

**WATER PERMIT NO. 8156-3**

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

Address: **40068 Huron Colony Lane, Huron SD 57350**

Phone: **605 352-5647**

Amount of Water Claimed: **0.17 cfs**

Total Acres: **NA**

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

Water to be used for: **commercial**

County: **Beadle**

Type of Waste Disposal System:

Location: **12 miles north of Huron**

**PRIORITY**

Date Received: **5-7-15**

Application/License Fee: **\$ 700**

Corrected Application Received: **5-14-15**

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

Remarks: **Animal Feeding operation (swine)**

Diversion Point: **NW 1/4 NE 1/4 Sec 30-T113N-R61W**

Land to be Irrigated: **NA**

Depth of Well: **745 feet deep**

Well Driller:

Remarks:

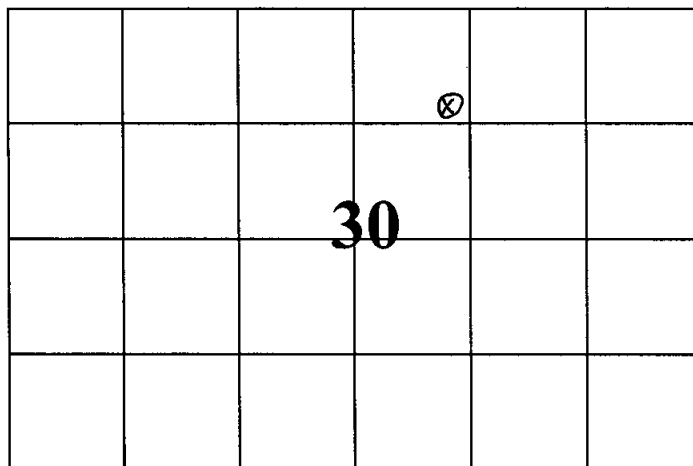
Type of Map: **plat**

Prepared by:

Reviewed and the Number Assigned on: **5-15-15**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_



|                                                                                                                 |                                                                     |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Mail to:<br>PMB 2020<br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>8156-3</u> (office use only) Hydrologic Unit <u>10160006</u> |
|                                                                                                                 | Basin <u>James River</u>                                            |
|                                                                                                                 | Newspaper <u>Plainmen PO Box 1278</u>                               |
|                                                                                                                 | <u>Huron 57350 - 605-353-7461</u>                                   |

RECEIVED

MAY 07 2015

WATER RIGHTS  
PROGRAM

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

## Check use(s) of water:

|                                                 |                                                |                                          |                                          |
|-------------------------------------------------|------------------------------------------------|------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Municipal              | <input type="checkbox"/> Suburban Housing      | <input type="checkbox"/> Recreational    | <input type="checkbox"/> Institutional   |
| <input type="checkbox"/> Rural Water System     | <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Fish & Wildlife | <input type="checkbox"/> Geothermal Heat |
| <input type="checkbox"/> Domestic (over 18 gpm) | <input type="checkbox"/> Industrial            | <input type="checkbox"/> Other _____     |                                          |

Type of Application:  
(check one)

|                                                                                                |                                                                  |                                                 |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------|
| <input checked="" type="checkbox"/> New                                                        | <input type="checkbox"/> Vested Right (Use predates Mar 2, 1955) | <input type="checkbox"/> Future Use Reservation |
| <input type="checkbox"/> Place to Beneficial Use Water Reserved by Future Use Permit No. _____ |                                                                  |                                                 |
| <input type="checkbox"/> Amendment/Correction to Permit No. _____                              |                                                                  |                                                 |

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

- Name to Appear on Water Permit HURON COLONY - Hutterian Brethren  
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent \_\_\_\_\_  
(name and complete address if different than above name)  
Mailing Address 40068 HURON COLONY LANE HURON SD 57350  
(Address) (City) (State) (Zip Code)  
Home Phone (605) 352-5647 Cell \_\_\_\_\_ Email \_\_\_\_\_
- Amount of water claimed 0.17 \*CFS or 75 \*\*GPM 60 \*\*\*AF  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 1 WELL IN DAKOTA FORMATION
- Location of point of diversion 1 WELL IN NW 1/4 NE 1/4 SECTION 30, T113N R61W County BEADLE  
(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)
- County or counties where water will be used BEADLE
- Annual period during which water is to be used JANUARY 1 to DECEMBER 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

WATER SUPPLY FOR RELOCATED / EXPANDED CONCENTRATED ANIMAL FEEDING  
OPERATION (SWINE)I, Martin Walther, 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. 8156-3**

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Date of first receipt of application May 7, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8156-3 to Huron Hutterian Brethren, Inc. c/o Marvin Wollman, 40068 Huron Colony Lane, Huron SD 57350 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. 8156-3 appropriates 0.17 cubic feet of water per second (60 acre-feet annually) from one well to be completed into the Dakota Aquifer (approximately 800 feet deep) for a swine confinement facility all located in the NW 1/4 NE 1/4 Section 30-T113N-R61W.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8156-3 is August 3, 2015.
5. The date from which applicant may claim right is May 7, 2015.
6. One-fifth of the construction is to be completed on or before February 3, 2018.
7. All construction is to be completed on or before August 3, 2020.
8. Water is to be put to beneficial use on or before August 3, 2024.
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 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. 8156-3 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. Permit No. 8156-3 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.

(continued)

4. Permit No. 8156-3 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
5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota Aquifer.
6. Water Permit No. 8156-3 authorizes a total annual diversion of 60 acre feet of water.

**WATER MANAGEMENT BOARD**

By: Jeanne Goodman

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

AUG 11 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 NEIGHBORING WELLS BY HURON 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 745-800' Depth to Top of Water Bearing Material 725-750' Depth to Water from Surface 725-750'

d) Distance to nearest existing domestic well:

