

WATER PERMIT NO. 8444-3

Name of Applicant: **Rosedale Hutterian Brethren Inc**

Address: **25986 Rosedale Rd, Mitchell SD 57301**

Phone: **605 770-1928**

Amount of Water Claimed: **0.056 cfs (38 AF)**

Total Acres: **NA**

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

Water to be used for: **commercial**

County: **Hanson**

Type of Waste Disposal System:

Location: **approximately 7 miles southwest of Alexandria**

PRIORITY

Date Received: **9-3-20**

Application/License Fee: **\$ 500**

Corrected Application Received:

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

Remarks: **Well for Permit No. 8331-3 is located nearby**

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

Facility Location: **Section 23-T102N-R59W**

Depth of Well: **105 feet deep**

Well Driller:

Remarks:

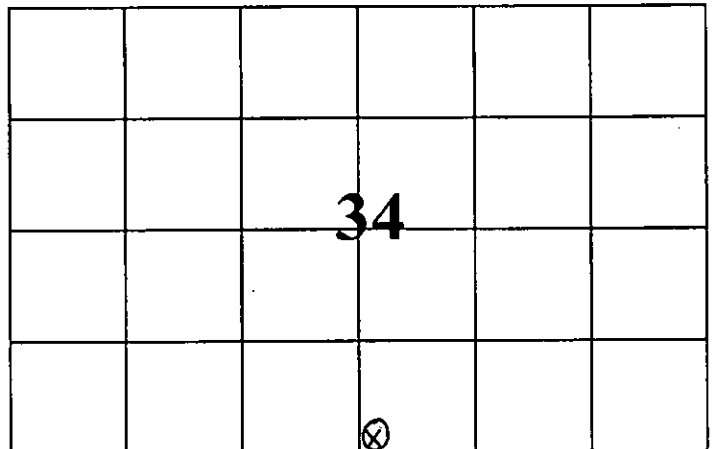
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **9-8-20**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8444-3**

Date of first receipt of application September 3, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8444-3 to Rosedale Hutterian Brethren Inc, c/o Dennis 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. 8444-3 appropriates 38 acre-feet of water annually at a maximum pump rate of 0.056 cubic feet of water per second from one well to be completed into 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. 8444-3 is November 23, 2020.
5. The date from which applicant may claim right is September 3, 2020.
6. One-fifth of the construction is to be completed on or before May 23, 2023.
7. All construction is to be completed on or before November 23, 2025.
8. Water is to be put to beneficial use on or before November 23, 2029.
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 Water Permit No. 8444-3 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 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. 8444-3 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. 8444-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.

(continued)

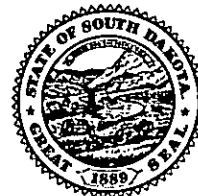
4. Water Permit No. 8444-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - 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. 8444-3 authorizes a total annual diversion of 38 acre-feet of water from the Codell aquifer.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 19 2021

date



RECEIVED

SEP 03 2020

SD EForm - 1585LD V5

FORM 2: Application for uses other than irrigation
(type or print)WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8444-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Alexandria Herald</u> <u>Madison Daily Leader</u>

PAID
SEP - 3 2020
Ck# 025562

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 BROTHERS, INC.Mailing Address 25986 ROSEDALE ROAD MITCHELL SD 57301
(Address) (City) (State) (Zip Code)Phone (605) 239-4526 Mobile (605) 770-1928 Email dennis.rosedale20@gmail.com2. Amount of water claimed 0.050 *CFS or 25 **GPM and 38 ***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 AQUIFER4. Location of point of diversion 1 WELL 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 ☐ NoIf "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 HANSON6. 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 A NEW WELL NEAR THE EXISTING WELL DOCUMENTED IN PERMIT # 8331-3. THE PROPOSED WELL WOULD PROVIDE ADDITIONAL WATER FOR EXISTING LIVESTOCK CONFINEMENTS, AND WOULD REPLACE THE ADDITIONAL BACKUP WELL PROPOSED IN 8331-3, WHICH HAS NOT BEEN COMPLETED.

I, Dennis Waldner
Name of PersonSecretary/Treasurer the applicant, certify under
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.

(type or print)

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

- For either Existing or Proposed Wells:**

- ## 2. Wastewater Disposal System Information

- ### 3. Dugout Information

- #### 4. Water Storage Dams

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

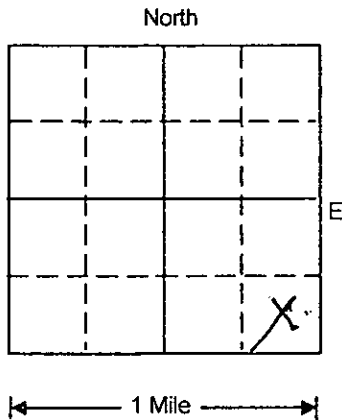
-
- The diagram shows a trapezoidal channel cross-section. The top width is labeled c , the bottom width is labeled b , and the height is labeled d . The side slopes are indicated by a right triangle with a vertical side of length y and a horizontal side of length x . The bottom slope is labeled e . A horizontal line represents the water surface, with a downward arrow indicating the water level. The channel is shown in cross-section, with the bottom slope e indicated by a dashed line.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

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

County Harrison Co.



Please mark well location with an "X"

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 Grout in

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter 5 Inches Length 20' Feet

Material PVC 50B-21

Slot Size 0.16 Set From 85 Feet to 105 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material? Sand Pack

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? gumming

☐ No, Why Not?

Lab sample sent to for water quality analysis _____

Well Owner: Rosedale Colony

Business Name: 25986 Rosedale Rd

Address: Mitchell S. DAK

City, 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>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/air

