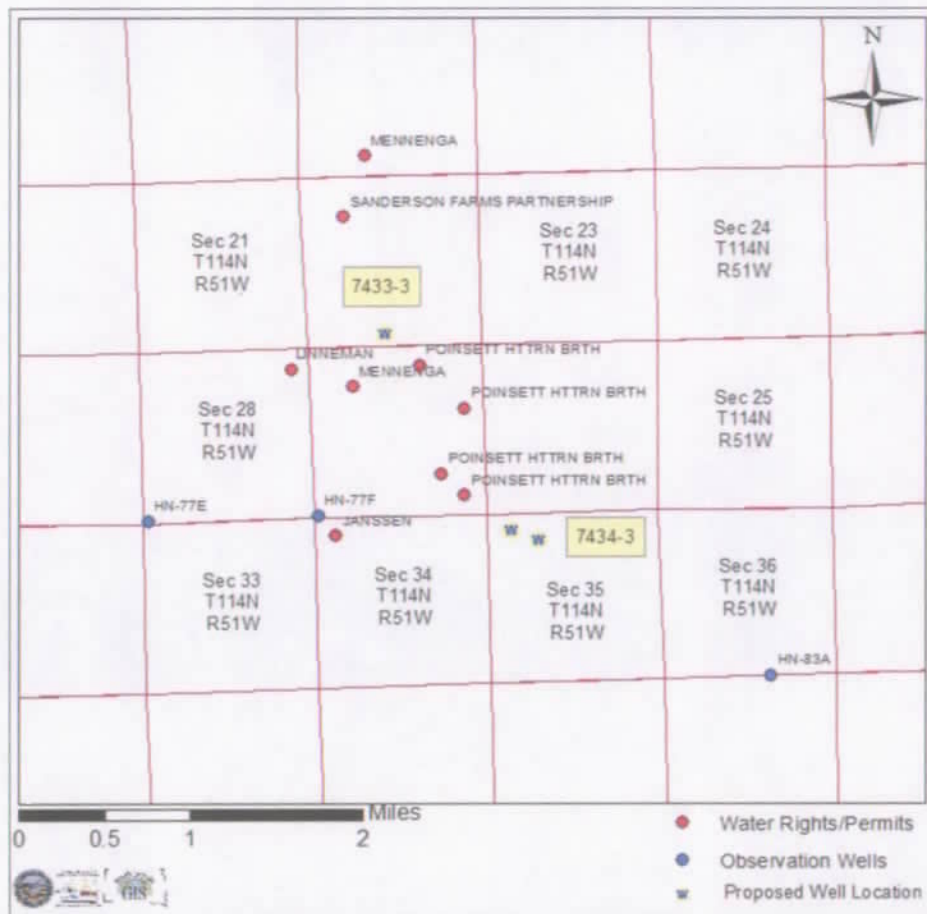


Figure 4- Map of the proposed well location nearby water rights/permits, and observation wells.

CONCLUSIONS:

1. Water Permit Application No. 7433-3 proposes to appropriate 260 acre-feet annually for the irrigation of 130 acres, but the amount of water that actually will be used is expected to be considerably less.
2. Water Permit Application No. 7434-3 proposes to appropriate 1,040 acre-feet annually for the irrigation of 520 acres, but the amount of water that actually will be used is expected to be considerably less.
3. There is a reasonable probability that unappropriated water is available from the Big Sioux: Brookings aquifer to supply these proposed diversions.
4. There is a reasonable probability that the diversions requested by these applications can be made without adversely affecting existing water rights.

Adam Mathiowetz

Adam Mathiowetz
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Koch, N.C. 1980. Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota. Water-Resources Investigations Report 80-100. USGS, Huron, SD.
- Kume, J. 1985. Water Resources of Deuel and Hamlin Counties, South Dakota. Water-Resources Investigations Report 84-4069. USGS, Huron SD.
- Water Rights. 1979-2012. "1979-2011 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2012a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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NOV 26 2012

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, LeeAnne Dufek

certify that the attached printed Notice was taken

from the The Estelline Journal

printed and published in Estelline

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

Nov. 21, 2012

Cost of Printing \$26.07

LeeAnne Dufek
(Signature)

Publisher
(Title)

11-23-12
(Date Signed)

**NOTICE OF APPLICATION
NOS. 7433-3 AND 7434-3 TO
APPROPRIATE WATER**

Notice is given that Poinsett Lutheran Brethren, Inc., c/o Levi Tschetter, 46527 189th St, Estelline SD 57234 has filed the following applications for a water permit.

Application No. 7433-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux:Brookings Aquifer (90 feet deep) located in SE 1/4 SW 1/4 Section 22 for irrigation of 130 acres located in the SW 1/4 Section 22; all in T114N-R51W.

Application No. 7434-3 proposes to appropriate 3.56 cfs from two wells to be completed into the Big Sioux:Brookings Aquifer (90 feet deep) located in the N 1/2 NW 1/4 Section 35 for irrigation of 520 acres located in Section 35; all in T114N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7433-3 and 7434-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition op-

posing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 3, 2012.

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

Published Nov. 21, 2012, at total cost of \$26.07.

RECEIVED

NOV 28 2012

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

November 21st, 2012

Cost of Printing \$58.59

Monica K. Saathoff
(Signature)

Bookkeeper
(Title)

November 21st, 2012
(Date Signed)

DEPARTMENT OF ENVIRON- MENT AND NATURAL RESOURCES

NOTICE OF APPLICATION NOS. 7433-3 and 7434-3 to Appropriate Water

Notice is given that Poinsett
Hutterian Brethren, Inc., c/o
Levi Tschetter, 46527 189th
St, Estelline SD 57234 has
filed the following applica-
tions for a water permit.

