

WATER PERMIT NO. 8017-3

Name of Applicant: **Rolland Hutterian Brethren Inc.**

Address: **48088 210th St, White SD 57276** Phone: **605 690-7540**

Amount of Water Claimed: **1.89 cfs** Total Acres: **272 acres**

Source of Water Supply: **groundwater (one well)**

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

Type of Waste Disposal System:

Location: **5 miles SW of White**

PRIORITY Date Received: **5-15-14** Application/License Fee: **\$ 1250.00**

Corrected Application Received: **5-27-14** Period of Annual Use: **May 1 – September 30**

Remarks: **Water Right No. 4859-3 authorizes irrigation of the same acreage from a different water formation. That well will be maintained for a backup supply**

Diversion Point: **SW 1/4 SW 1/4 Sec 4-T110N-R48W**

Land to be Irrigated: **S 1/2 Sec 4-T110N0R48W**

Depth of Well: **125 feet deep**

Well Driller: **Kaiser Well Drilling**

Remarks:

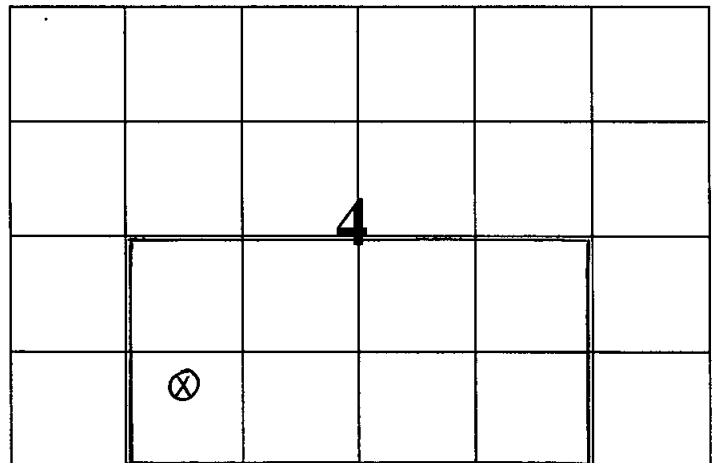
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **5-27-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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. <u>8017-3</u> (office use only)	Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Brookings Register</u>	
	<u>P.O. Box 177, 57006 605-692-6271</u>	

RECEIVED

MAY 27 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 Bolland Hutterian Brethren Inc
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address 48088 210th St White SD 57276
(Address) (City) (State) (Zip Code)

Home Phone 605 693 4425 Cell 605 690 9540 Email _____

2. Amount of water claimed 1.89 *CFS or 850 **GPM ***AF Total Acreage 272
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply new well

4. Location of point of diversion SW 1/4 Sec 4 T110N 48W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
1-well (SW 1/4 SW 1/4) County Brookings

5. County or counties where water will be used Brookings

6. Annual period during which water is to be used May 1 - Sept 30

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>S 1/2 Sec 4 - T110N R 48W</u>	<u>272</u>		

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

I, Jonathan W. Waples, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 8017-3

Date of first receipt of application May 27, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8017-3 to Rolland Hutterian Brethren Inc., c/o Jonathan Wipf, 48088 210th St, White SD 57276 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. 8017-3 appropriates 1.89 cubic feet of water per second from one well to be completed into the Rutland Aquifer (125 feet deep) located in the SW 1/4 SW 1/4 Section 4 for irrigation of 272 acres located in the S 1/2 Section 4; all in T110N-R48W. Water Right No. 4859-3 authorizes irrigation of the same acreage from a different aquifer.
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 May 27, 2014.
4. The date of approval of Permit No. 8017-3 is August 11, 2014.
5. One-fifth of the construction is to be completed on or before February 11, 2017.
6. All construction is to be completed on or before August 11, 2019.
7. Water is to be put to beneficial use on or before August 11, 2023.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8017-3 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: *Jeanne Goodman*

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

SEP 04 2014

date



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 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Kaiser well Drilling
(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 125' Depth to Top of Water Bearing Material 103 Depth to Water from Surface Flowing

d) Distance to nearest existing domestic well:

On applicant's property 4000 feet East On property owned by others Troy Mersch

☒ **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

☒ **Dugout Information**

a) Surface Dimensions Depth

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

☒ **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)

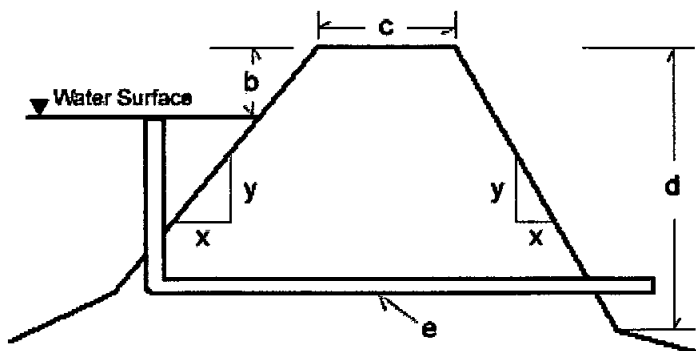
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres





- Tract Boundaries
- Common Land Units
- CRP
- Rangeland
- Easements



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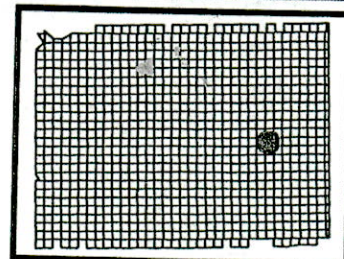
MAY 15 2014

WATER RIGHTS PROGRAM

USDA - Farm Service Agency
Brookings County, SD
 4-110N-48W

April 03, 2008

1:7,770



Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability of the data. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

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.