☐ 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 in Hand

This well was drilled under license # 440

And this report is true and accurate

Drilling firm: Pellman Drilling Inc

Signature of License Representative: Loraine Pellman

Signature of Well Owner or Equitable Property Holder: _____

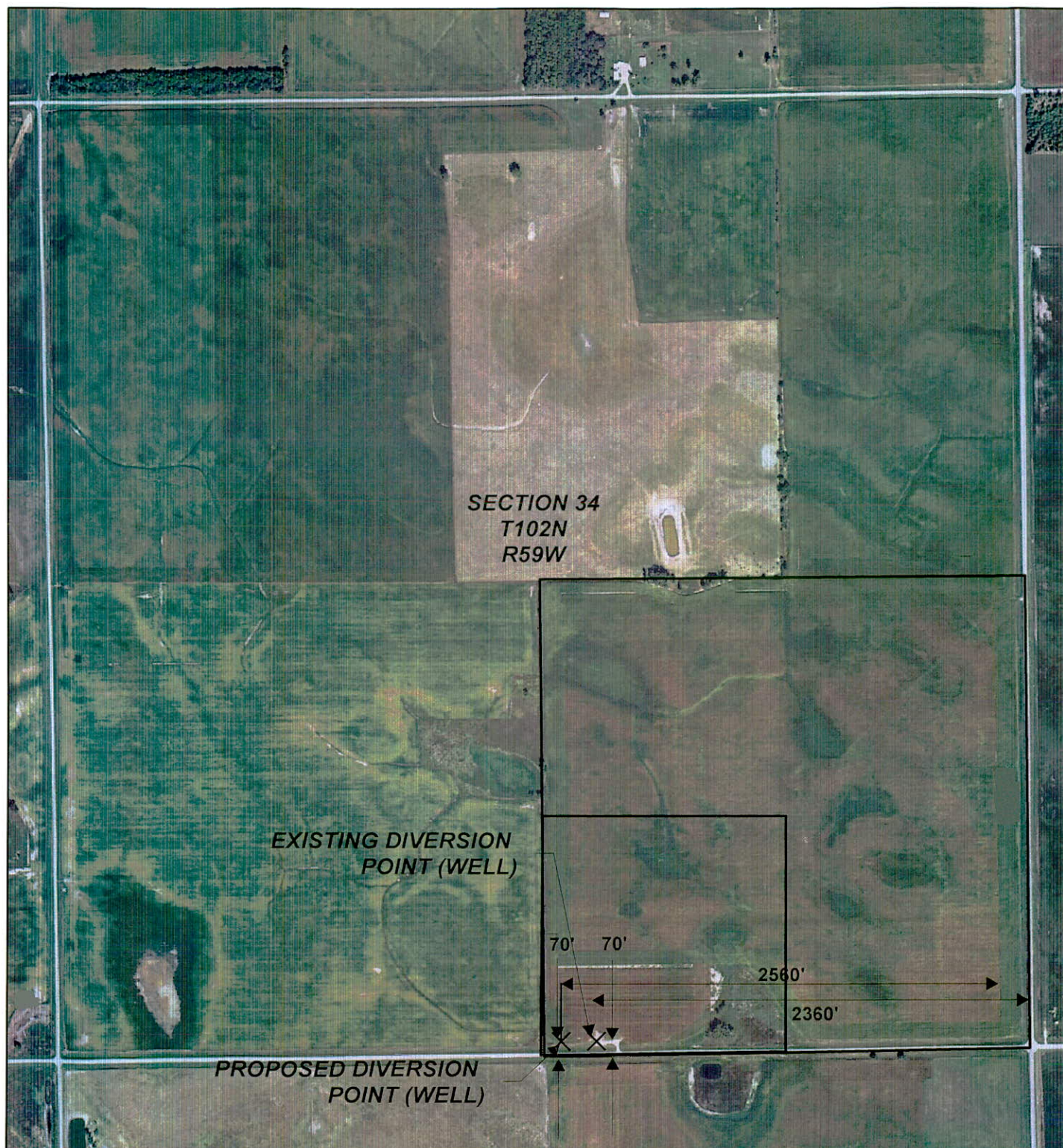
Date: _____

Please return WHITE COPY to: DENR Water Rights

523 E Capitol Ave. Pierre SD 57501

ROSEDALE HBI

PROPOSED DIVERSION POINT WELL



0 750 1,500 3,000 Feet



102N 59W
Section: 10

102N 59W
Section: 11

102N 59W
Section: 12

102N 59W
Section: 15

102N 59W
Section: 14

102N 59W
Section: 13

102N 59W
Section: 22

102N 59W
Section: 23

102N 59W
Section: 24

102N 59W
Section: 27

102N 59W
Section: 26

102N 59W
Section: 25



531005898

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Nonprofit Corporation
SDCL 47-24-6, 59-11-24

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$10

Total Fee: \$10

2020
FILING YEAR

1. Business ID and Name:

NS001679
BUSINESS ID

ROSEDALE HUTTERIAN BRETHERN INC.
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

**25986 ROSEDALE ROAD
MITCHELL, SD 57301**

Mailing Address

**25986 ROSEDALE ROAD
MITCHELL, SD 57301**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(a) The South Dakota Noncommercial Registered Agent's name

Name **JEFFREY T. SVEEN**

Actual Street Address in this State

**415 S MAIN ST 400 CAPITOL BLDG
ABERDEEN, SD 57401-4364**

Mailing Address in this State

**PO BOX 490
ABERDEEN, SD 57402-0490**

5. The names and addresses of its principal officers.

Title	Name	Address
President	DAVEY WALDNER	25986 ROSEDALE ROAD, MITCHELL, SD, 57301
Vice President	DENNIS WALDNER	25986 ROSEDALE ROAD, MITCHELL, SD, 57301
Secretary	DENNIS J WALDNER	25986 ROSEDALE ROAD, MITCHELL, SD, 57301
Treasurer	DENNIS J WALDNER	25986 ROSEDALE ROAD, MITCHELL, SD, 57301

6. The names and addresses of its directors (governors).

Name	Address
DAVEY WALDNER	25986 ROSEDALE ROAD, MITCHELL, SD, 57301
DENNIS WALDNER	25986 ROSEDALE ROAD, MITCHELL, SD, 57301
GEORGE WALDNER SR.	25986 ROSEDALE ROAD, MITCHELL, SD, 57301
JACOB WALDNER	25986 ROSEDALE ROAD, MITCHELL, SD, 57301
MARK WALDNER	25986 ROSEDALE ROAD, MITCHELL, SD, 57301

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 3, 2020

RECEIVED OF Rosedale Hutterian Brethren, Inc. 25986 Rosedale Road Mitchell SD 57301

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

Fee for Application for Permit No. <u>8444-3</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. _____	\$
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$500.00

By Eric Gronlund
Chief Engineer *EM*



DENR
SOUTH DAKOTA

**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. 8444-3, 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. 8444-3, Rosedale Hutterian Brethren, Inc., c/o Dennis Waldner, 25986 Rosedale Rd, Mitchell SD 57301.

The Chief Engineer is recommending APPROVAL of Application No. 8444-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and, 4) it is in the public interest with the following qualifications:

1. The well approved under Water Permit No. 8444-3 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 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. 8444-3 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. 8444-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-36.2 or 34A-2-112 or 34A-2-124 for concentrated animal feeding operations.
4. Water Permit No. 8444-3 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. 8444-3 authorizes a total annual diversion of 38 acre-feet of water from the Codell aquifer.

See report on application for additional information.



Eric Gronlund, Chief Engineer

October 30, 2020

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8444-3
ROSEDALE HUTTERIAN BRETHREN, LLC
OCTOBER 31, 2020

Water Permit Application No. 8444-3 proposes to appropriate 38 acre-feet annually (ac-ft/yr) at a maximum pump rate of 0.056 cubic feet per second (cfs) from the Codell aquifer. The applicant intends to divert water from a single, 105-foot deep, well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34 for commercial use in livestock confinement facilities located in Section 23; all in T102N-R59W. The site is located in Hanson County, approximately 7 miles southwest of the City of Alexandria, SD.

AQUIFER: Codell (CDLL)

Aquifer Characteristics

The Codell aquifer is within the Codell Sandstone Member of the Carlisle Shale (Hansen, 1983). As shown in Figure 1, the aquifer underlies approximately 4,960,000 acres and contains an estimated 9,895,700 acre-feet (ac-ft) of recoverable water in storage in eastern South Dakota (Hedges et. al, 1982). In Davison and Hanson Counties, it is composed of moderately cemented, fine to medium grained sandstone interbedded with shale and limestone layers (Hansen, 1983). Depths to the aquifer range from 45 to 350 feet with an average thickness of 40 feet (Hansen, 1983). In Hanson County, the Codell aquifer is confined with artesian conditions as indicated by static water levels ranging between 20 and 35 feet below the ground surface (Water Rights, 2020a). The movement of groundwater is either north, towards Sanborn County, or east towards the James River (Hedges, et al., 1982).

The well completion report included with the application indicates 75 feet of yellow or blue clay overlying the Codell to a depth of 108 feet below ground surface with shale underlying the Codell. Well completion reports near the location of the application have similar lithologies and thicknesses (Water Rights, 2020a).