Application No. 7433-3 pro-
poses to appropriate 1.78
cubic feet of water per sec-
ond (cfs) from one well to be
completed into the Big
Sioux-Brookings Aquifer (90
feet deep) located in SE 1/4
SW 1/4 Section 22 for irriga-
tion of 130 acres located in
the SW 1/4 Section 22; all in
T114N-R51W.

Application No. 7434-3 pro-
poses to appropriate 3.56 cfs
from two wells to be complet-
ed into the Big
Sioux-Brookings Aquifer (90
feet deep) located in the N
1/2 NW 1/4 Section 35 for
irrigation of 520 acres locat-
ed in Section 35; all in
T114N-R51W.

Pursuant to SDCL 46-2A-2,
the Chief Engineer recom-
mends APPROVAL of
Application Nos. 7433-3 and
7434-3 because 1) unappropri-
ated 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 these applications,
as recommended, unless a
petition is filed opposing the
applications or the applicant
files a petition contesting the
Chief Engineer's recommen-
dations. If a petition oppos-
ing the applications or con-
testing the recommendations
is filed, then a hearing will be
scheduled and the Water
Management Board will con-
sider these applications.
Notice of the hearing will be
given to the applicant and
any person filing a petition.

Any person interested in
opposing or supporting these
applications or recommenda-
tions must file a written peti-
tion with BOTH the applicant
and Chief Engineer. The
applicant must file a petition
if contesting the Chief
Engineer's recommenda-
tions. 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 3,
2012.

The petition may be infor-
mal, but must include a state-
ment describing the peti-
tioner's interest in the applica-
tions, the petitioner's rea-
sons for opposing or support-
ing the applications, 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
these applications. Steven
M. Pirner, Secretary,
Department of Environment
and Natural Resources.
Published once at the
approximate cost of \$59.50.
(November 21, 2012)

58.59
All legal notices in the Public
Opinion and other South
Dakota newspapers can be
found at
www.sdpublishnotices.com



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 14, 2012

Estelline Journal
PO Box 159
Estelline SD 57234

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7433-3 and 7434-3 to Appropriate Water. Please publish the notice once on November 21, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Poinsett Hutterian Brethren, c/o Levi Tschetter, 46527 189th St., Estelline SD 57234 (Ph # 605-873-2630).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 14, 2012

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7433-3 and 7434-3 to Appropriate Water. Please publish the notice once on November 21, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Poinsett Hutterian Brethren, c/o Levi Tschetter, 46527 189th St., Estelline SD 57234 (Ph # 605-873-2630).

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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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

November 14, 2012

Poinsett Hutterian Brethren
Levi Tschetter, 46527 189th St
Estelline SD 57234

Dear Mr. Tschetter:

Water Permit Application Nos. 7433-3 and 7434-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Estelline Journal printed at Estelline SD (Ph # 605-873-2474) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

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 applications.

Instruction to Newspaper - Publish the Notice on November 21, 2012. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 7433-3 and 7434-3 to Appropriate Water

Notice is given that Poinsett Hutterian Brethren, Inc., c/o Levi Tschetter, 46527 189th St, Estelline SD 57234 has filed the following applications for a water permit.

Application No. 7433-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux:Brookings Aquifer (90 feet deep) located in SE 1/4 SW 1/4 Section 22 for irrigation of 130 acres located in the SW 1/4 Section 22; all in T114N-R51W.

Application No. 7434-3 proposes to appropriate 3.56 cfs from two wells to be completed into the Big Sioux:Brookings Aquifer (90 feet deep) located in the N 1/2 NW 1/4 Section 35 for irrigation of 520 acres located in Section 35; all in T114N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7433-3 and 7434-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 3, 2012.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications.

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

Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JAN 17 2013

Poinsett Hutterian Brethren
Levi Tschetter
46527 189th St
Estelline SD 57234

Dear Mr. Tschetter:

Enclosed are Water Permit Nos. 7433-3 and 7434-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms 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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



September 5, 2014

Poinsett Colony
c/o Levi Tschetter
46527 189th St
Estelline SD 57234

Dear Mr. Tschetter:

I am writing in regard to the Colony's water rights and well completion reports filed by drillers for wells at Poinsett Colony. DENR has received completion reports that we are unable to find are authorized by a permit.

Two completion reports were filed by Kaiser Well Drilling Inc. for wells drilled in 2013 and located in the SE 1/4 SE 1/4 Section 27-T114N-R51W (copies enclosed). A review of our files indicates Water Permit No. 6797-3 authorizes 1.67 cubic feet of water per second (cfs) from one well at this location (copy enclosed). Are these additional wells for Water Permit No. 6797-3?

Another completion report filed by Pullman Well Drilling is for a well located in the NW 1/4 SE 1/4 Section 30-T114N-R50W (copy enclosed). Oddly, the report states the well was drilled in 2003 but was not filed until June, 2014. This may be a typographical error and the actual date the well was drilled was June, 2013. Our files do not indicate a water right for a well in this location. Water Right No. 3223-3 authorizes 5 cfs from two wells located in the NE 1/4 SE 1/4 Section 25-T114N-R51W and one well the NW 1/4 SW 1/4 Section 30-T114N-R50W (copy enclosed). Is this an additional well and/or a replacement well for one of the above listed wells? Are you aware of a water right for this well? If so, please provide the water right number.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion (well) may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions. If additional water is requested, a new water permit will need to be obtained for the increase in diversion rate authority.

We handle requests for additional wells by having the permit holder file an application, well driller report and a map showing the location of the wells. We then review the application to determine if the request can be handled administratively or a new permit is required. No fee is required at this time. If we determine the more formal permit process must be followed, we will request that you submit a fee.