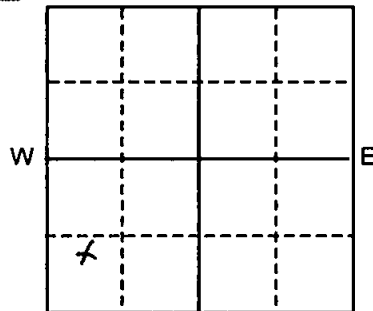
Official FSA map Monahan Canyon 5-9-08

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location 1/4 SW 1/4 Sec 4 Twp 110N Rg 48ECounty BROOKINGS

North

Please mark well
location with an "X"

Well Completion Date

5-1-2014

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:

DRD

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
40.0 LB/FT	2.50 IN	0.0 FT	105.0 FT	5.25 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
GWDF	6	54.0 Lb/gal	0.0 Ft	105.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 2.50 Inches Length 20.0 FeetMaterial PVCSlot Size 50 Set From 105.0 Feet to 125.0 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 analysis

Well Owner: _____

Business Name: ROLLAND HUTTERIAN COLONYAddress: 48088 210TH STCity, State, Zip: WHITE SD 57276-6613

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	1.5
YELLOW CLAY SANDY	1.5	5
YELLOW CLAY	5	10
YELLOW MIXED	10	20
MED TO COURSE	20	35
BLUE CLAY	35	80
YELLOW CLAY	80	103
YELLOW FINE TO MED	103	125
YELLOW CLAY	125	135

STATIC WATER LEVEL

FEET

If flowing: closed in pressure

PSI

GPM flow 5gpm through 2 1/2" PVC 1" AG Inch pipeControlled 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 _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

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MAY 15 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: 5-2-14

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/15, 20 14

RECEIVED OF Rolland Hutterian Brethren 48088 210th St White SD 57276

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

Fee for Application for Permit No. <u>8017-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>8017-3</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	1050 00

No. **06856**

By J. [Signature]
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/27, 20 14

RECEIVED OF Rolland Hutterian Brethren 48088 210th St White SD 57276

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

Fee for Application for Permit No. <u>8017-3</u> to Appropriate Water, to construct and to put water to beneficial use	200	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
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	200 00

No. **06864**

By Jeanne L. Loomis
Chief Engineer

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, May 07, 2014 2:22 PM
To: Schlaak, Karen
Subject: Rolland Colony

Will be applying for a irrigation from a well. The land is covered for irrigation from a different aquifer but that well is failing. The well driller, John Kaiser, in confident they can get a good well from this other source.

They do not plan to abandon the existing well or water right but instead plan to maintain for standby purposes.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 15, 2014

Rolland Hutterian Brethren
48088 210th St
White SD 57276

Dear Sir:

Thank you for submitting the partial *Application for a Permit to Appropriate Water* for irrigation in Brookings County. In order to complete the application, the following is required.

- Please complete the enclosed Form 2.
- Enclosed is the aerial photo map submitted with the application. Please outline the acres to be irrigated from the new well.
- Water Right No. 4859-3 authorizes irrigation of 272 acres located in the S 1/2 Sec 4-T110N-R48W. We received your check for \$1050.00. If you propose to irrigate 272 acres from the new well an additional \$200.00 will be required.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8017-3, Rolland 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. 8017-3, Rolland Hutterian Brethren Inc., c/o Jonathan Wipf, 48088 210th Street, White SD 57276.

The Chief Engineer is recommending APPROVAL of Application No. 8017-3 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8017-3 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.

Jeanne Goodman, Chief Engineer
July 24, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8017-3
ROLLAND HUTTERIAN BRETHERN, INC.
JULY 11, 2014

Water Permit Application No. 8017-3 proposes to appropriate water from a well to be completed into the Rutland Aquifer. The well is expected to be approximately 125 feet deep and is to be located in the SW¼ SW¼ Section 4, T110N-R48W. Water is to be diverted from the well at a maximum diversion rate of 1.89 cubic feet of water per second (cfs) for the irrigation of 272 acres located in the S ½ Section 4, T110N-R48W. Water Right No. 4859-3 authorizes irrigation of the same acreage from a different aquifer.

AQUIFER: Rutland (RUT)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The test well completion report submitted with this application identifies 15 feet of aquifer material from 20-35 feet below grade and 23 feet of aquifer material from 103-125 feet below grade. The uppermost aquifer material encountered in the test well represents a portion of the Aurora management unit of the Big Sioux aquifer. The aquifer material occurring from 103-125 feet below grade appears to be part of the Rutland aquifer. The Rutland aquifer is an “intermediate” (i.e. neither basal nor surficial) glacial outwash aquifer, composed mostly of fine to coarse sand and very fine to medium gravel. The Rutland aquifer occupies subsurface channels that occur roughly from 1400-1690 feet above mean sea level elevation, and water is under confined (artesian) conditions. The Rutland aquifer underlies approximately 240 square miles of Brookings County (Hamilton, 1989), and extends to parts of Deuel County to the north, Moody County to the south, and Lincoln County (MN) to the east. The thickness of the Rutland aquifer varies up to excess of 40 feet, and the average thickness of the aquifer in Brookings County is estimated to be 15 feet (Hamilton, 1989).

SOUTH DAKOTA CODIFIED LAW (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:

This application proposes to appropriate water from the Rutland aquifer. If this application is approved, average annual water use will likely be less than 272 acre-feet annually (ac-ft/yr). 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.” If the source of the water is older or lower

than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the Greenhorn Formation, therefore the withdrawal/recharge issue must be considered.

In applying SDCL 46-6-3.1, the Sixth Judicial Circuit Court ruled in 2005 that if the Water Management Board uses average annual recharge, then it should also use average annual withdrawals to determine if unappropriated water is available from the aquifer (*Hines v. South Dakota Dept. of Environ. and Nat'l. Resources, Hughes County 04-37*) (Memorandum Decision, April 29, 2005).

