

WATER PERMIT NO. 8607-3

Name of Applicant: Spring Creek Hutterian Brethren Inc.

Address: 36562 102nd St, Forbes ND 58439 Phone: 605 380-8467

Amount of Water Claimed: 0.22 cfs Total Acres: NA

Source of Water Supply: groundwater (3 existing wells)

Water to be used for: commercial County: McPherson

Type of Waste Disposal System:

Location: 12 miles northeast of Leola

PRIORITY Date Received: 2-15-22

Application/License Fee: \$ 950

Corrected Application Received: 3-4-22

Period of Annual Use: Jan 1 – Dec 31

Remarks:

Diversion Point: SE 1/4 NW 1/4, SW 1/4 NE 1/4

Sec 14-T128N-R67W

Land to be Irrigated:

Depth of Well: 1919, 1940, 1943

Well Driller:

Remarks:

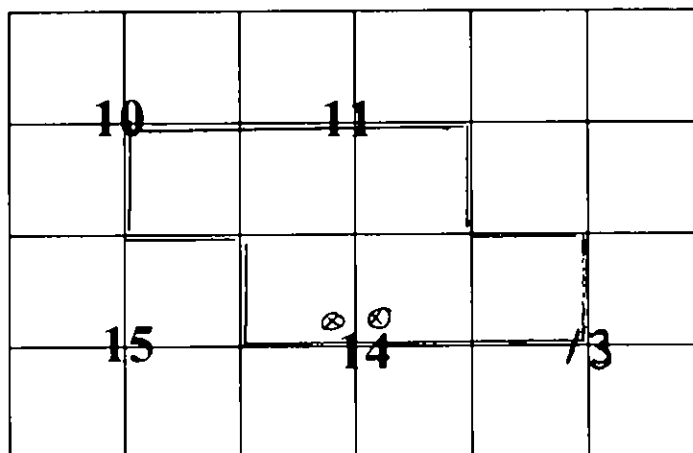
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-7-22

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8607-3**

Date of first receipt of application February 15, 2022.

Date of return to applicant for corrections, amendments or changes February 17, 2022.

Date of receipt of corrected application March 4, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8607-3 to Spring Creek Hutterian Brethren Inc., c/o Sam Wipf, 36562 102nd St, Forbes ND 58439 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. 8607-3 appropriates 100 acre-feet of water annually at a maximum pump rate of 0.22 cubic feet of water per second from three wells completed into the Inyan Kara Aquifer (1,919, 1,940 and 1,943 feet deep) located in the SE 1/4 NW 1/4 and the SW 1/4 NE 1/4 Section 14-T128N-R67W for commercial and domestic uses. This facility is located in the N 1/2 Section 14, NW 1/4 Section 13, S 1/2 Section 11 and the SE 1/4 Section 10; all in T128N-R67W. This site is located approximately 12 miles northeast of Leola SD.
2. The water appropriated shall be used for the purpose of commercial and domestic 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 from which applicant may claim right is February 15, 2022.
5. The date of approval of Permit No. 8607-3 is June 13, 2022.
6. One-fifth of the construction is to be completed on or before December 13, 2024.
7. All construction is to be completed on or before June 13, 2027.
8. Water is to be put to beneficial use on or before June 13, 2031.
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 Water Permit No. 8607-3 are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits 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 wells approved under Permit No. 8607-3 shall be valved and the flow reduced to the amount needed or to a minimum not to exceed five gallons per minute when not being used. If any of the wells are abandoned or the Permit canceled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

(continued)

3. Water Permit No. 8607-3 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. 8607-3 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 Inyan Kara aquifer.
6. Water Permit No. 8607-3 authorizes a total annual diversion of 100 acre-feet of water from the Inyan Kara aquifer.

WATER MANAGEMENT BOARD

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

JUN 28 2022

date



RECEIVED

FEB 15 2022

PAID

SD EForm - 1585LD V5

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

FEB 15 2022

Ck# 13552

Rec't#

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8607-3</u> (office use only) Hydrologic Unit <u>10160003</u>
	Basin <u>James River</u>
	Newspaper <u>McPherson County Herald</u>
	<u>American News</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 Spring Creek Hutterian Brethren, Inc.Mailing Address 36562 102nd St (Address) Forbes (City) ND (State) 58439-9027 (Zip Code)Phone (605) 380-8467 Mobile (605) 380-8467 Email springcreek@dtel.net2. Amount of water claimed 0.22 *CFS or 100 **GPM and 160 ***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 use3. Source of water supply Groundwater (3 wells) SE 1/4 NW 1/4 & SW 1/4 NE 1/44. Location of point of diversion NW 1/4 Section 13 & N/2, Section 14, T-128-N, R-67-W County McPherson

(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

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

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

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

5. County or counties where water will be used McPherson County6. Annual period during which water is to be used Jan 1 - Dec 31

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

The project is to correct old permit and add swine capacity of 9,000 head of finishers. There are planned to have 41,966 animals per site include swine farrowing animals to finishing units, broilers and turkeys. It also includes domestic water use for 175 family members and small meat processing for internal uses.

I, Sam Wipf

Name of Person

Secretary-Treasurer

Title (if applicable)

, the applicant, certify under

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.

2015-10

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

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 _____ Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 3 Provide copy of log(s), if available. Drilled by Independent Drilling, Inc.

For either Existing or Proposed Wells:

c) Well Depth (required) _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property Same Well Property owned by others _____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) Septic System, Animal Lagoon, Concrete Pit Storage

b) System Capacity (gallons) _____ Year Constructed 2020

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)

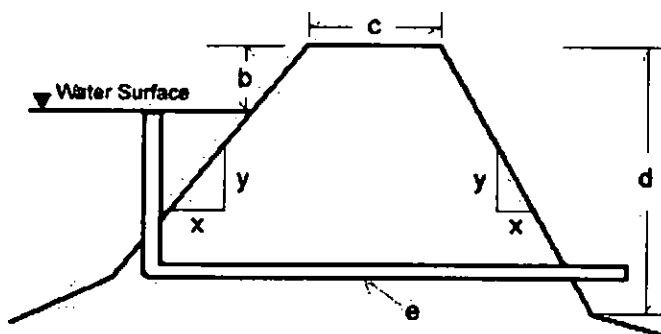
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIVED

MAR 04 2022

WATER RIGHTS
PROGRAMForm 2A
(Complete applicable portions only)

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 _____ Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)b) If existing wells, how many 3 Provide copy of log(s), if available. Drilled by Independent Drilling, Inc.

For either Existing or Proposed Wells:

c) Well Depth (**required**)

1919	1815	1815
1940	1775	1775
1943	1820	1820

 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____d) Distance to nearest domestic well on applicant's property Same Well Property owned by others 1,747 ft**2. Wastewater Disposal System Information**a) Type of System (i.e. septic tank, drain field) Septic System, Animal Lagoon, Concrete Pit Storageb) System Capacity (gallons) 31,287,150 Year Constructed 2020

c) Connected to the City of _____ Sanitary System

3. Dugout Information

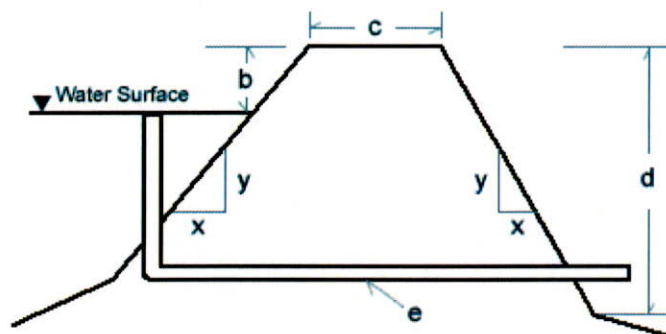
a) Surface Dimensions _____ Depth _____

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)

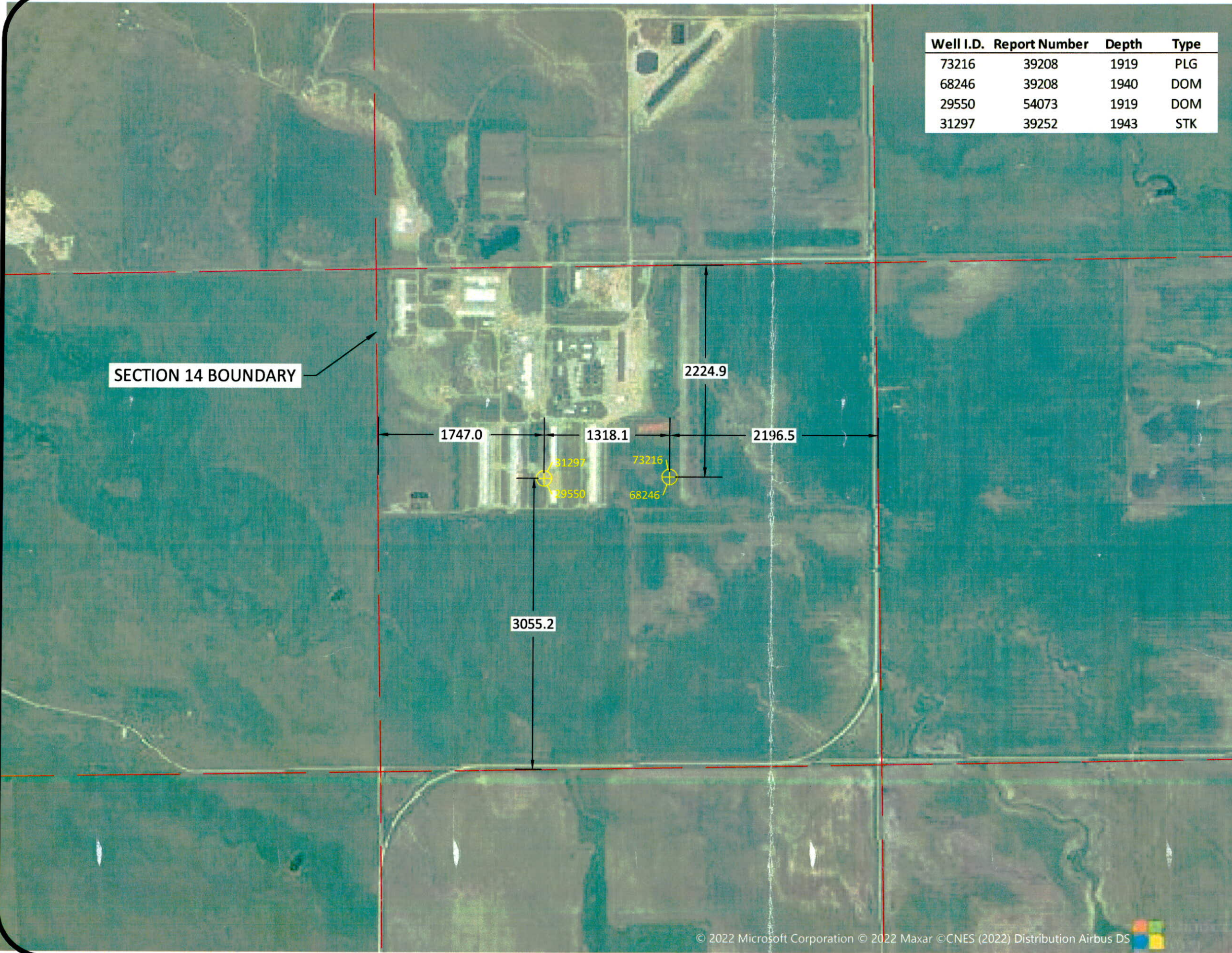
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Well I.D.	Report Number	Depth	Type
73216	39208	1919	PLG
68246	39208	1940	DOM
29550	54073	1919	DOM
31297	39252	1943	STK

GENERAL NOTES

LEGEND



DeHaan, Grabs & Associates, LLC
Registration Number: C-1341

1	Add well info table	02/23/22
No.	Revision/Issue	Date



SPRING CREEK
HUTTERIAN BRETHREN INC.
WATER RIGHTS PERMIT
SECTION 14, T 128 N, R 67 W
MCPHERSON COUNTY, SD

WELL DISTANCES

DATE:	FEB. 10, 2022
SCALE:	1" = 1,000'
DRAWN BY:	DDR
CHECKED BY:	DLD

SHEET:

WELL

Independent Drilling Co.

Aberdeen, South Dakota

WELL REPORT

Completed well for Spring Creek Colony Aberdeen, S. D., Oct 2 1961

P. O. Forbes H.D. Depth 1919 ft. { Pumps very fast 200 Flows very fast 200 Gallons per minute

Pumped _____ gals. per min. for _____ hrs. { Clear Sandy Muddy Cloudy Pumped _____ gals. per min. for _____ hrs. { Clear Sandy Muddy Cloudy

Water stands _____ feet from top. Is the water hard or soft? _____ Well is located on _____

_____ quarter Sec. T _____ R _____ Moved to this place on Sept 19 1961

Started work on well Sept 19 1961 Well completed on Sept. 29 1961

Left this place on Sept 30 1961

63 ft. 5" pipe extending to a total depth of 63 feet

21 ft. 3" galv pipe extending to a total depth of 21 feet

1899 ft. 3" 24 pipe extending to a total depth of 1919 feet

_____ ft. _____ pipe extending to a total depth of _____ feet

_____ ft. _____ pipe extending to a total depth of _____ feet

Cap Rock 978 ft. Rock at from 18 59 125 feet to 916 125 688 feet

Rock from 1470 1573 feet to 1660 1724 Rock from 1783 1809 feet to 1897 1915

Tubular sand from _____ to _____ feet _____ to _____ feet

perforated 107 ft. at bottom. Also _____ from _____ to _____ and from _____ to _____

For whom was the last well completed by this machine? _____

What was the date of its completion? _____ Explain loss of time, if any, between

completion of last well and commencement of this one _____

What extra charges are there against this well for pipe, fittings and supplies (please itemize)? 1 3" galv tee

1 3/4 3 cone wire 2 3/4 bushing

1 4 1/2 slip cut 1 2 1/2 galv 2 1/2

2 4 1/2 2 cone 1 2" plug

3 4 1/2 3 cone w. 3

At whose request and by whose authority was this furnished? _____

Please state what casing and gasoline you have on hand after completion of this well _____

How much gasoline did you have on hand at commencement of this well? _____

How much gasoline have you received while on this well (give date and number of gallons)? _____

Date _____ Amount _____ gals. Date _____ Amount _____ gals.

Date _____ Amount _____ gals. Date _____ Amount _____ gals.

How much gasoline had you on hand at the completion of this well? _____ How much

gasoline did you use on this job? _____ How many days did engine

run on this job? _____

John Strudle
Foreman Rig. No. A.B.C

Artesian Well Contract

THIS AGREEMENT, made and entered into this 8 day of September A.D., 1961
by and between INDEPENDENT DRILLING CO., a corporation of the State of South Dakota located at Aberdeen, South
Dakota, first party, and Spring Creek Colony P. O. Forbes N.D. second party.

WITNESSETH: That the said first party agrees and contracts with the said second party, as follows:

FIRST: On or about 12th September 61 or after completing the Craig Well
well to commence work on an artesian well to be located on the N. 1/2 quarter of section 14 Twp.
128 Range 67 said land being the property of the second party, and to prosecute the work
thereon without unnecessary delay until said well is completed.

SECOND: To drill said well into water bearing artesian sand rock, and guarantee the well to furnish supply of
water by natural flow.

THIRD: To case said well with 3" inch standard black steel pipe to _____ or deeper if deemed
necessary by the first party, and with 3" inch standard black steel pipe from top thereon into water-bearing
sand rock. Any further drilling below the _____ inch pipe shall be cased with _____ inch pipe. The top length
of 7" inch pipe to be galvanized.

FOURTH: Said second party to furnish sufficient space where said well is to be sunk, for all material, machinery
and guy wires until said well is completed and machinery is removed.

FIFTH: Said second party further agrees to board the men from the time move is commenced until well is com-
pleted and machinery removed, and provide and maintain an ample fire guard.

SIXTH: For and in consideration of the drilling and casing of said well, second party agrees to pay first party the
sum of three dollars ten cents per ft (\$ 3.10 per ft)
if not over 1000 feet deep and 3.10 per foot for each foot in depth below 1000 feet

_____ to be paid in cash at completion of said well. It is further agreed that all sales
taxes upon material purchased for use in said well, which have been paid by the party of the first part, shall be paid by
the party of the second part, in addition to the contract price above stated. Deferred payments to draw interest at
eight per cent, to be bankably secured and due as follows:

Well must furnish
sufficient flowing of water, for our expected
livestock enterprises. otherwise agreement
entered into here shall be void,

Settlement to be due and dated at completion of said well.

SEVENTH: First party guarantees the well to furnish water reasonably clear for stock and domestic purposes,
for the period of one year from the date of its completion. In case the well should fail to fulfill this guarantee, first
party shall repair same or drill a new well free to second party, except the board, but first party does not guarantee
the well against natural decline in pressure.

Tenant

Post Office

Telephone out of

Forbes N.D.
Rd. 8-7348

INDEPENDENT DRILLING CO.

Per

W. W. Schultz
Jaeger W. H.
Spring Creek Colony

First Party

Second Party

Independent Drilling Co.
Aberdeen, South Dakota

WELL REPORT

Completed well for Aberdeen, S. D., 8, 20, 1980
Spring Creek Calomes

P. O. Roche Depth 1943 ft. { Pumped 80 (100) * Gallons per minute
Flows

Pumped _____ gals. per min. for _____ hrs. { Clear
Sandy
Muddy
Cloudy } Pumped _____ gals. per min. for _____ hrs. { Clear
Sandy
Muddy
Cloudy }

Water stands _____ feet from top. Is the water hard or soft? hard Well is located on

_____ quarter Sec. T _____ R _____ Moved to this place on 7, 25 1980

Started work on well 7, 28 1980 Well completed on 8, 19 1980

Left this place on 8, 20 1980

202 ft. 5" casing pipe extending to a total depth of 5' casing 202 feet

1943 ft. 2" K copper pipe extending to a total depth of 2" K copper 1943 feet

_____ ft. _____ pipe extending to a total depth of _____ feet

_____ ft. _____ pipe extending to a total depth of _____ feet

_____ ft. _____ pipe extending to a total depth of _____ feet

Cap Rock 975 ft. Rock at from _____ feet to _____ feet

Rock from _____ feet to _____ Rock from _____ feet to _____

Tubular sand from _____ to _____ feet _____ to _____ feet

perforated 168 ft. at bottom. Also _____ from _____ to _____ and from _____ to _____

For whom was the last well completed by this machine?

What was the date of its completion? _____ Explain loss of time, if any, between

completion of last well and commencement of this one _____

What extra charges are there against this well for pipe, fittings and supplies (please itemize)? _____

At whose request and by whose authority was this furnished? _____

Please state what casing and gasoline you have on hand after completion of this well _____

How much gasoline did you have on hand at commencement of this well? _____

How much gasoline have you received while on this well (give date and number of gallons)? _____

Date _____ Amount _____ gals. Date _____ Amount _____ gals.

Date _____ Amount _____ gals. Date _____ Amount _____ gals.

How much gasoline had you on hand at the completion of this well? _____ How much

gasoline did you use on this job? _____ How many days did engine

run on this job? _____

Edwin Leicht

Foreman Rig. No. Har. News

Spring Creek Colony aug. - 1900

COMPANY _____ FARM _____ WELL NO. _____
 SEC. TWP. RGE. LOC. COUNTY STATE
 CONTRACTOR _____ SIZE HOLE _____ DRILL PIPE _____
 REMARKS: *Work in 7, 25, 80* SIZE PUMP LINERS _____ LENGTH STROKE _____
84 Rods Start Drilling 7, 28, 80 *202 5" casing*
7 1/2 hrs

DATE

DEPTH	TIME O'CLOCK	MIN.	REMARKS	DEPTH	TIME O'CLOCK	MIN.	REMARKS
1	20-0	20	20-2	51	20-0	1020	
2	20-0	40	20-1	52	20-0	1040	
3	20-0	60	20-3	53	20-0	1060	
4	20-0	80	20-1	54	20-0	1080	
5	20-0	100	20-3	55	20-0	1100	
6	20-0	120	100-10	56	20-0	1120	
7	20-0	140	1	57	20-0	1140	
8	20-0	160	20-3	58	20-0	1160	
9	20-0	180	20-2	59	20-0	1180	
10	20-0	200	20-3	60	20-0	1200	
11	20-0	220	20-2	61	20-0	1220	
12	20-0	240	20-4	62	20-0	1240	
13	20-0	260	100-9	63	20-0	1260	4:30 to 10:30 40 mi
14	20-0	280	100-10 58 mi	64	20-0	1280	10:40 to 11:35 45 "
15	20-0	300	202 0 total	65	20-0	1300	11:35 to 11:45 10 "
16	20-0	320		66	20-0	1320	12:00 to 12:15 15 "
17	20-0	340		67	20-0	1340	12:25 to 12:45 20 "
18	20-0	360		68	20-0	1360	12:55 to 1:15 20 "
19	20-0	380		69	20-0	1380	1:25 to 1:50 26 "
20	20-0	400	End 1430	70	20-0	1400	1:55 to 2:25 1 hr 55 "
21	20-0	420	Make over bit	71	20-0	1420	2:10 to 4:30 1 hr 10 "
22	20-0	440		72	20-0	1440	4:40 to 10:20 40 mi
23	20-0	460		73	20-0	1460	10:25 to 10:45 20 mi
24	20-0	480		74	20-0	1480	10:55 to 11:40 55 "
25	20-0	500		75	20-0	1500	11:50 to 1:45 1 hr 55 "
26	20-0	520		76	20-0	1520	1:55 to 2:30 55 "
27	20-0	540	Hard Rock 1442	77	20-0	1540	3:00 to 3:50 50 "
28	20-0	560	Hard Rock 1510	78	20-0	1560	4:00 to 5:30 1 hr 30 "
29	20-0	580	Hard Rock 1568	79	20-0	1580	5:45 to 12:30 3 hr 25 "
30	20-0	600		80	20-0	1600	8:40 to 12:40 3 hrs
31	20-0	620		81	20-0	1620	12:45 to 2:40 1 hr 55 "
32	20-0	640		82	20-0	1640	2:45 to 4:30 1 hr 45 "
33	20-0	660	new 4 1/2 inch Rod 1594	83	20-0	1660	4:35 to 5:50 1 hr 15 "
34	20-0	680	4 1/2 inch Rod Drilling	84	20-0	1680	5:45 to 11:25 2 hr 40 "
35	20-0	700		85	20-0	1700	12:05 to 2:20 2 hr 15 "
36	20-0	720	Paul Post 1738	86	20-0	1720	2:35 to 4:10 1 hr 35 "
37	20-0	740	new Rod 4 1/2	87	20-0	1740	4:55 to 5 hr 0 min 5 "
38	20-0	760	Steel Drilling 2:15 P.M.	88	20-0	1760	4:50 to
39	20-0	780		89	20-0	1780	2:00 to 5:00 3 hrs
40	20-0	800		90	20-0	1800	1:10 to 2:30 1 hr 20 "
41	20-0	820		91	20-0	1820	2:45 to 4:20 1 hr 35 "
42	20-0	840		92	20-0	1840	4:00 to 10:10 1 hr 10 "
43	20-0	860		93	20-0	1860	9:15 to 10:30 1 hr 15 "
44	20-0	880		94	20-0	1880	10:45 to 9:5 min 5 "
45	20-0	900		95	20-0	1900	1:20 to 2 hr 25 "
46	20-0	920		96	20-0	1920	2:50 to 4:50 1 hr
47	20-0	940		97	23-0	1940	
48	20-0	960	End of Rock 975				
49	20-0	980					

YEAR COMPLETED 1980

288
78

Rig No. B. V.

Mr. Spring Creek Colony

P. O. Forbes, No. Dak. 58439

Phone 701-258-8621

Tenant Self

Tenant P. O.

Location N 1/2 14-128-67

Size 5" x 2" "K"

Completed 8-19-80

By Ed Leicht
Foreman

Terms Cash - 30 days

Entered Billed \$ 25,500.00
26,491.50
26,500.00

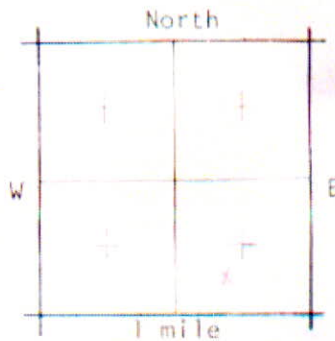
Settled in full

STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location 1/2 Sec 10 Twp 100 Rg 100

County _____

Please mark well location with an "X"



Well Completion Date 2-17-84

PROPOSED USE:

☒ Domestic ☒ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling: _____

WELL CONSTRUCTION:

Diameter of hole 6 inches Depth 100 feet

Casing: ☐ Steel ☐ Plastic ☒ Other
Specify 2" Type A Casing

Pipe Weight Diameter From To
10 lb/ft 6 inches 0 feet 100 feet
10 lb/ft 6 inches 0 feet 100 feet

Was a well screen used? ☐ Yes ☒ No

If Not Specify _____

Screen Type _____ Slot Size _____

Length _____ Diameter _____

Was Casing left open end? ☐ Yes ☒ No

Was a Packer or seal used? ☐ Yes ☒ No

If so what material? _____

Was well gravel packed? ☐ Yes ☒ No

Was well grouted? ☒ Yes ☐ No

Describe grouting procedure Cement

To what depth? 100 Feet

What was grouting material? Cement

If cement, how many sacks? _____

Location of packer(s) and screen or perforated pipe _____

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No
If so how and with what material? _____

Well Owner:

Name 100 100 100

Address 100 100 100

Well Log:

Depth

Formation	From	To
<u>100 100 100</u>	<u>100</u>	<u>100</u>
<u>100 100 100</u>	<u>100</u>	<u>100</u>
<u>100 100 100</u>	<u>100</u>	<u>100</u>
<u>100 100 100</u>	<u>100</u>	<u>100</u>
<u>100 100 100</u>	<u>100</u>	<u>100</u>
<u>100 100 100</u>	<u>100</u>	<u>100</u>
<u>100 100 100</u>	<u>100</u>	<u>100</u>
<u>100 100 100</u>	<u>100</u>	<u>100</u>
<u>100 100 100</u>	<u>100</u>	<u>100</u>

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow 10 through 2 inch pipe

Controlled by ☒ Valve ☒ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? 10

WELL TEST DATA:

☐ Pumped

☐ Bailed Describe: _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

Remarks:

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

Drilling Firm _____

Signed by _____

Date _____

Aberdeen, South Dakota

WELL REPORT

Completed well for

P. O. Leola

Pumped gals. per min. for

Water stands feet from top.

Started work on well

Left this place on

249 ft.

1940 ~~11~~

it.

_____ft.

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Cap Rock 100

Rock from

Tubular sand from

perforated

For whom was the

What was the de

completion of the

$$1 = 2^{10}$$

2-24

$$3 = 1\frac{1}{2}$$

2-15

 $1-1\frac{1}{2}$ $1 - 1^{1/2}$

At whose request

Please state what

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How much gasol

How much gasol

Date _____

Date _____

How much gasol

gasoline did you

run on this job.

Independent Drilling Co.

Aberdeen, South Dakota

WELL REPORT*No charge**Colony furnished cement*Plug
Completed well for *Spring Creek Colony* *Aberdeen, S. D., 7-26 1984*P. O. *Leola* Depth *1919* ft. { *1 qt* Flows *1 qt* *0* gallons per minutePumped _____ gals. per min. for _____ hrs. { *Clear*
Sandy
Muddy
Cloudy Pumped _____ gals. per min. for _____ hrs. { *Clear*
Sandy
Muddy
Cloudy

Water stands _____ feet from top. Is the water hard or soft? _____ Well is located on

_____ quarter Sec. _____ T _____ R _____ Moved to this place on _____ 19

Started work on well _____ 19 Well completed on _____ 19

Left this place on _____ 19

_____ ft. _____ pipe extending to a total depth of _____ feet

_____ ft. _____ pipe extending to a total depth of _____ feet

_____ ft. _____ pipe extending to a total depth of _____ feet

_____ ft. _____ pipe extending to a total depth of _____ feet

_____ ft. _____ pipe extending to a total depth of _____ feet

Cap Rock _____ ft. Rock at from _____ feet to _____ feet.

Rock from _____ feet to _____ Rock from _____ feet to _____

Tubular sand from _____ to _____ feet _____ to _____ feet

perforated _____ ft. at bottom. Also _____ from _____ to _____ and from _____ to _____

For whom was the last well completed by this machine? _____

What was the date of its completion? _____ Explain loss of time, if any, between

completion of last well and commencement of this one _____

What extra charges are there against this well for pipe, fittings and supplies (please itemize)? _____

run 3/4" line to 1500 feet
pump in 23 sacks cement
4 men 3 days

At whose request and by whose authority was this furnished? _____

Please state what casing and gasoline you have on hand after completion of this well _____

How much gasoline did you have on hand at commencement of this well? _____

How much gasoline have you received while on this well (give date and number of gallons)? _____

Date _____ Amount _____ gals. Date _____ Amount _____ gals.

Date _____ Amount _____ gals. Date _____ Amount _____ gals.

How much gasoline had you on hand at the completion of this well? _____ How much

gasoline did you use on this job? _____ How many days did engine

run on this job? _____

*Floyd Zimmerman*Foreman Rig. No. *Ford*

COMPANY _____ FARM _____ WELL NO. _____
 SEC. * TWP. RGE. LOC. COUNTY STATE
 CONTRACTOR _____ SIZE HOLE _____ DRILL PIPE _____
 REMARKS: *Spring Creek Colony* SIZE PUMP LINERS _____ LENGTH STROKE _____
44 Days C. Side 249

DATE *6-29-84 Morning, 6-30-84 Started Drilling*

DEPTH	TIME O'CLOCK	MIN.	REMARKS	DEPTH	TIME O'CLOCK	MIN.	REMARKS
1	10-0	10	0	<i>Yellow clay</i>	51	20-0	1020 C
2	20-0	40	0	<i>Blue clay</i>	52	20-0	1040 C
3	30-0	60	0	<i>Blue clay</i>	53	20-0	1060 C
4	40-0	80	0	<i>SANDY Blue clay</i>	54	20-0	1080 C
5	50-0	100	0	<i>SANDY Blue clay</i>	55	20-0	1100 C
6	60-0	120	0	<i>SANDY shale</i>	56	20-0	1120 C
7	70-0	140	0	<i>shale</i>	57	20-0	1140 C
8	80-0	160	0	<i>shale</i>	58	20-0	1160 C
9	90-0	180	0	<i>shale</i>	59	20-0	1180 C
10	10-0	200	0	<i>shale</i>	60	20-0	1200 C
11	20-0	220	0		61	20-0	1220 C
12	30-0	240	0		62	20-0	1240 C
13	40-0	260	0		63	20-0	1260 C
14	50-0	280	0		64	20-0	1280 C
15	60-0	300	0		65	20-0	1300 C
16	70-0	320	0		66	20-0	1320 C
17	80-0	340	0		67	20-0	1340 C
18	90-0	360	0		68	20-0	1360 C
19	10-0	380	0		69	20-0	1380 C
20	20-0	400	0		70	20-0	1400 C
21	30-0	420	0		71	20-0	1420 C
22	40-0	440	0		72	20-0	1440 C
23	50-0	460	0		73	20-0	1460 C
24	60-0	480	0		74	20-0	1480 C
25	70-0	500	0		75	20-0	1500 C
26	80-0	520	0	<i>Dark on Bottom</i>	76	20-0	1520 C
27	90-0	540	0	<i>9:55 with 4 1/2</i>	77	20-0	1540 C
28	10-0	560	0	<i>Rock Bit</i>	78	20-0	1560 C
29	20-0	580	0		79	20-0	1580 C
30	30-0	600	0		80	20-0	1600 C
31	40-0	620	0		81	20-0	1620 C
32	50-0	640	0		82	20-0	1640 C
33	60-0	660	0		83	20-0	1660 C
34	70-0	680	0		84	20-0	1680 C
35	80-0	700	0		85	20-0	1700 C
36	90-0	720	0		86	20-0	1720 C
37	10-0	740	0		87	20-0	1740 C
38	20-0	760	0		88	20-0	1760 C
39	30-0	780	0		89	20-0	1780 C
40	40-0	800	0		90	20-0	1800 C
41	50-0	820	0		91	20-0	1820 C
42	60-0	840	0		92	20-0	1840 C
43	70-0	860	0		93	20-0	1860 C
44	80-0	880	0		94	20-0	1880 C
45	90-0	900	0		95	20-0	1900 C
46	10-0	920	0		96	20-0	1920 C
47	20-0	940	0		97	20-0	1940 C
48	30-0	960	0				
49	40-0	980	0				

This is the end of the drilling

8:45 to 9:40 255 min
 9:50 to 10:20 30 min
 10:25 to 11:05 40 min
 11:45 to 12:35 45 min
 12:41 to 1:55 1 hr 14 min
 1:04 to 3:15 1 hr 20 min
 3:25 to 4:45 1 hr 45 min
 4:55 to 6:25 1 hr 30 min
 6:34 to 7:20 46 min
 11:00 to 12:45 1 hr 45 min
 12:58 to 3:10 3 hr 12 min
 3:50 to 6:30 2 hr 40 min
 8:00 to 11:30 4 hr 30 min
 12:40 to 1:45 1 hr 5 min
 10:25 to 1:30 1 hr 5 min
 11:35 to 1:00 40 min
 12:17 to 3:00 30 min
 3:10 to 3:27 15 min
 3:47 to 4:15 35 min
 4:28 to 5:00 32 min
 5:40 to

Kelly

YEAR COMPLETED 1984

JAB
84

Rig No. G. I.

Mr. Spring Creek Colony

P. O. Forbes, No. Dak.

Phone 1-358-8621

Tenant David Wigg

Tenant P. O.

Location N 1/2 14-128N-67W

Size 5" x 2" Type "K"

Completed 7-19-84

By Zimmerman & Brick Foreman

Terms Cash - 30 days after completion

Entered Billed \$ 15,225.00

Settled Wm. full

State report 8-84



531386868

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

Filing Fee: \$10

2022
FILING YEAR

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

Total Fee: \$10

1. Business ID and Name

NS007071
BUSINESS ID

SPRING CREEK HUTTERIAN BRETHREN, 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

**36562 102ND STREET
FORBES, ND 58439-9027**

Mailing Address

**36562 102ND STREET
FORBES, ND 58439-9027**

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

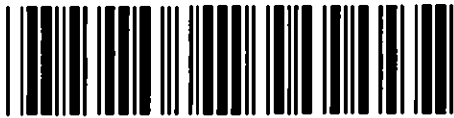
**PO BOX 490
ABERDEEN, SD 57402-0490**

5. The names and addresses of its principal officers.

Title	Name	Address
President	IVAN WIPF	36562 102ND STREET, FORBES, ND, 58439-9027
Treasurer	SAM WIPF	36562 102ND STREET, FORBES, ND, 58439-9027
Vice President	SAM WIPF	36562 102ND STREET, FORBES, ND, 58439-9027
Secretary	SAM WIPF	36562 102ND STREET, FORBES, ND, 58439-9027

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

Name	Address
BENNY GROSS	36562 102ND STREET, FORBES, ND, 58439-9027
IVAN WIPF	36562 102ND STREET, FORBES, ND, 58439-9027
SAM WIPF	36562 102ND STREET, FORBES, ND, 58439-9027
LEVI GROSS	36562 102ND STREET, FORBES, ND, 58439-9027
BRANDON WIPF	36562 102ND STREET, FORBES, ND, 58439-9027



7. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a civil and/or criminal penalty (SDCL 47-1A-129; 22-39-36).

01/14/2022

Dated

Email (Optional)

SAM WIPF

Signature of an Authorized Person

SAM WIPF

Printed Name

B0205-3773 01/14/2022 10:21AM Rec'd by SD SOS

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date February 15, 2022

RECEIVED OF DeHaan Grabs & Associates LLC/Spring Creek Hutterian Brethren 4200 21st St. SE #101 Mandan ND
58554

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

Fee for Application for Permit No. <u>8607-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</u>
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>8607-3</u>	\$ <u>200.00</u>
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	\$ <u>950.00</u>

By Eric Gronlund
Chief Engineer
EG



DeHaan, Grabs & Associates
4200 21st SE, Unit 101
Mandan, ND 58554

RECEIVED

MAR 04 2022

WATER RIGHTS
PROGRAM

February 23, 2022

Karen Schlaak
South Dakota Department of Agriculture and Natural Resources
Water Rights Program
Joe Foss Building
523 East Capital Avenue
Pierre, SD 57501-3182

RE: Spring Creek Hutterian Brethren, Inc.

Dear Ms. Schlaak:

I have enclosed one (1) original stamped drawing showing the well locations and form 2A for the *Application for a Permit to Appropriate Water* on behalf of Spring Creek Hutterian Brethren Inc. The included items are to add clarity pertaining to the letter written on February 17, 2022.

Please do not hesitate to contact us if you have any questions or concerns about the information.

Respectfully,

A handwritten signature in blue ink, reading "Dalton Rademacher", is written over a light blue circular stamp.

Dalton Rademacher
Project Engineer
701-663-1116 ext 5
dalton@dgaengineering.com

Enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 17, 2022

DGA Consulting Engineers
Nathan A Pesta
4200 21st St SE, Unit 101
Mandan ND 58554

RE: Spring Creek Hutterian Brethren Inc.

Dear Mr. Pesta:

Thank you for submitting the *Application for a Permit to Appropriate Water* on behalf of the Spring Creek Hutterian Brethren Inc. In order to complete the application, a couple of items need to be clarified.

- Enclosed is the Form 2A, Supplemental Information. Item No. 1 regarding the Well Information indicates 3 existing wells. Please complete c) Well Depth by listing the depths of each well.
- The map identifies only 2 well locations. Please mark the location of the 3rd well and the corresponding depth for each well.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

Schlaak, Karen

From: Dalton <Dalton@dgaengineering.com>
Sent: Tuesday, March 8, 2022 12:03 PM
To: Schlaak, Karen
Cc: dan
Subject: RE: [EXT] Application for Spring Creek Httm Brth

Karen,

It should be the N-½, Section 14, NW-¼, Section 13 and S-½, Section 11 and SE-¼, Section 10. Animals and homes are only in Section 11, Section 13 and Section 14.

Thank you,

Dalton Rademacher
Project Engineer

DeHaan Grabs & Associates, LLC
701-663-1116 | 701-721-4762

From: Schlaak, Karen [mailto:Karen.Schlaak@state.sd.us]
Sent: Monday, March 7, 2022 8:46 AM
To: dalton@dgaengineering.com
Subject: FW: Application for Spring Creek Httm Brth

That should be N ½ Section 14, S ½ **Section 11** and the SE ¼ Section 10

From: Schlaak, Karen
Sent: Monday, March 7, 2022 8:33 AM
To: dalton@dgaengineering.com
Subject: Application for Spring Creek Httm Brth

We received the additional information regarding this application. When preparing the public notice we list the legal description of the three well locations (SE ¼ NW ¼ and SW ¼ NE ¼) but also include the area served by the wells. Do you agree that this facility would include: N ½ Section 14, S ½ Section 13 and the SE ¼ Section 10; all in T128N-R67W?

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

File No. 8607-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Spring Creek Hutterian Brethren Inc.
ADDRESS: 36562 102nd St, Forbes ND
DATE: March 9, 2022
RE: Volume of water identified on application

COMMENTS:

I spoke to Daniel DeHaan, President of DeHaan, Grabs and Associates, who submitted the water permit application on behalf of the applicant regarding the volume of water identified on the water permit application. The volume of water was 160 acre-feet which represented pumping at 100 gallons per minute continuously for a year. Mr. DeHaan indicated they were trying to future-proof the application to accommodate increased usage in the future. I indicated that pumping 24 hours a day was unrealistic to which Mr. DeHaan agreed. Mr. DeHaan directed me to modify the application to 100 acre-feet which should accommodate future growth. I told Mr. DeHaan I would make the change.

Ron Duvall, Water Rights Permitting Administrator
SD DANR, Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8607-3, Spring Creek Hutterian Brethren**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8607-3, Spring Creek Hutterian Brethren, c/o Sam Wipf, 36562 102nd Street, Forbes ND 58539.

The Chief Engineer is recommending APPROVAL of Application No. 8607-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The wells approved under Water Permit No. 8607-3 are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits 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 wells approved under Permit No. 8607-3 shall be valved and the flow reduced to the amount needed or to a minimum not to exceed five gallons per minute when not being used. If any of the wells are abandoned or the Permit canceled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Water Permit No. 8607-3 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. 8607-3 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

(continued)

5. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Inyan Kara aquifer.
6. Water Permit No. 8607-3 authorizes a total annual diversion of 100 acre-feet of water from the Inyan Kara aquifer.

See report on application for additional information.



Eric Gronlund, Chief Engineer

May 3, 2022

NOTE: The existing wells for this application as constructed do not meet the adequate well definition in the South Dakota Well Construction Standards (Administrative Rules of South Dakota (ARSD) Chapter 74:02:04). If new or replacement wells are completed to meet the requested diversion rate the wells must be completed in accordance with ARSD Chapter 74:02:04. Any future wells **cannot** be constructed using the alternative construction method set forth in ARSD 74:02:04:36 since this appropriate use requires a water permit which includes commercial use supplying the animal confinement facilities at Spring Creek Hutterian Brethren.

**Report to the Chief Engineer on
Water Permit Application No. 8607-3**

Spring Creek Hutterian Brethren, Inc
14 April 2022

Water Permit Application No. 8607-3 seeks to appropriate 100 acre-feet of water annually (ac-ft/yr) at a maximum diversion rate of 0.22 cubic feet of water per second (cfs) from three existing wells completed into the Inyan Kara aquifer (1,919, 1,940 and 1,943 feet deep) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14 T128N-R67W for commercial and domestic use. This site is located approximately 12 miles northeast of Leola, South Dakota.

Aquifer: Inyan Kara (INKR)

Hydrogeologic Characteristics

The Inyan Kara aquifer is a regional-scale bedrock aquifer that underlies most of the northern great plains in the United States and Canada and is composed of the permeable and saturated portions of the Inyan Kara Group of sediments deposited during the early Cretaceous period [1] [2]. The Inyan Kara Group consists of the Fall River and the Lakota Formations. The Fall River Formation is a "Variegated brown, red, and gray to purple, calcareous, well-sorted, fine-grained sandstone, siltstone, and shale containing mica" [1]. The Lakota Formation is a "yellow, brown, red-brown, and gray to black claystone, silty pebble conglomerate, and massive-to-thin-bedded, cross-bedded sandstone" [1]. The Inyan Kara aquifer underlies approximately 23,000,000 acres of South Dakota west of the Missouri River and also underlies approximately 6,400,000 acres east of the Missouri River [3] [4]. In South Dakota, the Inyan Kara aquifer is under water table conditions where it outcrops around the Black Hills but is otherwise under confined conditions [5] [6]. Most of the Inyan Kara aquifer is overlain by the Skull Creek Shale, which behaves as a relatively impermeable barrier between the Inyan Kara and the Dakota aquifers [7]. Where the Skull Creek Shale is not present, the Inyan Kara aquifer discharges into the Dakota aquifer [7]. Below most of the Inyan Kara aquifer, the Morrison Shale behaves as a relatively impermeable barrier between the Inyan Kara aquifer and the aquifers below it [7]. In general, the Inyan Kara aquifer flows radially out from the Black Hills and eastward across South Dakota [8] [5].

The applicant submitted three well completion reports for this application. The first well was completed on September 29, 1961 and located in the N $\frac{1}{2}$ of Section 14 T128N-R67W. The driller did not provide detailed geological information, but the total depth of the first well was 1,919 feet and it flowed at 200 gallons per minute at the time the well was completed. The second well was completed in the NE $\frac{1}{4}$ Section 14 T128N-R67W on August 20, 1980. The driller reported encountering the Lakota formation from 1,775 feet below grade to 1,943 feet and was flowing at 100 gallons per minute at the time of completion. The final well was completed in the NE $\frac{1}{4}$ Section 14 T128N-R67W on July 19, 1984. The writing on the well completion report is faint but the driller possibly reported encountering the Lakota formation from 1,750 or 1,780 feet to the total depth of 1,940 feet below grade. The closed-in pressure of the well was 160 pounds per square inch, equivalent to approximately 370 feet of hydraulic head above land surface, at the time the well was completed. Based on the geologic information provided and the hydraulic head or high rate of flow indicated in these wells, it is likely all three wells are completed into the Inyan Kara aquifer [7].

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued 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 domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will only assess the availability of water and possibility of developing this application without unlawful impairment of existing domestic water uses and water rights.

Pursuant to SDCL 46-6-3.1, 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 the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. The Inyan Kara aquifer is older and stratigraphically lower than the Greenhorn Formation, but the proposed use is only partially for a water distribution system as defined in SDCL 46-1-6(17). Therefore, it is necessary to find that recharge exceeds withdrawals to approve this application.

Availability of Water

Hydrologic Budget

Recharge

Recharge to the Inyan Kara aquifer is by infiltration of precipitation and streamflow over the outcrop and groundwater inflow from aquifers in contact with the Inyan Kara aquifer when hydraulic head in the Inyan Kara aquifer is less than the hydraulic head of the aquifers with which it contacts [9]. There is no estimate of the total recharge to the Inyan Kara aquifer available from a single report. Driscoll and Carter [10] estimated that the recharge to the Inyan Kara outcrop in the Black Hills area of South Dakota is 11,600 ac-ft/yr. Bredehoeft, Neuzil, and Milly [11] attempted to model flows between the Madison Group, Inyan Kara aquifer, Dakota/Newcastle aquifer, and confining shale units, but the model is based on dated information when newer information is available that could change the results. Their model estimated that approximately 16,000 ac-ft/yr flows from the Madison Group to the Inyan Kara aquifer [11], which is the only available estimate of recharge to the Inyan Kara aquifer from lower aquifers.

Discharge

Discharge from the Inyan Kara aquifer is by evapotranspiration on the outcrops when the hydraulic head and formation of the aquifer is near land surface, seepage to surface water features when hydraulic head of the aquifer is above the stage of the surface water features the aquifer is hydrologically connected to, groundwater outflow to aquifers in contact with the Inyan Kara aquifer, uncontrolled flowing wells, and domestic and appropriative well withdrawals [9] [10] [12]. The Water Rights Program considers the outflow from uncontrolled flowing wells and the outflow from natural discharge to be available for appropriation.

Due to the low withdrawal rate and prevalence of water distribution systems, domestic well withdrawals are estimated to be negligible for the hydrologic budget. There are 207 water rights/permits currently authorized to withdraw from the Inyan Kara aquifer, one future use permit, No. 1780-2, reserving 142 ac-ft/yr from the aquifer, one application, No. 2841-2 pending review which seeks to appropriate 217.9 ac-ft/yr, and one application, No. 2686-2, which seeks to withdraw up to 274 ac-ft/yr and is held in abeyance until federal permits are approved [12].

Of the 207 water rights/permits authorized to withdraw water, 96 are primarily for some type of water distribution system (such as a rural water system, suburban housing development, or municipal use, etc.), 55 are for commercial use, 18 for domestic use, 17 for irrigation, 10 for industrial use, 5 for fish and wildlife propagation, 3 for geothermal use, 2 for recreation, and 1 for institutional use [12]. Ten of the 17 irrigation water rights/permits are required to report their withdrawals and are old enough to have reported their withdrawals in an irrigation questionnaire [12]. Figure 1 shows a graph of reported irrigation over the entire period of record (1982-2020) [13]. Average irrigation reported over the period of record (1982-2020) was approximately 80 ac-ft/yr [13]. However, irrigation practices have changed, so an average over the period of record may not be an accurate method to predict future withdrawals. The average irrigation over the last ten years of record (2011-2020) was approximately 131 ac-ft/yr [13]. There are seven irrigation permits, accounting for 196 acres, where the permit either does not require an annual report or the permit is too new to have reported irrigation [12]. Water Right No. 466-1 allows for irrigation via ditches of 434 acres from flowing wells at 1.5 cfs and is assumed to withdraw 1,087 ac-ft/yr, which is the amount the well can deliver if it flows uncontrolled at its maximum instantaneous diversion rate [12]. Assuming the other six water rights/permits that do not report irrigation or are too new to have reported apply 12 inches per acre per year, those permits are estimated to withdraw a total of 1,282 ac-ft/yr. The total estimated withdrawal for irrigation is 1,413 ac-ft/yr, using the 2011 through 2020 average reported withdrawal rate for reporting permits.

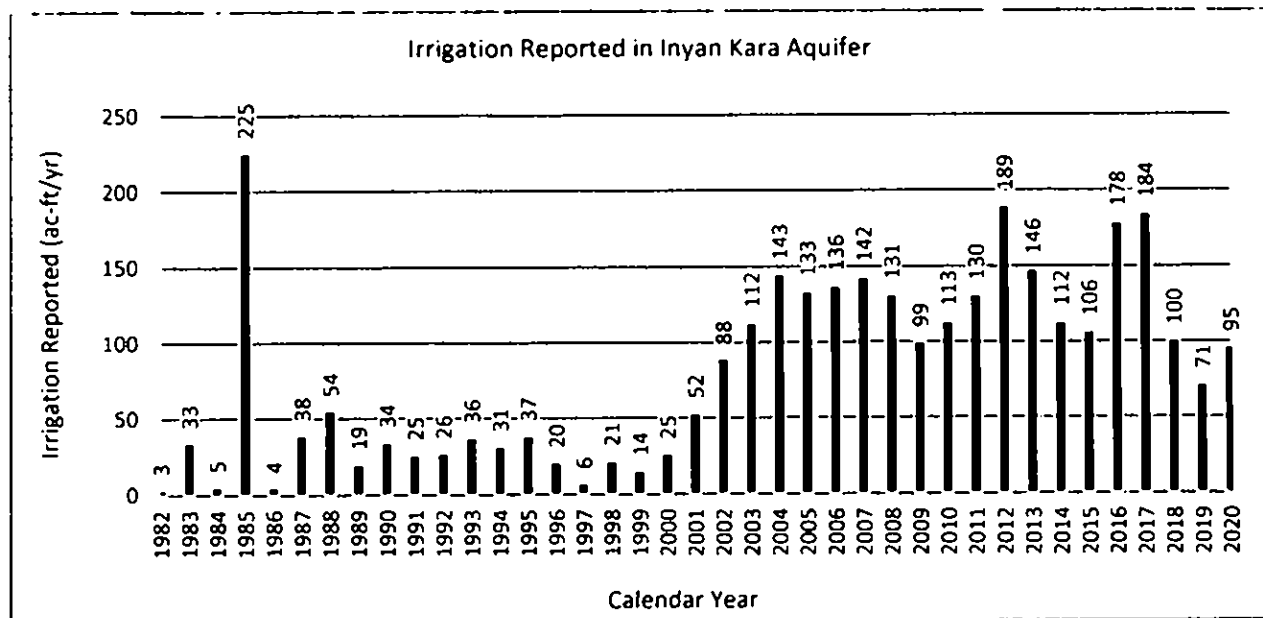


Figure 1: Irrigation reported in the Inyan Kara aquifer [13]

Of the non-irrigation withdrawals, 18 municipal water rights/permits are only maintained for emergency use [14] [15] [16] [17]. Those water rights/permits are assumed to withdraw a negligible amount of water.

There are 37 non-irrigation water rights/permits required to report, although some are new enough that their average reported use continues to increase with each new year of reports, which means they are still developing the full use of their permit [12] [18]. For water rights/permits that are still developing their permit, if there is a maximum volume of withdrawal specified in their permit, that volume is assumed to be their estimated annual withdrawal. If those permits do not have a volume specified on their permit, they are assumed to pump at their maximum instantaneous diversion rate 60% of the time. For non-irrigation permits required to report that have fully developed their permit, the estimated withdrawal is their average annually reported withdrawal rate. One water right permit holder, Wink Cattle Company, reported withdrawals of 24 ac-ft in 2018, 15.9 ac-ft in 2019, and 25.5 ac-ft in 2020 [18] [19]. Representative Wink indicated to Water Rights staff that the meter reading in his latest non-irrigation questionnaire response was for the entire time the well for his water rights had been in operation and he also reported that the meter reading for his well was over 106 million gallons on November 6, 2021 [19]. His earliest water right/permit was approved in 2006 [12], so his average annual withdrawal is approximately 21.7 ac-ft/yr for the 15 years Wink Cattle Company has had a water right/permit. There are 14 water rights/permits which report their water production of the Drinking Water Program and the Inyan Kara aquifer is their only source of water, so their reported production is assumed to be their average annual withdrawal [15]. Appendix Table 2 (pg. 10) shows the non-irrigation water rights/permits required to report their withdrawals and those reported to the Drinking Water Program when the Inyan Kara aquifer is their only source of water. The total estimated withdrawal for non-irrigation water rights/permits that report withdrawals is 3,757 ac-ft/yr.

There are five non-irrigation water rights/permits not required to report that have a volume limit specified in their permit [12]. Those water rights/permits are assumed to withdraw their full specified volume, for a total withdrawal of 193 ac-ft/yr.

Concentrated animal feeding operations (CAFOs) large enough to require a *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (General Permit) that do not report their annual withdrawals are estimated to withdraw water based on the number of animals permitted to those facilities [20] [21]. There are 14 CAFOs that are large enough to require a General Permit that are not required to report their withdrawals under their water right/permit. In the cases where the estimated animal water requirements are greater than the amount of water allowed by the water right/permit, the water rights/permits are assumed to withdraw at the maximum amount of water licensed/permitted. Appendix Table 3 (pg. 11) shows the estimated withdrawals for CAFOs not required to report. The total estimated withdrawal for CAFO water rights/permits not required to report their withdrawals is 1,089 ac-ft/yr.

Finally, there are 102 non-irrigation water rights/permits that do not match any of the descriptions above [12]. They are conservatively assumed to withdraw at their maximum instantaneous diversion rate 60% of the time, for a withdrawal of 6,373 ac-ft/yr. This is likely to be an overestimate, based on Water Rights Staff experience. The total estimated annual withdrawal of all water rights/permits currently authorized to withdraw is 12,826 ac-ft/yr. Including the application held in abeyance, Application No. 2841-2, and the future use permit, the total estimated appropriation from the Inyan Kara aquifer is 13,460 ac-ft/yr.

Balance of Hydrologic Budget

The estimated recharge to the Inyan Kara aquifer in South Dakota is approximately 27,600 ac-ft/yr [10] [11]. Table 1 (pg. 5) summarizes the withdrawals discussed in the Discharge section of this report. The total estimated appropriation including one application held in abeyance, one pending application, and one future use permit is 13,460 ac-ft/yr. This application, if approved, may withdraw up to 100 ac-ft/yr. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 1: Summary of withdrawals and appropriations

Type	No. Permits	Est. Withdrawal (ac-ft/yr)
Irrigation, Reporting	10	131
Irrigation, not reporting	7	1,282
Standby	18	0
Non-irrigation, reporting	49	3,757
Non-irrigation, not reporting, volume limited	5	193
CAFO, non-reporting, limited by diversion rate	14	1,089
All others, limited by max. diversion rate	102	6,373
<i>Subtotal (currently permitted to withdraw)</i>	<i>205</i>	<i>12,826</i>
Held in abeyance	1	274
Pending	1	218
Future use	1	142
Grand Total	207	13,460

Observation Wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board rely upon the record of observation well data in addition to other information to determine that recharge to an aquifer exceeds withdrawals. The Water Rights Program maintains nine observation wells completed into the Inyan Kara aquifer [5]. The nearest Water Rights observation well to this application that is completed into the Inyan Kara aquifer is Observation Well ED-85B, located approximately 33 miles south of the well for this application [5]. All the observation wells maintained by the Water Rights Program are under confined conditions [5]. For observation wells near the outcrop of the aquifer, the hydraulic head has remained mostly level over time even as appropriations from the Inyan Kara aquifer increase. For Observation Well ED-85B, shown in Figure 2, water levels have generally been in a steady decline over its period of record and remain level during periods of higher-than-average precipitation in the Black Hills [5] [22]. The declines in water level between 2009 and 2013 were caused by withdrawals from Cancelled Water Right No. 6953-3, held by Aberdeen Energy, LLC, for 1.33 cfs from an Inyan Kara well located approximately 2.5 miles west of Observation Well ED-85B [12]. After Aberdeen Energy, LLC stopped withdrawing water, the water levels in Observation Well ED-85B continued the same trend as before [5]. The lithologic log for Observation Well ED-85B indicates that the top of the Fuson Shale member of the Lakota Formation is 1,280 feet below grade at that location, so the hydraulic head in the Inyan Kara aquifer rises approximately 1,562 feet above the Lakota Formation as of the last observation well reading, taken on July 20, 2021 [5].

A decline in water levels in a confined aquifer does not indicate a significant decrease in water stored in the aquifer, as water level above the top of the aquifer formation is an expression of the hydraulic head, or water pressure, inside the aquifer, and water is essentially incompressible. It is possible that in the future, flows out of the Inyan Kara aquifer will reach a static equilibrium. Since the Inyan Kara aquifer has numerous uncontrolled flowing wells and wells that may have had casing failure below ground surface, hydraulic head in the aquifer is likely to decline until the head in the aquifer is equal to the hydraulic head of the lowest-pressure aquifer it leaks into. The Water Management Board has determined in the past that it is better to place the water from the Dakota aquifer to beneficial use than it is to allow the water to flow to waste or save it for some unknown purpose [23]. That conclusion is likely to apply to the Inyan Kara aquifer as well.

It is likely the Inyan Kara aquifer is either inducing recharge from aquifers that underly it and are in contact with it, withdrawal rates have been overestimated, or the recharge rates have been underestimated, or any combination of the three, which means withdrawals are less than recharge to the aquifer. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available for this application.

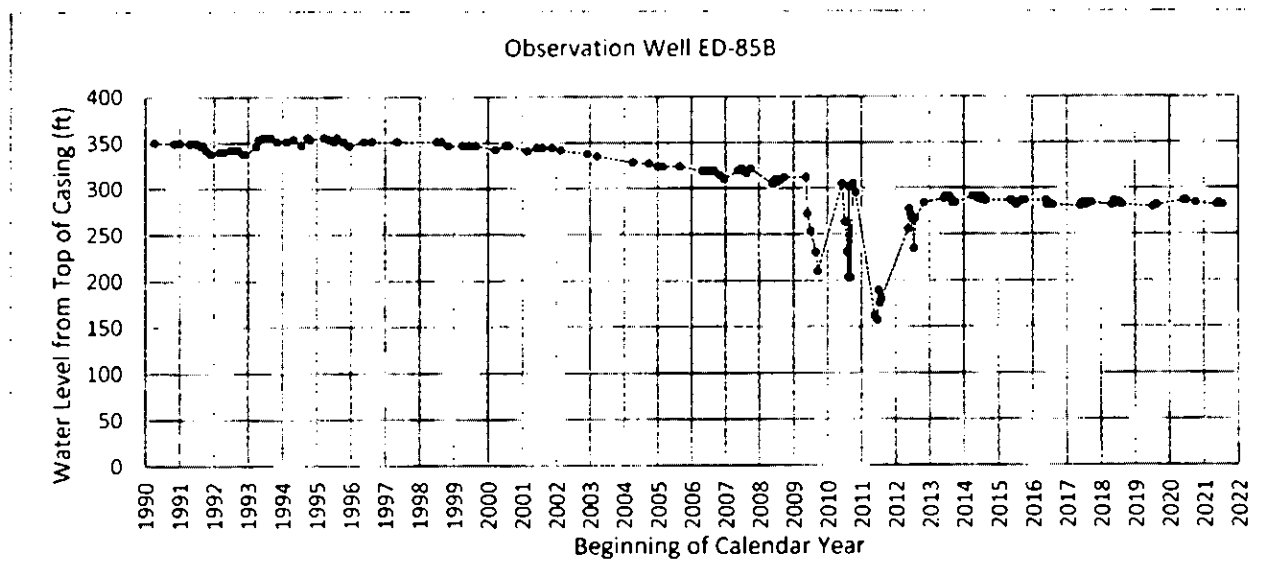


Figure 2: Water levels in Observation Well ED-85B [5]

Possibility of Unlawful Impairment of Existing Water Rights

The nearest water right/permit to this application that withdraws from the Inyan Kara aquifer is Water Right No. 5211-3, located approximately 11 miles southeast of the well for this application [12]. The nearest domestic well on file with the Water Rights Program that could be completed into the Inyan Kara aquifer is located approximately 2.5 miles east of this application [6]. The Water Rights Program has historically interpreted an unlawful impairment of existing water rights to occur if a junior water right/permit causes a nearby adequate well with a senior water right/permit to become unable to withdraw at the rate it is entitled to or, if an adequate domestic well is impacted, the water right/permit causes the adequate domestic well to be unable to withdraw at the rate needed to supply reasonable domestic use of water. Administrative Rule of South Dakota (ARSD) 74:02:04:20(6) defines an adequate well as:

...a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet

Some drawdown from pumping for this application is likely to occur. In order to place the waters of the state to maximum beneficial use, the Water Management Board determined in the hearing on Water Permit Application No. 2313-2 for the Coca-Cola Bottling Company that hydraulic head in an aquifer is not protected as a means of water delivery [24]. Nearby well owners may be required to lower their pumps and it would not be considered an unlawful impairment of existing water rights. The hydraulic head in the Inyan Kara aquifer rose above the formation at least 2,000 feet when the last well for this application was completed in 1984. There are no complaints on file regarding well interference in the Inyan Kara aquifer in McPherson County [25]. Therefore, based on the level of hydraulic head in the aquifer, distance from this application to nearby water right or domestic well owners, and lack of complaints of well interference, there is reasonable probability this application can be developed without unlawful impairment of existing water rights/permits or domestic wells.

Special Consideration: Adequate Wells Required

The Well Construction Standards (ARSD 74:02:04:36) allow for alternative construction of certain Inyan Kara wells for domestic use which are not adequate wells under ARSD 74:02:04:20(6). The wells for this application are not adequate wells based on the thickness of formation encountered and casing information. Since this application is for an appropriative use, any new or replacement wells completed to meet the requested diversion rate must be adequate wells and **cannot** be constructed using the alternative construction method described in ARSD 74:02:04:36.

Special Consideration: Flowing Wells

Pursuant to ARSD 74:02:04:76, "Any well that flows or may flow shall be constructed to allow the completed well to be completely shut off or the flow reduced to no more than 5 gallons per minute to prevent freezing when not in use." Since the wells for this application may flow, they must be valved to flow no more than 5 gallons per minute when not in use.

Conclusions

1. Water Permit Application No. 8607-3 seeks to appropriate 100 ac-ft/yr at a maximum diversion rate of 0.22 cfs from three existing wells completed into the Inyan Kara aquifer located in the SE ¼ NW ¼ and the SW ¼ NE ¼ Section 14 T128N-R67W for commercial and domestic use
2. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
3. There is reasonable probability this application can be developed without unlawful impairment of existing water rights/permits or domestic wells.
4. Any new or replacement wells drilled to meet the requested diversion rate must be adequate pursuant to South Dakota Well Construction Standards.



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Natural Resources Engineer II – DANR Water Rights Program

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Report on Water Permit App. No. 8607-3

Appendix

Table 2: Non-irrigation permits that are required to report or report through the Drinking Water Program [18] [15] [19] [12]

Permit No:	Status:	Name/Business:	County:	Type of Use:	Priority:	Max. CFS	Est. Use (ac-ft/yr)
8299-3	Permit	Aberdeen Energy LLC	Edmunds	Industrial	09/28/2018	1.330	968.0 ^V
8197-3	Permit	Aberdeen Farm LLC	Brown	Commercial	01/29/2016	0.160	72.1 ^V
1793-1	License	Autumn Meadows Sanitary District	Meade	Suburban Housing Development	05/13/2003	0.170	2.2 ^D
1903-1	License	Castle Rock Group	Butte	Domestic	05/19/2009	0.110	15.5 ^A
716-1	License	City of Newell	Butte	Municipal	09/27/1963	0.440	77.3 ^D
731-1	License		Butte	Municipal	06/10/1964	0.440	
1906-1	License	City of Sturgis	Meade	Municipal	08/21/2009	0.222	2.2 ^A
1958-1	License		Meade	Municipal	04/11/2016	0.088	
2596-2	License	City of Wall	Pennington	Municipal	07/24/2006	0.600	145.6 ^A
1983-1	Permit	Continental Resources	Harding	Industrial	07/10/2018	0.500	360.0 ^V
1597-1	License	Crooked Oaks Canyon HOA	Meade	Suburban Housing Development	03/22/1994	0.100	3.4 ^D
1846-1	License	Dennis or Anna Mae Beckham	Meade	Suburban Housing Development, Domestic	05/26/2005	0.100	2.4 ^A
1996-1	Permit	Dylan Gingras	Meade	Suburban Housing Development	04/14/2020	0.133	48.0 ^V
1920-1	License	Elk Valley Ranchettes HOA	Meade	Suburban Housing Development	01/24/2011	0.100	7.3 ^A
2635-2	License	Fall River Water Users District	Fall River	Suburban Housing Development, Domestic	07/17/2008	0.100	2.6 ^A
2819-2	Permit		Fall River	Rural Water System	06/01/2021	0.090	24.6 ^V
1826-1	License	Golden Valley Water Company LLC	Meade	Suburban Housing Development	09/01/2004	0.267	15.9 ^A
2601-2	License	Grandview Land LLC	Pennington	Suburban Housing Development	09/01/2006	0.330	1.4 ^A
1837-1	License	Guy Mann	Meade	Suburban Housing Development	02/28/2005	0.220	1.2 ^A
2448-2	License	Heartland Country Ranchettes	Custer	Suburban Housing Development	10/04/2000	0.089	6.7 ^D
1645-2	License	Hermosa Water Users Assn	Custer	Rural Water System	08/17/1978	0.600	158.0 ^A
1861-1	License	Horseshoe Acres HOA	Meade	Suburban Housing Development	04/20/2006	0.170	10.0 ^D
2538-2	Permit	JRRK Properties LLC	Pennington	Suburban Housing Development	08/30/2004	0.244	12.8 ^A
1278-2	License	Lakeside Water Users District	Pennington	Rural Water System	07/21/1975	0.500	57.2 ^D
1656-1	License	Lofty Pines HOA	Meade	Suburban Housing Development	01/02/1998	0.085	2.2 ^D
1989-1	Permit	Luff Exploration Company	Harding	Industrial	04/09/2019	0.100	58.8 ^V
2622-2	License	Owanka Rural Water Association Inc	Pennington	Rural Water System	10/09/2007	0.390	16.7 ^A
2268-2	License	Prairie Acres LLC	Pennington	Suburban Housing Development	03/09/1993	0.220	23.5 ^D
1999-1	Permit	Rafter Properties LLC	Meade	Suburban Housing Development	07/23/2020	0.170	74.0 ^V
2832-2	Permit	Reel Simple LLC	Pennington	Water Distribution System	11/08/2021	0.044	10.0 ^V
2543-2	License	Southern Black Hills Water System	Pennington	Suburban Housing Development	09/30/2004	0.190	13.0 ^A
2752-2	Permit		Custer	Rural Water System	04/25/2016	0.330	170.0 ^V
2752A-2	Permit		Custer	Rural Water System	04/25/2016	0.000	0.0 ^V
794-2	License	Town of Buffalo Gap	Custer	Municipal	03/11/1963	0.190	10.6 ^D
2550-2	License	Town of Hermosa	Custer	Municipal	01/25/2005	0.220	45.8 ^A
744b-2	License		Custer	Municipal	12/29/1961	0.150	0.0 ^A
660-2	License	Town of New Underwood	Pennington	Municipal	03/03/1961	0.450	62.8 ^D
1947-2	License		Pennington	Municipal	06/03/1981	0.410	
366-1	License	Town of Nisland	Butte	Municipal	01/01/1939	0.150	19.5 ^D
1968-1	Permit	Venekamps LLC	Meade	Suburban Housing Development	04/27/2017	0.110	29.0 ^V
1874-1	License	Viewfield Rural Water Assoc Inc	Meade	Rural Water System	01/03/2007	0.212	36.7 ^A
1898-1	License		Meade	Rural Water System	11/14/2007	0.394	
8420-3	Permit	Vogel Farms PTR	Faulk	Geothermal	01/28/2020	0.120	88.7 ^V
2830-2	Permit	Weinreis Bros	Fall River	Commercial	10/04/2021	0.330	160.0 ^V
2464-2	License	West River Lyman Jones Rural Water System	Pennington	Rural Water System	07/26/2001	0.760	433.6 ^A
2465-2	License		Pennington	Rural Water System	07/26/2001	1.000	
2797-2	Permit		Pennington	Rural Water System	04/01/2019	1.000	
2778-2	Permit	Western Construction Inc	Pennington	Commercial, Industrial	11/13/2017	0.170	31.0 ^V
1855-1	License	Wink Cattle Co	Meade	Commercial, Domestic	01/26/2006	0.087	21.7 ^A
1975-1	Permit		Meade	Commercial, Domestic	02/20/2018	0.069	
1975A-1	Permit		Meade	Commercial, Domestic	12/03/2018	0.000	
Total						14.454	3,756.8

A – Average, D – Drinking Water Reports, V – Volume limit on permit

A – Average, D – Drinking Water Reports, V – Volume limit on permit

Report on Water Permit App. No. 8607-3

Table 3: Withdrawals estimated for CAFO permitted water right permit holders that are not required to report their withdrawals [12] [20] [21]

Permit No:	Status:	Name/Business:	Use Type	County:	Priority Date:	Max. CFS	Livestock needs (ac-ft/yr)	Est. Use (ac-ft/yr)
6091-3	Permit	Brentwood Colony	COM	Faulk	07/13/1998	0.100	34	34
4965-3	License	Dakota Feeding Company LLC	COM	Sully	06/21/1983	0.330	168	168
6128-3	License	Deerfield Htrn Brethren	DOM, COM	Edmunds	03/03/1999	0.270	45	45
5890-3	License	Evergreen Colony	DOM	Faulk	11/14/1995	0.140	28	28
2178-2	License	Fall River Feed Yard LLC	COM	Fall River	05/14/1991	0.620	280	280
6376-3	License	LDL Cattle Company	COM	Edmunds	12/26/2002	0.220	112	112
6377-3	License		COM	Edmunds	12/26/2002	0.270		
7098-3	License	Mike & Jessie Fuller	DOM, COM	Sully	02/19/2009	0.040	54	29
6619-3	Permit	P J Werdel & Sons	COM	Hand	03/14/2005	0.330	112	112
7209-3	License	Paul Oberlitner	COM	Potter	10/19/2010	0.040	62	29
6011-3	License	Plainview Colony Htrn	COM	Edmunds	07/07/1997	0.220	30	30
6257-3	Permit	Thunderbird Colony	DOM	Faulk	04/05/2001	0.200	77	77
6851-3	License	Todd Cowan	COM	Hyde	04/25/2007	0.150	99	99
7034-3	License	Vogel & Sautner Farms	COM	Potter	05/19/2008	0.123	45	45
Total							1,147	1,089
COM – Commercial, DOM – Domestic								

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 3, 2022 2:08 PM
To: springcreek@drtel.net
Cc: Dalton
Subject: Water Permit Application No. 8607-3
Attachments: 3360.pdf

Mr. Wipf,

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 paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



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WATER**

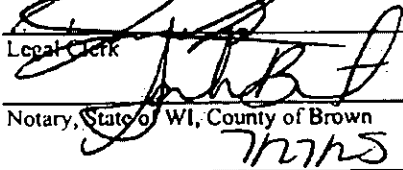
STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

06/01/2022

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 06/01/2022



Legal Clerk


Notary, State of WI, County of Brown
7/27/25

My commission expires

Publication Cost: \$49.24

Order No: 7330712

of Copies:

Customer No: 767500

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

SARAH BERTELSEN
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8607-3
to Appropriate Water**

Notice is given that Spring Creek Hutterian Brethren, Inc., c/o Sam Wiat, 36562 102nd St, Forbes ND 58439 has filed an application for a water permit to appropriate 100 acre-feet of water annually at a maximum pump rate of 0.22 cubic feet of water per second from three wells completed into the Inyan Kara Aquifer (1,919, 1,940 and 1,943 feet deep) located in the SE 1/4 NW 1/4 and the SW 1/4 NE 1/4 Section 14-T128N-R67W for commercial and domestic uses. This facility is located in the N 1/2 Section 14, NW 1/4 Section 13, S 1/2 Section 11 and the SE 1/4 Section 10; all in T128N-R67W. This site is located approximately 12 miles northeast of Leola SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8607-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at

<https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a peti-

tion. A petition filed by either an interested person or the applicant must be filed by June 13, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online

at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 13, 2022.

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 \$49.24
June 1, 2022 #7330712

Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA

County of McPherson

SS. MAY 23 2022

OFFICE OF
WATER

_____, of said county and State, being first duly sworn, on oath says: That the McPherson County Herald is a weekly newspaper of general circulation, and a legal newspaper as defined by Section 7070, 1919 Revised Code printed and published in Leola in said County

and State by _____ and has been such newspaper during the time hereinafter mentioned, and that

I, _____, the undersigned am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit, and that the advertisement headed:

Notice of Application

a printed copy of which is hereto attached was printed and

published in the said newspaper for _____ successive issues, to-wit: The first publication being made on

May 12, 2022

the second on _____

the third on _____

the fourth on _____

the fifth on _____

the sixth on _____

That the full amount of the fees charged for publishing the same,

to-wit: the sum of \$ 43.96 inures solely to the benefit of the publisher of the McPherson County Herald. That no agreement or understanding of any division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

_____, Publisher

Subscribed and sworn to before me this _____ day of _____

Man Ben Johnson

My commission expires _____



NOTICE OF APPLICATION

NO. 8607-3

to Appropriate Water

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If the applicant does not contest the recommendation

RECEIVED

MAY 23 2022

**OFFICE OF
WATER**

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Published once at the total approximate cost of \$43.96.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 3, 2022 1:04 PM
To: Aberdeen News Legals (aan-legals@aberdeennews.com)
Subject: 8607-3, Spring Creek Hutterian Brethren Inc.
Attachments: 8607-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 11, 2022.

Spring Creek Hutterian Brethren Inc., c/o Sam Wipf, 36562 102nd St, Forbes ND 58439 (605 380-8467) 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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, May 3, 2022 1:03 PM
To: herald@valleytel.net
Subject: 8607-3, Spring Creek Hutterian Brethren Inc.
Attachments: 8607-3public.short_final.docx; FORM8.FRM.doc

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(605) 773-3352
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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

May 3, 2022

Spring Creek Hutterian Brethren Inc
c/o Sam Wipf
36562 102nd St
Forbes ND 58439

Dear Mr. Wipf:

Water Permit Application No. 8607-3 for commercial and domestic use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the McPherson County Herald printed at Leola SD (Ph # 605 439-3131) and the American News printed at Aberdeen (Ph # 605 225-4100). 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.

NOTICE OF APPLICATION NO. 8607-3 to Appropriate Water

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Published once at the total approximate cost of_

Schlaak, Karen

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, May 23, 2022 1:08 PM
To: Schlaak, Karen
Subject: RE: [EXT] 7252086 8607-3, Spring Creek Hutterian Brethren Inc.

Good Afternoon,

Unfortunately we never received prepayment for the ad, so it did not publish.

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Sent: Monday, May 23, 2022 11:10 AM
To: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Subject: RE: 7252086 8607-3, Spring Creek Hutterian Brethren Inc.

Please send me the affidavit for this publication.

Thanks
Karen

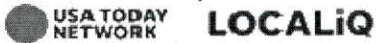
From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, May 3, 2022 1:55 PM
To: Schlaak, Karen <Karen.Schlaak@state.sd.us>
Subject: RE: [EXT] 7252086 8607-3, Spring Creek Hutterian Brethren Inc.

Good Afternoon,

The notice is scheduled to publish in the American News on May 11. A proof of the notice is attached.

Thank you!

Brittany Grady
Public Notice Representative

The image shows two logos side-by-side. On the left is the USA Today Network logo, which consists of a circular icon with a stylized 'U' and the text 'USA TODAY NETWORK' below it. On the right is the LOCALiQ logo, which features the word 'LOCALiQ' in a bold, sans-serif font.

Office: 844-254-5287

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Karen Schlaak

DANR - Water Rights Program

(605) 773-3352

Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 28 2022

Spring Creek Hutterian Brethren Inc
c/o Sam Wipf
36562 102nd St
Forbes ND 57439

Dear Mr. Wipf:

Enclosed is Water Permit No. 8607-3 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