On applicant's property 1/4 MILE

On property owned by others 1.75 MILES

### 2. Wastewater Disposal System Information

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

b) System Capacity (gallons )      Year Constructed     

c) Connected to the City of      Sanitary System     

### 3. Dugout Information

a) Surface Dimensions      Depth     

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

### 4. Water Storage Dams

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

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

b) Freeboard     

c) Crest Width     

Crest Length     

d) Height     

e) Primary Outlet Capacity     

If pipe, diameter     

f) Secondary Spillway Capacity     

Spillway Width     

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

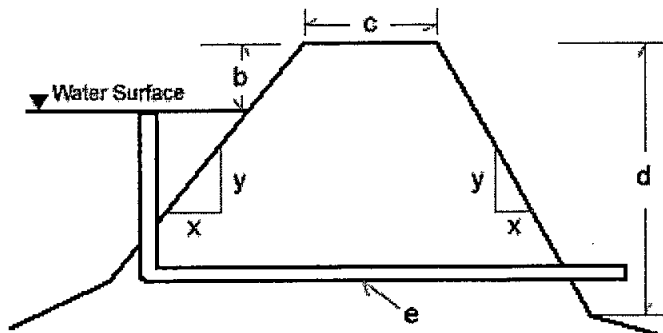
Upstream     

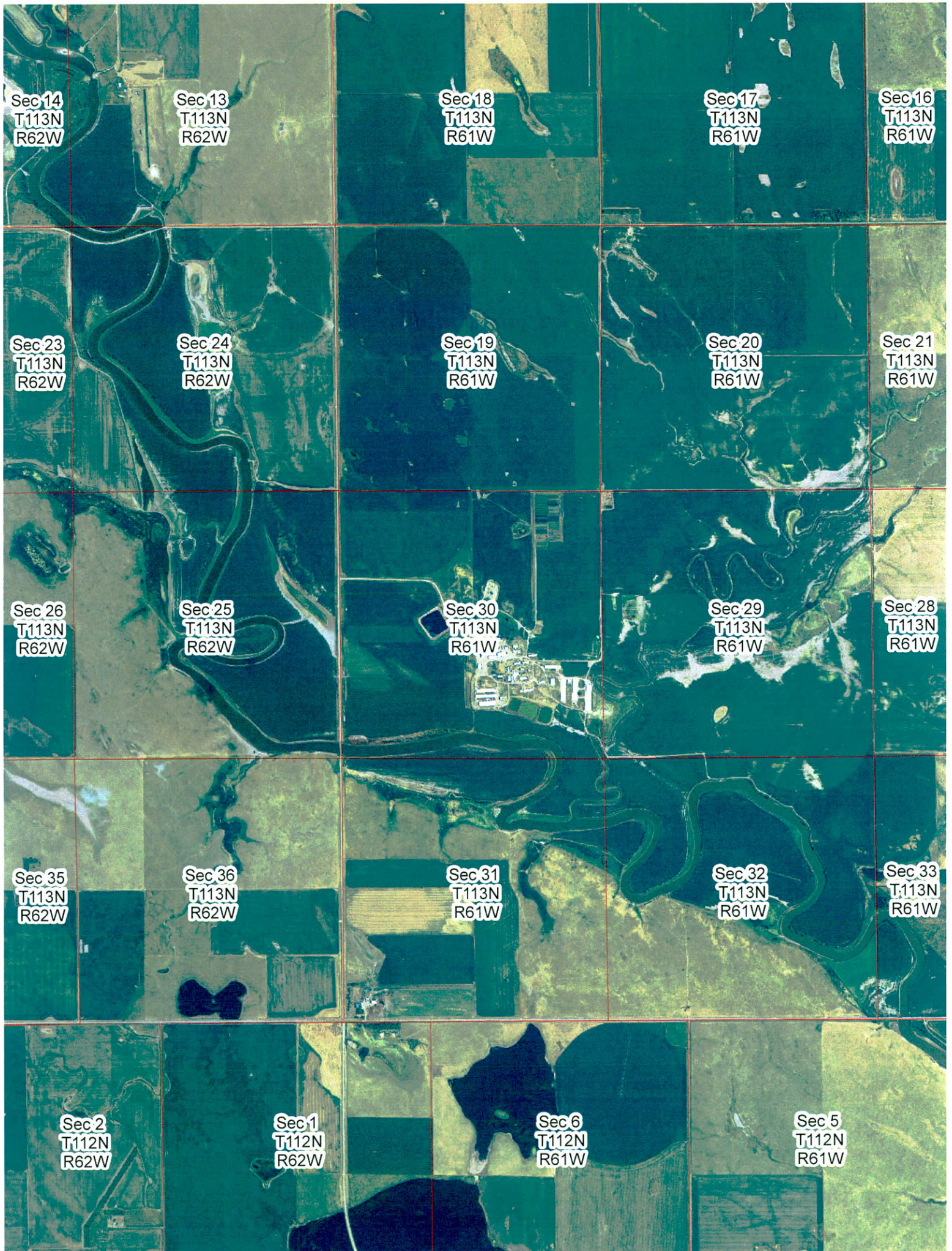
Downstream     

h) Surface Area of Impoundment     

i) Storage      Acre Feet

j) Drainage Area Above Dam      Acres





1228 HOG BARN  
Huron Colony  
OWNER

## WELL REPORT

Beadle County  
S.W.-30-113-61

HURON  
DRILLING CO.  
Huron, S. D.

Dec. 26, 1959

DESCRIPTION

DATE

### CASING LOG

|              |                  |     |     |     |                  |                 |
|--------------|------------------|-----|-----|-----|------------------|-----------------|
| Depth        | 800              | ft. |     |     |                  |                 |
| Flows        | 20               | gpm | 84  | ft. | 2" Std.          | pipe to 84 ft.  |
| Pumps        |                  | gpm | 700 | ft. | 1 1/4" K. Copper | pipe to 700 ft. |
| Head         |                  | ft. | 100 | ft. | 2" K. Copper     | pipe to 800 ft. |
|              | 100 ft. @ bottom |     |     |     |                  |                 |
| Perforations |                  |     |     | ft. |                  | pipe to ft.     |

Pressure

### REMARKS

2 Days

Perf. 700-800 Ft.

Drilling Time

Rig No. 1

Ray Horn

Foreman



587

## WELL REPORT

Huron Colony  
OWNER

North of Huron  
DESCRIPTION

HURON  
DRILLING CO.  
Huron, S. D.

1950  
DATE

### CASING LOG

|              |                 |     |     |     |          |                 |
|--------------|-----------------|-----|-----|-----|----------|-----------------|
| Depth        | 745             | ft. |     |     |          |                 |
| Flows        | 37 1/2          | gpm | 168 | ft. | 3" blk.  | pipe to ft.     |
| Pumps        |                 | gpm | 10  | ft. | 3" galv. | pipe to 178 ft. |
| Head         |                 | ft. | 588 | ft. | 2" blk.  | pipe to 745 ft. |
|              | 21 ft. @ bottom |     |     |     |          |                 |
| Perforations |                 |     |     | ft. |          | pipe to ft.     |

Pressure

### REMARKS

Drilling Time

21 ft. lap & 2 x 3 packer

Rig No.

Perf. 724-745 ft.

CWA

Foreman

5362

Huron, SD

**WELL REPORT**HURON  
DRILLING CO.  
Huron, S. D.Huron Colony

OWNER

30-113-61 Beadle

DESCRIPTION

July 17, 1971

DATE

**CASING LOG**Depth 800 ft.Flows 60 gpm 64 ft. 6" cemented pipe to 64 ft.Pumps \_\_\_\_\_ gpm 53 ft. 4" Class 200 Plastic pipe to 53 ft.Head \_\_\_\_\_ ft. 687 ft. 3" Sch #80 Blank pipe to 740 ft.

60' @ Bottom

Perforations

60 ft. 3" Sch #80 Perf pipe to 800 ft.

Plastic

Pressure

3 days

740-800

**REMARKS**

Drilling Time

2 - 5" James Bits 6" ReamerRig No. 71 - 5 5/8" Retipped Rock BitLloyd Peterson

Foreman



# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/14, 20 15

RECEIVED OF Huron Hutterian Brethren 40068 Huron Colony Lane Huron SD 57350

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

|                                                                                                                        |     |    |
|------------------------------------------------------------------------------------------------------------------------|-----|----|
| Fee for Application for Permit No. <u>8156-3</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>8156-3</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. **07405**

By Jason Hoodman  
Chief Engineer





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

[denr.sd.gov](http://denr.sd.gov)

May 8, 2015

Huron Hutterian Brethren, Inc.  
c/o Marvin Wollman  
40068 Huron Colony Lane  
Huron SD 57350

Dear Mr. Wollman:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use (swine operation) in Beadle County. In order to complete the application, the following is required.