A 2012 First Judicial Circuit Court's rulings basically stated that data must be presented to show it is probable the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (*Hanson County Dairy v. Robert Bender and Stace Nelson*) (Memorandum Decision, April 11, 2012).

Later in 2012, the First Judicial Circuit Court stated that in deciding whether or not it is probable that the quantity of water withdrawn will exceed the quantity of the average estimated annual recharge is to be based according to the best information reasonably available, and that nothing in South Dakota law requires a recharge study (*Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources*), (Memorandum Decision, May 17, 2012).

Recharge:

Recharge to the Rutland aquifer probably occurs by leakage of precipitation through glacial till and groundwater movement is generally from the northeast to the southwest. Hamilton (1989) states that "additional studies would be necessary to delineate areas and quantities of recharge." However, Hamilton estimates the amount of subsurface outflow through the Rutland aquifer, south, into Moody County to be about 6,000 acre-ft/yr. Since recharge to Brookings County must at least equal to outflow from the county 6,000 ac-ft/yr can be considered a minimum average recharge value.

Discharge:

Discharge from the Rutland aquifer in Brookings County is through subsurface outflow and well withdrawals. There have been a number of domestic wells completed into the Rutland aquifer (Water Rights, 2014c) although the annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer. The use of the Rutland aquifer for appropriative uses has increased over the period of record but remains small. There have been 21 applications submitted for appropriations from the Rutland aquifer (Water Rights, 2014b). The status of the applications is shown in table 1.

STATUS	NUMBER
Cancelled	1
Incorporated	1
Licensed	15
Permitted	3
Withdrawn	1

Table 1. Status of Water Permit applications from the Rutland aquifer.

Currently the appropriations from the Rutland aquifer include: two commercial Water Rights (dairies); three domestic Water Rights (Hutterite Colonies); and thirteen irrigation Water

Rights/Permits (Water Rights, 2014b). The history of irrigation development is shown in table 2.

YEAR	NO. OF PERMITS	ACRES	REPORTED PUMPAGE (ac-ft/yr)
1989	1	160	0
1990	1	160	26
1991	1	160	6
1992	1	160	12
1993	4	2342	19
1994	5	2738	266.87
1995	5	2738	1.77
1996	5	2738	160.86
1997	5	2738	311
1998	5	2738	596.69
1999	5	2738	296.36
2000	5	2738	600.47
2001	4	2434	367.68
2002	4	2434	317.68
2003	4	2434	464.46
2004	6	3034	281.43
2005	9	4428	190.9
2006	9	4428	498.36
2007	9	4860	901.93
2008	9	4860	1141.48
2009	11	5880	875
2010	11	5880	153.2
2011	11	5406	485.76
2012	11	5406	1183.3
<i>min</i>	<i>0</i>	<i>160</i>	<i>0</i>
<i>max</i>	<i>11</i>	<i>5880</i>	<i>1183.3</i>
<i>avg</i>	<i>3.7</i>	<i>3068</i>	<i>381.6</i>

Table 2. Irrigation from the Rutland Aquifer

The annual combined pumping from the Rutland aquifer is estimated to average less than 1,000 ac-ft/yr. It is probable that this average annual withdrawal rate is less than the average annual recharge for the Rutland aquifer and unappropriated water is available for this appropriation.

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 to the aquifer”.

The DENR-Water Rights Program monitors four observation wells completed into the Rutland aquifer, all located within approximately six and one-half miles of the well site proposed by Application No. 8017-3. Hydrographs for the observation wells are shown in figures 1-4.

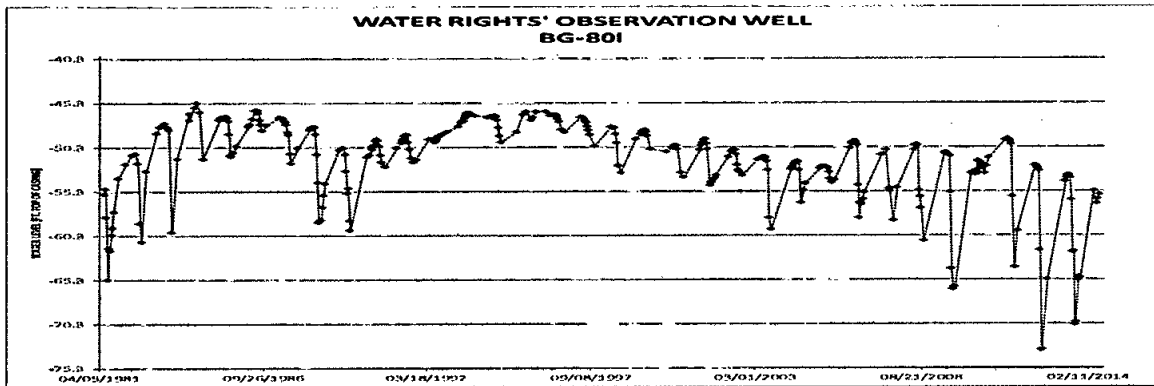


Figure 1. DENR-Water Rights' Observation Well located approximately 2.9 miles southeast of the well site proposed by Application No.8017-3.

