

WATER PERMIT NO. 8331-3

Name of Applicant: Rosedale Hutterian Brethren Inc.

Address: 25986 Rosedale Rd, Mitchell SD 57301

Phone: 605 770-1244

Amount of Water Claimed: 0.11 cfs

Total Acres: NA

Source of Water Supply: 2 wells (1 existing)

Water to be used for: commercial use

County: Hanson

Type of Waste Disposal System:

Location: 5 miles southwest of Alexandria

PRIORITY

Date Received: 2-12-18

Application/License Fee: \$ 700

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW 1/4 SE 1/4 Sec 34-T102N-R59W

Water Used: Sec 23-T102N-R59W

Depth of Well: 105 feet deep

Well Driller: Pullman Drilling Inc.

Remarks:

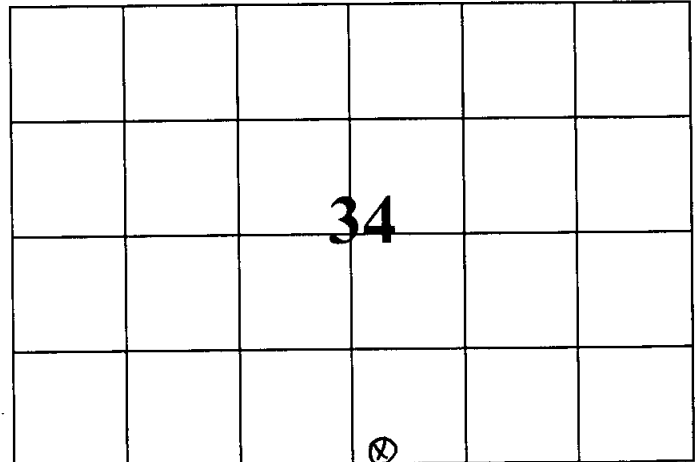
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 2-12-18

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



RECEIVED

FEB 12 2018

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8331-3</u>	(office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Alexandria Herald</u>	
	<u>Daily Republic</u>	

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

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ 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 ROSEDALE HUTTERIAN BRETHERN INC.

Mailing Address 25986 ROSEDALE ROAD MITCHELL SD 57301
(Address) (City) (State) (Zip Code)

Phone (605) 239-4526 Mobile (605) 770-1244 Email rd.rosedale@gmail.com

2. Amount of water claimed 0.11 *CFS or 50 **GPM and 72.6 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use

3. Source of water supply CODELL AQUIFER

4. Location of point of diversion 2 WELLS IN SW 1/4 of SE 1/4 SECTION 34, T102N R59W County HANSON
(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? SECTION 23, T102N R59W
(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used HANSON

6. Annual period during which water is to be used JANUARY 1 - DECEMBER 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)

APPLICATION IS BEING MADE FOR OBTAINING A PERMIT FOR AN EXISTING WELL SUPPLYING EXISTING USES, WHICH CONSIST OF SEVERAL LIVESTOCK CONFINEMENTS. APPLICATION IS ALSO MADE TO ADD AN ADDITIONAL WELL AT THE SAME DIVERSION POINT AS A BACKUP. ONLY ONE WELL WOULD BE USED AT A TIME, AS THE EXISTING LINE TO THE POINTS OF USE IS NOT CAPABLE OF HANDLING FLOW FROM BOTH.

I, Joshua Walden, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

**SOUTH DAKOTA
WATER PERMIT NO. 8331-3**

Date of first receipt of application February 12, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8331-3 to Rosedale Hutterian Brethren Inc., c/o Joshua Waldner, 25986 Rosedale Road, Mitchell SD 57301 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. 8331-3 appropriates 72.6 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from one existing well and an additional backup well both completed in the Codell Aquifer (105 feet deep) located in the SW 1/4 SE 1/4 Section 34 for commercial use in livestock confinement facilities located in Section 23; all in T102N-R59W. The well site is located approximately 7 miles southwest of Alexandria SD.
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. 8331-3 is April 30, 2018.
5. The date from which applicant may claim right is February 12, 2018.
6. One-fifth of the construction is to be completed on or before October 30, 2020.
7. All construction is to be completed on or before April 30, 2023.
8. Water is to be put to beneficial use on or before April 30, 2027.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

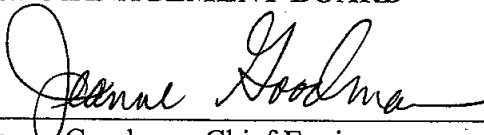
QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 8331-3 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. Water Permit No. 8331-3 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)

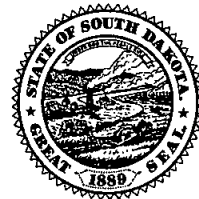
4. Water Permit No. 8331-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a. Chapter 74:54:01 Ground Water Quality Standards,
 - b. Chapter 74:54:02 Ground Water Discharge Permit,
 - c. Chapter 74:51:01 Surface Water Quality Standards,
 - 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 Codell aquifer.
6. Water Permit No. 8331-3 authorizes a total annual diversion of 72.6 acre foot of water.

WATER MANAGEMENT BOARD

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

MAY 08 2018

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 PULLMAN, (EXISTING WELL)
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by PULLMAN WELL DRILLING

For either Existing or Proposed Wells:

c) Well Depth (required) 105 Depth to Top of Water Bearing Material 75 Depth to Water from Surface 20

d) Distance to nearest domestic well on applicant's property NONE Property owned by others 5000'

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)

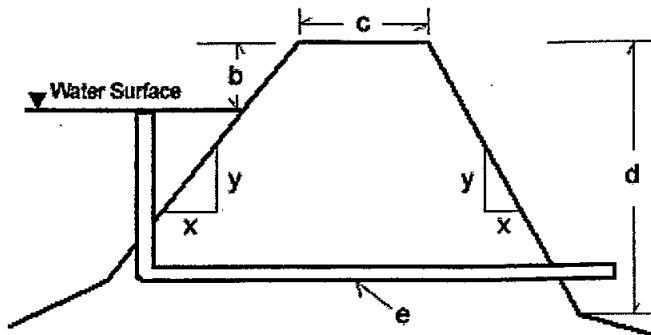
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location 5/E 1/4 5/E 1/4 Sec 34 Twp 102 Rg 59County Hannu Co.