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-2A-9

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

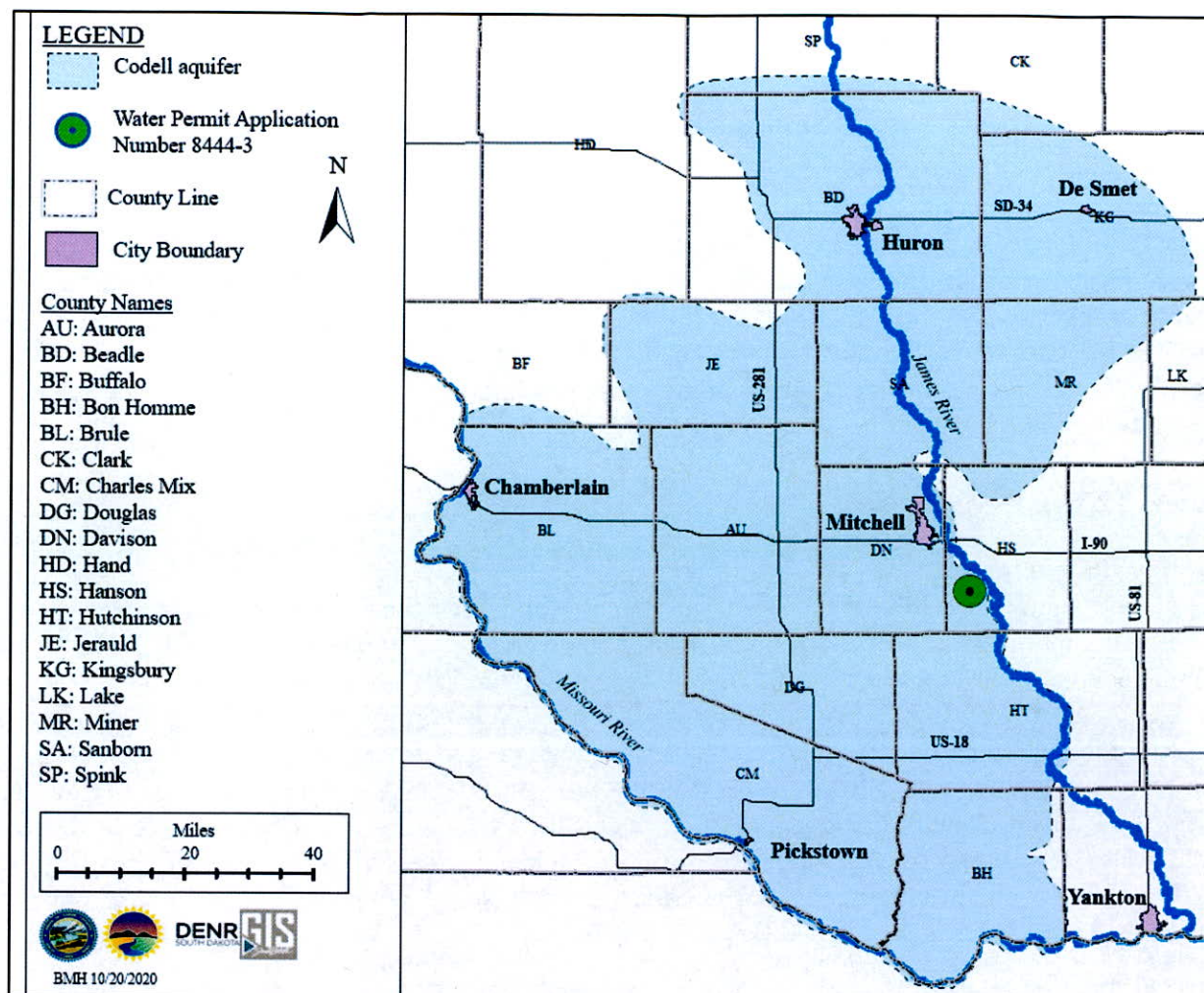


Figure 1. Water Permit Application No. 8444-3 shown within the approximate Codell aquifer boundary (modified from: Hedges et al., 1982).

WATER AVAILABILITY

Water Permit Application No. 8444-3 proposes to appropriate water from the Codell 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..." If the source of the water is older or lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not consider the balance of recharge to and withdrawal from the aquifer. For this application, a water distribution system is not involved, and the aquifer is not older or lower than the Greenhorn Formation, therefore the balance of recharge and withdrawal must be considered.

Hydrologic Budget

Recharge:

Recharge to the Codell aquifer, in Davison County, is by leakage from the overlying Niobrara aquifer (Hansen, 1983). In Hanson County, it is by leakage from fractures in the underlying Sioux Quartzite and possibly from the overlying Floyd: East James aquifer (Hansen, 1983). Christensen (1989) noted that the Codell Sandstone Member is exposed at several locations in both counties, in particular along Firesteel Creek northwest of the City of Mitchell. This implies that there may be recharge by the direct infiltration of precipitation in those areas. There is no published recharge rate for the Codell aquifer. However, Hedges et al. (1985) concluded that the Codell Sandstone is unlikely approaching or exceeding recharge levels due to the high storage with low use and no evidence of significant artesian head loss over the years.

Discharge:

Discharge from this part of the Codell aquifer is through well withdrawals and leakage to the James River (Hansen, 1983). Currently, there are a total of 43 water rights/permits, 39 non-irrigation and 4 irrigation, appropriating water from the Codell aquifer (Water Rights, 2020b). Table 1 contains the non-irrigation water rights/permits with an estimated annual volume. The total estimated volume of water to be withdrawn for non-irrigation use can be estimated by assuming that water rights/permits limited by an annual volume will pump the entire volume appropriated annually or that water rights/permits limited by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time. The non-irrigation permits limited by an annual volume are designated in Table 1. The majority of the municipal permits and one of the institutional permits purchase water from a rural water system and maintain their water permit for emergency purposes (Water Rights, 2020b). Therefore, these permits are assumed to pump a negligible amount of water and no volume will be included in the water balance section for the hydrologic budget.

The Codell aquifer has very little development for irrigation usage. Table 2 shows the historic irrigation water use from the aquifer as reported to the DENR-Water Rights Program through annual irrigation questionnaires. The annual reported pumping ranges between 0 ac-ft/yr to 220 ac-ft/yr, with an average of approximately 54 ac-ft/yr (Water Rights, 1979-2019). This wide range, coupled with a few recently developed permits, does not accurately reflect current annual water usage from the aquifer. The existing 4 permits are licensed to irrigate 558 acres of water from the Codell aquifer. In general, irrigators in eastern South Dakota apply less than one foot of water per acre per year. However, in order to conservatively account for the year to year variability between wet and dry cycles, the one foot of water, per-acre, per-year allowance will be used to estimate future withdrawals. Therefore, the value of 558 ac-ft/yr will be included in the water balance section for irrigation withdrawals.

Report on Water Permit Application No. 8444-3

Table 1. Non-irrigation water rights/permits authorized to withdraw water from the Codell aquifer with an estimated annual volume (Drinking Water, 2020; Water Rights, 2020b)