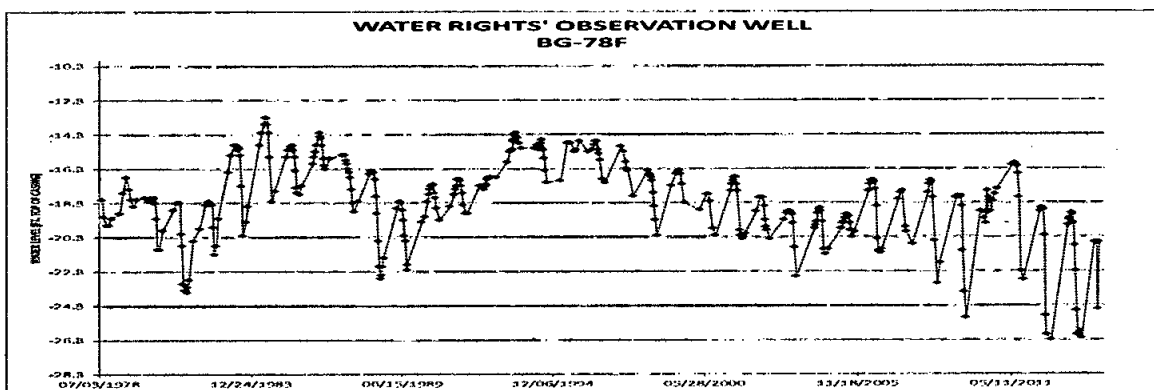


Figure 2. DENR-Water Rights' Observation Well located approximately 5.4 miles southeast of the well site proposed by Application No.8017-3.

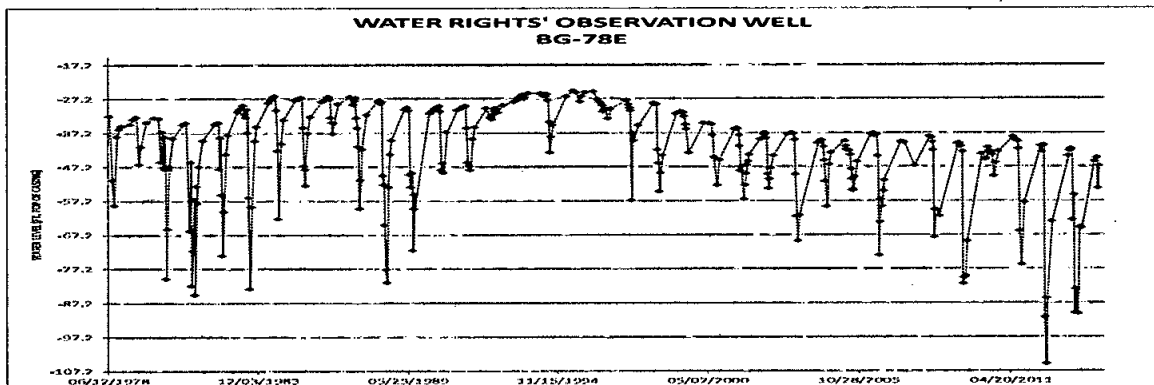


Figure 3. DENR-Water Rights' Observation Well located approximately 6.4 miles southeast of the well site proposed by Application No.8017-3.

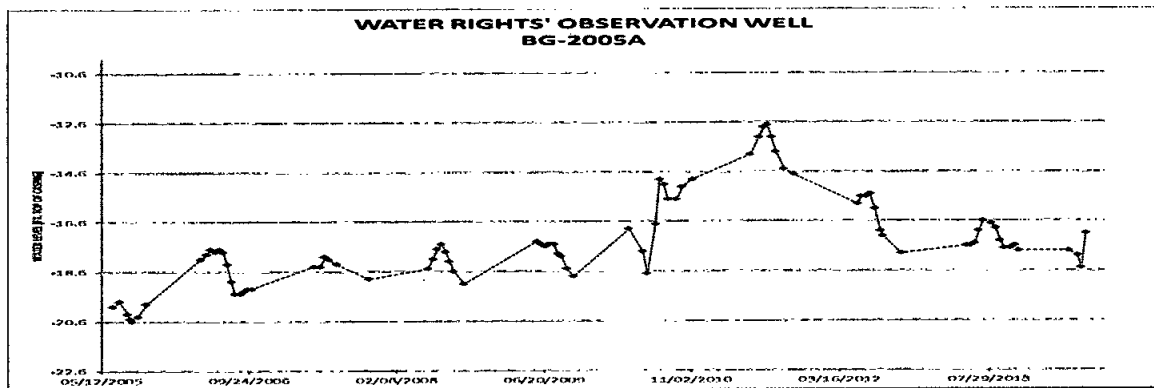


Figure 4. DENR-Water Rights' Observation Well located approximately 5.8 miles southeast of the well site proposed by Application No.8017-3.

The water levels measured in the observation wells document seasonal and climatic fluctuations reflecting recharge during wet times and decreasing amounts of water in storage during dry times. The hydrographs document that although there have been short term periods with decreasing water levels, the amount of water in storage in the Rutland aquifer has remained essential unchanged as the aquifer has been developed. The hydrographs also show some effects of nearby pumping. The effect of pumping is most obvious in the hydrograph for Observation Well BG-78E (see figure 3) which is located within approximately 2,000 feet of two irrigation wells capable of 900 gpm each. The observation well data shows that at the current level of development, temporal well withdrawal is masked by climatic conditions. Therefore, recharge to and natural discharge from the aquifer greatly exceeds well withdrawals. Recognizing that natural discharge from the aquifer can be captured for more well withdrawals, the observation well data verifies that unappropriated water is available in the Rutland aquifer.

EXISTING WATER RIGHTS:

As stated earlier, there are a total of 18 Water Rights/Permits appropriating water from the Rutland aquifer. Water Rights/Permits appropriating groundwater from the Rutland aquifer that are located in the vicinity of the well site proposed by this application are shown in Figure 5.