Enclosed are applications forms to be completed if necessary. If you have any questions, please contact me. We want to work with you to get the necessary permitting in place.

Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352

enclosures

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED
SEP 17 2014
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Poinsett, H.B. Inc.

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 46527 189th St Estelline SD 57234
(Address) (City) (State) (Zip Code)

Home Phone 605-873-2630 Cell 690-5430 Email _____

2. Amount of water claimed _____ *CFS or 750 **GPM _____ ***AF Total Acreage 280
(*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 Ground water

4. Location of point of diversion _____
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hamlin

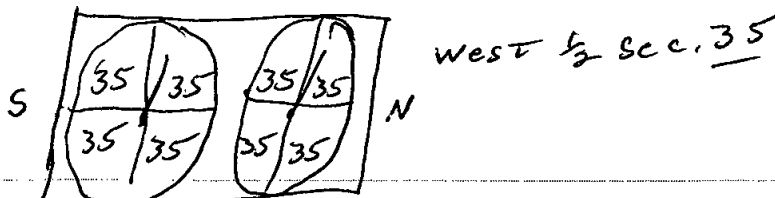
5. County or counties where water will be used Hamlin

6. Annual period during which water is to be used June July Aug Sept.

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

Land Description	Acres	Land Description	Acres
NW 1/4 35-114-51	140 ^{7/8}	SW 1/4 35-114-51	140 ^{7/8}

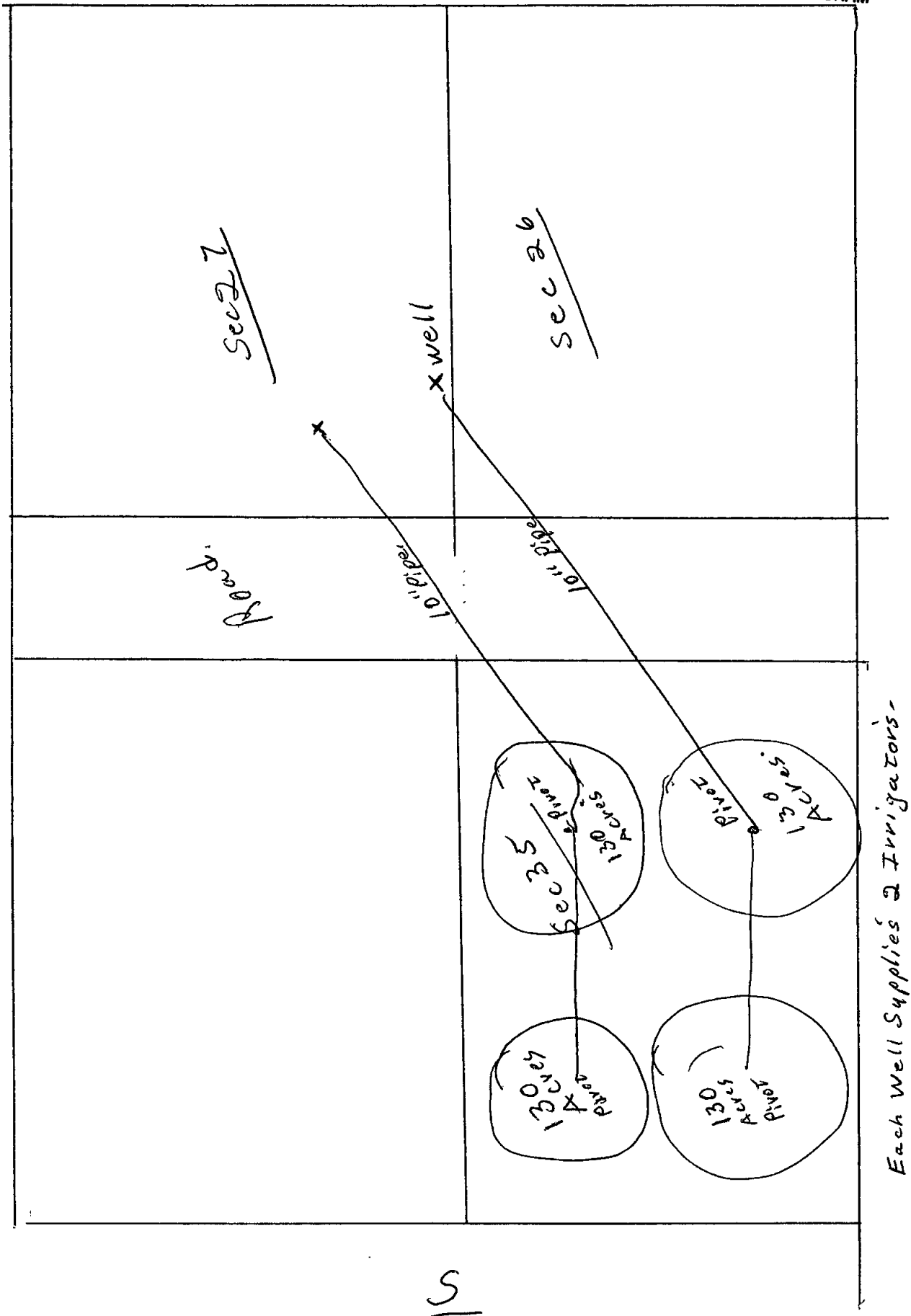
8. Give a description of the project. (Attach sheet if more space is needed)



I, Gene Fehrer, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

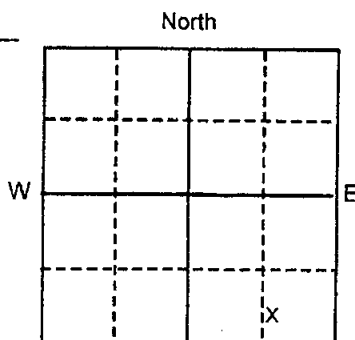
N

**WATER RIGHTS
PROGRAM**



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 27 Twp 114N Rg 51WCounty HAMLINPlease mark well
location with an "X"