- The application/license filing fee will be \$700.00. Enclosed is a postage paid envelope for your use.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

enclosure

Entity Detail      File Annual Report      Statement of Change      Forms

Name      **HURON HUTTERIAN BRETHREN, INC.** [Obtain a Certificate of Good Standing](#)  
 Corporate ID      **NS001602**  
 Incorporation/Qualification Date      **8/8/1944**

Home State      **SOUTH DAKOTA**  
 Status      **Good Standing**  
 Last Annual Report      **2014**  
 Corporation Type      **Domestic Nonprofit**  
 Stock Info      **5/19/1980 FARM QUAL BW**

Registered Agent      Documents      Officers

| Year | Director                            | Officer Type   | First   | Middle | Last    | Address                | City  | State | Zip   | Country |
|------|-------------------------------------|----------------|---------|--------|---------|------------------------|-------|-------|-------|---------|
| 2014 | <input checked="" type="checkbox"/> | President      | TERRY   |        | WALDNER | 40068 HURON COLONY LN. | HURON | SD    | 57350 |         |
| 2014 | <input checked="" type="checkbox"/> | Vice President | MARVIN  |        | WOLLMAN | 40068 HURON COLONY LN. | HURON | SD    | 57350 |         |
| 2014 | <input checked="" type="checkbox"/> | Secretary      | MARVIN  |        | WOLLMAN | 40068 HURON COLONY LN. | HURON | SD    | 57350 |         |
| 2014 | <input checked="" type="checkbox"/> | Treasurer      | MARVIN  |        | WOLLMAN | 40068 HURON COLONY LN. | HURON | SD    | 57350 |         |
| 2014 | <input type="checkbox"/>            | Director       | JOEY    |        | WALDNER | 40068 HURON COLONY LN. | HURON | SD    | 57350 |         |
| 2014 | <input type="checkbox"/>            | Director       | PHILLIP |        | WALDNER | 40068 HURON COLONY LN. | HURON | SD    | 57350 |         |



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. 8156-3, Huron 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. 8156-3, Huron Hutterian Brethren, c/o Marvin Wollman, 40068 Huron Colony Lane, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 8156-3 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, 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. 8156-3 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. Permit No. 8156-3 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.
4. Permit No. 8156-3 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
5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota Aquifer.
6. Water Permit No. 8156-3 authorizes a total annual diversion of 60 acre feet of water.

See report on application for additional information.

Jeanne Goodman, Chief Engineer

July 15, 2015

REPORT TO THE CHIEF ENGINEER  
ON  
WATER PERMIT APPLICATION NO. 8156-3  
HURON HUTTERIAN BRETHREN INC  
C/O MARVIN WOLLMAN  
JULY 14, 2015

Water Permit Application No. 8156-3 proposes to appropriate water at a maximum diversion rate of 0.17 cubic feet per second (cfs) (60 acre-feet (ac-ft) annually) from one well to be completed into the Dakota aquifer (approximately 745 feet deep) located in the NW ¼ NE ¼ Section 30; T113N-R61W in Beadle County. The water is to be used commercial use in a swine confinement facility.

**AQUIFER: Dakota (DKOT)**

**Aquifer Characteristics:**

The Dakota aquifer consists of the permeable beds of sand and sandstone contained within the Cretaceous aged Dakota Formation (Buhler, 2012). The Dakota Formation consists of several layers of interbedded sands, sandstone, and shale with discontinuous beds of lignite (Schoon, 1971). The Dakota Formation underlies approximately 66,500 square miles of the 77,047 square miles of the State of South Dakota (Schoon, 1971). In eastern South Dakota, the recoverable water in storage is estimated to be 381,104,000 ac-ft (Hedges et. al, 1982). Allen and others (1985) estimated the Dakota-Newcastle Formation contains approximately 308,442,000 ac-ft of recoverable water in storage in western South Dakota.

The lithology of the Dakota Formation varies both vertically and laterally. The porosity of the Dakota Formation varies with the lithology, but Hedges and others (1982) assumed the porosity averages 15 percent and the specific yield of the aquifer is approximately 0.075. Historically the Dakota aquifer has produced flowing wells along the James River Valley. The proposed well site is approximately 0.8 miles from the James River.

Three well reports for Dakota aquifer wells owned by the applicant in the same area as the proposed well site were submitted with this application. The Dakota aquifer ranges from approximately 700 to 800 feet below ground surface. The wells each had an artesian flow rate at the time of completion between 20 and 60 gallons per minute (gpm). The three wells were constructed in 1950, 1959, and 1971.

**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 60 ac-ft annually from the Dakota aquifer. The probability of unappropriated water being 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. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.”

While the Dakota aquifer is stratigraphically lower than the Greenhorn Formation, the applicant is not a water distribution system. Therefore, the recharge/withdrawal issue must be considered.

There have been concerns since the early 1900's regarding the declining head in the Dakota aquifer. Rothrock and Robinson (1938) stated, “There has been a pronounced decline in the artesian head since the first wells were drilled in the area. The decline has not proceeded uniformly but has varied from place to place, depending on local draft...” This decline in artesian head pressure has been well documented. One interpretation of the decline in artesian head pressure is that the Dakota aquifer is being “mined”. Schoon (1971) stated “The fact that withdrawal from the artesian system exceeds recharge is clearly demonstrated by declining pressures.”

The Water Management Board has considered the issue of declining head pressure in the Dakota aquifer several times. The Board has found that past declines of the potentiometric surface do not automatically mean that withdrawals have exceeded recharge (Water Rights, 2010). The Board has concluded that whether withdrawals exceeded the average annual recharge cannot be determined based solely upon a decline in head pressure, and in theory the Dakota aquifer head pressure is stabilizing relative to withdrawals and discharges (Water Rights, 1987). The Board stated in the Findings of Facts and Conclusions of Law for Application No. 5136-3, “The primary reason for declines in the Dakota Formation head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells” (Water Rights, 1987). The Water Management Board further stated:

“When defining withdrawal for the purpose of interpreting the meaning of withdrawal pursuant to SDCL 46-6-3.1, there is a difference between withdrawal of water for beneficial use and water discharged without beneficial use through uncontrolled flowing wells. Water discharged from uncontrollable flowing wells does not constitute withdrawal (appropriation) pursuant to SDCL 46-6-3.1.”

Ultimately, the Water Management Board's position has been to optimize development for beneficial use from the Dakota aquifer.

**Observation Well Data:**

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

The DENR-Water Rights Program monitors 43 observation wells completed into the Dakota aquifer (Water Rights, 2015a). Most of the observation wells, 33, are in Lincoln County and another four wells are also in southeastern South Dakota. There are several rural water systems in and around Lincoln County that withdraw water from the Dakota aquifer. The remaining seven observation wells are spread across south-central and the rest of the eastern half of South Dakota.

The nearest observation well to the proposed well site completed into the Dakota aquifer is HD-87A. The observation well is approximately 33 miles southwest of the proposed well site (Water Rights, 2015a). There are two observation wells approximately 65 and 68 miles, ED-85A and AU-89A, respectively, from the proposed well site. All other observation wells completed into the Dakota aquifer are 75 or more miles away. The hydrographs for HD-87A, ED-85A, and AU-89A are shown in Figures 2, 3, and 4, respectively. The U.S. Geological Survey monitored four domestic wells completed into the Dakota aquifer within approximately 20 miles of the proposed well site from the late 1960's to 1989 (Winter, 1994). The hydrographs for the wells are shown in Figures 5, 6, 7, and 8. The wells are labeled by legal location and figure number in Figure 1. The wells represented by the hydrographs shown in Figures 5, 6, and 7 were all flowing wells at the time of the measurements. The well represented in Figure 8 was not a flowing well.

A majority of the DENR-Water Rights Program observation wells, 33 out of 43, completed into the Dakota aquifer show declining water levels over the period of record with many starting to stabilize (Water Rights, 2015a). The four wells monitored by the U.S. Geological Survey (Figures 5, 6, 7, and 8) show a declining but stabilizing water level over their respective periods of record. It has been accepted by the Water Management Board that the water level of the Dakota aquifer has yet to equilibrate to the withdrawals from the aquifer (Water Rights, 2010). The Findings of Fact and Conclusions of Law regarding Water Permit No. 7165-3 were leveled more specifically at southeastern South Dakota. However, the hydrographs shown in Figures 5, 6, 7, and 8 demonstrate the decline was slowing, and the hydrographs for other observation wells generally concur with those four hydrographs. Therefore, the hydrographs for observation wells completed into the Dakota aquifer show there is unappropriated water available for this proposed appropriation.