North

Please mark well location with an "X"

W

E

Well completion Date

10-13-95

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

CASING DATA:

☐ Steel ☒ Plastic ☐ OtherIf other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type No. of Sacks Grout Weight Lb/gal 10 Ft 83 To FtDescribe grouting procedure Acrylic Grout

SCREEN:

☐ Perforated pipe ☐ ManufacturedDiameter 5 Inches Length 20' FeetMaterial PVC 508-21Slot Size 016 Set From 85 Feet to 105 FeetOther information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? Sand PackDescribe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? gumukus☐ No, Why Not? Lab sample sent to for water quality analysis Well Owner: Rosebark ColonyBusiness Name: 25986 Rosebark RdAddress: Mitchell S. DAKCity, State, Zip: 57301

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Yellow Clay</u>	<u>0</u>	<u>30</u>
<u>Blue Clay</u>	<u>30</u>	<u>75</u>
<u>Capell</u>	<u>75</u>	<u>108</u>
<u>Shale</u>	<u>108</u>	<u>110</u>

STATIC WATER LEVEL

20 FEETIf flowing: closed in pressure PSIGPM flow through Inch pipeControlled by ☐ Valve ☐ Reducers ☐ Other Reduced flow rate GPMCan well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: w/ air☐ Bailed☐ Other

Pumping Level Below Land Surface

 Ft. After Hrs. pumped 100 GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

23 gpm' Head

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WATER RIGHTS PROGRAM

Codell JF

This well was drilled under license # 440

And this report is true and accurate

Drilling firm: William Driller IncSignature of License Representative: Signature of Well Owner or Equitable Property Holder: Date:

Please return WHITE COPY to: DENR Water Rights

523 E Capitol Ave. Pierre SD 57501

ROSEDALE HBI

DIVERSION POINT WELL



0 750 1,500 3,000 Feet

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 12, 20 18

RECEIVED OF Rosedale Hutterian Brethren, Inc 25986 Rosedale Rd Mitchell, SD 57301-7515

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

Fee for Application for Permit No. <u>8331-3</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>8331-3</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. **08596**

By

Jannis Goodman
Chief Engineer

221



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JAN 23 2018

DAKOTA ENVIRONMENTAL, INC.

FEEDLOT IMPROVEMENT PROGRAM

Engineers...Hydrogeologists...Geologists...Remedial Specialists

January 20, 2018

Kent Woodmansey, PE
South Dakota DENR
523 East Capitol
Pierre, SD 57501

Re: Animal Waste Management Systems
Rosedale Colony, Hanson County, SD
DEC Project No. 1400

Dear Mr. Woodmansey:

On December 20 2017, the Department approved plans and specifications for modifications to the existing animal waste management systems at the above referenced project site. The Notice of Completion and accompanying materials are submitted to document completion of certain components of this approval.

The conversion of the nursery barn to a shallow pull plug pit system, including adding length to the barn, is complete. Plan sheets 3 and 4 have been revised to indicate any as-built revisions and are included in three copies. The Notice of Completion has been filled out to indicate the population of entire swine confinement.

The producer would prefer to have the barn available for population by February 1. However, the proposed lift station has not been installed at this time, as the precast supplier estimates they will not cast the structure before February 19. An additional detail has been added to plan sheet 4 which shows the temporary arrangement which is currently in place to drain the adjacent gilt developer barn. The producer requests that they be allowed to use this same arrangement for the nursery barn until the lift station structure can be cast and installed. The lift station detail has also been revised to indicate a stem type manure pump, which the producer desires to install.

As requested in the Department's approval letter, an evaluation of the water use at the site was completed. All livestock on site, with the exception of the turkey starter barns, is serviced by a single well located in the southeast quarter of section 34, T102N R59W. The turkey starter barns and all domestic systems are supplied by a rural water system. An estimation of water use by the livestock populations is included.

Several representatives of the producer attended the fall environmental training session. A copy of the attendance certificate for Joshua Waldner is included.

We hope you will find the enclosed information adequate to review the included materials and request. As always, please feel free to contact us if you have any questions or require additional information.

Sincerely,

Brian Friedrichsen, PE
Senior Engineer

1/20/18

**ROSEDALE COLONY AWMS
ESTIMATED LIVESTOCK WATER USE CALCULATIONS**

RECEIVED**JAN 23 2018****FEEDLOT PERMIT PROGRAM**

Animal Type	Number	Weight, lbs	Drinking water consumption, gallons/day/head	Drinking water consumption, gallons/day total	Estimated additional water use, % of consumption	Total water use, gallons/day
Dairy	120	960	24	2,880	50%	4,320
Dairy	100	800	11	1,100	50%	1,650
Dairy	100	250	3.5	350	20%	420
Nursery Swine	2,400	35	1	2,400	20%	2,880
Grower Swine	3,200	65	2	6,400	20%	7,680
Finisher Swine	5,090	150	4	20,360	20%	24,432
Gest. Sow	1,040	275	4.5	4,680	20%	5,616
Farrow Sow	120	375	6	720	20%	864
Boar	12	350	6	72	20%	86
Layer Chicken	750	3	0.045	34	10%	37
Broiler Chicken	1,000	2	0.06	60	10%	66
Turkey Finisher	43,500	18	0.2	8,700	20%	10,440

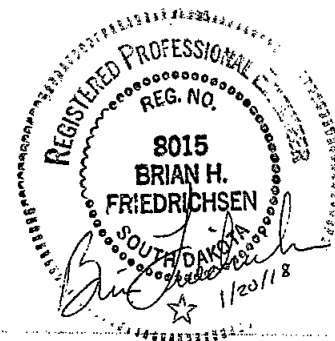
Gallons per day, total 58,492

Gallons per minute, total 40.62

Sources: AS-1763, Livestock Water Requirements, NDSU Extension Service, July 2015

AS-954, Livestock and Water, NDSU, July 1999

Daily Water Consumption of Turkeys Raised in Utah, UT St University Cooperative Extension, Dec. 2010





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2018

denr.sd.gov

Joshua Waldner
Rosedale Hutterian Brethren
25986 Rosedale Road
Mitchell SD 57301

Dear Mr. Waldner:

The Department of Environment and Natural Resources (DENR) received your consultant's evaluation of water use at Rosedale in response to DENR's request in its approval of plans and specifications for modifications to the existing animal waste management systems at the site. Based on the information contained in the "Estimated Livestock Water Use Calculation" a water right permit is required for the use of water from the well used for livestock water.

It is DENR's understanding that all livestock on site, with the exception of the turkey starter barn, are serviced by a single well located in the southeast quarter of Section 34-T102N-R59W. The water use from the well is estimated at 58,492 gallons per day which equates to an average diversion rate of 40.6 gallons per minute. I presume the peak pump rate from the well is greater than this amount.

This amount of water use exceeds the reasonable domestic use of water and therefore based on South Dakota law requires a water right permit. Please find enclosed forms to apply for a water right permit.

Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right. Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you are required to have a water right in order to have a legal right to the use of water.

If you have any questions about the requirement for a water right permit or the permitting process, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

Enclosure

C: Brian Friedrichsen, PE, Dakota Environmental, PO Box 636, Huron SD 57350



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8331-3, Rosedale Hutterian Brethren Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8331-3, Rosedale Hutterian Brethren Inc., c/o Joshua Waldner, 25986 Rosedale Road, Mitchell SD 57301.

The Chief Engineer is recommending APPROVAL of Application No. 8331-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 8331-3 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. Water Permit No. 8331-3 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. Water Permit No. 8331-3 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 Codell aquifer.
6. Water Permit No. 8331-3 authorizes a total annual diversion of 72.6 acre foot of water.

See report on application for additional information.

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is written in a cursive style with a large, looping initial "J".

Jeanne Goodman, Chief Engineer
April 10, 2018

REPORT TO THE CHIEF ENGINEER

Water Permit Application No. 8331-3

Rosedale Hutterian Brethren, Inc.

April 3, 2018

Water Permit Application No. 8331-3 proposes to appropriate 72.6 acre-feet of water annually (ac-ft/yr) at a maximum instantaneous diversion rate of 0.11 cubic feet per second (cfs). The diversion points for this application are one existing well (105 feet deep) and an additional well to be constructed and used as a backup well (105 feet deep). At a depth of 105 feet, these wells are completed into the Codell aquifer and are located in the SW ¼ SE ¼ Section 34 in T102N-R59W. This water will be used for commercial use in existing livestock confinement facilities located in Section 23 in T102N-R59W. The well site is approximately 5 miles northwest of Ethan, SD and is located in Hanson County, SD.

AQUIFER: Codell (CDLL)

HYDROGEOLOGY

The Codell aquifer consists of portions of the Codell Sandstone Member of the Cretaceous aged Carlile Shale. In Davison and Hanson Counties, the Codell Sandstone Member consists of a multicolored, well cemented to uncemented, fine grained sandstone that is interbedded with gray shale and thin limestone layers (Christensen, 1989). The well log submitted with the application shows that the Codell aquifer has a thickness of 33 feet and is overlain by 75 feet of clay. The nearest well logs to the location of the application have similar lithologies and thicknesses. The Codell aquifer is a confined aquifer in Hanson County, and the static water level ranges between 20 and 35 feet below the ground surface (Water Rights, 2018b).

The Carlile Shale is extensive throughout South Dakota, however the Codell Sandstone Member that contains the Codell aquifer is not as extensive. East of the Missouri River, Hedges et al (1982) showed the Codell aquifer underlying the majority of Aurora, Beadle, Bon Homme, Brule, Charles Mix, Davison, Douglas, Hutchinson, Jerauld, Kingsbury, Miner, and Sanborn Counties. The aquifer was also shown as extending into Buffalo, Clark, Hand, Hanson, Lake, and Spink Counties. West of the Missouri River, the Codell Sandstone member has not been recognized, however the Carlile Shale is present in all areas except for the Black Hills region (Allen et al, 1985). There are some people utilizing the Codell aquifer outside of the boundaries described by Hedges et al (1982), and lithologic logs show the Codell Sandstone Member being encountered across Brookings, Lake, and Moody Counties (Water Rights, 2018a; SD Geological Survey, 2018).

Not all areas where the Codell Sandstone Member is present are currently being used as an aquifer for a variety of reasons including depth, shale content, cementation of the sand grains, and the availability of other aquifers. This report will use the area outlined by Hedges et al (1982) as the area of the aquifer portion of the Codell Sandstone Member (see Figure 1). The outlined area is almost 5 million acres in size and contains an estimated 9,895,700 acre-feet of water in storage (Hedges et al., 1982).

