

WATER PERMIT NO. 8058-3

Name of Applicant: **Cameron Hutterian Brethren**

Address: **28971 447th Ave, Viborg SD 57070** Phone: **605 661-3719**

Amount of Water Claimed: **0.11 cfs** Total Acres: **NA**

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

Water to be used for: **commercial** County: **Turner**

Type of Waste Disposal System:

Location: **10 miles west of Viborg**

PRIORITY Date Received: **10-17-14** Application/License Fee: **\$ 700**

Corrected Application Received: Period of Annual Use: **Jan 1 – Dec 31**

Remarks: **for use in a hog confinement facility**

Diversion Point: **SW 1/4 SE 1/4 Sec 31-T97N-R54W**

Land to be Irrigated: **NA**

Depth of Well: **238 feet deep**

Well Driller: **Marion Well Drilling**

Remarks:

Type of Map: **plat**

Prepared by:

Reviewed and the Number Assigned on: **10-20-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

			31		
			⊗		

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8058-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	<u>605-766-7827</u>
	Newspaper <u>Viborg Ent / Hurly Leader, PO Box H</u>	<u>605-665-7811</u>
	<u>Prairie Dakota, 319 Walnut Yankton 57078</u>	<u>Centerville 57014</u>

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

Check use(s) of water:

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

Type of Application:

(check one)

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

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

1. Name to Appear on Water Permit Cameron Hutterian Brethren
 (check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 28971 447th Ave Viborg SD 57070
 (Address) (City) (State) (Zip Code)

Home Phone 605-327-0036 Cell 605-661-3719 Email ted.waldner@juno.com

2. Amount of water claimed 0.11 *CFS or 50 **GPM ***AF
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply _____

4. Location of point of diversion 1 well SW 1/4 SE 1/4 section 31-T97N-R54W County Turner
 (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____

(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Turner

6. Annual period during which water is to be used year round Jan. 1 - Dec. 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Well will be used for a 1680 hog unit for animal consumption & barn wash down. It will be 1 well at the location drawn on the attached map.

I, Ted Waldner, 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. 8058-3

Date of first receipt of application October 17, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8058-3 to Cameron Hutterian Brethren, 28971 447th Ave, Viborg SD 57070 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. 8058-3 appropriates 0.11 cubic feet of water per second from one well to be completed into the Turkey Ridge Aquifer (238 feet deep) located in the SW 1/4 SE 1/4 Section 31-T97N-R54W.
2. The water appropriated shall be used for the purpose of commercial use in a hog confinement facility and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8058-3 is December 29, 2014.
5. The date from which applicant may claim right is October 17, 2014.
6. One-fifth of the construction is to be completed on or before July 29, 2017.
7. All construction is to be completed on or before December 29, 2019.
8. Water is to be put to beneficial use on or before December 29, 2023.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

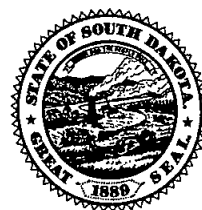
QUALIFICATIONS

1. The well approved will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 8058-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 8058-3 is subject to compliance with all existing and applicable Water management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

WATER MANAGEMENT BOARD

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

JAN 22 2015
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 Marion 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 238' Depth to Top of Water Bearing Material 210' Depth to Water from Surface 100'

d) Distance to nearest existing domestic well:

On applicant's property 1 mile

On property owned by others not sure possibly
1/2 mile

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)

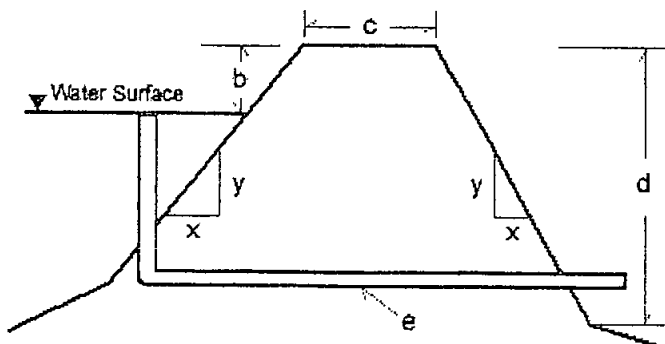
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