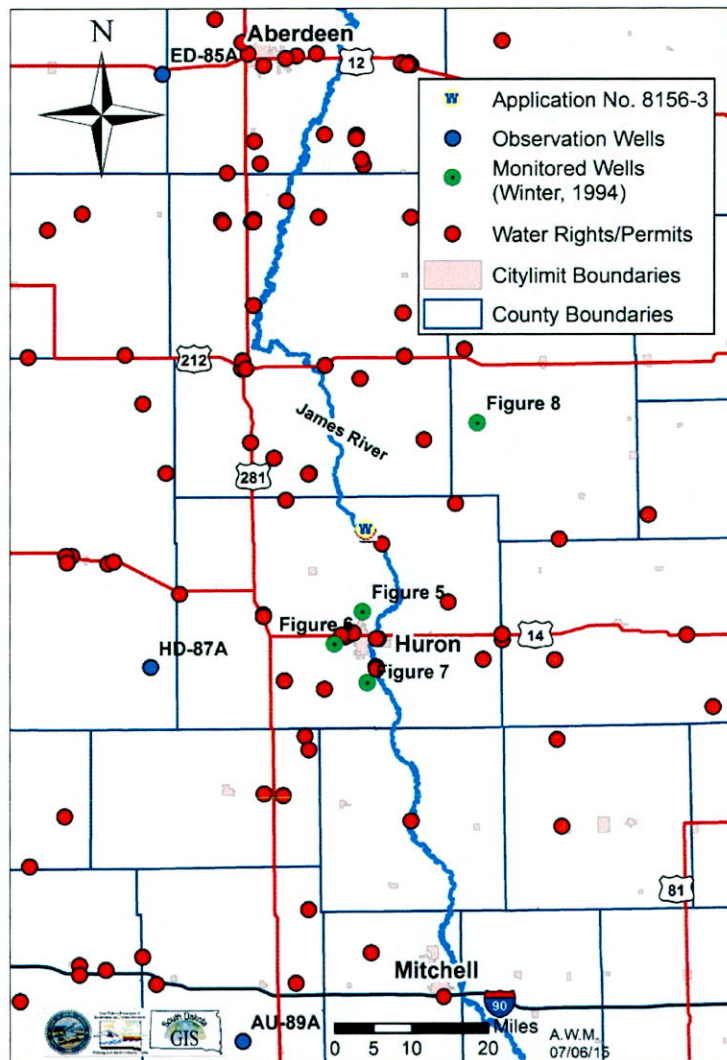


Figure 1- Map of Dakota aquifer water rights/permits, Dakota aquifer observation wells in the region of the well site, and U.S. Geological Survey monitored Dakota aquifer wells (Water Rights, 2015a and 2015b; Winter, 1994)

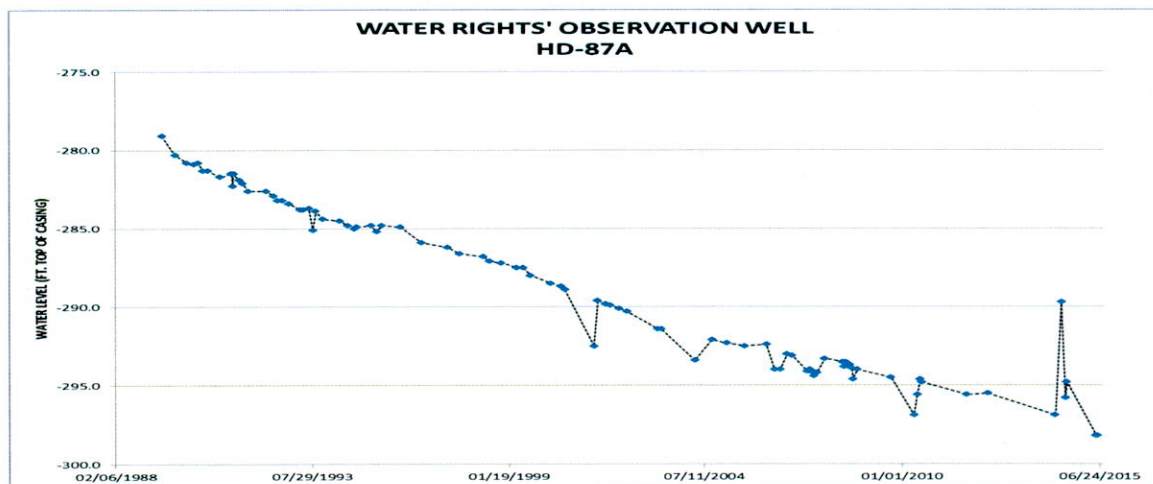


Figure 2- Hydrograph for observation well HD-87A (Water Rights, 2015a)

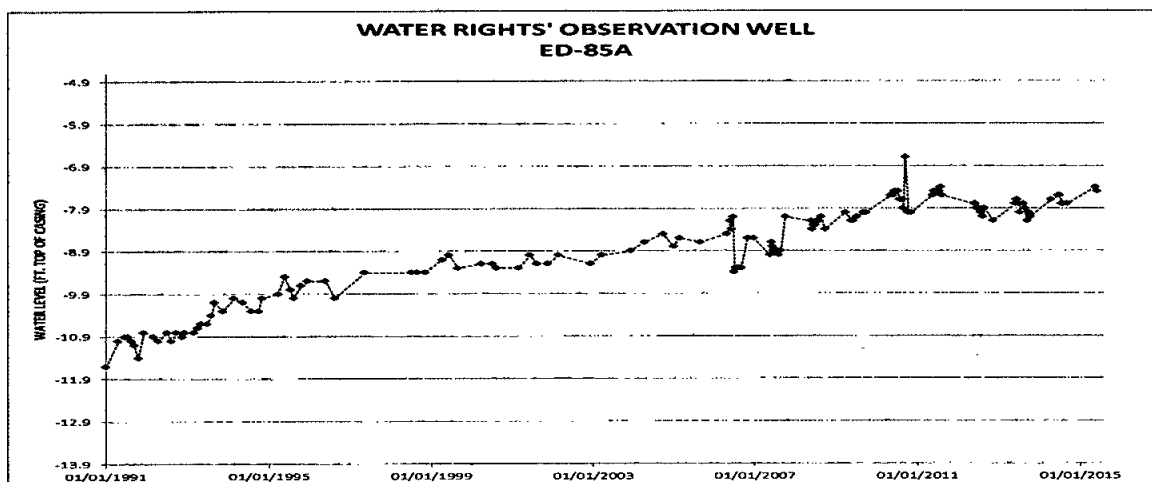


Figure 3- Hydrograph for observation well ED-85A (Water Rights, 2015a)