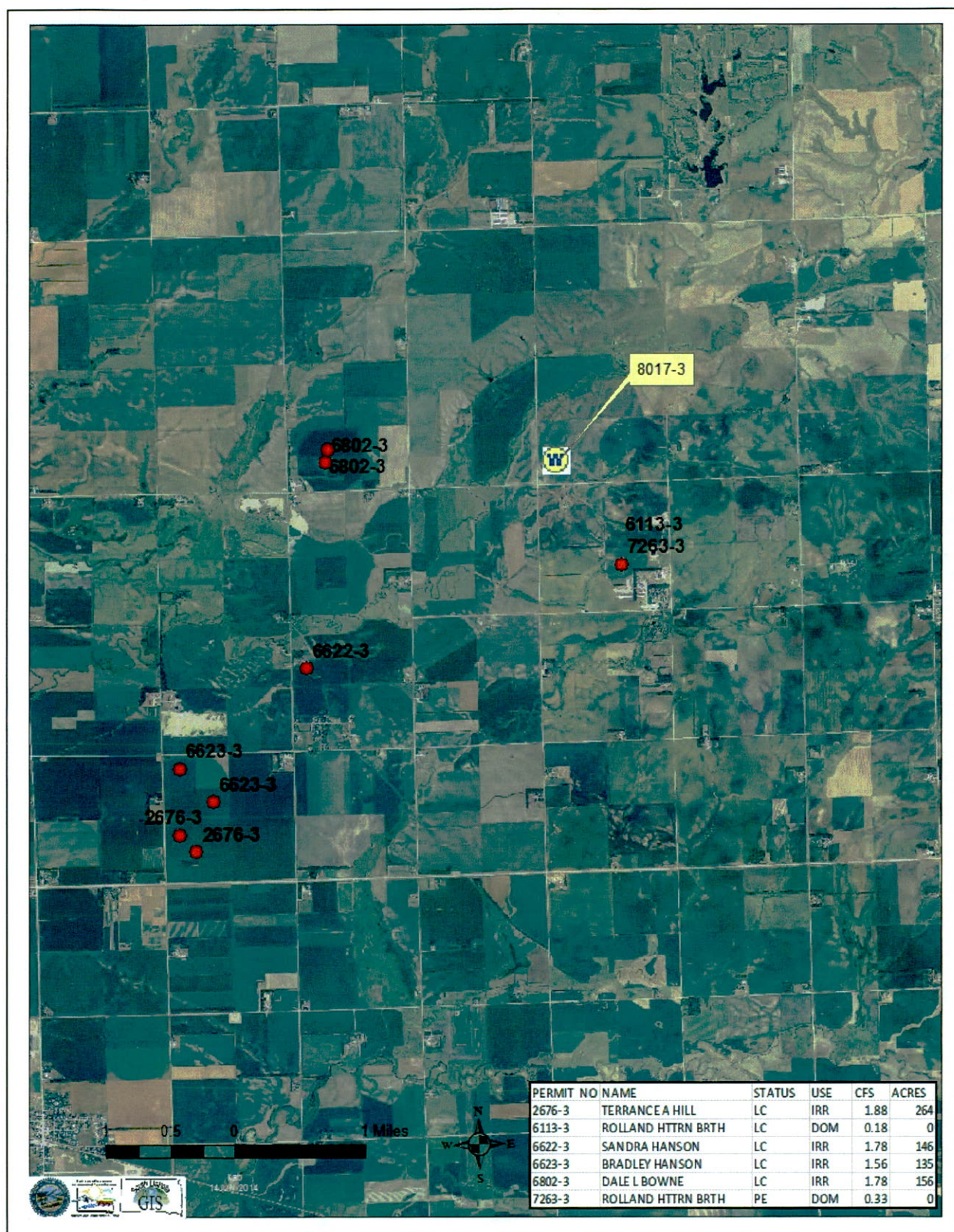


Figure 5. Location of the Well Site proposed by Water Permit Application No. 8017-3 and existing water rights/permit appropriating water from the Rutland aquifer in the vicinity.

Water rights/permits appropriating water from the Big Sioux: Aurora aquifer are not expected to be affected by pumping from the Rutland aquifer since there does not appear to be a hydraulic connection between the two aquifers in this area.

Since the Rutland aquifer is under confined conditions in this area, drawdown from pumping affects the water level (i.e. artesian pressure) of the aquifer over a fairly large area. Hydrographs for DENR-Water Rights' observation wells document water level fluctuations in the Rutland aquifer of 10-20 feet due to climatic conditions (see Figures 1-4). The hydrograph for observation well BG-78E (Figure 4) shows over 50 feet of drawdown resulting from pumping of two nearby irrigation wells.

In the area of the proposed well site, there is likely at least 100 feet of artesian head pressure in the aquifer. South Dakota Codified Law (SDCL) 46-6-6.1 does not protect artesian head pressure as a means of delivery, and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. South Dakota Supreme Court ruled that although SDCL 46-6-6.1 does not require irrigation to be regulated to absolutely protect artesian pressure for domestic uses, reasonable domestic use must be assured (*Fraser v. Water Rights Commission of Dept. of Natural Resource Development*, 1980, 294 N.W.2d 784). In order to balance interests between irrigation use and delivery of water by artesian pressure the Water Management Board defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

"a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs"

The nearest wells supplying a water right/permit that does not belong to Rolland Hutterian Brethren Inc, (Water Right No. 6802-3, Dale L. Bowne) are located over one and one-half miles away. Well interference in the Rutland aquifer at this distance is not expected to be significant and certainly not adverse.

The nearest domestic well completed into the Rutland aquifer on file with the DENR-Water Rights Program that does not belong to Rolland Colony is located approximately one mile east of the well site proposed by this application. Well interference should not be a concern for adequate domestic wells.