Cameron Isowean Deep Well Log

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0-25 feet - yellow clay

25-52 feet - blue clay

52-54 feet - gravel

54-88 feet - blue clay

88-110 feet - shale

110-113 feet - rock layer

113-137 feet - shale

137-156 feet - hard cement gravel

156-168 feet - sand & gravel

168-179 feet - blue clay

179-210 feet - chalk

210-238 feet - sand



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

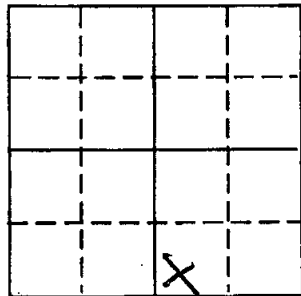
Location SW 1/4 SE 1/4 Sec 31 Twp 97-N Rg 54W

Well Owner: CAMERON COLONY

County TURNER

North

Please mark well location with an "X"



Well completion Date 10-14-14

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) 1/2 mile (Identify source)

PROPOSED USE:

- ☒ Domestic/Stock ☐ Municipal ☐ Business ☒ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring

METHOD OF DRILLING:

ROTARY

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPE WEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200#</u>	<u>5 IN</u>	<u>0 FT</u>	<u>218 FT</u>	<u>10 IN</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>D-F</u>	<u>21</u>	<u>Lb/gal</u>	<u>218 Ft</u>	<u>206 Ft</u>
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

- ☒ Perforated pipe ☐ Manufactured

Diameter 5 Inches Length 20 Feet

Material PLASTIC

Slot Size 1/6 Set From 218 Feet to 238 Feet

Other information BOTTOM OPEN

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 sample sent to for water quality analysis

STATE HEALTH LAB

Please return WHITE COPY to: DENR Water Rights

Business Name:

28971 447

Address:

City, State, Zip: WIBORG SD 57070

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>YELLOW CLAY</u>	<u>0</u>	<u>25</u>
<u>BLUE CLAY</u>	<u>25</u>	<u>52</u>
<u>CEMENTED GRAVEL</u>	<u>52</u>	<u>54</u>
<u>BLUE CLAY</u>	<u>54</u>	<u>88</u>
<u>SHALE</u>	<u>88</u>	<u>110</u>
<u>ROCK LAYAL</u>	<u>110</u>	<u>113</u>
<u>SHALE</u>	<u>113</u>	<u>137</u>
<u>SAND</u>	<u>137</u>	<u>168</u>
<u>SHALE</u>	<u>168</u>	<u>176</u>

STATIC WATER LEVEL

98 DOWN TO REMARKS

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: PUMPED OVER NIGHT @ 30 GPM.
☐ Bailed
☐ Other

Pumping Level Below Land Surface

160 Ft. After 36 Hrs. pumped 30 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate:

GPM

REMARKS

Log
CHALK 176-210
SAND 210-238

This well was drilled under license # 515

And this report is true and accurate.

Drilling firm: MARION Well DRILLING

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

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Date: 10/21/2014
523 E Capitol Ave. Pierre SD 57501