PERMIT NUMBER	NAME	COUNTY ^a	STATUS ^b	USE ^c	CFS	TOTAL ESTIMATED VOLUME (AC-FT/YR)
5480-3	CORTRUST BANK NA	SA	LC	COM	0.040	17.4
5549-3	NATIONAL FOODS CORP	AU	LC	COM	0.260	113.0
5823-3	DNA PRODUCTION LLC	DG	LC	COM	0.220	95.6
5978-3	NORFELD HUTTERIAN BRETHREN INC	BG	LC	COM	0.111	48.2
5995-3	BERNARD L VAN VUUREN	DG	LC	COM	0.177	76.9
6018-3	NATIONAL FOODS CORP	AU	LC	COM	0.270	117.4
6041A-3	CALVIN BERWALD	AU	LC	COM	0.080	34.8
6762-3	VAN WINKLE DAIRY LP	MC	LC	COM	0.270	117.4
7206-3	LONG VIEW FARMS LLP	CM	PE	COM	0.067	29.1
7359-3	JAMES C KOKES	BH	LC	COM	0.067	29.1
8252-3	MICHAEL J SLAMA	BH	LC	COM	0.090	45**
8291-3	JACKRABBIT FAMILY FARMS	DN	PE	COM	0.085	50**
8303-3	FRANK PRAVECEK	BH	LC	COM	0.120	51**
8314-3	CODY SCHELLING	DG	PE	COM	0.070	29**
8331-3	ROSEDALE HRTTN BRTH	HS	PE	COM	0.110	72.6**
6539-3	CLEARFIELD COLONY	CM	LC	DOM	0.200	86.9
6232-3	ROCKPORT HUTTERIAN BRETHREN	HS	LC	DOM	0.222	96.5
6323-3	NEW ELM SPRINGS COLONY	HT	LC	DOM	0.090	39.1
7851-3	ALAN ARMSTRONG	BH	LC	DOM	0.067	29.1
4383-3	DOUGLAS COUNTY CHEESE CO	DG	LC	IND	0.070	30.4
551-3	STATE TRAINING SCHOOL	AU	LC	INS	0.170	73.9
5477-3	ARTESIAN-LETCHER SCHOOL DIST 55-5	SA	LC	INS	0.050	21.7
5598-3	STORLA SUNSET HOME	AU	LC	INS	0.080	*
5731-3	ST CHARLES CATHOLIC CHURCH	SA	LC	INS	0.033	14.3
4279-3	CITY OF DELMONT	DG	LC	MUN	0.300	*
4279A-3	CITY OF DELMONT	DG	LC	MUN	0.000	*
555-3	CITY OF ARMOUR	DG	LC	MUN	0.500	*
1892-3	CITY OF WAKONDA	CL	LC	MUN	0.330	*
687-3	CITY OF LAKE ANDES	CM	LC	MUN	0.730	*
4402-3	CITY OF TRIPP	HT	LC	MUN	0.640	278.2
1966-3	CITY OF GEDDES	CM	LC	MUN	0.380	*
1694-3	TOWN OF STICKNEY	AU	LC	MUN	0.110	*
1676-3	TOWN OF NUNDA	LK	LC	MUN	0.100	43.5
4836-3	CITY OF CORSICA	DG	LC	MUN	0.130	*
4977-3	CITY OF MENNO	HT	LC	MUN	0.500	*
5330-3	CITY OF AVON	BH	LC	MUN	0.330	*
5756-3	TOWN OF RAVINIA	CM	LC	MUN	0.070	*
4120-3	CITY OF PLANKINTON	AU	LC	MUN	0.360	*
6544-3	ARMOUR	DG	LC	REC	1.381	600.3
					Total:	1993.0
a - AU: Aurora; BG: Brookings; BH: Bon Homme; CL: Clay; CM: Charles Mix; DN: Davison; DG: Douglas; HS: Hanson; HT: Hutchinson; LK: Lake; MC: McCook; SA: Sanborn						
b - LC: License; PE: Permit						
c - COM: Commercial; DOM: Domestic; IND: Industrial; INS: Institutional; MUN: Municipal; REC: Recreational						
* - These are connected to rural water and are maintained for standby use						
** - Limited by an Annual Volume						

Table 2. Historic irrigation pumpage from the Codell aquifer (Water Rights, 2003-2019).

Year	No. of Permits	Reported Pumpage (ac-ft/yr)
2003	1	1.25
2004	1	26.52
2005	1	26.52
2006	1	11.05
2007	1	0.00
2008	1	6.46
2009	1	2.73
2010	1	2.62
2011	1	3.37
2012	1	0.00
2013	3	23.57
2014	4	161.69
2015	4	191.21
2016	4	220.43
2017	4	213.64
2018	4	9.90
2019	4	9.30
Average:		53.54

There are no Future Use permits appropriating water from the Codell aquifer.

There are numerous domestic wells on file with the Water Rights Program within a mile of the proposed application site (Water Rights 2020a). Domestic users are not required to report their annual water usage and are considered a negligible component in the overall hydrologic budget due to the availability of the rural water system and the limited diversion rate allowed for domestic users.

Water Balance:

The Codell aquifer estimated average annual withdrawal rate is 2,551 ac-ft/yr (non-irrigation: 1,993 ac-ft/yr and irrigation: 558 ac-ft/yr). The request by this application for an appropriation of 38 ac-ft/yr, if approved, results in a total of 2,589 ac-ft/yr of water. This is less than 0.03 percent of the nearly 10 million ac-ft of stored water as estimated by Hedges et al. (1983). This is also less than the average annual use of 3,710 ac-ft/yr estimated by Hedges et al. (1985). Hedges et al. (1985) also concluded that the Codell Sandstone is unlikely approaching or exceeding recharge levels. Therefore, there is reasonable probability unappropriated water is available for this application.

Observation Well Data

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board 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.

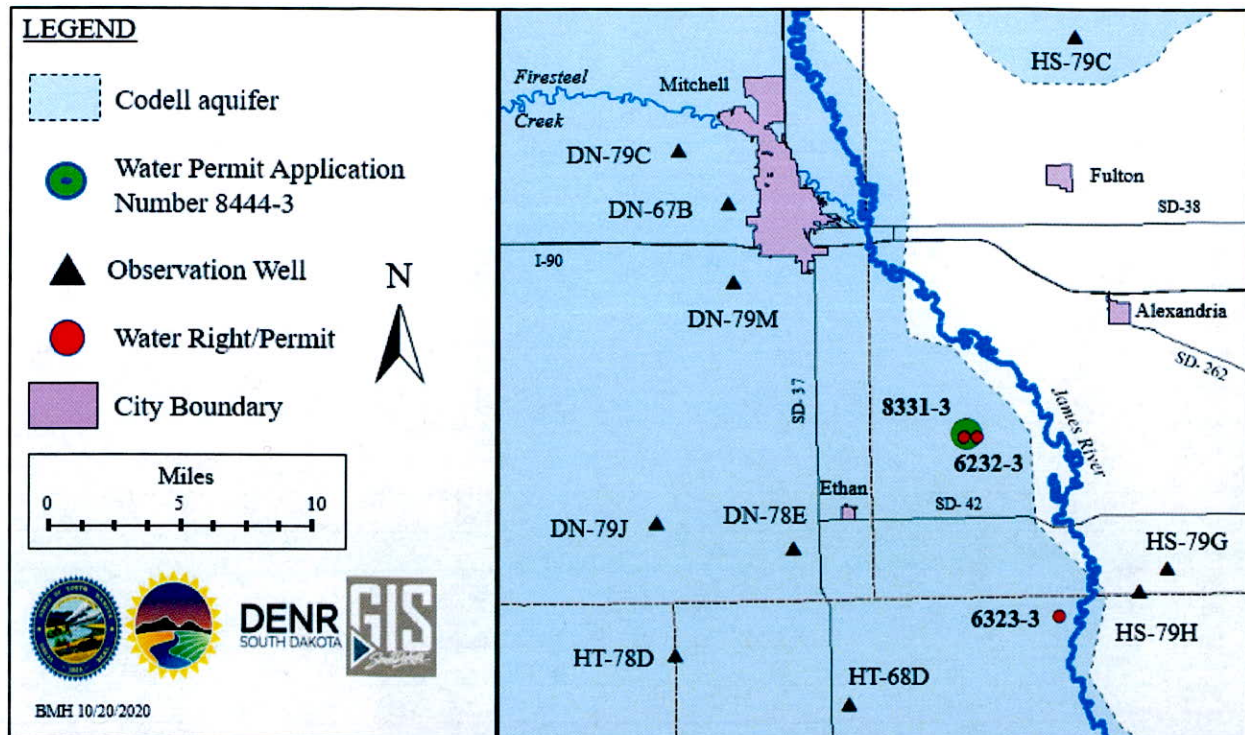


Figure 2. Existing Codell aquifer observation wells and water rights/permits within 16 miles of Water Permit Application No. 8444-3 (modified from: Hedges et al.,1982; Water Rights, 2020b; Water Rights, 2020c).