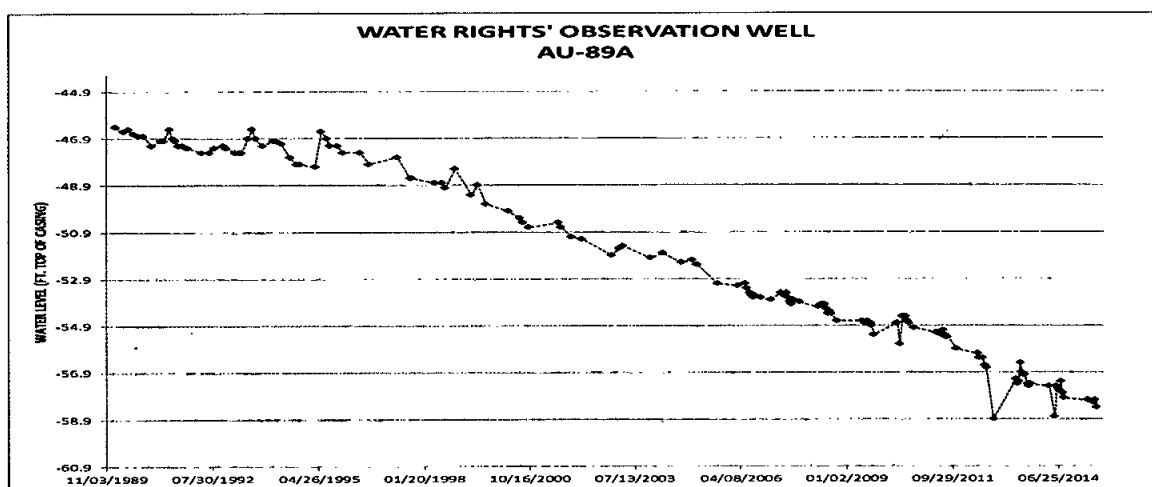


Figure 4- Hydrograph for observation well AU-89A (Water Rights, 2015a)

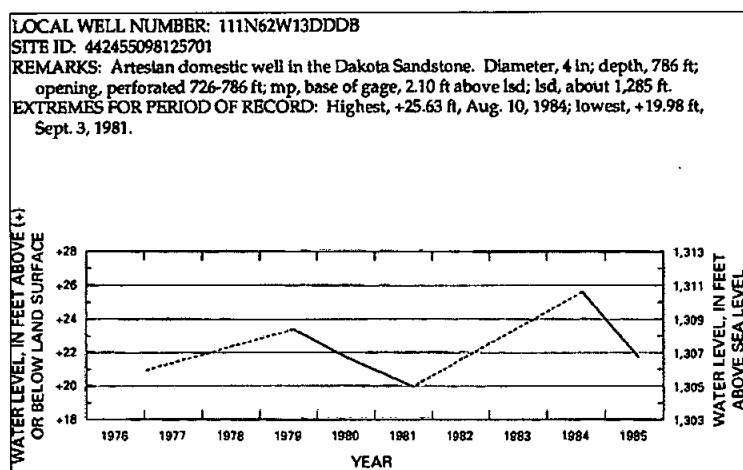


Figure 5- Hydrograph for a USGS monitored domestic well located in 111N62W13DDDB, approximately 10.7 miles south of the proposed well site (Winter, 1994)

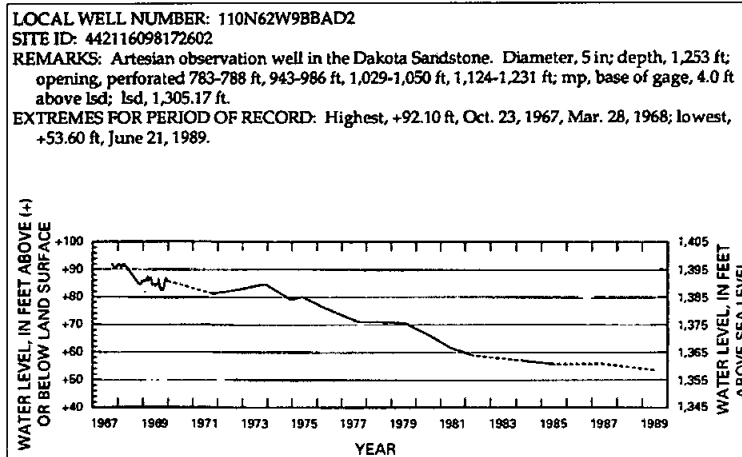


Figure 6- Hydrograph for a USGS monitored domestic well located in 110N62W9BBAD2, approximately 15.4 miles south of the proposed well site (Winter, 1994)

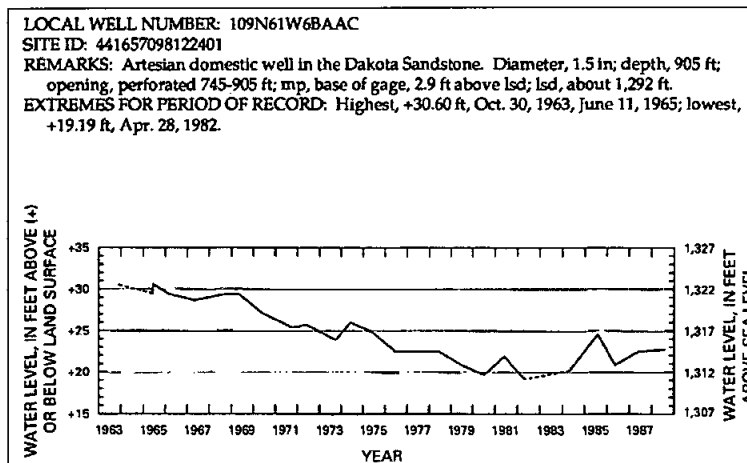


Figure 7- Hydrograph for a USGS monitored domestic well located in 109N61W6BAAC, approximately 19.9 miles south of the proposed well site (Winter, 1994)

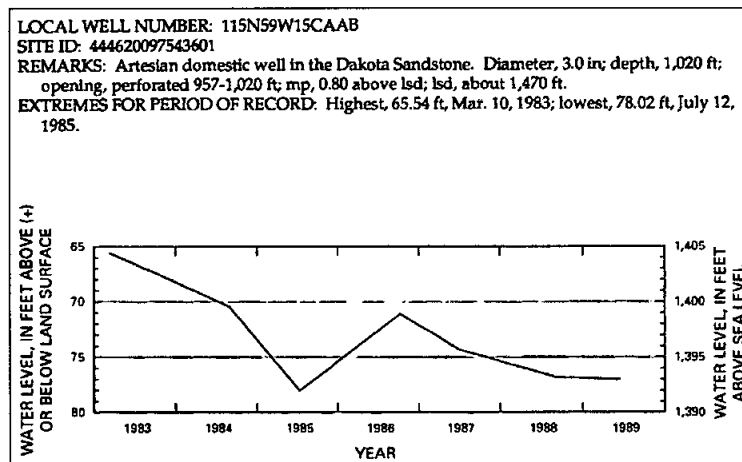


Figure 8- Hydrograph for a USGS monitored domestic well located in 115N59W15CAAB, approximately 20 miles northeast of the proposed well site (Winter, 1994)

**Recharge and Discharge:**

There is insufficient data available to determine recharge to the Dakota aquifer, and thus, compare average annual recharge to the aquifer with average annual withdrawal. As stated previously, the Water Management Board considers water being discharged without beneficial use from uncontrolled flowing wells does not constitute withdrawal (appropriation) pursuant to SDCL 46-6-3.1.