Well Completion Date

5-21-13

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

DIRECT ROTARY DRILL

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
40.0 LB/FT	16.00 IN	0.0 FT	71.0 FT	24.00 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Grt Well DF	42	54.0 Lb/gal	0.0 Ft	71.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 20.0 Feet
Material STAINLESS STEELSlot Size .060 Set From 71.0 Feet to 91.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: POINSETT HUTTERIAN COLONY

Business Name:

Address: 46527 189TH STCity, State, Zip: ESTELLINE SD 57243

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	1
YELLOW CLAY ROCKS	1	3
YELLOW CLAY	3	30
YELLOW MIXED GRAVEL	30	52
BLUE CLAY	52	57
YELLOW GRAVEL	57	62
BLUE CLAY	62	66
YELLOW GRAVEL	66	70
GREY GRAVEL	70	77

STATIC WATER LEVEL 25.1 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

50.0 Ft. After 24.0 Hrs. pumped 600.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 600.0 GPM

REMARKS

 FINE GREY SAND 77-85
 MIXED MED-COURSE 85-91
 BLUE CLAY 91-93

RECEIVED

JAN 31 2014

WATER RIGHTS
PROGRAMThis well was drilled under license # 689 and this
report is true and accurate.Drilling firm: KAISER WELL DRILLING INC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIVED

SEP 17 2014

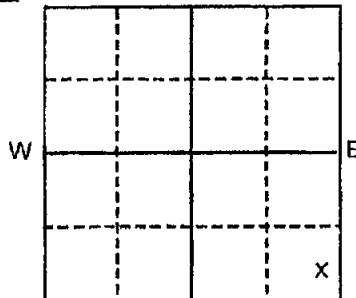
WATER RIGHTS
PROGRAM

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 27 Twp 114N Rg 51WCounty HAMLIN

North

Please mark well
location with an "X"

Well Completion Date

5-13-2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

DIRECT ROTARY DRILL

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
40.0 LB/FT	16.00 IN	0.0 FT	65.0 FT	24.00 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Grt Well DF	40	54.0 Lb/gal	0.0 Ft	65.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 20.0 FeetMaterial STAINLESS STEELSlot Size .080 Set From 65.0 Feet to 85.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____

☐ No, Why Not? _____
Lab to which water
quality sample sent for analysisWell Owner: POINSETT HUTTERIAN COLONY

Business Name: _____

Address: 46527 189TH STCity, State, Zip: ESTELLINE SD 57243

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	2
YELLOW CLAY	2	6
YELLOW GRAVEL	6	16
YELLOW CLAY	16	32
BLUE CLAY	32	64
GREY GRAVEL	64	85
BLUE CLAY	85	90

STATIC WATER LEVEL 30.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After 24.0 Hrs. pumped 800.0 GPMIf pump installed, pump rate: 800.0 GPM

REMARKS

RECEIVED

JAN 31 2014

WATER RIGHTS
PROGRAMThis well was drilled under license # 689 and this
report is true and accurate.Drilling firm: KAISER WELL DRILLING INC

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

Date: _____

SEP 17 2014

WATER RIGHTS
PROGRAM

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED
SEP 17 2014
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Poinsett H.B. Inc.
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address 46527 189th St Estelline SD 57234
(Address) (City) (State) (Zip Code)

Home Phone 605-873-2630 Cell 690-5430 Email _____

2. Amount of water claimed _____ *CFS or 750 **GPM _____ ***AF Total Acreage 280
(*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 Ground Water

4. Location of point of diversion _____
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hamlin

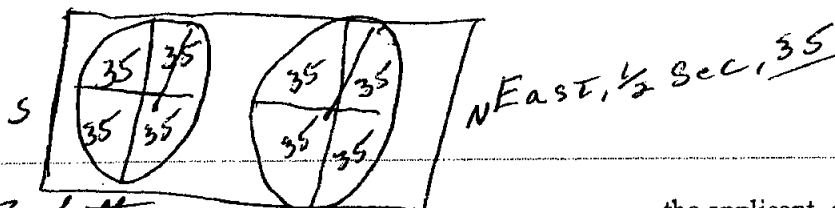
5. County or counties where water will be used Hamlin

6. Annual period during which water is to be used June July Aug Sept

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

Land Description	Acres	Land Description	Acres
<u>NE 1/4 35-114-51</u>	<u>140</u>	<u>SE 1/4 35-114-51</u>	<u>140</u>

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



I, Sam Poinsett, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☒ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____

c) Well Depth 85 Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well: 1.5 Miles

On applicant's property ____ On property owned by others ____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) ____

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

b) Depth to water (ground surface to water level) ____

4. Water Storage Dams

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

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

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

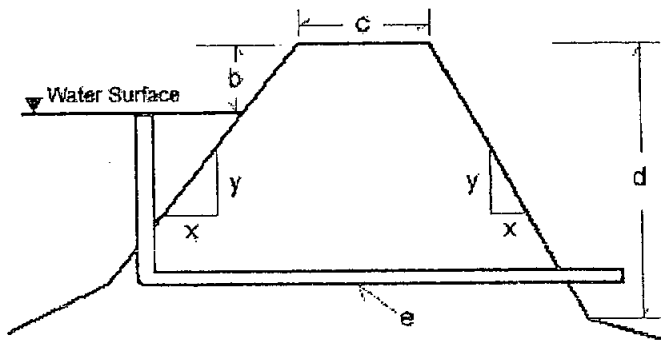
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



File No. 7434-3

Approval of Change of Diversion Points

NAME: Poinsett Hutterian Colony

ADDRESS: 46527 189th St. Estelline, SD 57243

DATE: October 3, 2014

COUNTY: Hamlin

TELEPHONE: (605) 873-2630

BACKGROUND:

Water Permit No. 7434-3 appropriates 3.56 cubic foot per second (cfs) from two wells completed into the Brookings Management Unit of the Big Sioux aquifer at a depth of approximately 90 feet below ground surface. Water from these wells, originally permitted for the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T114N-R51W is for the irrigation of 520 acres. The original permit was conditioned with the standard well interference qualification.