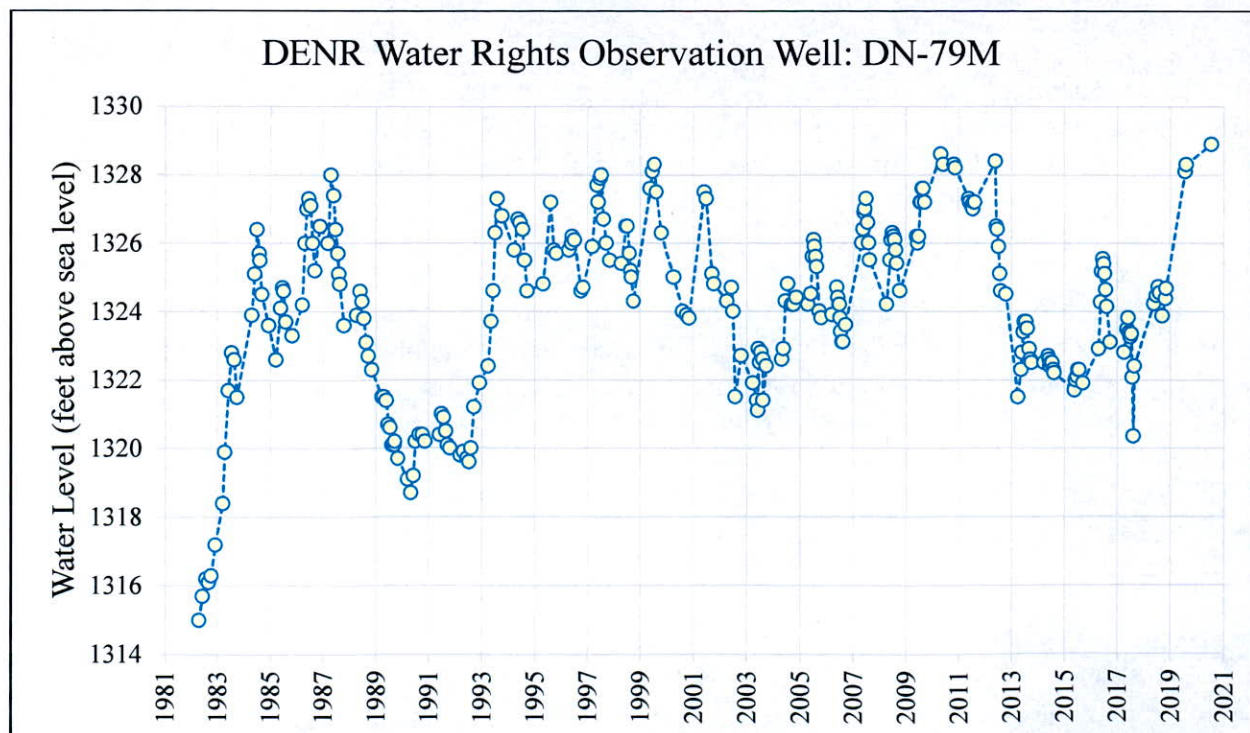


Figure 3. Hydrograph for observation well DN-79M. It is approximately 10.4 miles northwest of the proposed well location for Water Permit Application No. 8444-3 (Water Rights, 2020c).

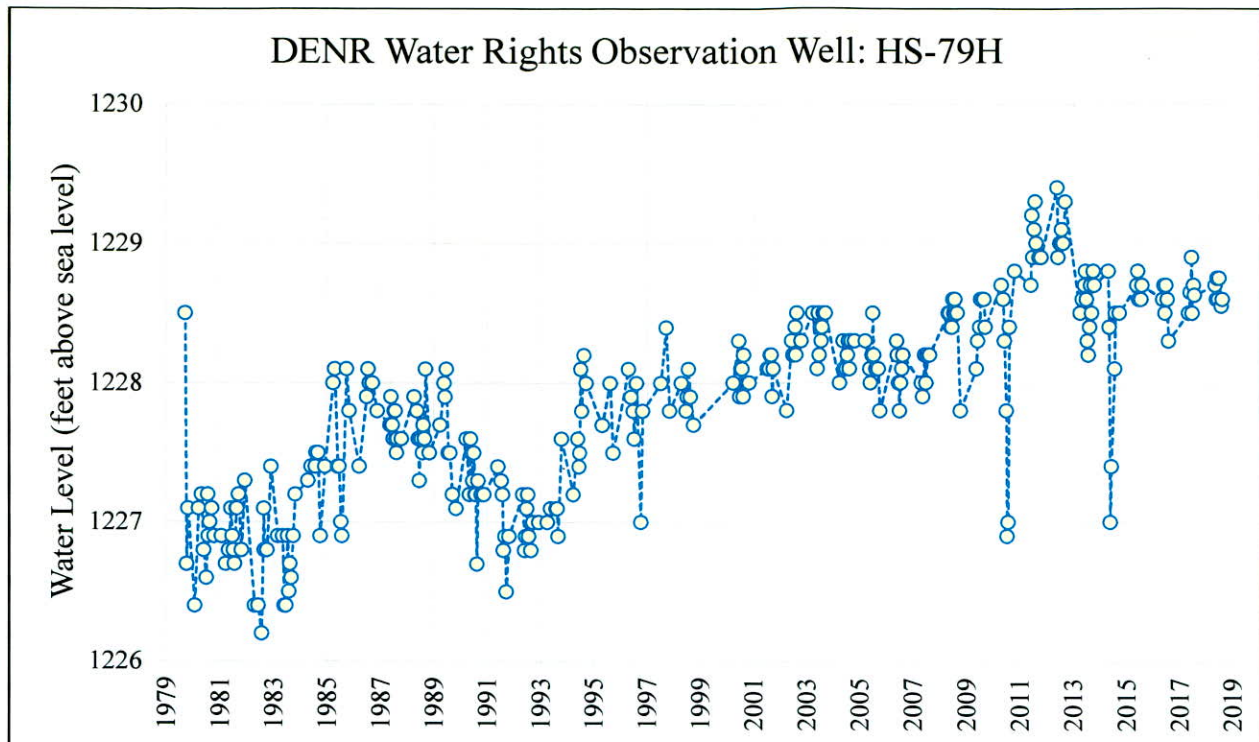


Figure 4. Hydrograph for observation well HS-79H. It is approximately 8.8 miles southeast of the proposed well location for Water Permit Application No. 8444-3 (Water Rights, 2020c). It should be noted that readings from this observation well have not been obtained since 2018 due to localized flooding preventing access.