OCT 27 2014

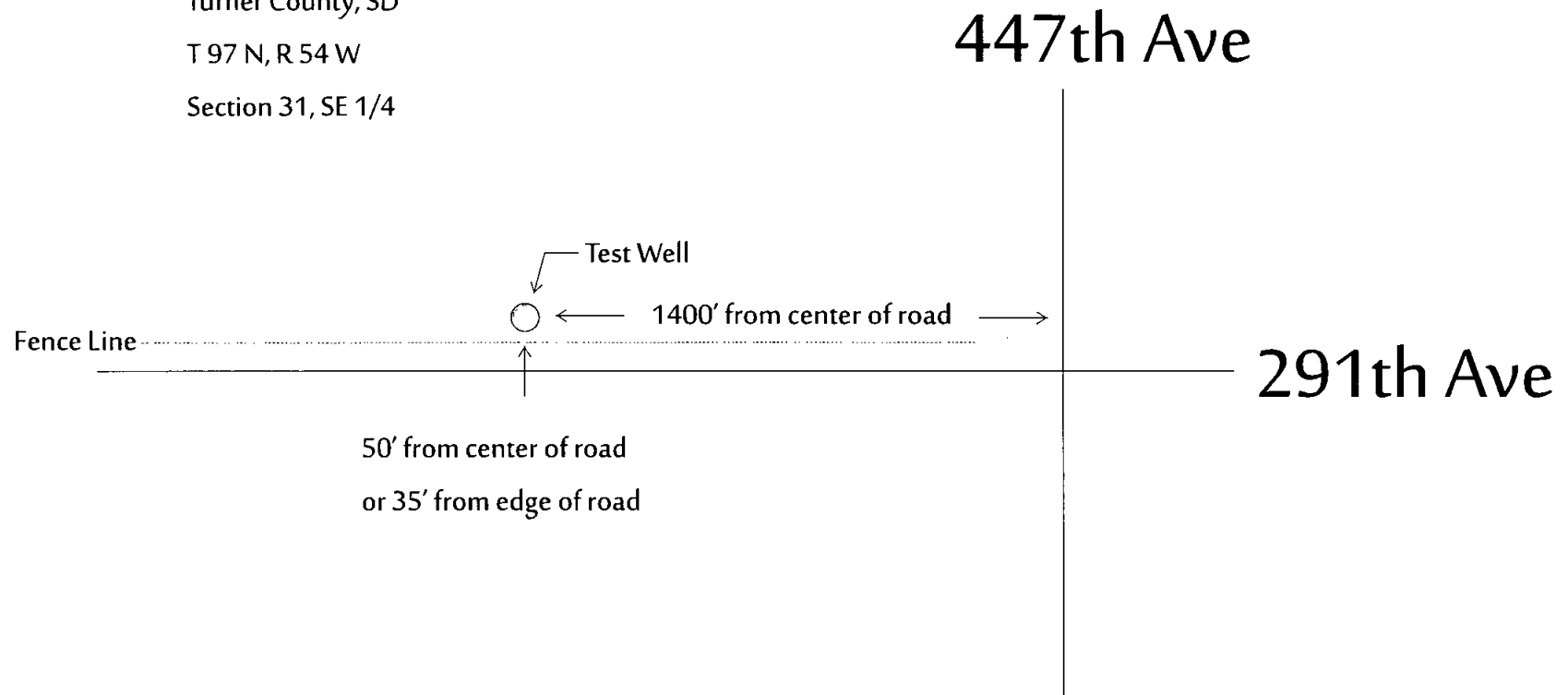
WATER RIGHTS PROGRAM

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WATER RIGHTS
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**Cameron Hutterian Brethren
dba Cameron Colony**

28971 447th Ave
Viborg, SD 57070-6315
Phone (605) 327-0036
Fax (605) 327-0038
Cell 605-661-3719

Turner County, SD
T 97 N, R 54 W
Section 31, SE 1/4



Sec 24
T097N
R55W

Sec 19
T097N
R54W

Sec 20
T097N
R54W

Sec 25
T097N
R55W

Sec 30
T097N
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Sec 29
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Sec 36
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Sec 31
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Sec 32
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Sec 1
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R55W

Sec 6
T096N
R54W

Sec 5
T096N
R54W

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/17, 20 14

RECEIVED OF Cameron Hutterian Brethren 28971 447th Ave Viborg SD 57070

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

Fee for Application for Permit No. <u>8058-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>8058-3</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	700 00