CONCLUSIONS:

1. Application No. 8017-3 proposes to appropriate water from the Rutland aquifer for the irrigation of 272 acres at a maximum diversion rate of 1.89 cubic feet of water per second.
2. There is reasonable probability that unappropriated water is available for the applicant's proposed use.
3. The Rutland aquifer is under confined conditions, and the drawdown resulting from approval of this application could be significant near the production well.

4. Although well interference may occur if this application is approved, existing rights (appropriative and domestic) should not be adversely impacted.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Circuit Court of South Dakota, Sixth Judicial Circuit, 2005, April 29, 2005 Memorandum Decision
re: HU04-37 Hines v. SD Department of Environment and Natural Resources
- Circuit Court of South Dakota, First Judicial Circuit, 2012, April 12, 2012 Memorandum Decision
re: Hanson County Dairy v. Robert Bender and Stace Nelson
- Circuit Court of South Dakota, First Judicial Circuit, 2012, May 17, 2012 Memorandum Decision
re: Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources
- Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota:
U.S. Geological Survey Water-Resources Investigations Report 88-4185, 87 p.
- Water Rights, 2014a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg,
Pierre, SD.
- Water Rights, 2014b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss
Bldg, Pierre, SD.
- Water Rights, 2014c, Water Well Completion Report Files, SD DENR-Water Rights Program,
Joe Foss Bldg, Pierre, SD.

RECEIVED

AUG - 6 2014

Affidavit of Publication

WATER RIGHTS
PROGRAM

10/

State of South Dakota

ss

County of Brookings

Jennifer Milligan of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

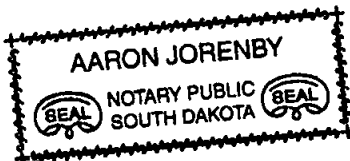
Leg#857 Notice on Application NO. 8017-3 to Appropriate Water

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

August 1, 2014

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

twenty-three dollars and seventy cents \$23.70



August

4th

day of

2014

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 857, 1x, 8/1
NOTICE OF APPLICATION NO. 8017-3 to Appropriate Water

Notice is given that Rolland Hutterian Brethren, Inc., c/o Jonathan Wipf, 48088 210th St, White SD 57276 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from one well to be completed into the Rutland Aquifer (125 feet deep) located in the SW 1/4 SW 1/4 Section 4 for irrigation of 272 acres located in the S 1/2 Section 4; all in T110N-R48W. Water Right No. 4859-3 authorizes irrigation of the same acreage from a different aquifer.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8017-3 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 this 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 this 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 August 11, 2014.

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. Published once at the total approximate cost of \$23.70.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



July 24, 2014

Brookings Register
PO Box 177
Brookings SD 57006

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8017-3 to Appropriate Water. Please publish the notice once on August 1, 2014. 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 Rolland Hutterian Brethren Inc, c/o Jonathan Wipf, 48088 210th St, White SD 57276 (Ph # 605-693-4425).

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

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



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

July 24, 2014

Rolland Hutterian Brethren Inc
Jonathan Wipf
48088 210th St
White SD 57276

Dear Mr. Wipf:

Water Permit Application No. 8017-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Brookings Register printed at Brookings SD (Ph # 605-692-6271). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above 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 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 the Notice on August 1, 2014. 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 NO. 8017-3 to Appropriate Water

Notice is given that Rolland Hutterian Brethren, Inc., c/o Jonathan Wipf, 48088 210th St, White SD 57276 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from one well to be completed into the Rutland Aquifer (125 feet deep) located in the SW 1/4 SW 1/4 Section 4 for irrigation of 272 acres located in the S 1/2 Section 4; all in T110N-R48W. Water Right No. 4859-3 authorizes irrigation of the same acreage from a different aquifer.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8017-3 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 this 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 this 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 August 11, 2014.

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.

Published once at the total approximate cost of_____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



SEP 04 2014

Rolland Hutterian Brethren
Jonathan Wipf
48088 210th St
White SD 57276

Dear Mr. Wipf:

Enclosed is Water Permit No. 8017-3 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.

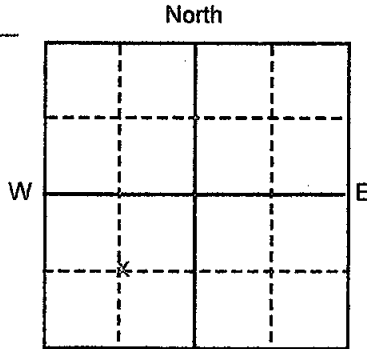
Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location 1/4 SW 1/4 Sec 4 Twp 110N Rg 48WCounty BROOKINGSPlease mark well
location with an "X"

Well Completion Date

December 11, 2015

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

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
40.0 LB/FT	12.00 IN	0.0 FT	105.0 FT	18.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
PORTLAND	70	100.0 Lb/gal	0.0 Ft	100.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

PRESSURE PULL

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 22.0 FeetMaterial STAINLESS STEELSlot Size .060 Set From 105.0 Feet to 127.0 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 analysis

Well Owner: _____

Business Name: ROLLAND HUTTERIAN BROTHERN INCAddress: 48088 210TH STCity, State, Zip: WHITE SD 57276

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	1.5
YELLOW CLAY SANDY	1.5	5
YELLOW CLAY	5	10
YELLOW MIXED	10	20
YELLOW MED-COURSE	20	33
ROCKS HARD	33	35
BLUE CLAY	35	80
YELLOW CLAY	80	103
YELLOW MED-COURSE	103	127

STATIC WATER LEVEL

_____ 2 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: SUBMERSIBLE
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ 37.0 Ft. After _____ 6.0 Hrs. pumped _____ 1,500.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB 01 2016

WATER RIGHTS
PROGRAM

RUTLAND HB

This 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: _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: ROLLAND HTTN BIRTH, JONATHAN WIPF, 48088 210th ST, WHITE, SD 57276 6613