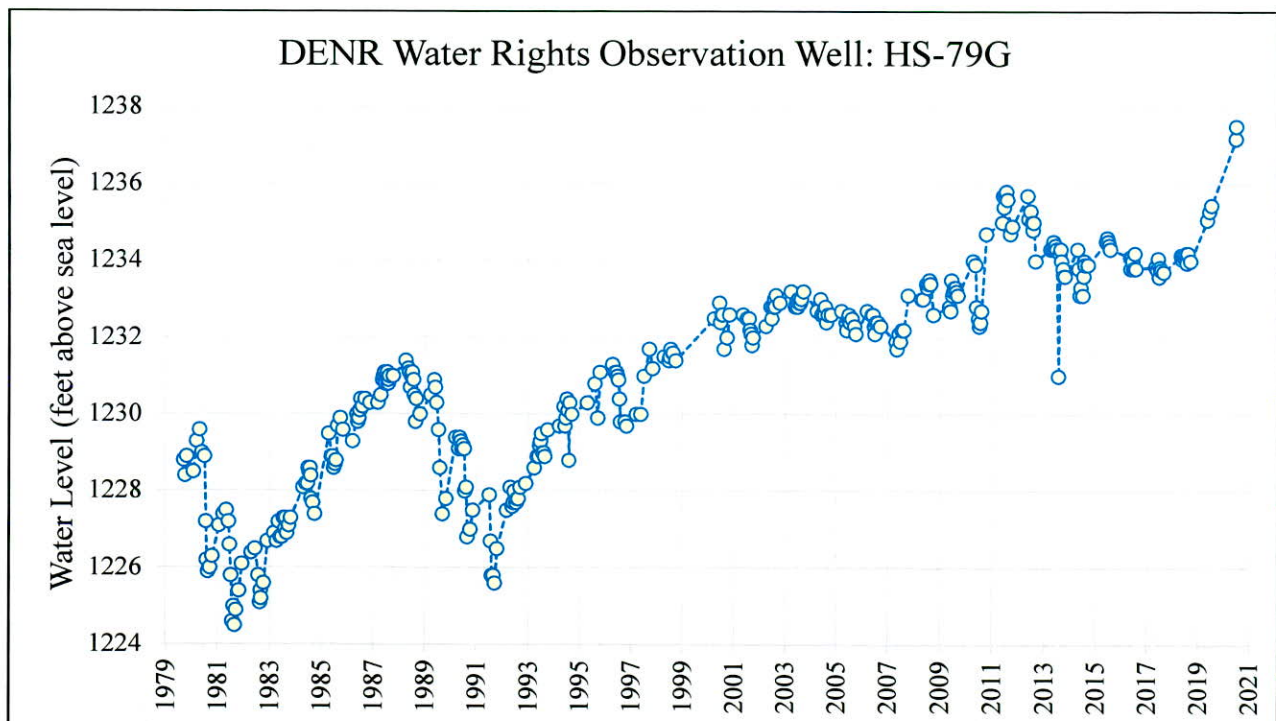


Figure 5. Hydrograph for observation well HS-79G. It is approximately 9.0 miles southeast of the proposed well location for Water Permit Application No. 8444-3 (Water Rights, 2020c).

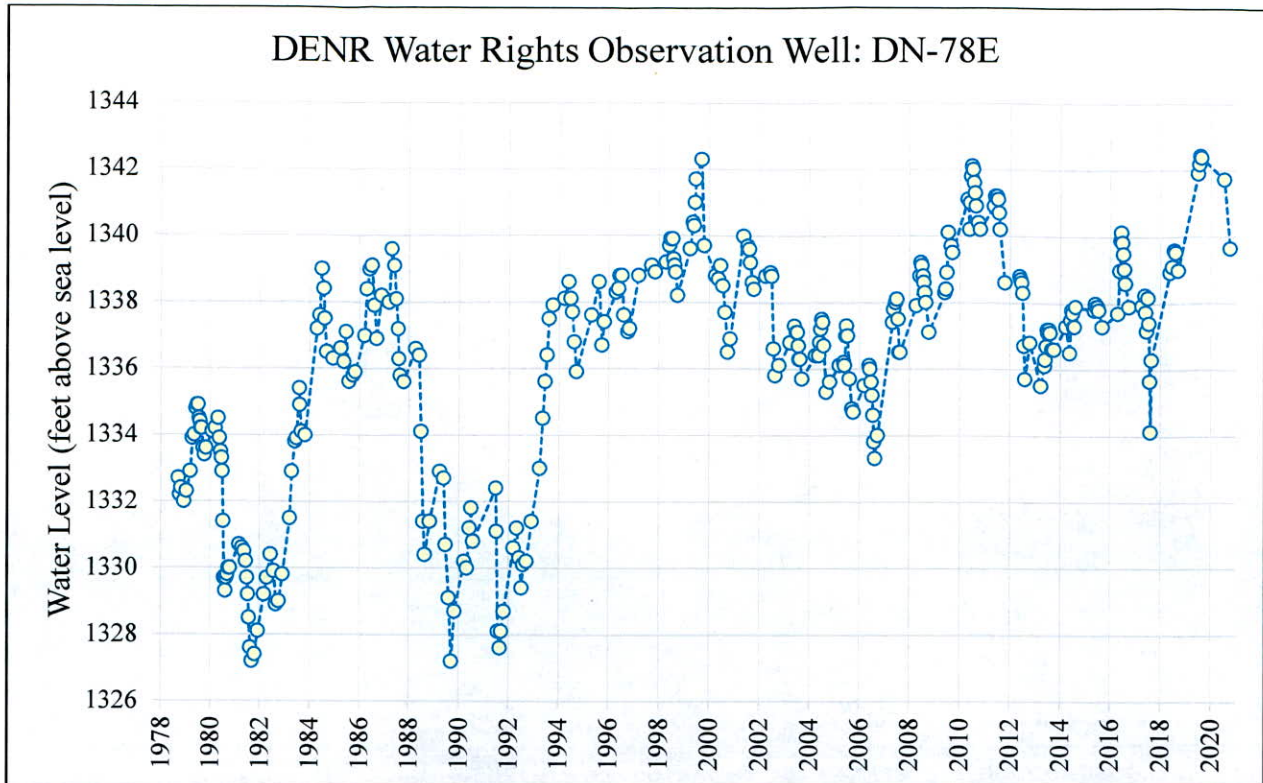


Figure 6. Hydrograph for observation well DN-78E. It is approximately 7.7 miles southwest of the proposed well location for Water Permit Application No. 8444-3 (Water Rights, 2020c).

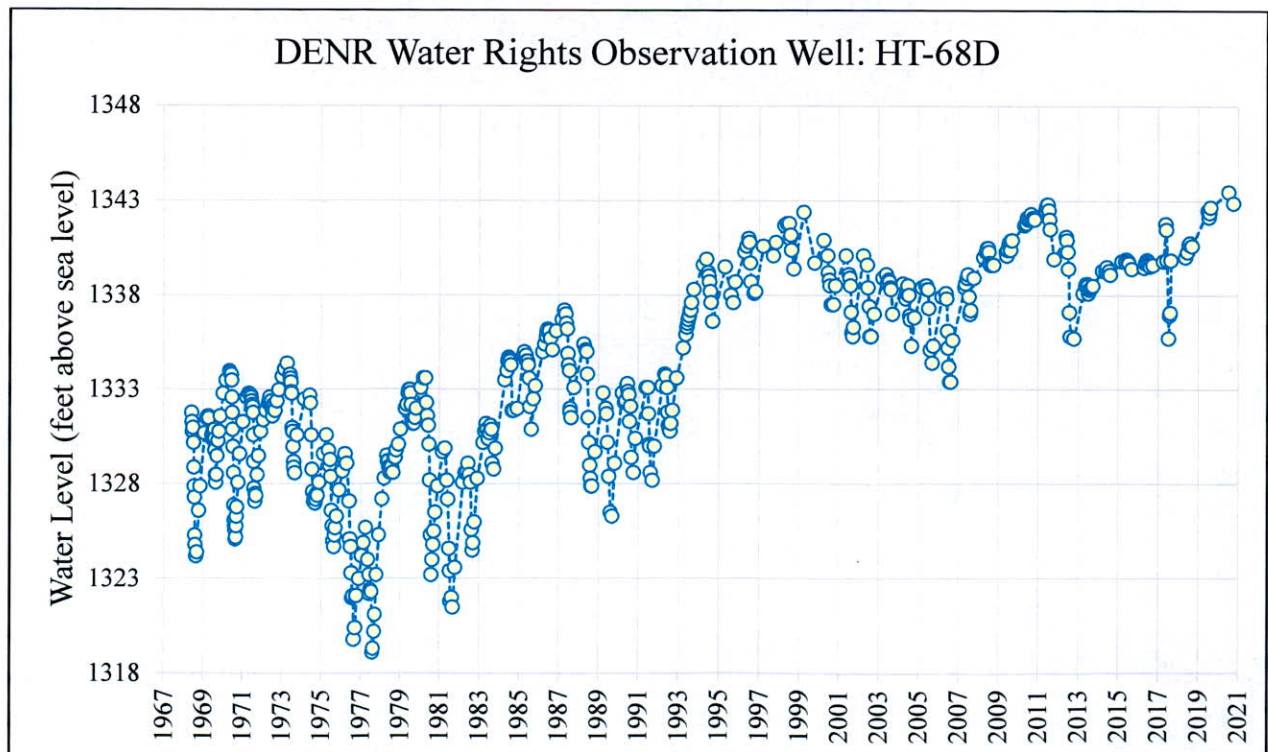


Figure 7. Hydrograph for observation well HT-68D. It is approximately 11.0 miles southwest of the proposed well location for Water Permit Application No. 8444-3 (Water Rights, 2020c).