The Poinsett Colony submitted a letter to the South Dakota DENR Water Rights Program requesting a change of location of the two wells authorized by Water Permit No. 7434-3. The original locations were not used and the wells were instead constructed in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T114N-R51W at depths of 77 and 90 feet.

AUTHORITY:

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

- **Developed water source is the same as licensed source and no additional water is appropriated.**

The water source authorized by Water Permit No. 7434-3 is the Brookings Management Unit of the Big Sioux aquifer. The depth of the two wells is consistent with drawing water from the Brookings Management Unit of the Big Sioux aquifer.

No additional appropriation of water is authorized. Water Permit No. 7434-3 appropriates 3.56 cfs and no additional diversion rate authority is being requested.

Review of Existing Diversions

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights/permits on file. The nearest well not controlled by the Poinsett Colony is located approximately 0.75 miles to the southwest and is held by Wayne Jansen under Water Rights No. 2841-3. At a similar distance, the nearest domestic well known to the Water Rights Program is located approximately 0.7 miles to the northwest. These distances are expected to be sufficient to avoid any interference as a result of pumping from the new wells associated with Water Permit No. 7434-3.

Observation Well Data

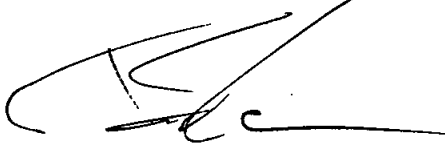
The Water Rights Program monitors a series of observation wells completed into the Big Sioux: Brookings aquifer. The closest observation well completed into this aquifer (HN-77F) is located approximately 0.85 miles to the west of the well sites. This well has been in place since 1977 and shows static water level fluctuations of 22 to 34 feet below the top of the casing. Historic water levels in HN-77H show the effects of pumping but appear to be predominately controlled by climatic conditions.

CONCLUSION:

- The change in diversion point does not propose to appropriate additional water.
- The developed wells are pumping water from the same source, the Big Sioux: Brookings aquifer.
- Unlawful impairment of existing water rights/permits and domestic wells is not expected to occur.

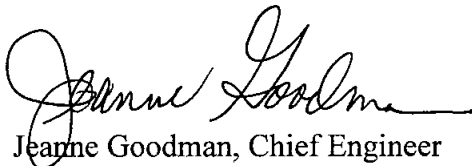
RECOMMENDED ACTION:

Based on the above criteria, it is recommended that the request for change in diversion point locations to the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T114N-R51W be approved.



Bracken Capen
Natural Resources Engineer

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14:01 that: The change does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



October 14, 2014

7434-3

Poinsett Colony
c/o Levi Tschetter
46527 189th St.
Estelline, SD 57243

Dear Mr. Tschetter:

Water Permit No. 7434-3 appropriates 3.56 cubic foot per second (cfs) from two wells completed into the Brookings Management Unit of the Big Sioux aquifer at a depth of approximately 90 feet below ground surface. Water from these wells, originally permitted for the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T114N-R51W is used for the irrigation of 520 acres in the same section (130 acres in each quarter section). The original permit was conditioned with the standard well interference qualification.

Poinsett Colony submitted a letter with a request to change the location of the wells under Water Permit 7434-3 to the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T114N-R51W. Both of these wells were constructed in May, 2013 and the completion reports have been submitted.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in well locations are authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate of 3.56 under Water Permit No. 7434-3 has been requested or approved. If the total diversion rate increases, a new water permit will need to be obtained from the SD DENR Water Rights Program.

If you have any questions, please contact Bracken Capen at (605) 773-3352.

Sincerely,

Jeanne Goodman
Chief Engineer
Water Rights Program

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7434-3

I have this day, March 31, 2015, made a thorough examination of the water use system constructed by Poinsett Colony, 46527 189th St, Estelline SD 57234 of Permit No. 7434-3, bearing the priority of September 14, 2012 authorizing the diversion of 3.56 cu. ft. per second of the waters of Big Sioux Brookings aquifer for irrigation purposes, in Hamlin County.

Inspection contact & relationship **Levi Tschetter**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells 2
- 3) Depth(s) 91 (west well) & 85 (north well) feet
- 4) Well log is available Yes If no, explain in comments

Comments: **Change in diversion point locations approved (see Oct 14, 2014 letter in file)**

Casing (each well):

- 1) Diameter 16 inches
- 2) Length 71 (west) & 65 (north) feet
- 3) Type Plastic

Pump (each well):

- 1) Make Submersible
- 2) Size 60 hp
- 3) Capacity 750 GPM

Screen (each well):

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static level 25.1 (west) & 30 (north) feet

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

- | | | |
|--------------------|--------------------------|---|
| 1) Type <u>PVC</u> | 2) Size <u>10</u> inches | 3) Length <u>7,125</u> feet -- to E1/2 sec 35-114N-R51W |
| 1) Type <u>PVC</u> | 2) Size <u>10</u> inches | 3) Length <u>5,575</u> feet -- to W1/2 sec 35-114N-R51W |

C. Works used to apply water to beneficial use:

Center pivots (4 systems all the same):

- | | |
|------------------------------|----------------------------|
| 1) Make <u>Zimmatic</u> | 3) End gun <u>Y</u> |
| 2) Number of towers <u>7</u> | 4) Capacity <u>750</u> GPM |

Pivots in alternate when running in the E1/2 and in W1/2 of section 35-T114N-51W. Total instantaneous diversion rate is 1,500 gpm from the two wells authorized by this permit.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: none (see file documentation to correct well locations)

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: Both in SE/14 SE1/4 sec 27-T114N-R51W (West well: 1,000 feet W and 575 feet N from SE corner sec 27 – Lat. 44.64671, Long. -96.92961; North well: 25 feet W and 860 feet N from SE corner sec 27 – Lat. 44.64750, Long. -96.92596).