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3218-3 & 3452-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4859-3 & 8017-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4859-3 & 8017-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3218-3 & 3452-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



8017-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 31, 2017

Jonathan Wipf
Rolland Hutterian Brethren
48088 210th St
White SD 57276 6613

RE: Water Right/Permit Nos. 3218-3, 3452-3, 4859-3 & 8017-3

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for the above listed water permits and rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8017-3

I have this day, May 20, 2021, made a thorough examination of the water use system constructed by Rolland Hutterian Brethren Inc, 48088 210th St, White, SD 57276 of Permit No. 8017-3, bearing the priority of May 27, 2014 authorizing the diversion of 1.89 cu. ft. per second of the waters of the Rutland Aquifer for irrigation purposes, in Brookings County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kaiser Well Drilling Inc
- 2) No. of Wells 1
- 3) Depth(s) 127 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 105 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 22 feet
- 3) Static water level 2 feet

Pump:

- 1) Make NA
- 2) Model submersible
- 3) Size NA
- 4) Capacity 750 GPM

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make 2 - Lockwood
- 2) Overall length 1320 feet
- 3) Number of towers 9
- 4) End gun Y
- 5) Capacity 750 GPM

Chemigation Equipment:

- 1) Chemigation N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: From the SW corner of Sec 4 T110N-R48W (NEW Well) 970 ft N & 680 ft E, Lat 44.29757 Long -96.75240 (SW ¼ SW ¼ Sec 4)

(OLD Well) 390 ft N & 820 ft E, Lat 44.35567 Long -96.60412 (SW ¼ SW ¼ Sec 4) This well is covered under No. 4859-3 from a different aquifer (BS:A)

2. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water (see Section F) which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land in Sec 4 T110N-R48W

NW1/4 SW 1/4 - 34 ac	NW1/4 SE 1/4 - 34 ac
NE 1/4 SW 1/4 - 34 ac	NE 1/4 SE 1/4 - 34 ac
SE 1/4 SW 1/4 - 34 ac	SE 1/4 SE 1/4 - 15 ac
SW 1/4 SW 1/4 - 34 ac	SW 1/4 SE 1/4 - 22 ac

comprising a total of 241 acres of land and the license should be issued for 1.67 cfs.

3. All structures, wells and lands on map Y

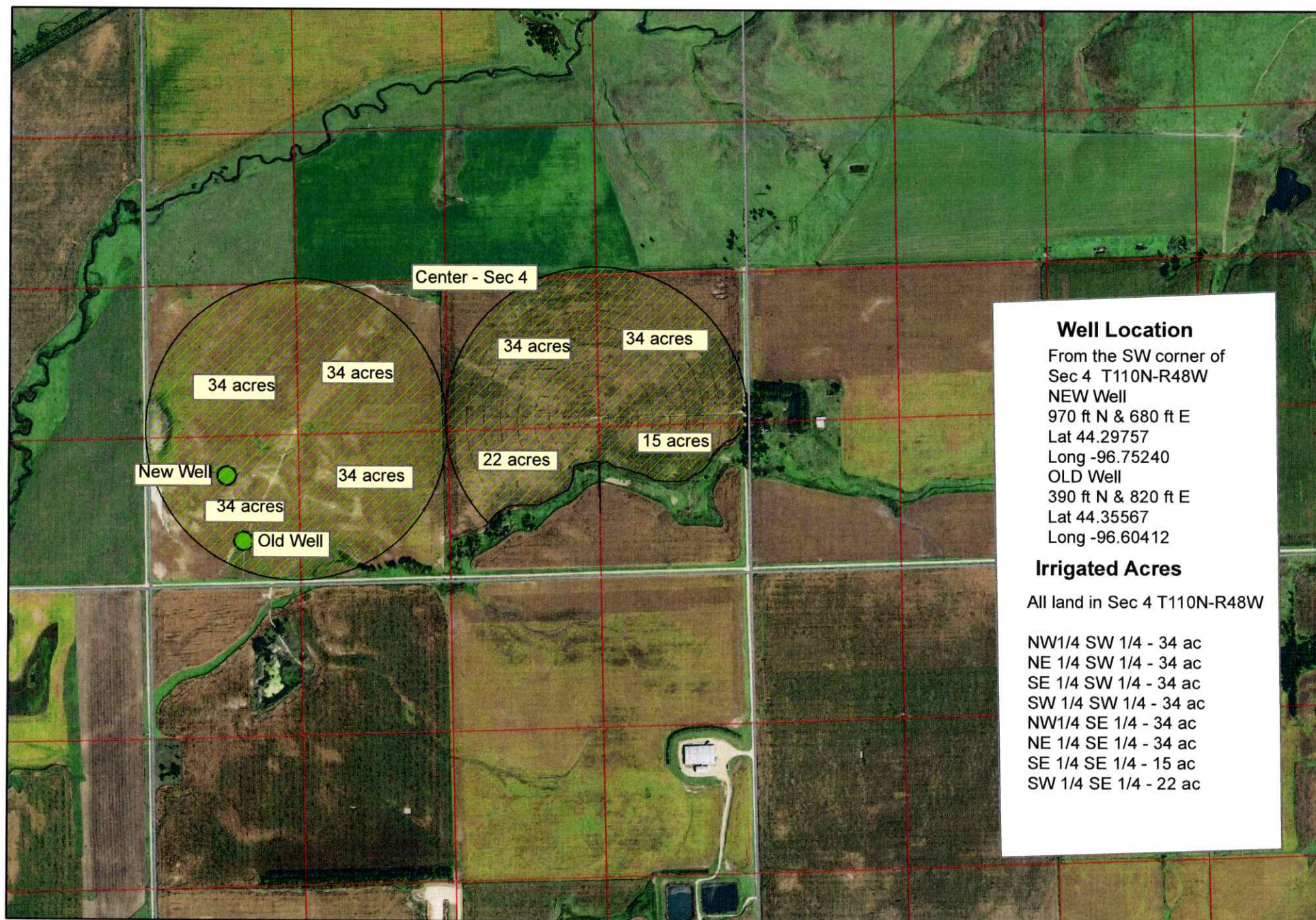
F. Comments or other permit(s) associated with the project:

First, there are two (2) well logs associated with this permit. One is for a 2.5-inch test hole that is cased and sometimes used as a water source (2 gpm) but not for irrigation. The second is for a 12-inch irrigation well that supplies water to two (2) center pivots and is designated as a NEW Well on the map. There is a second irrigation well designated as an OLD Well on the map which is maintained as a backup supply and is associated with Water Right 4859-3. The pivots are nozzled for 750 gpm (1.67 cfs). The irrigated acreage was determined by using FSA maps and the ArcMAP software. The cell number for John Wipf Jr (farm boss) is 605/690-8290.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: May 26, 2021



Well Location

From the SW corner of
 Sec 4 T110N-R48W
NEW Well
 970 ft N & 680 ft E
 Lat 44.29757
 Long -96.75240
OLD Well
 390 ft N & 820 ft E
 Lat 44.35567
 Long -96.60412

Irrigated Acres

All land in Sec 4 T110N-R48W

NW1/4 SW 1/4 - 34 ac
 NE 1/4 SW 1/4 - 34 ac
 SE 1/4 SW 1/4 - 34 ac
 SW 1/4 SW 1/4 - 34 ac
 NW1/4 SE 1/4 - 34 ac
 NE 1/4 SE 1/4 - 34 ac
 SE 1/4 SE 1/4 - 15 ac
 SW 1/4 SE 1/4 - 22 ac



0 0.15 0.3 0.6 0.9 1.2 Miles



Darrell DeBoer
 Water Right Inspector
 DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 01 2021

8017-3

Jonathan Wipf
Rolland Hutterian Brethren Inc
48088 210th St
White SD 57276

Dear Mr. Wipf:

Enclosed is Water License No. 8017-3. 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.

As 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. 8017-3

(1) Rolland Hutterian Brethren Inc., 48088 210th St, White SD 57276 made Application No. 8017-3, May 27, 2014 for a water permit to divert 1.89 cubic feet of water per second from ground water, one well (Rutland Aquifer), Brookings County, South Dakota for irrigation purposes. Permit No. 8017-3, with a priority date of May 27, 2014 was approved August 11, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 11, 2019 and for the application to beneficial use of water on or before August 11, 2023.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is as follows:

- 970'N & 680'E of the SW corner of Section 4, T110N, R48W (SW ¼ SW ¼ Section 4)
Latitude 44.29757 Longitude -96.75240

(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 4, T110N, R48W	NW ¼ SW ¼	34 acres	NW ¼ SE ¼	34 acres
	NE ¼ SW ¼	34 acres	NE ¼ SE ¼	34 acres
	SE ¼ SW ¼	34 acres	SE ¼ SE ¼	15 acres
	SW ¼ SW ¼	34 acres	SW ¼ SE ¼	22 acres

Total 241 acres*

***Above land is also covered Water Right No. 4859-3 for irrigation from a well into the Big Sioux Aurora Aquifer.**

(4) Pursuant to South Dakota Water Law 46-5-30.1 Rolland Hutterian Brethren Inc., 48088 210th St, White SD 57276 the holder and/or owner of Water Right No. 8017-3 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second from ground water, one well (Rutland Aquifer) with a priority date of May 27, 2014 from the location 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. 8017-3 and subject to the following qualifications:

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

continued

- The well authorized by Permit No. 8017-3 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 well was drilled in December 2015 by Kaiser Well Drilling Inc. A copy of the well completion report is on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

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

JUN 01 2021

date



8017-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: ROLLAND HTTN BRTH, JONATHAN WIPF, 48088 210th ST, WHITE, SD 57276 6613

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3218-3 & 3452-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4859-3 & 8017-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4859-3 & 8017-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3218-3 & 3452-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ZKRLSB**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

8017-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2023

3218-3
3452-3
4859-3
8017-3

Jonathan Wipf
Rolland Hutterian Brethren
48088 210th St
White SD 57276-6613

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 3218-3, 3452-3, 4859-3 & 8017-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: ROLLAND HTTN BRTH, JONATHAN WIPF, 48088 210TH ST, WHITE, SD 57276 6613

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3218-3 & 3452-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4859-3 & 8017-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4859-3 & 8017-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3218-3 & 3452-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QMIIHV**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 4, 2025

3218-3, 3452-3
4859-3, 8017-3

Rolland Httm Brth
c/o Jonathan Wipf
48088 210th St
White SD 57276

Dear Mr. Wipf:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 3218-3, 3452-3, 4859-3 & 8017-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: ROLLAND HTTN BRTH, JONATHAN WIPF, 48088 210TH ST, WHITE, SD 57276 6613

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaires

Our records indicate your 2025 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3218-3 & 3452-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4859-3, 8017-3 & 8866-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4859-3, 8017-3 & 8866-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3218-3 & 3452-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: XOLFWZ**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
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January 26th, 2026

8866-3
8017-3
4859-3
3452-3
3218-3

Jonathan Wipf
C/O ROLLAND HTTN BRTN
48088 210th St
White, SD 57276

Dear Mr. Wipf,

I am writing to acknowledge receipt of your 2025 irrigation questionnaires.

You may disregard the January 20, 2026, "Notice" concerning reporting requirements for Water Right Nos. 8017-3, 4859-3, 3452-3, 3218-3 and Permit No. 8866-3. The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us