Currently, there are 229 water rights/permits appropriating water and six future use permits reserving water from the Dakota aquifer in South Dakota (Water Rights, 2015b). There are 20 water rights/permits authorized for irrigation purposes. The irrigation water rights/ permits authorize the irrigation of up to 1,554.44 acres. The total diversion rate authorized by the 209 non-irrigation water rights/permits is 75.822 cfs. However, most of the municipalities are connected to rural water systems (Friedeman, 2015) and do not pump much or any water from their wells. Therefore, the diversion rate that is actually used is estimated to be 50.45 cfs. Most of the 50.45 cfs is from the southeastern corner of South Dakota. The City of North Sioux City, the City of Elk Point, and South Lincoln Rural Water System account for approximately 27.5 percent of the 50.45 cfs. The estimated annual use by the non-irrigation appropriations limited only by diversion rate and not served by rural water is 17,288 ac-ft/yr. This estimation is based on pumping at the maximum allowable diversion rate for 60 percent of the time. The water rights/permits authorized by an annual volume are assumed to pump the full volume. The estimated annual use by the non-irrigation appropriations limited by annual volume from the non-irrigation appropriations not served by rural water systems is 4,762 ac-ft/yr. That is a total of 22,050 ac-ft/yr. Future use permits reserve 3,737 ac-ft/yr and are shown in Table 1.

| Permit No.                                           | Name               | County | Type | Volume Reserved (ac-ft) |
|------------------------------------------------------|--------------------|--------|------|-------------------------|
| 1262C-3                                              | CITY OF CANTON     | LN     | MUN  | 674                     |
| 4817-3                                               | SOUTH LINCOLN RWS  | LN     | RWS  | 1448                    |
| 5101-3                                               | CITY OF LENNOX     | LN     | MUN  | 0                       |
| 5101A-3                                              | CITY OF LENNOX     | LN     | MUN  | 0                       |
| 5155-3                                               | LINCOLN COUNTY RWS | LN     | RWS  | 440                     |
| 5219-3                                               | CITY OF CANTON     | LN     | MUN  | 1175                    |
| <b>Sum</b>                                           |                    |        |      | <b>3737</b>             |
| LN= Lincoln, MUN= Municipal, RWS= Rural Water System |                    |        |      |                         |

Table 1- Future use permits reserving water from the Dakota aquifer (Water Rights, 2015b)

Estimated average annual withdrawal from the aquifer by irrigation appropriations is 141 ac-ft/yr and is shown in Table 2. Therefore, estimated expected average annual appropriative use plus reserved volume by appropriative water rights/permits is 25,928 ac-ft/yr.

| Year | No. of Permits Reporting | Appropriation (ac-ft) | Pumpage (ac-ft) |
|------|--------------------------|-----------------------|-----------------|
| 2014 | 17                       | 2354.52               | 201             |
| 2013 | 18                       | 2158.52               | 262.89          |
| 2012 | 18                       | 2158.52               | 304.7           |
| 2011 | 18                       | 2158.52               | 175.77          |
| 2010 | 17                       | 1950.52               | 178.03          |
| 2009 | 15                       | 1166.52               | 137.13          |
| 2008 | 14                       | 1106.52               | 202.05          |
| 2007 | 14                       | 1106.52               | 205.64          |
| 2006 | 14                       | 1106.52               | 237.91          |
| 2005 | 12                       | 867.52                | 150.75          |
| 2004 | 10                       | 726.52                | 159.63          |
| 2003 | 10                       | 726.52                | 205.02          |
| 2002 | 10                       | 726.52                | 184.53          |
| 2001 | 11                       | 740.52                | 160.85          |
| 2000 | 10                       | 666.52                | 172.81          |
| 1999 | 10                       | 666.52                | 101.57          |
| 1998 | 9                        | 633.52                | 64.76           |
| 1997 | 9                        | 533.12                | 48              |
| 1996 | 8                        | 527.12                | 34.38           |
| 1995 | 8                        | 527.12                | 30.83           |
| 1994 | 7                        | 931.12                | 51.29           |
| 1993 | 7                        | 1521.52               | 112.4           |
| 1992 | 5                        | 1501.52               | 40.4            |
| 1991 | 5                        | 1481.52               | 165.42          |
| 1990 | 4                        | 1471.52               | 234             |
| 1989 | 4                        | 1471.52               | 265.4           |
| 1988 | 4                        | 1471.52               | 452.8           |
| 1987 | 5                        | 1900.52               | 1.3             |
| 1986 | 5                        | 1834.76               | 238.85          |
| 1985 | 5                        | 1554.26               | 8.1             |
| 1984 | 4                        | 1405.76               | 0               |
| 1983 | 5                        | 1834.76               | 64.39           |
| 1982 | 5                        | 1420.52               | 33.23           |
| 1981 | 4                        | 1469                  | 45              |
| 1980 | 2                        | 729                   | 110             |
| 1979 | 2                        | 729                   | 38              |
| Min  | 2                        | 527.12                | 0               |
| Max  | 18                       | 2354.52               | 452.8           |
| Avg  | 9.0                      | 1259.3                | 141.1           |

Table 2- Historic irrigation water use from the Dakota aquifer (Water Rights, 1979-2015)

There are many well logs on file with the SD DENR-Water Rights Program for domestic wells completed into the Dakota aquifer (Water Rights, 2015c). Some of the domestic wells are controlled and currently in use. Others are flowing uncontrolled with some of the water being put to beneficial use. There are also a number of uncontrolled flowing wells that are just flowing to waste. Furthermore, water is also flowing to waste from poorly constructed or deteriorating wells. It is likely that the amount is just as much or more than the amount put to beneficial use by appropriative users. However, water flowing from uncontrolled flowing wells should be available for capture and use by appropriative rights.

#### EXISTING WATER RIGHTS:

There are five wells authorized by Water Right Nos. 6095-3 and 6096-3 for Huron Hutterian Brethren, Inc. within approximately 0.75 miles of the proposed well site with the closest approximately 0.4 miles away (Water Rights, 2015b). The next nearest well authorized by an appropriative right is Water Right No. 5486-3 for Byron Bible Camp. The well is approximately

2.8 miles southeast of the proposed well site. There are also a number of domestic wells completed into the Dakota aquifer (Water Rights, 2015c).

Since the Dakota aquifer is under confined conditions, measureable drawdown from a well could extend several miles from the production well. However at the distance between the proposed well and existing wells and at the small diversion rate this application proposes, well interference is not expected to be adverse. The proximity of the proposed well and the wells authorized by Water Right Nos. 6095-3 and 6096-3 means there may be some interference. However, the applicant owns all the wells, and it is in their best interest to control flows such that production and efficiency are maximized. There is approximately 700 feet of artesian head pressure and up to 200 feet of saturated thickness in the area of the proposed well. When considering the diversion rates of and the distances between the different appropriate wells, the artesian head pressure, and the saturated thickness of the aquifer, it is probable this proposed diversion will not cause an adverse impact.

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 high capacity well use and domestic use, 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 Dakota aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate deeper water levels. The Water Management Board has considered this issue in the matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted findings of fact and conclusions of law that basically state, if lowering a pump when there is artesian head pressure available below the current pump setting is considered an adverse impact, it could be in conflict with SDCL 46-1-4, which requires South Dakota’s water resources to be put to beneficial use to the fullest extent possible. Therefore when considering the statutes (SDCL 46-6-6.1 and SDCL 46-1-4), rule (ARSD 74:02:04:20(7)), and the Water Management Boards’ prior rulings, 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.

### **SPECIAL CONSIDERATION**

Administrative Rule of South Dakota 74:02:04:35 describes alternative construction methods for certain wells completed into the Dakota aquifer. ARSD 74:02:04:35 states:

“The well construction described in this section may be used for private and reasonable domestic use wells and for noncommercial livestock watering wells as

an alternative to the construction required by § 74:02:04:28. All other wells, including public water supply wells, shall be constructed as required by § 74:02:04:28. If any of the following requirements cannot be met, the well construction must comply with requirements of § 74:02:04:28...”

The well proposed by this application is for a commercial livestock confinement operation and does not meet all of the requirements to use the alternative construction standards that are commonly known as a “slim-hole” well. In simple terms, the casing of this proposed well needs to be pressure grouted from the top of the producing aquifer to ground surface or the base of the pitless unit.