2. The works are capable of diverting and conveying to the place of use 3.34 cu. ft. per second of water which is used for irrigation. Water has been put to beneficial use to the maximum extent as follows: All in T114N-R51W.

NW1/4 sec 35 – 130 acres
SW1/4 sec 35 – 130 acres

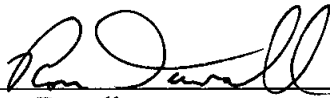
NE1/4 sec 35 – 130 acres
SE1/4 sec 35 – 130 acres

comprising a total of 520 acres of land and the license should be issued for 3.34 cfs.

3. All structures, wells and lands on map Yes

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

A nearby well serves Permit No. 6797-3. The water supply for the two irrigation permits is not interconnected.



Ron Duvall
Water Rights Permitting Administrator
DENR, Water Rights Program

Date report completed: December 22, 2016



**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 3/31/2015

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Poinsett Colony
(name)
46527 189 St
(address)
Estelline SD 57234 _____
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

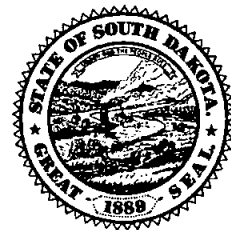
Water Permit No. 7434-3 states that the water use system is to be constructed by
Dec 3, 2017 , and water is to be put to beneficial use by Dec 3, 2021 .
(date) (date)

The water use system was completed on 2013 .
(date)

Applying the water to beneficial use was completed on 2013 .
(date)

You may schedule an investigation so that the water license may be issued.

Lori Schubert





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

FEB 06 2017

6797-3
7434-3

Levi Tschetter
Poinsett Hutterian Brethren Inc
46527 189th St
Estelline SD 57234

Dear Mr. Tschetter:

Enclosed are Water License Nos. 6797-3 and 7434-3. They are the final water right documents completing your process of obtaining Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

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. 6797-3 and 7434-3, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7434-3

(1) Poinsett Hutterian Brethren Inc., 46527 189th St, Estelline SD 57234 made Application No. 7434-3, September 14, 2012 for a water permit to divert 3.56 cubic feet of water per second from ground water, two wells (Big Sioux Brookings Aquifer), Hamlin County, South Dakota for irrigation purposes. Permit No. 7434-3, with a priority date of September 14, 2012 was approved December 3, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 3, 2017 and the application to beneficial use of water on or before December 3, 2021.

On September 17, 2014, a request was made to change the location of the wells originally authorized under Water Permit No. 7434-3. On October 14, 2014, pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14:01 the Chief Engineer approved the request and made a finding that the change in well locations did not increase the potential for adverse effects to existing diversions.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on March 31, 2015 indicating the water use system was completed and water had been placed to beneficial use.

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

- West well: 1,000' W and 575' N of the SE corner of Section 27, T114N, R51W (SE ¼ SE ¼);
- North well: 25' W and 860' N of the SE corner of Section 27, T114N, R51W (SE ¼ SE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 35, T114N, R51W	NW ¼	130 acres
	SW ¼	130 acres
	NE ¼	130 acres
	SE ¼	130 acres
	Total	520 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Poinsett Hutterian Brethren Inc., 46527 189th St, Estelline SD 57234 the holder and/or owner of Water Right No. 7434-3 is issued a license to appropriate water, the right to use 3.34 cubic feet of water per second from ground water, two wells (Big Sioux Brookings Aquifer) with a priority date of September 14, 2012 from the locations specified in (2) of this license for irrigation purposes.

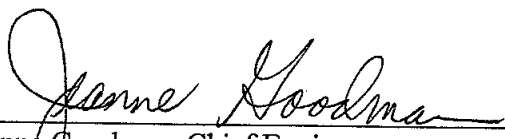
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7434-3 and subject to the following qualifications:

- 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.

continued

Water License No. 7434-3

- The wells authorized by Permit No. 7434-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The wells were drilled by Kaiser Well Drilling Inc. in 2013. Copies of the well logs are on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 06 2017

date



Duvall, Ron

From: Duvall, Ron
Sent: Tuesday, July 12, 2022 8:15 AM
To: 'levi.tschetter@outlook.com'
Cc: Schlaak, Karen
Subject: Revised Water Permit Application
Attachments: PHBInc.pdf; 7434-3_DivPtChange_PoinsettColony.pdf

Levi,

Attached is a revised application (PHBInc.pdf) for a water permit to irrigate the SW1/4 section 22 and I am placing a hard copy of this application in today's mail with a return envelope. For your information, here is a link to the existing permit to irrigate the SW1/4 section 22 that was not completed within the five-year construction period - [7433-3.pdf \(sd.gov\)](#) Since Permit No. 7433-3 was not constructed within the five year construction period, it is subject to cancellation. The attached application will be used to replace No. 7433-3.