No. **06968**

By Janice Goodman
Chief Engineer

**Cameron Hutterian Brethren
dba Cameron Colony**

28971 447th Ave
Viborg, SD 57070-6315
Phone (605) 327-0036
Fax (605) 327-0038
Cell 605-661-3719

SD Department of Enviroment & Natural Resources
523 East Capitol Avenue
Pierre, SD 57501-3181

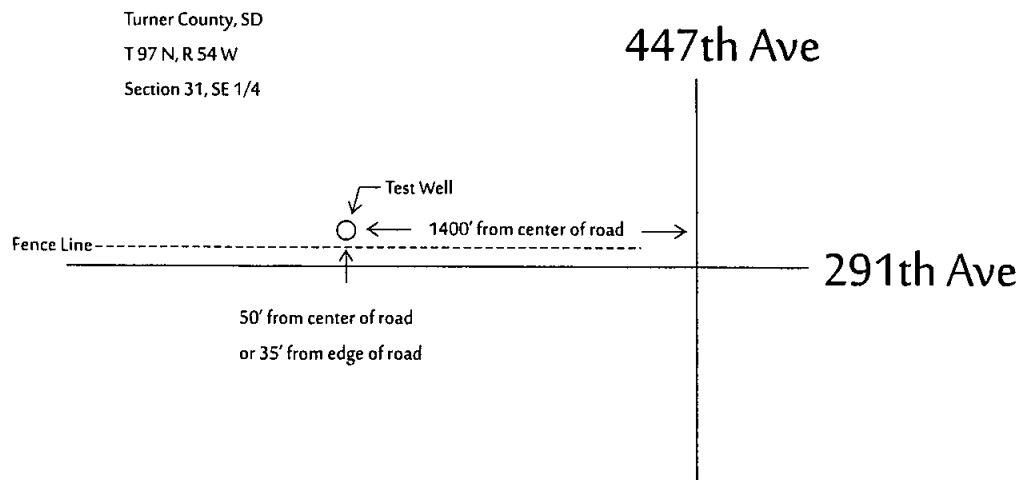
Eric Gronlund:

Cameron Colony is wanting to do a test well for a hog unit for water consumption and wash down on their property. It will possibly be a 200' deep test well. Below is a map of the location. Thanks!

Ted Waldner / Sectretary



October 7, 2014





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



October 7, 2014

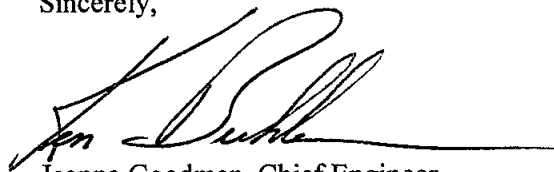
Ted Waldner
Cameron Hutterian Brethren
28971 447th Ave
Viborg, SD 57070

Dear Mr. Waldner:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to have a licensed well driller construct a test well approximately 200 feet deep prior to approval of a water permit. The test well will be located in the SW ¼ SE ¼ Section 31, T97N-R54W. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Sincerely,



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



**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. 8058-3, Cameron Hutterian Brethren**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8058-3, Cameron Hutterian Brethren, c/o Ted Waldner, 28971 447th Aveune, Viborg SD 57070.

The Chief Engineer is recommending APPROVAL of Application No. 8058-3 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. The recommendation for approval includes the following qualifications:

1. The well approved will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 8058-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 8058-3 is subject to compliance with all existing and applicable Water management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

See report on application for additional information.

Jeanne Goodman, Chief Engineer
December 10, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8058-3
CAMERON HUTTERIAN BRETHREN
C/O TED WALDNER
DECEMBER 10, 2014

Water Permit Application No. 8058-3 proposes to appropriate water at a maximum diversion rate of 0.11 cubic feet of water per second (cfs) from one well (approximately 238 feet deep) to be completed into the Turkey Ridge aquifer in the SW ¼ SE ¼ Section 31; all in T97N-R54W in Turner County. The water is to be used for commercial purposes in a hog confinement facility.