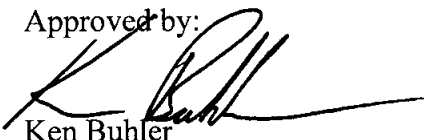
#### CONCLUSIONS:

1. This application proposes to appropriate water from the Dakota aquifer for commercial use in a swine confinement operation at a diversion rate of 0.17 cfs with an annual rate of 60 ac-ft/yr from one well in Beadle County.
2. Water levels in the Dakota aquifer have declined across much of the state since the first wells were completed into the aquifer.
3. The Water Management Board has concluded that whether withdrawals exceed recharge to the Dakota aquifer cannot be determined solely based on a decline in artesian head.
4. The Water Management Board has concluded the decline in the potentiometric surface of the Dakota aquifer is primarily a result of the waste of water from uncontrolled flowing wells.
5. In reference to SDCL 46-6-3.1, the Water Management Board has concluded that “withdrawals” apply only to water placed to beneficial use via appropriation or domestic use.
6. Flow from uncontrolled flowing wells should be available for capture. Therefore, there is a reasonable probability that unappropriated water is available for this application.
7. There is a reasonable probability that the diversion requested by this application can be made without adversely impacting existing appropriative and domestic users.
8. The proposed well cannot be constructed as a “slim-hole” well described in ARSD 74:02:04:35. The well must be constructed in accordance to ARSD 74:02:04:28, which requires pressure grouting from the top of the producing aquifer to ground surface or the bottom of the pitless unit.



Adam Mathiowetz, PE  
SD DENR-Water Rights Program

Approved by:



Ken Buhler  
SD DENR-Water Rights Program

## REFERENCES:

- Allen, J.C., D.L. Iles, and A.K. Petres. 1985. Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Tasks 3A.B.C. and 4A.B.:
- Buhler, K.A. 2012. Report on Water Permit Application No. 7387-3 Tom Nuhsbaumer. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Davis, R.W., C.F. Dyer, and J.E. Powell. 1961. Progress Report on Wells Penetrating Artesian Aquifers in South Dakota. U.S. Geological Survey Water-Supply Paper 1534. 100 p.
- Friedeman, B. Personal Communication. January 9, 2015. SD DENR-Drinking Water Program Environmental Scientist. Pierre, South Dakota.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- SDGS. 2015. Lithologic Logs Database Search. < <http://sddenr.net/lithdb/> >. Accessed: July 6, 2015. SD DENR-Geological Survey, Vermillion, South Dakota.
- Rothrock, E.P. and T.W. Robinson Jr. 1938. Artesian Conditions in Western Central South Dakota: S.D. Geological Survey Report of Investigations 104. SD DENR-Geological Survey. 61p.
- Schoon, R.A. 1971. Geology and Hydrology of the Dakota Formation in South Dakota. Report of Investigations No. 104. SD DENR-Geological Survey. Vermillion, South Dakota.
- Water Rights. 2015a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2015b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2015c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2010. Water Permit No. 7165-3 File. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 1995. Water Right No. 2313-2 Coca-Cola Bottling Company of the Black Hills file. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 1987. Water Permit No. 5136-3 File. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 1979-2015. Annual Irrigation Questionnaires Summary. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, South Dakota

Winter, D.R. 1994. Water Levels Through 1989 in Bedrock Aquifers in South Dakota. Open-File Report 94-320. U.S. Geological Survey. Rapid City, South Dakota.

PRINTER'S AFFIDAVIT

RECEIVED

JUL 29 2015

STATE OF SOUTH DAKOTA,  
COUNTY OF BEADLE: ss

WATER RIGHTS  
PROGRAM

I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD ENVIROMENTAL – WOLLMAN**  
**WATER RIGHTS**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 23<sup>RD</sup> day JULY 2015. That the full amount of the fee charged for publishing is: THIRTY-FOUR & 12/100 dollars insures to the benefit of the publisher 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 whom so ever.



Subscribed and sworn to me before this 23<sup>RD</sup> Day of JULY 2015.

  
Notary Public, South Dakota

My term expires 01/27/2018  
Legal #1937

P. 07-23-15

NOTICE OF  
APPLICATION NO.  
8156-3 to

Appropriate Water

Notice is given that Huron Hutterian Brethren, Inc., c/o Marvin Wollman, 40068 Huron Colony Lane, Huron SD 57350 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second (60 acre-feet annually) from one well to be completed into the Dakota Aquifer (approximately 800 feet deep) for commercial use in a swine confinement facility all located in the NW 1/4 NE 1/4 Section 30-J113N-R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8156-3 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 sched-

uled 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 3, 2015.

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.

No. 1937 (adv.)

Published once at the  
total approximate cost of  
\$34.12.

**Schlaak, Karen**

---

**From:** Schlaak, Karen  
**Sent:** Wednesday, July 15, 2015 1:45 PM  
**To:** Ruby Crandall (rnewman.plainsman@midconetwork.com)  
**Subject:** 8156-3, Huron Hutterian Brethren  
**Attachments:** 8156-3public.short.docx

Attached is a notice to be published on July 23, 2015.

Huron Hutterian Brethren, Inc., c/o Marvin Wollman, 40068 Huron Colony Lane, Huron SD 57350 (605 352-5647) have been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

*Karen Schlaak*  
Water Rights Program  
523 E Capitol Ave  
Pierre SD 57501  
Phone: 605 773-3352



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 15, 2015

Huron Hutterian Brethren Inc  
Marvin Wollman  
40068 Huron Colony Lane  
Huron SD 57350

Dear Mr. Wollman:

Water Permit Application No. 8156-3 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 Plainsman printed at Huron SD (Ph # 605-353-7401). 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 July 23, 2015. The applicant is responsible for payment.

---

NOTICE OF APPLICATION NO. 8156-3 to Appropriate Water

Notice is given that Huron Hutterian Brethren, Inc., c/o Marvin Wollman, 40068 Huron Colony Lane, Huron SD 57350 has filed an application for a water permit to appropriate 0.17 cubic feet of water per second (60 acre-feet annually) from one well to be completed into the Dakota Aquifer (approximately 800 feet deep) for commercial use in a swine confinement facility all located in the NW 1/4 NE 1/4 Section 30-T113N-R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8156-3 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 3, 2015.

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](http://denr.sd.gov)

AUG 11 2015

Huron Hutterian Brethren  
Marvin Wollman  
40068 Huron Colony Lane  
Huron SD 57350

Dear Mr. Wollman:

Enclosed is Water Permit No. 8156-3 authorizing construction of the 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

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

---

**NAME:** Marvin Wollman

**ADDRESS:** 40068 Huron Colony Lane, Huron SD 57350

**DATE:** January 29, 2020

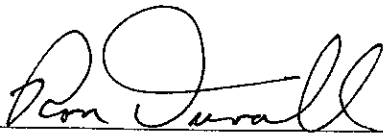
**TELEPHONE:** 605.352.5647

**RE:** Annual Water Use Reporting for 2019

**COMMENTS:**

I returned a call to Marvin Wollman concerning annual water use reporting under Water Permit No. 8156-3. Mr. Wollman indicated that water use from year-to-year is consistent. I questioned whether water use is going to vary from year-to-year due to weather and animal numbers which would impact the amount of water used. According to Mr. Wollman, water from the well is blended with other water sources to supply the barn and is also used for power washing for 2 to 3 hours per week but the well does not have a meter.

As we discussed the matter, Mr. Wollman believed the pump averaged 20 or 25 gallons of water per minute (gpm). I informed Mr. Wollman at 20 gpm the well would produce the 87,600 gallons reported last year in 3 days of pumping. Mr. Wollman contacted the barn manager regarding the amount of water used and reported back to me that they use approximately 10,000 gallons per day which equates to 3,650,000 gallons per year (11.2 acre-feet). I told Mr. Wollman that I would document our conversation and use the above figures for the reported annual usage.