The application form is complete except for your name on the bottom of the application (a notary is not needed) and the second page which is asking information about the well. If the well is constructed, then you can send a copy of the well completion report and complete the pertinent parts of item 1 "Well Information" and in particular item 1d. A map is also included outlining the area to be irrigated – on this map I would like you to place an "X" at the location of the well to be used to supply the SW1/4 section 22. Based on your hand drawn map, I am guessing you will be marking the well location somewhere in the NW1/4 SE1/4 section 27. When you return the completed application and map, please send the application/license fee of \$1,050.00 as well. After we have all that information, we can begin processing the application by completing a report, recommendation and public notice to be published.

The other attachment (also being sent to you in today's mail) is a map identifying the location of an existing well used to supply the pivots in the W1/2 section 35. As discussed on the phone, you indicated this well is not producing adequately and you are seeking to change the well location. Please mark an "X" on the map in the location you would like to drill a replacement well. If the replacement well has already been drilled, please return a copy of the well completion report. Also as we discussed, a replacement well may be approved without the need to process an application provided the replacement is in the same aquifer, no additional water is needed beyond the amount already permitted and the irrigated acreage remains unchanged. This change would be similar to what was already done once before in the existing Permit No. 7434-3 (see page 31 in this link - [7434-3.pdf \(sd.gov\)](#)). Please confirm the water source will remain unchanged as well as the amount of water permitted and the irrigated acres. Note - there are a couple of other wells also shown on the map used to irrigate the E1/2 section 35 and the other the SE1/4 section 26 and my understanding is no change is planned for these wells.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
 605.773.3352
danr.sd.gov



DANR
 SOUTH DAKOTA

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ (office use only)
	Hydrologic Unit _____
	Basin _____
	Newspaper _____

PAID

JUL 25 2022

Ck# 6238

Rec't# _____

Application For Permit To Appropriate Water For Irrigation

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

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

Replacement well for Permit No. 7434-3

1. Name of Applicant Poinsett, H.B. Inc. Phone 605 690-5430

(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address 46527 189th St Estelline SD 57234
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 700 TO 800 *CFS or **GPM ***AF Total Acreage 132
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground Water

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hamlin
SE 1/4 SE 1/4 Sec 27-T114N-R51W

5. County or counties where water will be used Hamlin

6. Annual period during which water is to be used May June July Aug

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

Land Description	Acres	Land Description	Acres
22-114-51 Application no. 8045-3	33	35-114-51 West 1/2 Sec.	
22-114-51 Well #2	33	35-114-51 T+1 Acres	260
22-114-51 T+1 132 AC	33	35-114-51	
22-114-51	33	35-114-51 Well #1	

RECEIVED

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

JUL 25 2022

OFFICE OF
WATER

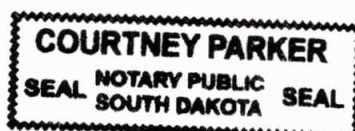
STATE OF SOUTH DAKOTA)
County of Hamlin) SS

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

I, Levi Tschetter, 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 Levi Tschetter

Subscribed and sworn to before me this 26th day of April 20 22



Courtney Parker
Notary Public signature

Supplemental Information

(type or print in ink)

2 Wells Information,
is. Exactly the same, For Bot
wells,

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 17.5 Depth 95'
- b) Casing Type Plastic Diameter 12 Thickness 1/2
- c) Screen Type stainless Diameter 12 Thickness
- d) Gravel Pack yes Length of Gravel Pack 40
- e) Depth to Top of Water Bearing Material 57
- f) Depth to Water (ground surface to water level) 24.4
- g) Distance to nearest existing domestic well:
- On applicant's property On property owned by others 800'

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field)
- b) System Capacity (gallons) Year Constructed
- c) Connected to the City of Sanitary System

3. Dugout Information

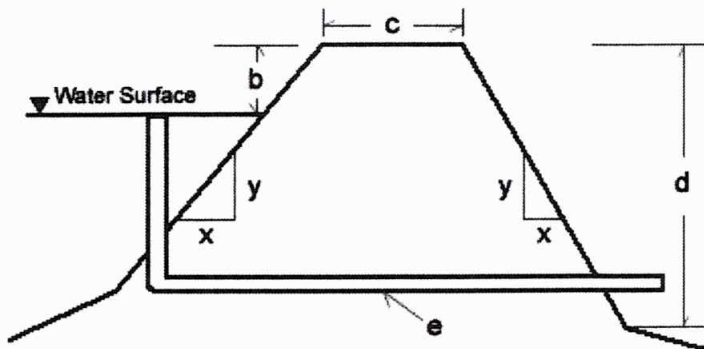
- a) Surface Dimensions Depth
- b) Depth to water (ground surface to water level)

4. Water Storage Dams

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

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

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



0 ← #1

25 ft

S. Well

860 ft

1,000 ft

approx. 800 ft

575 ft

approx. 550 ft

27

26

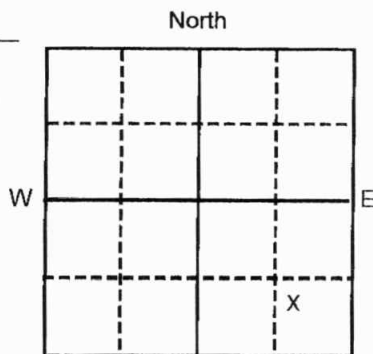
34

35

NWNW
32.5 ac

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ SE ¼ Sec 27 Twp 114N Rg 51WCounty HamlinPlease mark well
location with an "X"