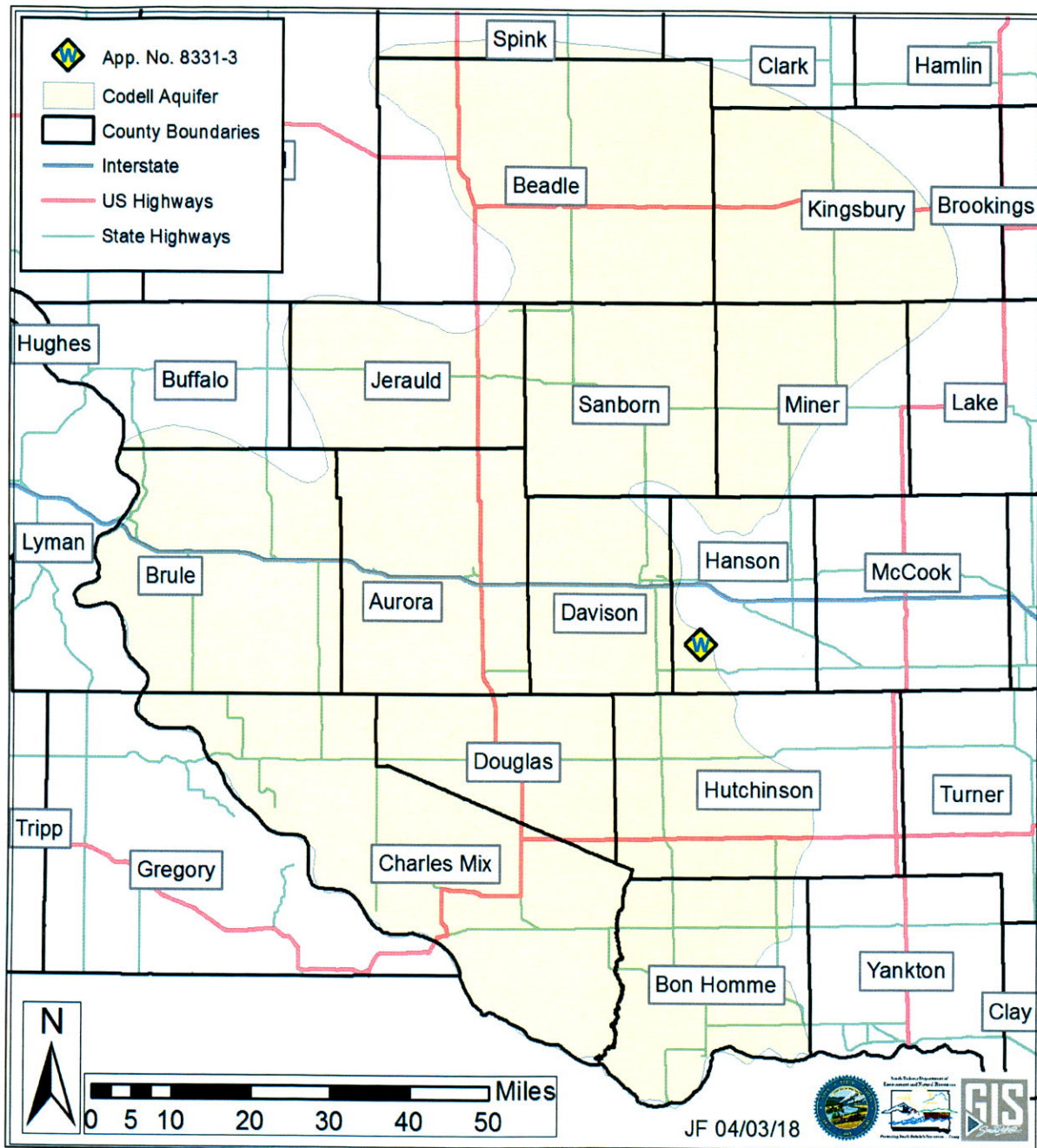


Figure 1. Map showing the location of the proposed diversion and Codell aquifer boundaries as shown from Hedges et al. (1982).

South Dakota Codified Law 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 the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights within the Codell aquifer.

WATER AVAILABILITY

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older than or stratigraphically lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not take into consideration the balance of aquifer recharge and withdrawal. Here, the water source is not older or lower than the Greenhorn Formation and a water distribution system is not involved. Therefore, the balance of withdrawal and recharge must be considered.

Hydrologic Budget

Recharge

Recharge to the Codell aquifer in Davison and southwestern Hanson Counties is thought to occur from groundwater migrating laterally from adjacent counties and through leakage from the overlying Niobrara aquifer (Hansen, 1983). Hansen (1983) also noted that the underlying Sioux Quartzite may contribute some recharge to the Codell aquifer. No quantification of the average annual recharge to the Codell aquifer has been published. While the estimated recharge to the aquifer is unknown, Hedges et al. (1985) stated that the Codell Sandstone has “such high storage and low use that it is unlikely that use is approaching or exceeding recharge”.

Discharge

Discharge from this part of the Codell aquifer is through well withdrawals and drainage to the James River (Hansen, 1983). No quantification of the total average annual discharge from the Codell aquifer has been published, however the discharge from permitted well withdrawals has been estimated.

In addition to domestic well withdrawals, there are 42 water rights/permits that are appropriating water from the Codell aquifer (Water Rights, 2018a). Table 1 lists the water rights/permits. Historically, the estimated annual volume pumped by non-irrigation users has been calculated by assuming that the well will be pumped at the permitted maximum diversion rate for 60 percent of the time. The non-irrigation users that are limited by an annual volume are assumed to use their full appropriation annually. A number of municipalities have been connected to rural water systems and maintain their water right for emergency or backup purposes (Mathiowetz, 2017). Non-irrigation water rights/permits are estimated to use less than 2,181 acre-ft per year.

Table 1: Water rights/permits authorized to withdraw water from the Codell aquifer including estimated annual volume pumped (Water Rights, 2018a)

PERMIT NO.	NAME	COUNTY	STATUS	USE	CFS	ACRES	ESTIMATED ANNUAL PUMPAGE (AC-FT)
551-3	STATE TRAINING SCHOOL	AU	LC	INS	0.17	N/A	73.8
555-3	CITY OF ARMOUR	DG	LC	MUN	0.5	N/A	*
687-3	CITY OF LAKE ANDES	CM	LC	MUN	0.73	N/A	*
1676-3	TOWN OF NUNDA	LK	LC	MUN	0.1	N/A	43.4
1694-3	TOWN OF STICKNEY	AU	LC	MUN	0.11	N/A	*
1892-3	CITY OF WAKONDA	CL	LC	MUN	0.33	N/A	*
1966-3	CITY OF GEDDES	CM	LC	MUN	0.38	N/A	*
4120-3	CITY OF PLANKINTON	AU	LC	MUN	0.36	N/A	*
4279-3	CITY OF DELMONT	DG	LC	MUN	0.3	N/A	*
4279A-3	CITY OF DELMONT	DG	LC	MUN	0	N/A	*
4383-3	DOUGLAS COUNTY CHEESE CO	DG	LC	IND	0.07	N/A	30.4
4402-3	CITY OF TRIPP	HT	LC	MUN	0.64	N/A	278
4836-3	CITY OF CORSICA	DG	LC	MUN	0.13	N/A	*
4977-3	CITY OF MENNO	HT	LC	MUN	0.5	N/A	*
5330-3	CITY OF AVON	BH	LC	MUN	0.33	N/A	*
5477-3	ARTESIAN-LETCHER SCHOOL DIST 55-5	SA	LC	INS	0.05	N/A	21.7
5480-3	CORTRUST BANK NA	SA	LC	COM	0.04	N/A	17.4
5549-3	NATIONAL FOODS CORP	AU	LC	COM/LCO	0.26	N/A	112.9
5598-3	STORLA SUNSET HOME	AU	LC	INS	0.08	N/A	*
5731-3	ST CHARLES CATHOLIC CHURCH	SA	LC	INS	0.033	N/A	14.3
5756-3	TOWN OF RAVINIA	CM	LC	MUN	0.07	N/A	*
5823-3	DNA PRODUCTION LLC	DG	LC	COM/LCO	0.22	N/A	95.6
5978-3	NORFELD HUTTERIAN BRETHERN INC	BG	LC	COM/LCO	0.111	N/A	48.2
5995-3	BERNARD L VAN VUUREN	DG	LC	COM/LCO	0.177	N/A	76.9
6018-3	NATIONAL FOODS CORP	AU	LC	COM/LCO	0.27	N/A	117.3
6041A-3	CALVIN BERWALD	AU	LC	COM/LCO	0.08	N/A	34.8
6232-3	ROCKPORT HTRN BRTH	HS	LC	DOM	0.222	N/A	96.4
6323-3	NEW ELM SPRINGS COLONY	HT	LC	DOM/LCO	0.09	N/A	39.1
6539-3	CLEARFIELD COLONY	CM	LC	DOM/LCO	0.2	N/A	86.9
6544-3	ARMOUR	DG	LC	REC/FWP	1.381	N/A	599.9
6762-3	VAN WINKLE DAIRY LP	MC	LC	COM/LCO	0.27	N/A	117.3
7206-3	LONG VIEW FARMS LLP	CM	PE	COM/LCO	0.067	N/A	29.1
7359-3	JAMES C KOKES	BH	PE	COM/LCO	0.1	N/A	43.4
7469-3	WILLIAM CHENOWETH	BH	PE	IRR	3.11	217	N/A
7664-3	JAMES C & JASON KOKES	BH	PE	IRR	1.78	90	N/A
7830-3	TOM BARES	BH	PE	IRR	1.78	96	N/A
7851-3	ALAN ARMSTRONG	BH	PE	DOM	0.067	N/A	29.1
7978-3	CHAD OR RITA SVATOS	CM	LC	IRR	1.78	140	N/A
8252-3	MICHAEL J SLAMA	BH	PE	COM/LCO	0.1	N/A	45**
8291-3	JACKRABBIT FAMILY FARMS	DN	PE	COM/LCO	0.085	N/A	50**
8303-3	FRANK PRAVACEK	BH	PE	COM/LCO	0.12	N/A	51**
8314-3	CODY SCHELLING	DG	PE	COM/LCO	0.07	N/A	29**
AU = Aurora, BG = Brookings, BH = Bon Homme, CL = Clay, CM = Charles Mix, DG = Douglas, HS = Hanson, HT = Hutchinson, LK = Lake, MC = McCook, SA = Sanborn							
LC = Water Right, PE = Water Permit							
COM = Commercial, DOM = Domestic, FWP = Fish and Wildlife Production, IND = Industrial, INS = Institutional, IRR = Irrigation, LCO = Livestock Confinement Operation, MUN = Municipal, REC = Recreational							
* = Connected to rural water/standby use, ** = Limited to an Annual Volume							

There are a number of domestic wells on file (Water Rights, 2018b) that withdraw water from the Codell aquifer, however the magnitude of their withdrawals is small, and since the introduction of rural water systems, many of these wells may no longer be in use. The annual quantity of water withdrawn for domestic uses is considered to not be significant to the hydrologic budget of the aquifer.

Irrigation of crops from the Codell aquifer has only recently been developed. Prior to 2013, the only developed permit for irrigation was for Dakota Wesleyan University, for irrigation of 37 acres on campus. This permit was canceled in 2014 because they no longer used water from the wells for their irrigation needs. Irrigation data from 2013 to 2016 is included in Table 2.

Table 2: Reported Irrigation Questionnaire data from 2013 to 2016 (Water Rights, 1980-2017)

Year	No. of Permits	Appropriation (ac-ft)	Pumpage (ac-ft)	Irrigated Acres
2013	3	806	23.57	N/A
2014	4	1086	161.69	557
2015	4	1086	191.21	554
2016	4	1086	220.43	537

Using the irrigation data from 2014-2016, an estimate of the future use for these 4 irrigation permits can be made. On average, 4.2 inches of water was applied on each irrigated acre. In general, irrigators in South Dakota apply less than one foot of water per acre per year. As there are only three years of data with the current number of permitted acres, to account for the year to year variability and wet and dry cycles, the one foot of water per acre per year estimate will be used to estimate future withdrawals. Therefore, the estimated annual withdrawal for irrigation is likely to be less than 543 ac-ft/yr.

Hydrologic Budget

The estimated withdrawals from the Codell aquifer are 2,152 ac-ft/yr from non-irrigation users, and 543 ac-ft/yr from irrigation. Including an estimated 29 ac-ft/yr from this application, the estimated average annual withdrawal from the Codell aquifer is 2,724 ac-ft/yr.

The estimated annual withdrawals equate to roughly 0.03% of the available water in storage. Due to the relatively small development of this large resource, the hydrologic budget indicates that there is a reasonable probability there is unappropriated water available from the Codell aquifer for the proposed appropriation.

Observation Well Data

In determining the availability of unappropriated water for a permit application Administrative Rule 74:02:05:07 requires the Water Management Board to rely on 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 annual recharge.

The Water Rights Program monitors 22 observation wells completed in the Codell aquifer (Water Rights, 2018c). The nearest observation well to the proposed well for the application is DN-78E, located approximately 7.5 miles southwest of the proposed well location. Other nearby

observation wells include HS-79H (8.7 miles), HS-79G (8.9 miles), DN-79M (10.5 miles), HT-68D (10.9 miles), DN-79J (12 miles), HT-78D (13.5 miles), DN-67B (12.6 miles), DN-79C (15.3 miles), and HS-79C (15.8 miles). These observation well hydrographs are representative of the Codell aquifer. The locations of these observation wells are shown in Figure 2.

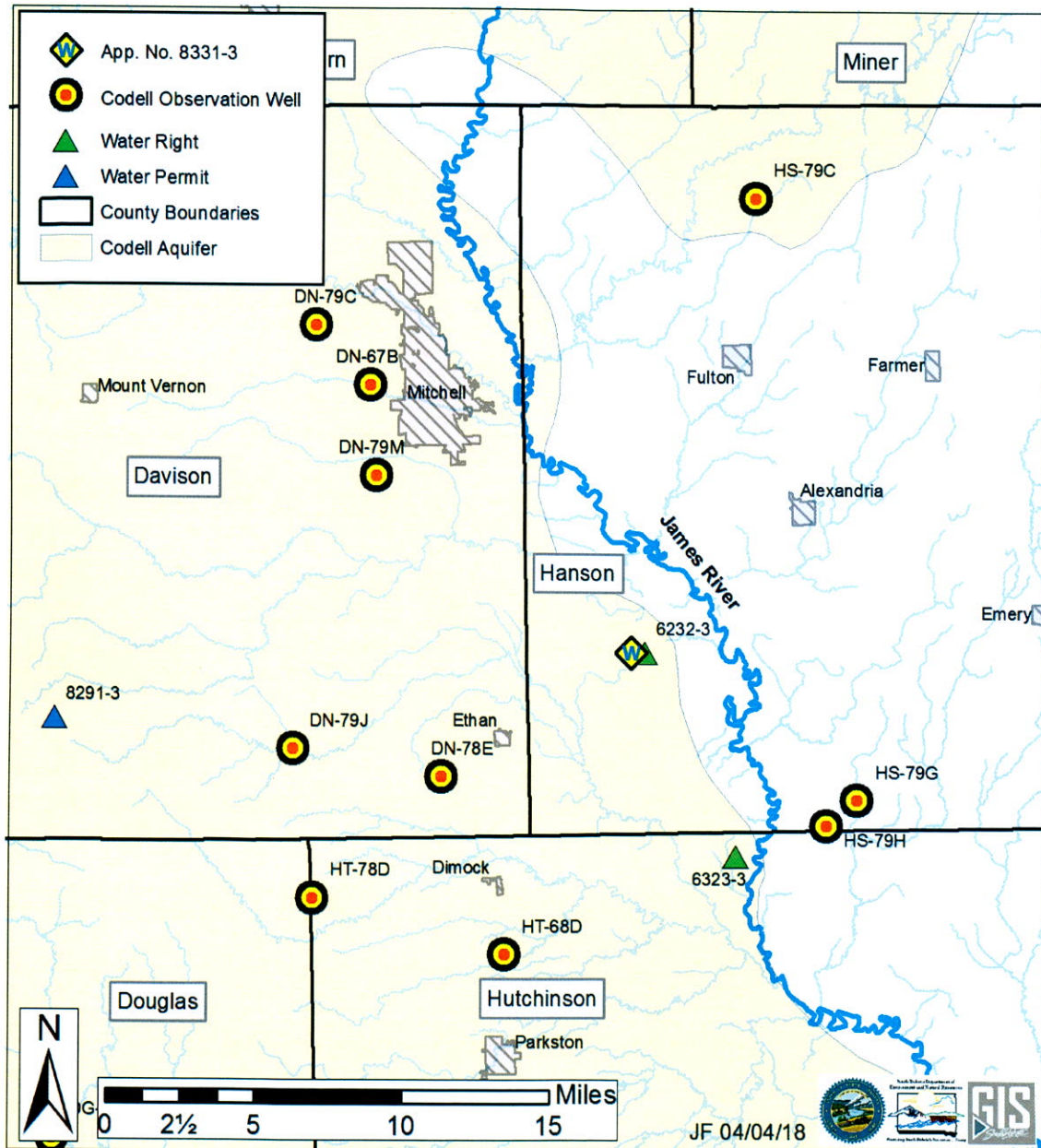


Figure 2. Map showing the location of nearby observation wells and water rights/permits in the Codell aquifer (Water Rights, 2018a; Water Rights, 2018c)

The hydrographs for all of the observation wells shown in Figure 2 are shown in Figure 3. The hydrographs for observation wells completed into the Codell aquifer generally show a rising water level, or a water level that is neither rising nor falling over the period of record. The hydrographs show that the aquifer responds well to climatic conditions, recharging during wetter periods and declining during drier periods. By comparing the shape of the hydrograph between

the observation wells, the climatic effects mask the temporal effects of well withdrawals. The observation well measurements show that the effects from pumping are temporal, suggest that the aquifer is readily recharged, and that the aquifer generally returns to pre-pumping conditions. The observation well data indicates that there is a reasonable probability that there is unappropriated water available from the Codell aquifer.

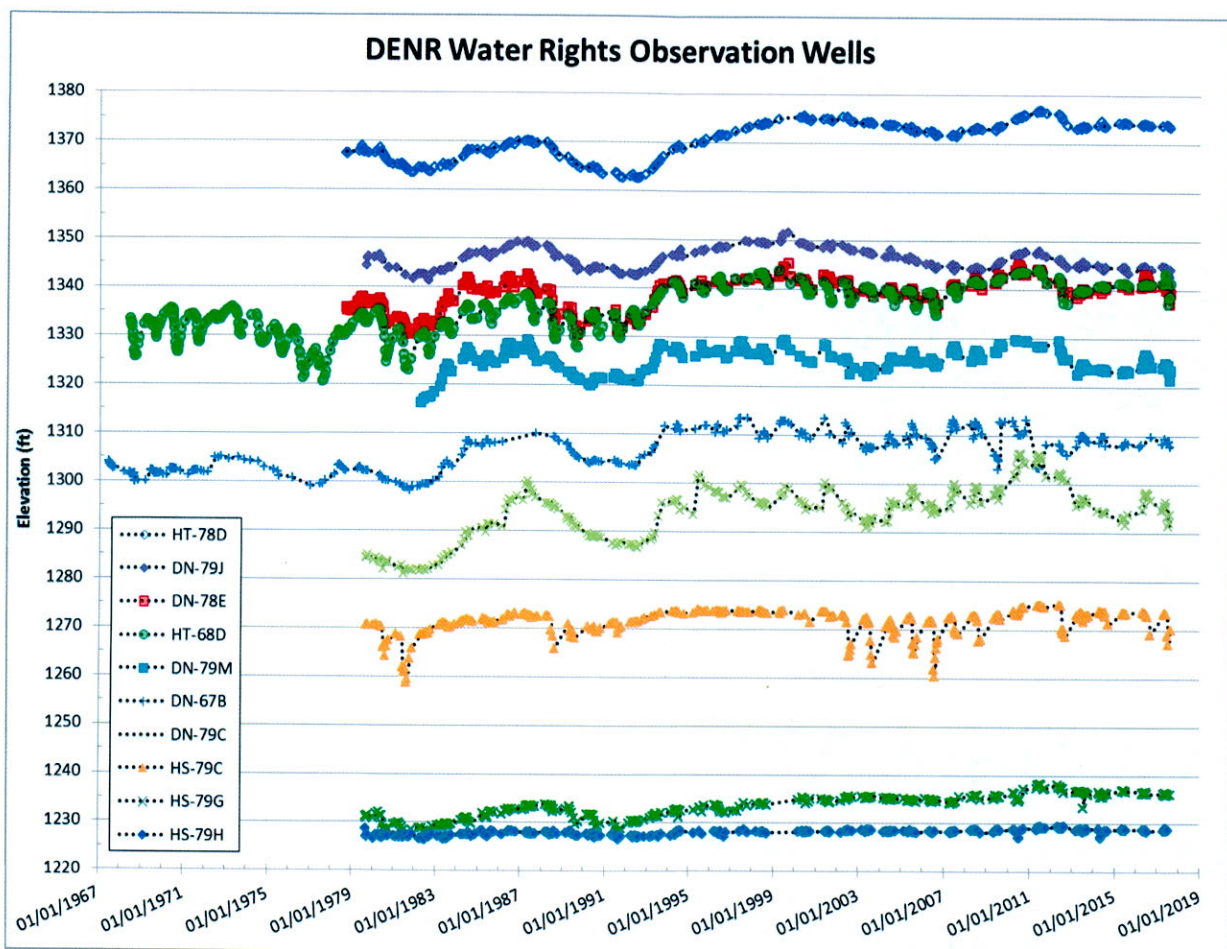


Figure 3: Hydrographs for Observation Wells DN-67B, DN-78E, DN-79C, DN-79J, DN-79M, HS-79C, HS-79G, HS-79H, HT-68D, and HT-78D (Water Rights, 2018c)

EXISTING WATER RIGHTS

The nearest existing water right/permit identified as completed in the Codell aquifer is located approximately one half mile to the east of the applicant's well location (Figure 2) and is held by Rockport Hutterian Brethren (Water Right No. 6232-3) (Water Rights, 2018a). New Elm Springs Colony holds the next nearest existing water right/permit completed into the Codell aquifer (Water Right No. 6323-3), located approximately 7.6 miles to the southeast. There are several home sites within 1.5 miles that have the potential for a domestic well to be completed into the Codell aquifer. The nearest domestic well completed into the Codell aquifer and on record with the Water Rights Program is approximately 2.5 miles southeast of the applicant's well (Water Rights, 2018b).

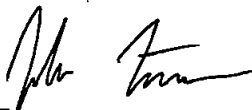
The Codell aquifer is generally under confined conditions, and due to the physics of artesian head pressure, the drawdown from pumping may extend a considerable distance from the pumped well. However, given the distances between wells in this area of the aquifer and the low production rate for this application, this proposed appropriation is unlikely to cause any adverse impacts to the adequate wells of domestic users and existing water rights. In addition, 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. In order to balance interests between irrigation use and delivery of water by artesian pressure, the Water Management Board defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

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

Depending on the specific characteristics of the Codell aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate for deeper water levels. This permit, if approved, is not expected to adversely impact adequate wells in the area.

CONCLUSIONS

1. Application No. 8331-3 proposes to appropriate 72.6 ac-ft of water annually at a maximum instantaneous diversion rate of 0.11 cubic feet per second for commercial use in livestock confinement facilities.
2. Application No. 8331-3 proposes to appropriate water from one existing well (105 feet deep) and one new well (105 feet deep), both completed in the Codell aquifer.
3. Based on the best available information and the relatively small annual withdrawals from the aquifer, there is a reasonable probability that unappropriated water is available from the Codell aquifer to supply the 72.6 acre-ft per year requested by this application.
4. Based on the best information available and the low proposed pumping rate, there is a reasonable probability that the diversions proposed by this application will not adversely impact adequate wells for existing water rights and domestic use.



John Farmer
SD DENR – Water Rights Program

REFERENCES

- Allen, J.C., Iles, D. L., and Petres, A.K. 1985. Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota. Tasks 3A.B.C. and 4A.B.: Groundwater Resource Inventory. Final Report. U.S. Army Corps of Engineers Contract DACW 45-82-C-0151.
- Christensen, C.M. 1989. Geology of Davison and Hanson Counties, South Dakota. South Dakota Geologic Survey Bulletin 33. Vermillion, SD.
- Hansen, D.S., 1983. Water Resources of Hanson and Davison Counties, South Dakota. Water-Resources Investigations Report 83-4108. U.S. Geological Survey.
- Hedges, L.S., Allen, J. and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Ground-Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S. L., Iles, D. L., Barari, R. A., and Schoon, R. A. 1982. Evaluation of Ground-Water Resources 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.
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- Water Rights. 1980-2017. "1979-2016 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018a. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018b. Well Completion Report Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2018c, "Observation Well Database", SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.



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.**

April 10, 2018

Rosedale Hutterian Brethren
c/o Joshua Waldner
25986 Rosedale Rd
Mitchell SD 57301

Dear Mr. Waldner:

Water Permit Application No. 8331-3 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 Alexandria Herald printed at Alexandria SD (Ph # 605-239-4521) and the Daily Republic printed at Mitchell SD (Ph # 605-996-5514). 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
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.

NOTICE OF APPLICATION NO. 8331-3 to Appropriate Water

Notice is given that Rosedale Hutterian Brethren, Inc., c/o Joshua Waldner, 25986 Rosedale Rd, Mitchell SD 57301 has filed an application for a water permit to appropriate 72.6 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from one existing well and an additional backup well both completed in the Codell Aquifer (105 feet deep) located in the SW 1/4 SE 1/4 Section 34 for commercial use in livestock confinement facilities located in Section 23; all in T102N-R59W. The well site is located approximately 7 miles southwest of Alexandria SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8331-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 April 30, 2018.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, April 10, 2018 1:09 PM
To: 'phohbach@mitchellrepublic.com'
Subject: 8331-3, Rosedale Hutterian Brethren
Attachments: 8331-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on April 19, 2018.

Rosedale Hutterian Brethren, c/o Joshua Waldner, 25986 Rosedale Rd, Mitchell SD 57301 (605 239-4526 or 605 770-1244) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, April 10, 2018 1:09 PM
To: ementerprise@triotel.net
Subject: 8331-3, Rosedale Hutterian Brethren
Attachments: 8331-3public.short.docx; FORM8.FRM.doc

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

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



RECEIVED

MAY 03 2018

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issues(s), to wit:

Thursday, April 19, 2018

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the fees charged for the publication thereof are: \$68.20

Signed: Penny Hohbach

Subscribed and sworn to before me this 1st day of May, 2018.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 09-21-18

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515



**NOTICE OF
APPLICATION
NO. 8331-3 to
Appropriate Water**

Notice is given that Rosedale Hutterian Brethren, Inc., c/o Joshua Waldner, 25986 Rosedale Rd, Mitchell SD 57301 has filed an application for a water permit to appropriate 72.6 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from one existing well and an additional backup well both completed in the Codell Aquifer (105 feet deep) located in the SW 1/4 SE 1/4 Section 34 for commercial use in livestock confinement facilities located in Section 23; all in T102N-R59W. The well site is located approximately 7 miles southwest of Alexandria SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8331-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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

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Steven M. Pimer,
Secretary, Department
of Environment and
Natural Resources.
Published once at the total approximate cost of \$68.20

RECEIVED
MAY 02 2018

Affidavit of Publication

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HANSON:)

The undersigned, being first duly sworn, on his oath says: THE ALEXANDRIA HERALD is a weekly newspaper of general circulation, printed and published in the City of Alexandria, Hanson County, South Dakota, by MATT ANDERSON, and has been such a newspaper during the times hereinafter mentioned: that it has a bona fide circulation of more than 200 copies weekly; that it has been published within said county of Hanson in the English language and admitted to the United States mail under the second class mailing privilege for more than one year next prior to the publication of the notice hereinafter mentioned and has been printed during such period and at the present time in part in an office maintained at the said place of a publication that I, the undersigned, am either the publisher@ or an employee of the said publisher@ of said newspaper and have personal knowledge of all the facts stated in the affidavit: that the advertisement headed

Water Permit Application 8

a printed copy of which is hereto attached, was printed and published in the said newspaper for one (1) successive weeks; that said notice was published in the issues of said paper on the dates as follows, to wit:

The first publication be made on 4-19-18

The second publication on _____

The third publication on _____

The fourth publication on _____

that 28.73 Being the full amount of the fee for publication of the annexed notice, insured solely to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof have been made with any other person whatsoever, and that said newspaper is a local newspaper under the law of the state of South Dakota.

Matt Anderson
Subscribed and sworn to before me this 24

day of April 2018

Donna M. Diede
Notary Public, South Dakota

NOTICE OF APPLICATION NO. 8331-3 TO APPROPRIATE WATER

Notice is given that Rosedale Hutterian Brethren, Inc., c/o Joshua Waldner, 25986 Rosedale Rd, Mitchell SD 57301 has filed an application for a water permit to appropriate 72.6 acre-feet of water annually at a maximum pump rate of 0.11 cubic feet of water per second from one existing well and an additional backup well both completed in the Codell Aquifer (105 feet deep) located in the SW 1/4 SE 1/4 Section 34 for commercial use in livestock confinement facilities located in Section 23; all in T102N-R59W. The well site is located approximately 7 miles southwest of Alexandria SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8331-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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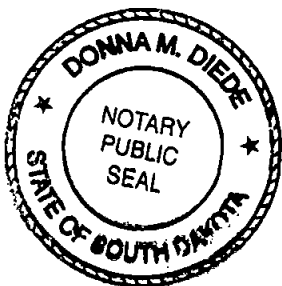
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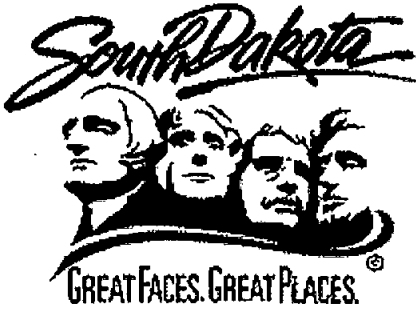
Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.

Published once at the total approximate cost of \$28.73

4-19-18-1tc



My commission expires 2/10/2022



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 08 2018

Rosedale Hutterian Brethren Inc.
c/o Joshua Waldner
25986 Rosedale Road
Mitchell SD 57301

Dear Mr. Waldner:

Enclosed is Water Permit No. 8331-3 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

8331-3

11-02

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location 5 1/2 1/4 5 1/2 1/4 Sec 34 Twp 102 Rg 59

County

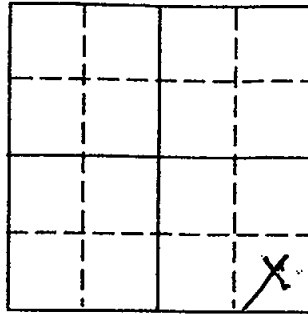
Harrison Co.

North

Please mark well location with an "X"

W

E



1 Mile

Well completion Date

10-15-95

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	10 ft	83 ft
		Lb/gal	ft	ft

Describe grouting procedure Turner's Tissue

SCREEN:

☐ Perforated pipe ☐ Manufactured
Diameter 5 Inches Length 20' FeetMaterial PVC 508-21Slot Size 0.6 Set From 85 Feet to 105 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material?

Describe packer(s) and location Sand Pack

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? gum rubber
☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner:

Business Name:

Address:

City, State, Zip:

Rosebush Colony
25986 Rosebush Rd
Mitchell S. DAK
57301

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Yellow Clay</u>	<u>0</u>	<u>30</u>
<u>Blue Clay</u>	<u>30</u>	<u>75</u>
<u>Capell</u>	<u>75</u>	<u>108</u>
<u>Shale</u>	<u>108</u>	<u>170</u>

STATIC WATER LEVEL

20 FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve

☐ Reducers

☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: w/ani
☐ Bailed

☐ Other

Pumping Level Below Land Surface

Ft. After

Hrs. pumped

100 GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

23 gpm Hand

RECEIVED

FEB 12 2018

WATER RIGHTS PROGRAM

Capell SFThis well was drilled under license # 440

And this report is true and accurate

Drilling firm:

Pullman Driller Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

523 E Capitol Ave.

Pierre SD 57501

Please return WHITE COPY to: DENR Water Rights