Ron Duvall  
Natural Resources Engineer  
Water Rights Program

## Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8156-3

I have this day, June 20, 2025, made a thorough examination of the water use system constructed by Huron Colony, 40068 Huron Colony Lane, Huron, SD 57350 of Permit No. 8156-3, bearing the priority of May 7, 2015 authorizing the diversion of 0.17 cu. ft. per second of the waters of the Dakota Aquifer for commercial (swine) purposes, in Beadle County.

### A. Works used to divert the water:

#### Well Information:

- 1) Well Drilling Firm: Stretch's Well Drilling (2015)
- 2) No. of Wells 1
- 3) Depth(s) 800 feet
- 4) Well log is available Y

Comments: Located in DANR "Well Completion" data base

#### Casing:

- 1) Diameter 5 inches
- 2) Length 720 feet
- 3) Type Plastic

#### Screen:

- 1) Type Plastic
- 2) Length 80 feet
- 3) Static water level 15 psi shutoff pressure feet

#### Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 60 GPM (see Section F)

#### Motor:

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

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

- 1) Type Buried PVC      2) Size Unknown inches      3) Length Unknown feet

Comments:      **xx**

**C. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by Y
- 2) 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: WELL LOCATION From the NW corner Sec 30 T113N R61W, 465 ft S & 3100 ft E, Lat 44.57320 Long -98.20856 (NW ¼ NE ¼).
2. The works are capable of diverting and conveying to the place of use 0.134 cu. ft. per second of water which is to be used for commercial (swine) use.
- the license should be issued for 0.134 cfs.
3. All structures, wells and lands on map Y

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

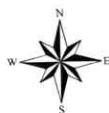
Used FSA maps and ArcGIS to construct the map.

Mr. Marvin Wollman (605/352-5647 home), contact person, was visited via phone and suggested Stretch's Well Co be contacted regarding the well output capacity. Mr. Stretch said that the well was initially pumping about 60 gpm but that the flow has been reduced to about 25 gpm at this time due to some difficulty with the watering system in the hog barn.



Darrell DeBoer  
Water Rights Inspector  
DENR, Water Rights Program

Date report completed: June 27, 2025



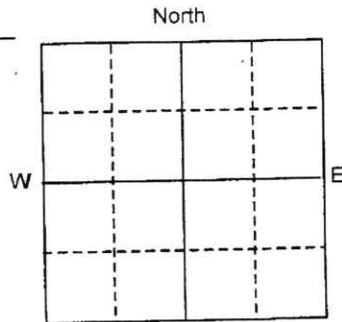
0 495 990 1,980 2,970 3,960 Feet

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NE ¼ Sec 30 Twp 113N Rg 61W

County Beadle

Please mark well  
location with an "X"

Well Completion Date

10/9/2015

1 Mile

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

## PROPOSED USE:

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

## METHOD OF DRILLING:

Mud Rotary

## CASING DATA:

☐ Steel  
☒ Plastic  
☒ Other  
 If other describe Stainless Steel

| PIPEWEIGHT   | DIAMETER | FROM   | TO     | HOLE DIAMETER |
|--------------|----------|--------|--------|---------------|
| 250 LB/FT    | 5 IN     | 0 FT   | 720 FT | 7 7/8 IN      |
| sch 40 LB/FT | 2 IN     | 720 FT | 800 FT | 4 1/2 IN      |
| LB/FT        | IN       | FT     | FT     | IN            |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From | To     |
|------------|--------------|--------------|------|--------|
| Portland   | 100          | 15 Lb/gal    | 0 Ft | 720 Ft |
|            |              | Lb/gal       | Ft   | Ft     |

Describe grouting procedure  
Pumped through 5"

## SCREEN:

☐ Perforated pipe  
☒ Manufactured  
 Diameter 2 Inches Length 80 Feet  
 Material Stainless Steel

Slot Size .025 Set From 720 Feet to 800 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material? Cement

Describe packer(s) and location  
720'

## DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine  
☐ No, Why Not?
Lab to which water  
quality sample sent for analysis

Well Owner:

Business Name: Huron Colony

Address: 40068 Huron Colony Lane

City, State, Zip: Huron SD 57350

## WELL LOG:

| FORMATION   | DEPTH |     |
|-------------|-------|-----|
|             | FROM  | TO  |
| Top Soil    | 0     | 5   |
| Yellow Clay | 5     | 15  |
| Blue Clay   | 15    | 60  |
| Course Sand | 60    | 105 |
| Shale       | 105   | 120 |
| Chalk       | 120   | 160 |
| Shale       | 160   | 720 |
| Dakota Sand | 720   | 800 |

## STATIC WATER LEVEL

FEET

If flowing: closed in pressure 10 PSI

GPM flow 35 through 2 Inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other

Reduced flow rate 15 GPM

Can well be completely shut in? yes

## 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

Dakota KB

This well was drilled under license # 722 and this report is true and accurate.

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 11-25-2015

RECEIVED

DEC 14 2015

WATER RIGHTS  
PROGRAM



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**JUL 21 2025**

Huron Hutterian Brethren  
c/o Marvin Wollman  
40068 Huron Colony Ln  
Huron, SD 57350

No. 8156-3

Dear Mr. Wollman:

Enclosed is Water License No. 8156-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

If you have any questions regarding the enclosed license, please contact Water Rights Permitting Administrator, Amanda Dewell at (605) 773-3352 or [Amanda.Dewell@state.sd.us](mailto:Amanda.Dewell@state.sd.us).

Sincerely,

Mark Mayer, PE  
Director of Office of Water  
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 8156-3**

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(1) Huron Hutterian Brethren, 40068 Huron Colony Lane, Huron, SD 57350, made Application No. 8156-3, May 7, 2015, for a water permit to appropriate 60 acre-feet of water annually at a maximum diversion rate of 0.17 cubic feet of water per second from groundwater, one well (Dakota Aquifer), Beadle County, South Dakota for commercial use purposes for a swine confinement facility. Permit No. 8156-3, with a priority date of May 7, 2015, was approved August 3, 2015, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 3, 2020, and for the application to beneficial use of water on or before August 3, 2024.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to appropriate 60 acre-feet of water annually at a maximum diversion rate of 0.134 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 465 feet S and 3,100 feet E from the NW corner of Section 30, T113N, R61W (NW ¼ NE ¼)  
(Latitude 44.57320 and Longitude -98.20856)

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

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

(5) Pursuant to South Dakota Water Law 46-5-30.1 Huron Hutterian Brethren, the holder and/or owner of Water Right No. 8156-3 is issued a license to appropriate water, the right to use 60 acre-feet of water annually at a maximum diversion rate of 0.134 cubic feet of water per second from groundwater, one well (Dakota Aquifer), with a priority date of May 7, 2015, from the location specified in (2) of this license for commercial use purposes for a swine confinement facility.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8156-3 and subject to 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. 8156-3 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. *(The well was drilled in 2015 by Stretch's Well Service Inc. A copy of the well completion report is on file with the Water Rights Program.)*

3. Permit No. 8156-3 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.

continued

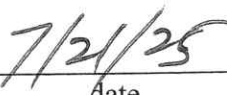
4. Permit No. 8156-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:

- 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

5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota Aquifer.

6. Water Permit No. 8156-3 authorizes a total annual diversion of 60 acre-feet of water.

  
\_\_\_\_\_  
Mark Mayer, PE  
Director of Office of Water

  
\_\_\_\_\_  
date