Well Completion Date

February 10, 2022

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

If other describe _____

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12 IN	0 FT	65 FT	17.5 IN
LB/FT	12 IN	85 FT	95 FT	17.5 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Quick Grout	20	Lb/gal	0.00 Ft	60 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12 Inches Length _____ Feet
Material StainlessSlot Size 100 Set From 65 Feet to 85 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not? _____
Lab to which water
quality sample sent for analysis _____Well Owner: Poinsett ColonyBusiness Name: SameAddress: 46527 189th StCity, State, Zip: Estelline SD 57234

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
Top Soil	Black	M	0	2
Clay	Tan	M	2	30
Clay	Blue	M	30	57
Gravel	Blue	Coarse	57	85
Clay	Blue	H	85	95

STATIC WATER LEVEL 24.4' Below FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed☐ Other _____

Pumping Level Below Land Surface

43.46 Ft. After 25 Hrs. pumped 826 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

IRRIGATION WELL (TH #3)

GPS:

44 38 54.70N, 96 55 44.70W

This well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative: _____

RECEIVED

AUG 17 2022

Signature of Well Owner or Equitable Property Holder: _____

OFFICE OF
WATERDate: 8-12-22

Print Form

Save As

Clear Form

Schlaak, Karen

From: Duvall, Ron
Sent: Tuesday, August 2, 2022 1:52 PM
To: levi.tschetter@outlook.com
Cc: Schlaak, Karen
Subject: Water Permit Application

Levi,

I received back your water permit application to irrigate the SW1/4 section 22 from a well in the NW1/4 SE1/4 section 27 and a replacement well located in the SE1/4 SE1/4 section 27 to irrigate the land in the W1/2 section 35. On the forms you returned you had a note saying the completion reports for the two wells were sent to us a few weeks ago. We have searched and cannot find a copies of the well completion reports. Please send copies via mail or email them to me. The well completion reports will help document whether you are in the same aquifer plus a copy is required to be filed with the Water Rights Program. Based on the application form you sent in for the replacement well serving the W1/2 section 35, it appears neither the number of acres or licensed pump rate are being increased. Please confirm that is the case when you return the completion reports.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Poinsett Hutterian Brethren, Inc. c/o Levi Tschetter

ADDRESS: 46527 189th St, Estelline, SD 57234

DATE: August 24, 2022

COUNTY: Hamlin

TELEPHONE: 605-690-5430

BACKGROUND:

Water Right No. 7434-3 authorizes a maximum instantaneous diversion rate of 3.34 cubic feet of water per second (cfs) from two wells completed into the Big Sioux: Brookings aquifer located in the SE ¼ SE ¼ of Section 27 for irrigation of 520 acres located in Section 35; all in T114N-R51W.

Poinsett Hutterian Brethren, Inc. requests to replace a well authorized by Water Right No. 7434-3. The replacement well is completed into the Big Sioux: Brookings aquifer (approximately 85 feet deep) and located in the SE ¼ SE ¼ of Section 27-T114N-R51W approximately 660 feet north-northeast of the well being replaced. The well being replaced is noted as the “west well” on the inspection report for Water Right No. 7434-3. The diversion rate and acres authorized to be irrigated under Water Right No. 7434-3 are not to change/increase if the replacement well is approved.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed 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**

The water source remains the Big Sioux: Brookings aquifer. If the replacement well is approved, no increase in the maximum instantaneous diversion rate of 3.34 cfs from the replacement well and the other well approved under Water Right No. 7434-3 is authorized.

- **If irrigation, no new land is irrigated**

Water Right No. 7434-3 authorizes the irrigation of 520 acres located in Section 35-T114N-R51W. If the replacement well is approved, no new land is authorized to be irrigated.

- **Review of Existing Diversions**

The replacement well is located in the SE ¼ SE ¼ of Section 27-T114N-R51W and located approximately 0.3 miles east of the nearest well (not held by the applicant) which is authorized by Water Right No. 7896-3 and held by Fugere Farms.

The closest observation well to the replacement well is HN-77F (0.8 miles southwest). The water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping condition between irrigation seasons. Aquifer recovery indicates that climatic conditions dominate changes in water level to the Big Sioux: Brookings rather than pumping.

Given there is no history of well interference complaints, the aquifer consistently recovering after an irrigation season as seen on the hydrograph for HN-77F, and no additional water is to be appropriated, there is a reasonable probability the replacement well will not increase the potential for unlawful impairment of existing water rights/permits, or domestic users with adequate wells within the Big Sioux: Brookings aquifer.

RECOMENNDED ACTION:

Based on the above criteria, it is recommended that the replacement well location be authorized under Water Right No. 7434-3.



Nakaila Steen, Natural Resources Engineer II
Water Rights Program

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

This replacement well and change in location does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



7434-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 24, 2022

Poinsett Hutterian Brethren, Inc.
c/o Levi Tschetter
46527 189th St
Estelline, SD 57234

Dear Mr. Tschetter,

I am writing in regard to your request for a replacement well to what is currently authorized by Water Right No. 7434-3. Water Right No. 7434-3 authorizes a maximum instantaneous diversion rate of 3.34 cubic feet of water per second (cfs) from two wells completed into the Big Sioux: Brookings aquifer located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27 -T114N-R51W.

The west well authorized under Water Right No. 7434-3 has been replaced with the new well.

Upon review of the request and pursuant to SDCL 46-5-13.1, the replacement well located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27-T114N-R51W is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the maximum instantaneous diversion rate of 3.34 cfs from the two wells is authorized or an increase in the number of irrigated acres. If the total diversion rate increases or acres are added, a new water right permit will need to be obtained.

Approval of this replacement well is separate from Water Permit Application No. 8645-3 which was filed to irrigate new acres in the SW $\frac{1}{4}$ of Section 22-T114N-R51W. That application is currently under review and staff with the DANR-Water Rights Program will be in contact once a recommendation is made and the application is ready for public notice.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program