The DENR-Water Rights Program monitors 22 observation wells completed into the Codell aquifer (Water Rights, 2020c). Figure 2 shows observation wells within sixteen miles of Water Permit Application No. 8444-3. The hydrographs for these wells, shown in Figures 3 through 7, are representative of the hydrographs for the other observation wells completed in the Codell aquifer. The hydrographs show the water level of the aquifer is stable and rising over the period of record. This upward trend of water levels supports the Hedges et al. (1985) assessment that water withdrawal in the Codell aquifer is unlikely approaching or exceeding recharge levels. They indicate that the aquifer responds well to climatic conditions with rising water levels during wet periods and declining water levels during drier periods. Therefore, there is reasonable probability unappropriated water is available for this proposed application.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS

There are 39 active water rights/permits authorized to withdraw water from the Codell aquifer (Water Rights, 2020b). In Hanson County, the Codell aquifer is under confined conditions with some variation in the depth to the top of the aquifer and aquifer thickness (Water Rights, 2020a and 2020b). Within two miles of this proposed application, the aquifer is buried underneath 40 to 81 feet of clay, ranges between 20 and 42 feet in thickness, and has a water depth range between 20 to 35 feet from the surface (Water Rights, 2020a and 2020b). With the average depth to the top of aquifer at 63 feet and an average depth to water at 29 feet, there exists an average of 34 feet of artesian head pressure near the proposed application. Drawdown from pumping may extend a considerable distance from the pumped well because the aquifer is under confined conditions. However, the diversion rate proposed by this application (0.056 cfs) is small so the ensuing cone of depression from pumping will be comparably small.

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). However, some existing well owners may need to lower their pumps to accommodate for deeper water levels depending on the specific characteristics of the Codell aquifer at their location, particularly since the aquifer is under confined conditions near the proposed diversion point for this permit.

Table 3 lists the water rights/permits shown in Figure 2 within 19 miles of the proposed application site. The Rockport Colony (Permit No. 6232-3) is 0.5 miles from the proposed diversion. It is not expected to be adversely affected because the Rosedale Colony has an existing Permit No. 8331-3 that has recently been developed in the same location as this proposed permit and it has not been adversely affecting the Rockport Colony (Water Rights, 2020d). The New Elm Springs colony is 7.6 miles to the southeast of the proposed application site.

Table 3. Water rights/permits shown in Figure 2 (Water Rights, 2020b)

PERMIT NO	NAME	STATUS ^a	USE ^a	CFS
6232-3	ROCKPORT HUTTERIAN BRETHREN	LC	DOM	0.222
6323-3	NEW ELM SPRINGS COLONY	LC	DOM	0.090
8331-3	ROSEDALE HUTTERIAN BRETHREN	PE	COM	0.110
a - LC: Licensed Water Right; PE: Water Permit; DOM: Domestic; COM: Commercial				

There are numerous domestic well reports on file with the Water Rights Program within two miles of the proposed application site (Water Rights 2020a). Users in the vicinity of the proposed application may be using water provided by a rural water system.

To protect domestic well users, 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”.

Nearby adequate wells are not expected to be adversely impacted because, over the period of record, there is no history of pumping complaints in the aquifer (Water Rights, 2020d). Nevertheless, if this application is approved, the water permit should include a qualification that the well owner should control their withdrawals so there is not a reduction of water for adequate domestic wells or for adequate wells having prior water rights.

When considering the vast amount of water stored within the aquifer compared to the low level of current development; the hydrographs of nearby observation wells not showing any detrimental impacts caused by pumping; the anticipated cone of depression resulting from the proposed production rate not drastically influencing the artesian head level; and the lack of well interference complaints due to pumping (Water Rights, 2020d); there is a reasonable probability that this proposed diversion can be developed without unlawfully impairing existing appropriative or domestic water users with adequate wells.

CONCLUSIONS:

1. Water Permit Application No. 8444-3 proposes to appropriate 38 ac-ft/yr at a maximum pump rate of 0.056 cfs.
2. Based on the hydrologic budget and observation well data, there is a reasonable probability unappropriated water is available for this proposed application.
3. There is a reasonable probability the diversion proposed by this application can be made without adversely impacting existing appropriative or domestic users with adequate wells.



Blaise Hansen

SD DENR – Water Rights Program



Adam Mathiowetz

SD DENR-Water Rights Program

REFERENCES:

Christensen, C.M. 1989. *Geology of Davison and Hanson Counties, South Dakota*. South Dakota Geologic Survey Bulletin 33. Vermillion, SD.

Drinking Water. 2020. *Your Water System Information*. <<https://denr.sd.gov/des/dw/sysinfo.aspx>>. accessed 10/28/2020.

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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.

Hedges, L.S., Allen, J., 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.

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Water Rights. 2020a. *Well Completion Reports*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

Water Rights. 2020a. *Water Right/Permit Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

Water Rights. 2020c. *Observation Well Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

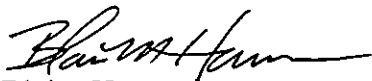
Water Rights. 2020d. *Hanson County Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

SUPPLEMENTAL REPORT TO THE CHIEF ENGINEER
WATER PERMIT APPLICATION NO. 8444-3
ROSEDALE HUTTERIAN BRETHREN, LLC
NOVEMBER 25, 2020

An error was discovered in Table 1 of the original report for Application No. 8444-3. The permits that are limited by annual volume were omitted in the summation of the estimated annual volume pumped by non-irrigation water rights/permits. This resulted in incorrect total reported in Table 1 and inaccurate values in the Water Balance section. Correcting this omission does not alter conclusion #2 regarding water availability and does not influence other sections in the original report. The corrected portions of the permit are highlighted in yellow in Table 1 and otherwise underlined and bolded below.

Water Balance:

The Codell aquifer estimated average annual withdrawal rate is 2,798.6 ac-ft/yr (non-irrigation: 2240.6 ac-ft/yr and irrigation: 558 ac-ft/yr). The request by this application for an appropriation of 38 ac-ft/yr, if approved, results in a total of 2836.6 ac-ft/yr of water. This is less than 0.03 percent of the nearly 10 million ac-ft of stored water as estimated by Hedges et al. (1983). This is also less than the average annual use of 3,710 ac-ft/yr estimated by Hedges et al. (1985). Hedges et al. (1985) also concluded that the Codell Sandstone is unlikely approaching or exceeding recharge levels. Therefore, there is reasonable probability unappropriated water is available for this application.



Blaise Hansen
SD DENR – Water Rights Program

Report on Water Permit Application No. 8457-3

Table 1. Non-irrigation water rights/permits authorized to withdraw water from the Codell aquifer with an estimated annual volume (Drinking Water, 2020; Water Rights, 2020b)