AQUIFER: Turkey Ridge aquifer (TR)

Aquifer Characteristics:

The Turkey Ridge aquifer underlies approximately 44 square miles (28,160 acres) of Turner and Hutchinson Counties (Lindgren and Hansen, 1990). The aquifer is primarily composed of fine sand to fine-pebble gravel that is under confined condition in the area of this application (Lindgren and Hansen, 1990). The aquifer can be comprised of up to three layers that are separated by silty clay layers and underlain by the Pierre Shale (Lindgren and Hansen, 1990). The depth to the aquifer ranges from 55 feet below grade in the northwestern portion of the aquifer (Lindgren and Hansen, 1990) to nearly 170 feet below grade in the southeastern portion near the proposed well site for this application (SDGS, 2014). The static water level in the aquifer ranges from 27 to 219 feet below ground surface (Lindgren and Hansen, 1990). The Turkey Ridge aquifer may be hydraulically connected to the Turkey Ridge Creek aquifer.

The test well log submitted with this application identified sand from 137 to 168 feet and from 210 to 238 feet below ground surface. The test well was screened from 218 to 238 feet below grade. The aquifer had a static water level of 98 feet below ground surface.

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 a reasonable probability that there is unappropriated water available for this 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 effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Turkey Ridge aquifer. The probability of unappropriated water available from the 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. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a public water system.

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 ultimately stated that data must be present 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).

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 does not monitor any observation wells completed into the Turkey Ridge aquifer (Water Rights, 2014a). The U.S. Geological Survey monitored one observation well in the NW ¼ NW ¼ Section 13; T98N-R56W in Hutchinson County from fall 1983 through fall 1986 (Lindgren and Hansen, 1990). The hydrograph for that observation well is shown in Figure 1. While the period of record is short, the water level was quite stable with a difference between maximum and minimum readings of approximately 4.5 feet.

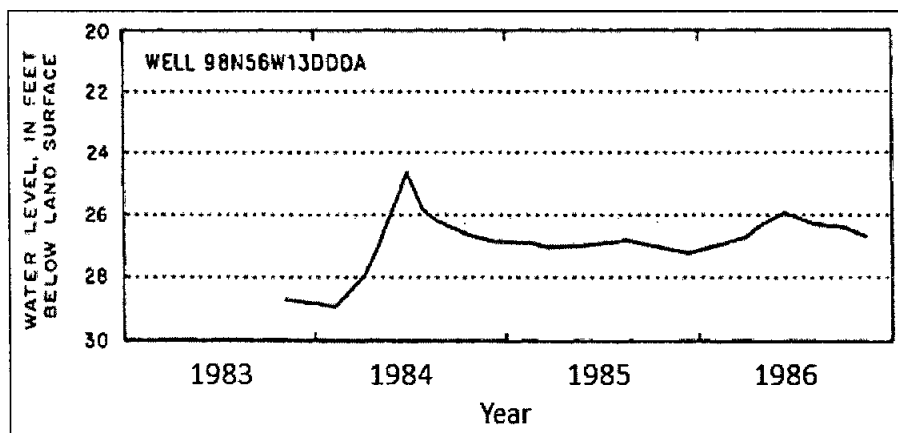


Figure 1- Hydrograph for a U.S. Geological Survey observation well completed into the Turkey Ridge aquifer (modified from: Lindgren and Hansen, 1990)

Recharge and Discharge:

Recharge:

Recharge to the Turkey Ridge aquifer may be through leakage from overlying sand and gravel layer located in the flood plain of Turkey Ridge Creek along the northern edge of the aquifer (Lindgren and Hansen, 1990). Hedges and others (1985) estimated a range of recharge rates to confined aquifers for use in management and development programs as 0.15 to 0.6 in/yr. That is an estimated recharge rate of 352 to 1,408 acre-feet per year (ac-ft/yr).

Discharge:

Discharge from the Turkey Ridge aquifer occurs through well withdrawals (Lindgren and Hansen, 1990). Currently and historically, there has been only one water permit authorized to withdraw water from the Turkey Ridge aquifer (Water Rights, 2014b). Water Permit No. 7084-3 for Cameron Colony, also the applicant for Application No. 8058-3, authorizes the withdrawal of water at 0.222 cfs from two wells for commercial purposes in a turkey raising operation (Water rights, 2014b). The amount of water that can be expected to be withdrawn by Water Permit No. 7084-3 can be estimated by assuming pumping at the maximum allowed diversion rate for 60 percent of the time. This assumption also applies to the expected use by Application No. 8058-3, if it is approved. Therefore, Water Permit No. 7084-3 is estimated to use approximately 96.4 ac-ft/yr. The expected annual use by the proposed appropriation is 47.8 ac-ft/yr. That is a combined total of 144.2 ac-ft/yr.

There are a number of domestic wells on file that are likely completed into the Turkey Ridge aquifer (Water Rights, 2014c). Carter and Neitzert (2008) estimated the use of water in South Dakota for 2005. While the estimates are nine years old, they are likely still valid due to the primarily rural nature of Turner and Hutchinson Counties.

Carter and Neitzert (2008) estimated livestock groundwater use in Hutchinson and Turner Counties to be 0.51 and 0.37 million gallons per day (gpd), respectively. The Turkey Ridge aquifer underlies approximately 1.9 and 5.4 percent of Hutchinson and Turner Counties, respectively. Assuming the distribution of livestock is uniform across each county and each county is independent of the other, livestock is estimated to use 33.2 ac-ft/yr. There are approximately 90 rural housing units that may have wells completed into the Turkey Ridge aquifer. Carter and Neitzert (2008) estimated domestic water use to be 70 gpd per capita. Assuming 2.5 people (capita) per rural housing unit, domestic use from the Turkey Ridge aquifer is estimated to be 17.6 ac-ft/yr. Some of these rural housing units may be served by rural water. Therefore, the domestic use estimate may be higher than what is actually pumped.

Hydrologic Budget:

Estimated average annual recharge to the Turkey Ridge aquifer ranges from 352 to 1,408 ac-ft/yr. Expected annual use by appropriative rights, including this application, is 144.2 ac-ft/yr. Groundwater pumped for livestock is estimated to be 33.2 ac-ft/yr. Domestic use is estimated to be 17.6 ac-ft/yr. That is a total estimated withdrawal of 195 ac-ft/yr. Therefore, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

EXISTING WATER RIGHTS:

The wells authorized by Water Permit No. 7084-3 are approximately one mile north of the proposed well site (Water Rights, 2014b). There are domestic wells on file with the SD DENR-Water Rights Program that appear to be completed into the Turkey Ridge aquifer in the area of the proposed diversion (Water Rights, 2014c).

The proposed diversion rate is 0.11 cfs (50 gallons per minute). Drawdown from pumping the proposed well is not expected to be adverse in adequate wells due to the low diversion rate and the approximately 100 feet of artesian head pressure in the area of the proposed diversion.

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. To balance interests between appropriative 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"

Depending on the specific characteristics of the Turkey Ridge aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate deeper water levels. However, when considering the statute (SDCL 46-6-6.1) and rule (ARSD 74:02:04:20(7)), well interference from this proposed appropriation is not likely to cause a significant impact. Therefore, there is a reasonable probability that any interference will not be adverse.

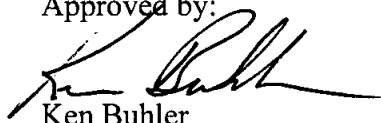
CONCLUSIONS:

1. This application proposes to appropriate water from the Turkey Ridge aquifer at a maximum diversion rate of 0.11 cfs from one well for commercial purposes in a hog confinement facility in Turner County.
2. There is a reasonable probability that unappropriated water is available from the Turkey Ridge aquifer for this proposed appropriation.
3. There is a reasonable probability that the diversion proposed by this application can be made without adverse impact to existing appropriative or domestic users.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:



Ken Buhler

SD DENR-Water Rights Program

REFERENCES:

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*Published once at the total
approximate cost of \$20.51*

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DEC 30 2014

AIR QUALITY
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Application No. 8058-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 19th DAY OF December 2014
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$52.13 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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.

PUBLISHED ON: 12/19/2014

FILED ON: 12/22/2014

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22nd DAY OF December

2014

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

12+19
NOTICE OF APPLICATION NO.
8058-3 to Appropriate Water

Notice is given that Cameron Hutterian Brethren, c/o Ted Waldner, 28971 447th Ave. Viborg SD 57070 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second from one well to be completed into the Turkey Ridge Aquifer (238 feet deep) located in the SW ¼ SE ¼ Section 31-T97N-R54W for commercial use in a hog confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8058-3 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 December 29, 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. Information concerning this application is available at <http://denr.sd.gov/public>. 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 \$26.98.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



December 10, 2014

Viborg Enterprise/Hurley Leader
PO Box H
Centerville SD 57014

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8058-3 to Appropriate Water. Please publish the notice once on December 18, 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 Cameron Hutterian Brethren, c/o Ted Waldner, 28971 447th Ave, Viborg SD 57070 (Ph # 605-327-0036).

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



December 10, 2014

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



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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.**

December 10, 2014

Cameron Hutterian Brethren
Ted Waldner
28971 447th Ave
Viborg SD 57070

Dear Mr. Waldner:

Water Permit Application No. 8058-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Viborg Enterprise/Hurley Leader printed at Centerville SD (Ph # 605-766-7827) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). 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 December 18, 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. 8058-3 to Appropriate Water

Notice is given that Cameron Hutterian Brethren, c/o Ted Waldner, 28971 447th Ave, Viborg SD 57070 has filed an application for a water permit to appropriate 0.11 cubic feet of water per second from one well to be completed into the Turkey Ridge Aquifer (238 feet deep) located in the SW 1/4 SE 1/4 Section 31-T97N-R54W for commercial use in a hog confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8058-3 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 December 29, 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. Information concerning this application is available at <http://denr.sd.gov/public>. 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
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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JAN 22 2015

Cameron Hutterian Brethren
Ted Waldner
28971 447th Ave
Viborg SD 57070

Dear Mr. Waldner:

Enclosed is Water Permit No. 8058-3 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

RECEIVED

SEP 25 2015

WATER RIGHTS
PROGRAM

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

Date Sept 22, 2015

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

FROM: Ted Waldner
Cameron Hyttenen Brethren
(name)

28971 447th Ave
(address)

Viborg SD 57070
(city, state, zip)

605-327-0036 office

605-661-3719 cell
(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.

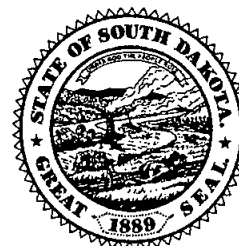
Water Permit No. 8058-3 states that the water use system is to be constructed by
Dec 29, 2019 (date), and water is to be put to beneficial use by Dec 29, 2023 (date).

The water use system was completed on Sept 22, 2015 (date).

Applying the water to beneficial use was completed on Sept 22, 2015 (date).

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

Ted Waldner
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 28, 2015

8058-3

Ted Waldner
Cameron Hutterian Brethren
28971 447th Ave
Viborg SD 57070

Dear Mr. Waldner:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with the water use system authorized under Water Permit No. 8058-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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