PERMIT NUMBER	NAME	COUNTY ^a	STATUS ^b	USE ^c	CFS	TOTAL ESTIMATED VOLUME (AC-FT/YR)
5480-3	CORTRUST BANK NA	SA	LC	COM	0.040	17.4
5549-3	NATIONAL FOODS CORP	AU	LC	COM	0.260	113.0
5823-3	DNA PRODUCTION LLC	DG	LC	COM	0.220	95.6
5978-3	NORFELD HUTTERIAN BRETHREN INC	BG	LC	COM	0.111	48.2
5995-3	BERNARD L VAN VUUREN	DG	LC	COM	0.177	76.9
6018-3	NATIONAL FOODS CORP	AU	LC	COM	0.270	117.4
6041A-3	CALVIN BERWALD	AU	LC	COM	0.080	34.8
6762-3	VAN WINKLE DAIRY LP	MC	LC	COM	0.270	117.4
7206-3	LONG VIEW FARMS LLP	CM	PE	COM	0.067	29.1
7359-3	JAMES C KOKES	BH	LC	COM	0.067	29.1
8252-3	MICHAEL J SLAMA	BH	LC	COM	0.090	45**
8291-3	JACKRABBIT FAMILY FARMS	DN	PE	COM	0.085	50**
8303-3	FRANK PRAVECEK	BH	LC	COM	0.120	51**
8314-3	CODY SCHELLING	DG	PE	COM	0.070	29**
8331-3	ROSEDALE HRTTN BRTH	HS	PE	COM	0.110	72.6**
6539-3	CLEARFIELD COLONY	CM	LC	DOM	0.200	86.9
6232-3	ROCKPORT HUTTERIAN BRETHREN	HS	LC	DOM	0.222	96.5
6323-3	NEW ELM SPRINGS COLONY	HT	LC	DOM	0.090	39.1
7851-3	ALAN ARMSTRONG	BH	LC	DOM	0.067	29.1
4383-3	DOUGLAS COUNTY CHEESE CO	DG	LC	IND	0.070	30.4
551-3	STATE TRAINING SCHOOL	AU	LC	INS	0.170	73.9
5477-3	ARTESIAN-LETCHER SCHOOL DIST 55-5	SA	LC	INS	0.050	21.7
5598-3	STORLA SUNSET HOME	AU	LC	INS	0.080	*
5731-3	ST CHARLES CATHOLIC CHURCH	SA	LC	INS	0.033	14.3
4279-3	CITY OF DELMONT	DG	LC	MUN	0.300	*
4279A-3	CITY OF DELMONT	DG	LC	MUN	0.000	*
555-3	CITY OF ARMOUR	DG	LC	MUN	0.500	*
1892-3	CITY OF WAKONDA	CL	LC	MUN	0.330	*
687-3	CITY OF LAKE ANDES	CM	LC	MUN	0.730	*
4402-3	CITY OF TRIPP	HT	LC	MUN	0.640	278.2
1966-3	CITY OF GEDDES	CM	LC	MUN	0.380	*
1694-3	TOWN OF STICKNEY	AU	LC	MUN	0.110	*
1676-3	TOWN OF NUNDA	LK	LC	MUN	0.100	43.5
4836-3	CITY OF CORSICA	DG	LC	MUN	0.130	*
4977-3	CITY OF MENNO	HT	LC	MUN	0.500	*
5330-3	CITY OF AVON	BH	LC	MUN	0.330	*
5756-3	TOWN OF RAVINIA	CM	LC	MUN	0.070	*
4120-3	CITY OF PLANKINTON	AU	LC	MUN	0.360	*
6544-3	ARMOUR	DG	LC	REC	1.381	600.3
Total:						2240.6
a - AU: Aurora; BG: Brookings; BH: Bon Homme; CL: Clay; CM: Charles Mix; DN: Davison; DG: Douglas; HS: Hanson; HT: Hutchinson; LK: Lake; MC: McCook; SA: Sanborn						
b - LC: License; PE: Permit						
c - COM: Commercial; DOM: Domestic; IND: Industrial; INS: Institutional; MUN: Municipal; REC: Recreational						
* - These are connected to rural water and are maintained for standby use						
** - Limited by an Annual Volume						

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, November 2, 2020 9:17 AM
To: dennis.rosedale20@gmail.com
Cc: Brian Friedrichsen (brian@dakotaenv.com)
Subject: Water Permit Application No. 8444-3
Attachments: 0132.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the papers (Alexandria Herald and the Madison Daily Leader) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

You may be wondering why the notice is being published in the Madison Daily Leader instead of the Mitchell Daily Republic. Since the Mitchell paper no longer publishes a hardcopy paper five days a week, it does not meet the criteria set forth in statute as a legal daily newspaper.

Karen Schlaak
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, November 2, 2020 9:04 AM
To: 'ads@madisondailyleader.com'
Subject: FW: 8444-3, Rosedale Hutterian Brethren Inc
Attachments: 8444-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on November 12, 2020.

Rosedale Hutterian Brethren Inc., c/o Dennis Waldner, 25986 Rosedale Rd, Mitchell SD 57301 (605 770-1928) 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

Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, November 2, 2020 9:03 AM
To: knorthern@ncppub.com
Subject: 8444-3, Rosedale Hutterian Brethren Inc
Attachments: 8444-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on November 12, 2020 in the Alexandria Herald.

Rosedale Hutterian Brethren Inc., c/o Dennis Waldner, 25986 Rosedale Rd, Mitchell SD 57301 (605 770-1928) 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
Water Rights Program
(605) 773-3352





DENR
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 NEWSPAPERS RIGHT AWAY.**

November 2, 2020

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

Dear Mr. Waldner:

Water Permit Application No. 8444-3 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 Leader printed at Madison SD (Ph # 605 259-4555). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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 November 12, 2020. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8444-3 to Appropriate Water

Notice is given that Rosedale Hutterian Brethren, Inc. c/o Dennis Waldner, 25986 Rosedale Rd, Mitchell SD 57301 has filed an application for a water permit to appropriate 38 acre-feet of water annually at a maximum pump rate of 0.056 cubic feet of water per second from one well to be completed into 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. XX 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 Ron Duvall 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 November 23, 2020.

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.

Published once at the total approximate cost of_

AFFIDAVIT OF PUBLICATION

RECEIVED

NOTICE OF APPLICATION
NO. 8444-3

ler 1M

AFFIDAVIT OF PUBLICATION

NOV 16 2020

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA }
County of Lake } ss.

to Appropriate Water
Notice is given that Rosedale
Hutterian Brethren, Inc. c/o

Dennis Waldner, 25986 Rosedale Rd, Mitchell SD 57301 has filed an application for a water permit to appropriate 38 acre-feet of water annually at a maximum pump rate of 0.056 cubic feet of water per second from one well to be completed into 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.

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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.

Published once at the total approximate cost of \$27.89

Joanne Wheeler of the City of Madison, County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

Rosedale Hutterian Brethren, Inc

Notice of Application No 8444-3 to Appropriate Water

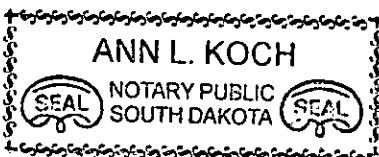
printed copy of which hereunto attached, was printed and published in the said newspaper for One successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 12th day of November, 2020;
On , the day of , 2020;
On , the day of , 2020;
On , the day of , 2020;
On , the day of , 2020;
On , the day of , 2020;
On , the day of , 2020;
On , the day of , 2020;

That \$ 27.89 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Joanne Wheeler

Subscribed and sworn to before me this 13th day of November, 2020



Ann L. Koch
Notary Public, Lake County, South Dakota
EXP. 11-14-25

Public

Notar

Recei

Affidavit of Publication

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

Notice of Application to
Appropriate Water

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 11/12/2020

The second publication on _____

The third publication on _____

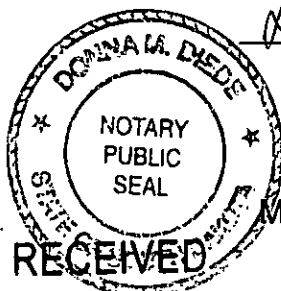
The fourth publication on _____

that 36.41 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 who-sever, and that said newspaper is a local newspaper under the law of the state of South Dakota.

Subscribed and sworn to before me this 13

day of November 2020

Donna M. Diehl
Notary Public, South Dakota



My commission expires 2/10/2022

DEC 04 2020

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 8444-3 to Appropriate Water

Notice is given that Rosedale Hutterian Brethren, Inc. c/o Dennis Waldner, 25986 Rosedale Rd, Mitchell SD 57301 has filed an application for a water permit to appropriate 38 acre-feet of water annually at a maximum pump rate of 0.056 cubic feet of water per second from one well to be completed into 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.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8444-3 with qualifications because 1) inappropriate 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 Ron Duvall 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 Monday, Nov. 23.

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.

Published once at the total approximate cost of \$ 36.41

(AH1112-1)



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 19 2021

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

Dear Mr. Waldner:

Enclosed is Water Permit No. 8444-3 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,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures