

WATER PERMIT NO. 8678-3

Name of Applicant: **Huron HBI**

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

Phone: **605 350-6875**

Amount of Water Claimed: **4.44 cfs** Total Acres: **300**

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

Water to be used for: **irrigation** County: **Beadle**

Type of Waste Disposal System:

Location: **15 miles north of Huron**

PRIORITY Date Received: **11-21-22**

Application/License Fee: **\$1,250**

Corrected Application Received:

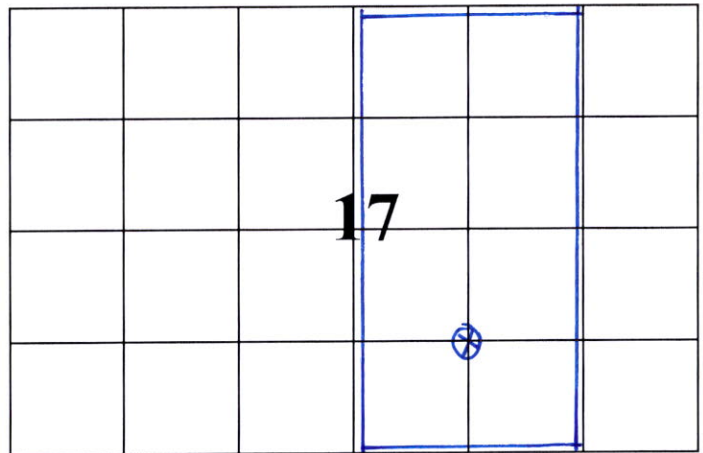
Period of Annual Use: **May 1 – September 30**

Remarks: **Requesting a diversion rate greater than statutory limit.**

Diversion Point: **approximate center of SE 1/4 Sec**

17-T113N-R61W

Land to be Irrigated: **E 1/2 Sec 17-T113N-R61W**



Depth of Well: **173 feet deep**

Well Driller: **Stretch's Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **11-21-22**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8678-3**

Date of first receipt of application November 21, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8678-3 to Huron HBI, c/o Joey Wollman, 40068 Huron Colony Lane, Huron SD 57350 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8678-3 appropriates 4.46 cubic feet of water per second (cfs) from one well to be completed into the Niobrara Aquifer (approximately 173 feet deep) located in the approximate center of the SE 1/4 Section 17 for irrigation of 300 acres located in the E 1/2 Section 17; all in T113N-R61W. This site is located approximately 15 miles north of Huron SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is November 21, 2022.
4. The date of approval of Permit No. 8678-3 is February 6, 2023.
5. One-fifth of the construction is to be completed on or before August 6, 2025.
6. All construction is to be completed on or before February 6, 2028.
7. Water is to be put to beneficial use on or before February 6, 2032.
8. 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 authorized by Water Permit No. 8678-3 shall be completed into the Niobrara aquifer. The well cannot be completed into the Tulare:East James aquifer.
2. The well approved under Water Permit No. 8678-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Water Permit No. 8678-3 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.
4. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8678-3 authorizes a maximum diversion rate of 4.46 cfs for the irrigation of 300 acres with an annual volume not to exceed 2 acre feet of water per acre per year.

(continued)

5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

FEB 17 2023
date



RECEIVED

NOV 21 2022

FORM 2: Application for irrigation in South Dakota
(type or print)

OFFICE OF
WATER

PAID

NOV 21 2022

Ck# 35396

Rec't#

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8678-3</u> Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Plainsman</u>
	(office use only)

Application for Permit to Appropriate Water for Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Huron HBI Keys # _____
- Note:** The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.
- Mailing Address 4068 Huron Colony Lane Huron S.D 57350
(Address) (City) (State) (Zip Code)
- Phone 605-352-5647 Mobile 605-350-6815 Email huronfarms@yahoo
2. Amount of water claimed 4.46 *CFS or 2100 ²⁰⁰⁰ **GPM ***AF Total Acreage 300
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Chalk Rock Water Well
4. Location of point of diversion In the Well Center of SE 1/4 Sec 17 T113N R61W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
- County Beadle
5. County or counties where water will be used Beadle
6. Annual period during which water is to be used May 1 thru September 30
7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
E 1/2 Sec 17-T113N-R61W	300		

8. Give a description of the project. (Attach sheet if more space is needed)

Irrigate 300 Acres thru center pivot irrigators
on sand 1/4's.
Requesting diversion rate greater than statutory limit.

I, Martin Wellman Sec Treas, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)



Drilling new well(s)

☐ Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled? ☒ Yes ☐ No Drilled by Stretch's Well Service Inc.
(if yes, please provide copies of logs)
- b) If existing wells, how many 1 test well Provide copy of log(s), if available. Drilled by Stretch's Well Service Inc.

For either existing or proposed wells:

- c) Well Depth (required) 173' Depth to Top of Water Bearing Material 138' Depth to Water from Surface 28'10"
- d) Distance to nearest domestic well on applicant's property NA Property owned by others _____

Test well pumped @ 50 GPF

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____

If pipe, diameter _____

- f) Secondary Spillway Capacity _____
Spillway Width _____

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

Upstream _____

Downstream _____

- h) Area of Impoundment _____

- i) Storage _____ Acre Feet

- j) Drainage Area Above Dam _____ Acres

Huron Colony-300 Acres Irrigation



Map Center: 44° 35' 46.45, -98° 11' 24.55

0ft 813ft 1627ft



17-113N-61W
Beadle County
South Dakota



Field borders provided by Farm Service Agency as of 5/21/2008.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

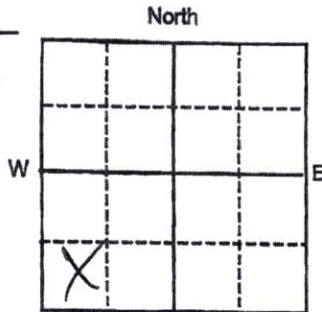
SD EForm - 1621LD V1

11-02

Location SW 1/4 SW 1/4 Sec 12 Twp 113N Rg 61W

County Beadle

Please mark well location with an "X"



Well Completion Date

11-14-22

1 Mile

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

None ft. from (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>133</u> FT	<u>7 7/8</u> IN
<u>250</u> LB/FT	<u>5</u> IN	<u>133</u> FT	<u>173</u> FT	<u>7 7/8</u> IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>#20</u>	<u>5</u>	Lb/gal	<u>0</u> Ft	<u>130</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 5 Inches Length 40 Feet

Material PVC

Slot Size 1025 Set From 133 Feet to 173 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ No

If so, what material? Explosive Plug
Describe packer(s) and location above screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine

Lab to which water quality sample sent for analysis ☐ No, Why Not?

Well Owner: Huron Colony

Business Name:

Address: 40000 Huron Colony Lane

City, State, Zip: Huron SD 57350

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>Yellow Clay</u>	<u>1</u>	<u>20</u>
<u>Blue Clay</u>	<u>20</u>	<u>115</u>
<u>Shale</u>	<u>115</u>	<u>138</u>
<u>Chalk</u>	<u>138</u>	<u>173</u>

STATIC WATER LEVEL 28 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: Air & Submersible
☐ Bailed
☐ Other

Pumping Level Below Land Surface

28 Ft. After 10 Hrs. pumped 37 GPM
Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

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

Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Tom Rathjen

Signature of Well Owner or Equitable Property Holder:

Marvin Wallman

Date: 11-23-22

RECEIVED

NOV 28 2022

OFFICE OF
WATER



531535148

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

2022
FILING YEAR

1. Business ID and Name:

NS001602
BUSINESS ID

HURON 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

40068 HURON COLONY LANE
HURON, SD 57350-8001

Mailing Address

40068 HURON COLONY LANE
HURON, SD 57350-8001

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	PHILLIP WALDNER	40068 HURON COLONY LN., HURON, SD, 57350
Treasurer	MARVIN WOLLMAN	40068 HURON COLONY LN., HURON, SD, 57350
Vice President	MARVIN WOLLMAN	40068 HURON COLONY LN., HURON, SD, 57350
Secretary	MARVIN WOLLMAN	40068 HURON COLONY LN., HURON, SD, 57350

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

Name	Address
JOEY WALDNER	40068 HURON COLONY LN., HURON, SD, 57350
PHILLIP WALDNER	40068 HURON COLONY LN., HURON, SD, 57350
MARVIN WOLLMAN	40068 HURON COLONY LN., HURON, SD, 57350

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).

08/11/2022
Dated

Email (Optional)

MARVIN WOLLMAN
Signature of an Authorized Person
MARVIN WOLLMAN
Printed Name

B0230-7931 08/11/2022 9:56AM Rec'd by SD SOS

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date November 21, 2022

RECEIVED OF Huron Hutterian Brethren Inc. 40068 Huron Colony Ln., Huron SD 57350

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

Fee for Application for Permit No. <u>8678-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1050.00</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>8678-3</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>1250.00</u>

By Eric Gronlund
Chief Engineer
vm

Water Rights Program - File Documentation

NAME: Huron HBI – Joey Waldner

ADDRESS: Huron SD

DATE: 11-21-22

RE: Pending application

COMMENTS:

I called Joey Waldner regarding the amount of water claimed on the application. I told him the statutory limit for irrigation of 300 acres is 4.28 cfs or 1,926 gpm.

Joey indicated he was told that to operate with the corning systems, they would need 1,000 gpm for each system. I told Joey I would change his application from 2,100 gpm to 2,000 gpm and proceed with processing the application.



Karen Schlaak
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. 8678-3, Huron HBI**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8678-3, Huron HBI, c/o Joey Waldner, 40068 Huron Colony Lane, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 8678-3 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 well authorized by Water Permit No. 8678-3 shall be completed into the Niobrara aquifer. The well can not be completed into the Tulare:East James aquifer.
2. The well approved under Water Permit No. 8678-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Water Permit No. 8678-3 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.
4. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8678-3 authorizes a maximum diversion rate of 4.46 cfs for the irrigation of 300 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
January 17, 2023

NOTE: It is strongly recommended the applicant complete a soil-water compatibility analysis to determine whether the water is suitable for irrigation or, when used for irrigation, best management practices are followed to ensure water is placed to beneficial use in compliance with SDCL 46-2A-9.

**Report to the Chief Engineer
on Water Permit App. No. 8678-3**
Huron HBI
27 December 2022

Water Permit Application No. 8678-3 seeks to appropriate 4.46 cubic feet of water per second (cfs) from one well to be completed into the Niobrara aquifer (approximately 173 feet deep) located in the approximate center of the SE ¼ Section 17 for irrigation of 300 acres located in the E ½ Section 17; all in T113N-R61W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 15 miles north of Huron, South Dakota.

Aquifer: Niobrara (NBRR)

Hydrogeologic Characteristics

The Niobrara aquifer is composed of the permeable and saturated portions of the upper-Cretaceous-aged Niobrara Formation. The Niobrara Formation is a “white to dark-gray argillaceous chalk, marl, and shale [1]” underlying most of South Dakota. Productivity in the Niobrara aquifer is mainly from secondary porosity features such as fractures, faults, and solution cavities [2]. Therefore, its characteristics range greatly from location to location, and it is typically more productive in areas where weathering to the formation has occurred. The Niobrara Formation underlies approximately 29,054 square miles (18,594,560 acres) in South Dakota east of the Missouri River, including all 1,249 square miles (799,360 acres) of Beadle County [2]. Some areas of the Niobrara Formation are separated from the main body of the formation by erosional channels. This application is located in the main body. The main body of the Niobrara Formation underlies approximately 27,500 square miles (17,600,000 acres) in South Dakota east of the Missouri River, including all of Beadle County [3]. The Niobrara Formation underlies the Cretaceous-aged Pierre Shale and the Quaternary-aged glacial deposits including the Tulare aquifer [4]. The Niobrara Formation directly overlies the Cretaceous-aged Carlile Shale. Howells and Stephens [4] indicate that in Beadle County, the Niobrara aquifer and the Codell Sandstone member of the Carlile Shale are connected enough that they treat them as one aquifer. However, the Water Rights Program and Water Management Board treat those two aquifer materials as separately managed aquifers. In Beadle County, the Niobrara aquifer generally yields “soft, saline” water [4]. The Niobrara aquifer is under confined conditions in most of South Dakota except where it crops out along the Missouri River and around the Black Hills [1].

The applicant submitted a well completion report for a test hole completed in the SW ¼ SW ¼ Section 17 T113N-R61W completed on November 14, 2022. The driller reported encountering top soil from 0 to 1 foot below grade, yellow clay from 1 to 20 feet, blue clay from 20 to 115 feet, shale from 115 to 138 feet, and chalk from 138 to 173 feet. The screen was set from 133 to 173 feet, and the static water level at the time of completion was 28 feet below grade, which means the hydraulic head in the aquifer lifts water 110 feet above the formation.

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 applicant is not a water distribution system as defined in SDCL 46-1-6(17) and the Niobrara aquifer is younger and stratigraphically higher than the Greenhorn Formation. Therefore, the Water Management Board must find that recharge to the aquifer exceeds withdrawals to approve this application.

Pursuant to SDCL 46-5-6 the amount of water diverted may not exceed 1 cfs per 70 acres irrigated, but also provides that the "Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires." The applicant is requesting to divert more than 1 cfs per 70 acres for this application. The method of irrigation is a set of pivots which extend to the corners of the fields. The statutory pump rate would allow 4.29 cfs for the 300 acres in this application and this application applies for 0.17 cfs (approx. 80 gallons per minute) more than the statutory rate. No reason for this request was provided in the application.

Availability of Water

Hydrologic Budget of the Main Body of the Niobrara Aquifer

Recharge to the Main Body

Recharge to the Niobrara aquifer likely occurs by inflow from aquifers in contact with the Niobrara when hydraulic head is higher in the other aquifers than in the Niobrara aquifer. No estimate of the recharge to the Niobrara aquifer is available due to the extreme variability of aquifer characteristics across South Dakota. Observation well water levels in the Niobrara aquifer indicate that recharge exceeds withdrawals in the aquifer [5].

Discharge from the Main Body

Discharge from the Niobrara aquifer is likely by groundwater outflow to aquifers in contact with the Niobrara aquifer when hydraulic head in the Niobrara aquifer is higher than that of the other aquifers and by withdrawals from domestic and appropriative wells [4]. There are 30 water rights/permits appropriating water from the main body of the Niobrara aquifer [6] [3]. Of those, 11 are for irrigation, seven are for commercial use, six for municipal use, four for institutional use, and one each for industrial use and fish and wildlife propagation.

The average irrigation reported in the main body of the Niobrara aquifer over the period of record from 1979 through 2021 is 370 acre-feet per year (ac-ft/yr) [7]. Figure 1 shows the irrigation reported in the main body of the Niobrara aquifer over that period of record [7]. Of the non-irrigation water rights/permits, Water Right Nos. 4278-3, 4121A-3, 4264A-3, and 4264B-3 are held by municipalities that purchase their water from another water distribution system [8] [9], so are assumed to withdraw a negligible amount of water for the hydrologic budget. There are two non-irrigation water rights/permits required to report their annual withdrawal. Those permits are assumed to withdraw the maximum volume limit listed on their permit, for a combined withdrawal of 227 ac-ft/yr. The remaining 13 non-irrigation water rights/permits are assumed to withdraw at their maximum licensed or permitted diversion rate 60% of the time, for an estimated combined average annual withdrawal rate of 705 ac-ft/yr.

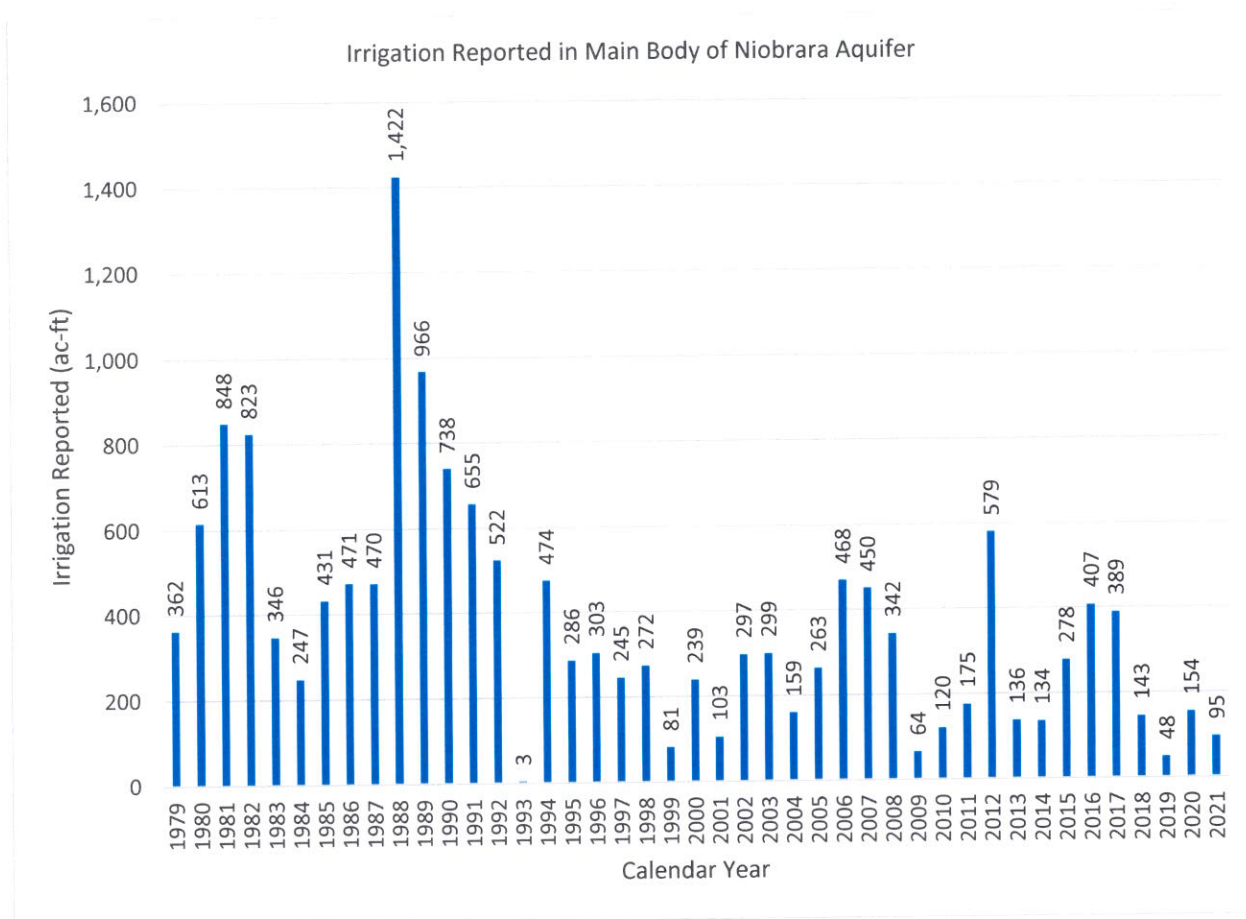


Figure 1: Irrigation reported in the main body of the Niobrara aquifer [7]

Summary of Hydrologic Budget of the Main Body

There is no estimate available for the recharge to the Niobrara aquifer due to its highly variable aquifer characteristics. The estimated average annual withdrawal from the main body of the Niobrara aquifer is 1,302 ac-ft/yr. If this application is approved, it could withdraw up to 600 ac-ft/yr, although it would be likely to use less. Including the maximum possible withdrawal for this application, the 1,902 ac-ft/yr of estimated withdrawals divides across the main body of the Niobrara aquifer to require 0.0001 inches of water per acre per year for recharge to exceed

withdrawals. Therefore, based on the hydrologic budget, there is reasonable probability unappropriated water is available for this application.

Table 1: Summary of estimated withdrawals from the main body of the Niobrara aquifer

Type	Number	Est. Withdrawal (ac-ft/yr)
Irrigation Reports	11	370
Standby	4	0
Non-Irrigation, Reporting	2	227
Non-Irrigation, 60% Estimate	13	705
Total	30	1,302

Beadle County Hydrologic Budget

Because the Niobrara aquifer has highly variable aquifer characteristics, it is appropriate to consider a more localized hydrologic budget. Lacking distinctive hydrogeological boundaries smaller than the extent of the main body of the aquifer, a hydrologic budget concerning only the area of Beadle County is considered. There are three water rights/permits authorized to withdraw from the Niobrara aquifer in Beadle County. One is a city which purchases its water from another system [9]. Using the same methods as in the hydrologic budget for the main body of the Niobrara aquifer, the other two are estimated to withdraw a combined total of 57 ac-ft/yr. Dividing the 657 ac-ft/yr of the proposed withdrawals of this application and the estimated withdrawals in Beadle County, the required recharge to exceed withdrawals is 0.01 inches per acre per year.

Observation Wells

Administrative Rule of South Dakota 74:02:05:07 requires that the Water Management Board rely upon the record of observation wells, in addition to other information, to determine the availability of unappropriated water. The Water Rights Program maintains 58 observation wells completed into the Niobrara aquifer, 37 of which are completed into the main body of the aquifer [5] [3]. The nearest observation well completed into the Niobrara aquifer to this application is SP-77D, located approximately 20 miles northwest of the proposed well for this application [5]. Figure 2 shows the location of the proposed well for this application with respect to observation wells completed into the Niobrara aquifer [5] and the area of the main body of the Niobrara Formation [3]. Figure 3 shows water levels in Observation SP-77D [5]. Water levels in observation wells completed into the main body of the Niobrara aquifer all have level or increasing trends. Observation Well SP-77D is representative of the general behavior of the Niobrara aquifer, although at the distance from the proposed well site, it does not reflect changes that would be specific to the area of this application. In general water levels rise during periods of higher-than-average precipitation and decline during periods of lower-than-average precipitation. The fluctuation due to natural influences indicates water is naturally discharged from the aquifer. The Water Management Board historically has considered natural discharge to be available for capture. Therefore, based on observation well analysis, there is reasonable probability unappropriated water is available for this application.

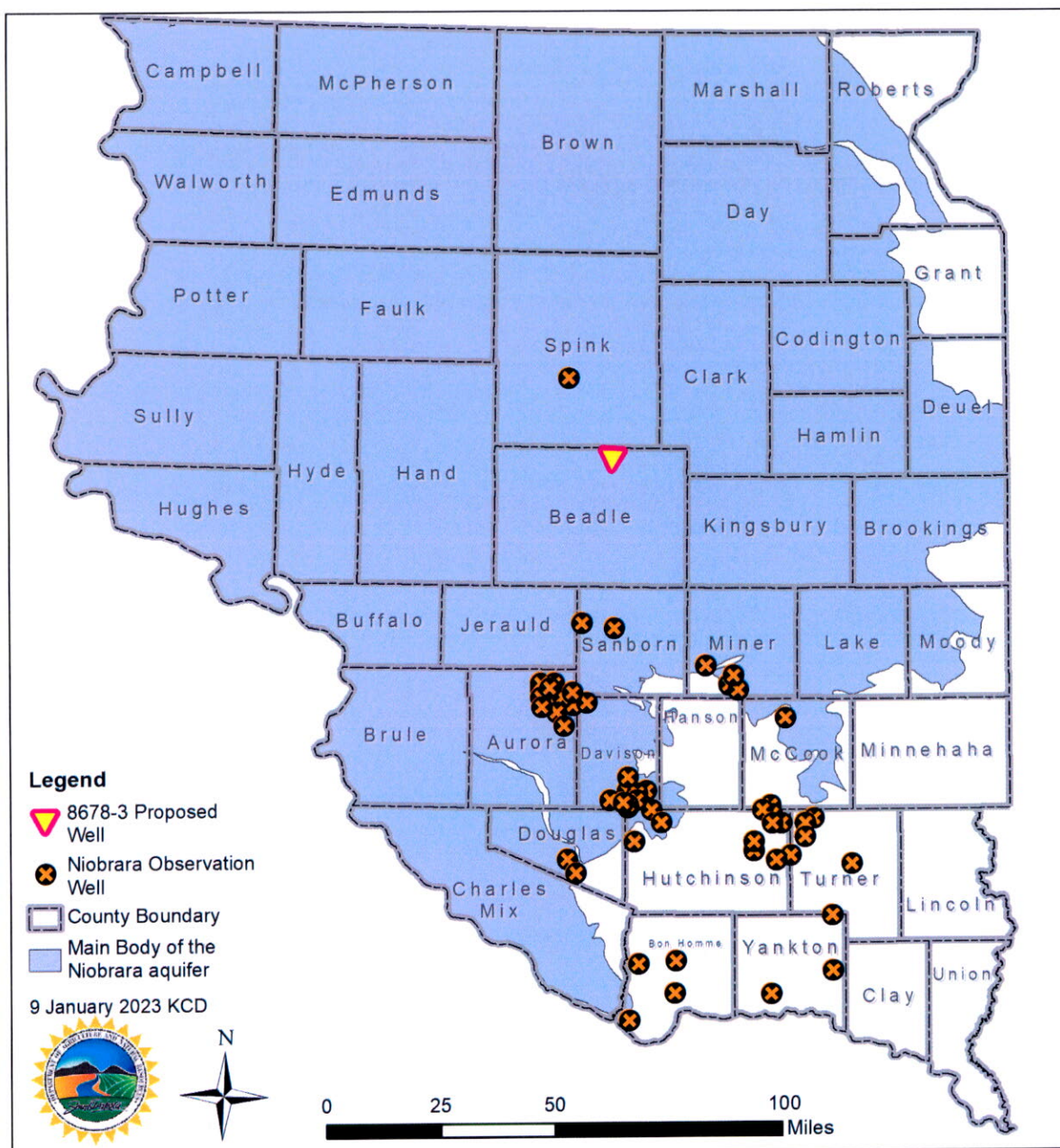


Figure 2: Proposed well for this application, main body of Niobrara Formation east of the Missouri River [3], and observation wells completed into the Niobrara aquifer [5].

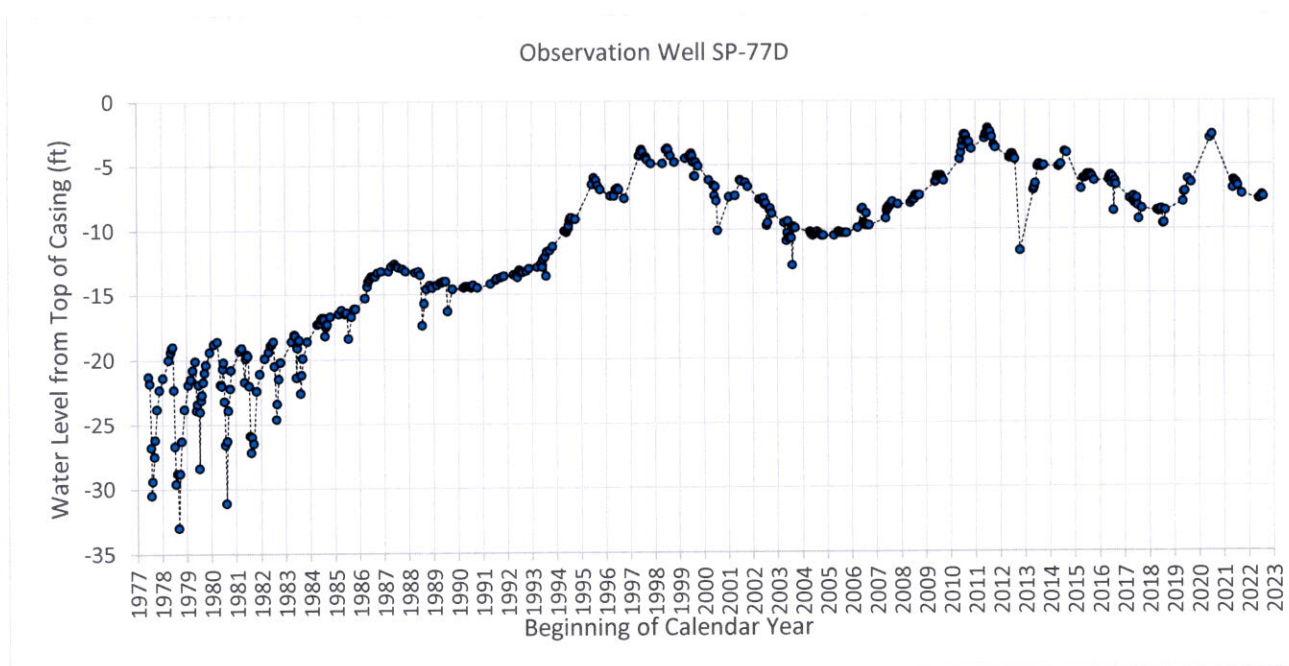


Figure 3: Water levels in Observation Well SP-77D [5]

Probability of Unlawful Impairment of Existing Water Rights

The nearest water right/permit to this application that is completed into the Niobrara aquifer is Water Right No. 5757-3, located approximately 15 miles southwest of the proposed well for this application [6]. The nearest domestic well on file with the Water Rights Program that is likely to be completed into the Niobrara aquifer and not owned by the applicant is located approximately 1.9 miles south of the proposed well for this application [10]. 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 a domestic well is impacted, a water right/permit causes an 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

If this application is approved, some drawdown in the aquifer will occur in the proximity of the pumping well. The hydraulic head in the aquifer lifts water 110 feet above the formation. There are no complaints concerning unlawful impairment of existing water rights in the Niobrara aquifer in Beadle County [11]. If this application is approved, the applicant should control their withdrawals so that an unlawful impairment of adequate wells does not occur. Based on the distance of the proposed well to the nearest domestic well, presence of 110 feet of hydraulic

head, and lack of relevant complaints on file in Beadle County, there is reasonable probability this application can be developed without unlawful impairment of existing water rights.

Special Consideration – Suitability for Irrigation

The Howells and Stephens [4] report describes water from the Niobrara aquifer in Beadle County as “saline”, and unsuitable for irrigation. It is recommended the applicant complete a soil-water compatibility analysis to determine whether the water is suitable for irrigation or, when used for irrigation, best management practices are followed to ensure water is placed to beneficial use in compliance with SDCL 46-2A-9. This application would be the first irrigation water right/permit filed as withdrawing from the Niobrara aquifer in Beadle County [6].

Conclusions

1. Water Permit Application No. 8678-3 seeks to appropriate 4.46 cfs from one well to be completed into the Niobrara aquifer located in the approximate center of the SE $\frac{1}{4}$ Section 17 for irrigation of 300 acres located in the E $\frac{1}{2}$ Section 17; all in T113N-R61W.
2. This application seeks to withdraw at a rate greater than the statutory limit of 1 cfs per 70 acres.
3. Based on the hydrologic budget and observation well analysis, there is reasonable probability unappropriated water is available for this application.
4. There is reasonable probability this application can be developed without unlawful impairment of existing water rights/permits or domestic wells.



Kimberly C. Drennon, E.I.

Natural Resources Engineer II – DANR Water Rights Program

References

- [1] J. E. Martin, J. F. Sawyer, M. D. Fahrenbach, D. W. Tomhave and L. D. Schulz, "Geologic Map of South Dakota," SD DANR Geological Survey Program, Vermillion, South Dakota, 2004.
- [2] L. S. Hedges, S. L. Burch, D. L. Iles, R. A. Barari and R. A. Schoon, "Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa Tasks 1-4," SD DANR Geological Survey Program, Vermillion, South Dakota, 1982.
- [3] N. Steen and A. Mathiowetz, "Report to the Chief Engineer on Water Permit Application No. 8624-3," SD DANR Water Rights Program, Joe Foss Bldg., Pierre, South Dakota, 2022.

- [4] L. W. Howells and J. C. Stephens, "Geology and Water Resources of Beadle County South Dakota Part II: Water Resources," SD DANR Geological Survey Program, Vermillion, South Dakota, 1968.
- [5] SD DANR Water Rights Program, "Observation Wells," SD DANR Water Rights Program, Pierre, South Dakota, 2023.
- [6] SD DANR Water Rights Program, "Water Right Permit Files," SD DANR Water Rights Program, Pierre, South Dakota, 2023.
- [7] SD DANR Water Rights Program, "Irrigation Report Summaries," SD DANR Water Rights Program, Pierre, South Dakota, 2022.
- [8] SD DANR Drinking Water Program, "Drinking Water Reports," SD DANR Drinking Water Program, Pierre, South Dakota, 2021.
- [9] B. Friedeman, Interviewee, *Environmental Scientist II, SD DANR Drinking Water Program*. [Interview]. 9 February 2021.
- [10] SD DANR Water Rights Program, "Well Completion Reports," SD DANR Water Rights Program, Pierre, South Dakota, 2023.
- [11] SD DANR Water Rights Program, *County Files*, Pierre, South Dakota: SD DANR Water Rights Program, 2023.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 18, 2023 4:05 PM
To: huronfarms@yahoo.com
Subject: Water Permit Application No. 8678-3
Attachments: 4662.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 paper as soon as possible to authorize publication and arrange for payment. This information is being mailed to you also.

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



RECEIVED

FEB 09 2023

OFFICE OF
WATER

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

Legal Notice Number: 1805

I, Cadee Schelske, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: Huron HBI – Water No. 8678-3 Hearing was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 01/27/2023. That the full amount of the fee charged for the publishing \$43.83 insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.

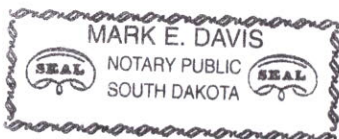
Cadee Schelske

Subscribed and sworn to me before this date 1/31/23.

Mark E. Davis

Notary Public, South Dakota

My Term Expires 12/27/2024



F. P. 01-27-23

**NOTICE OF
APPLICATION
NO. 8678-3 to
Appropriate Water**

Notice is given that Huron HBI, c/o Joey Waldner, 40068 Huron Colony Lane, Huron SD 57350 has filed an application for a water permit to appropriate 4.46 cubic feet of water per second (cfs) from one well to be completed into the Niobrara Aquifer (approximately 173 feet deep) located in the approximate center of the SE 1/4 Section 17 for irrigation of 300 acres located in the E 1/2 Section 17; all in T113N-R61W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 15 miles north of Huron SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8678-3 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 petition. A petition filed by either an interested person or the applicant must be filed by February 6, 2023.

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 February 6, 2023.

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.

No. 1805 (adv.)
Published once at the total approximate cost of \$43.83 and may be viewed free of charge at www.sdpublicnotices.com.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, January 18, 2023 3:59 PM
To: Ruby Crandall
Subject: 8678-3, Huron HBI
Attachments: 8678-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on January 27, 2023.

Huron HBI, c/o Joey Waldner, 40068 Huron Colony Lane, Huron SD 57350 (605 350-6875) 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>





**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 NEWSPAPER RIGHT AWAY.**

January 19, 2023

Huron HBI
c/o Joey Waldner
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Waldner:

Water Permit Application No. 8678-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plainsman printed at Huron SD (Ph # 605 353-7414). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

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. 8678-3 to Appropriate Water

Notice is given that Huron HBI, c/o Joey Waldner, 40068 Huron Colony Lane, Huron SD 57350 has filed an application for a water permit to appropriate 4.46 cubic feet of water per second (cfs) from one well to be completed into the Niobrara Aquifer (approximately 173 feet deep) located in the approximate center of the SE 1/4 Section 17 for irrigation of 300 acres located in the E 1/2 Section 17; all in T113N-R61W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 15 miles north of Huron SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8678-3 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 petition. A petition filed by either an interested person or the applicant must be filed by February 6, 2023.

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 February 6, 2023.

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_



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

FEB 17 2023

Huron HBI
c/o Joey Waldner
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Waldner:

Enclosed is Water Permit No. 8678-3 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

- It is strongly recommended the applicant complete a soil-water compatibility analysis to determine whether the water is suitable for irrigation or, when used for irrigation, best management practices are followed to ensure water is placed to beneficial use in compliance with SDCL 46-2A-9.



**DEPARTMENT of AGRICULTURE
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STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

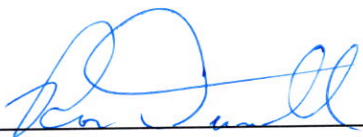
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8678-3

Name of Applicant: Huron HBI, c/o Joey Waldner

Date of Posting: 1/23/2023

Date of Removal: 2/17/2023



Ron Duvall, Water Rights Permitting Administrator

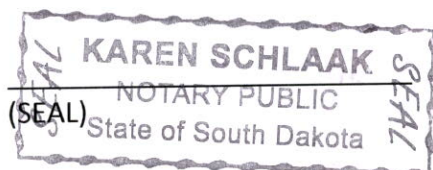
2/17/23

Date

Subscribed and sworn to before me, a notary public, this 17th day of February, 20 23.



Notary Public - South Dakota
My commission expires: 4/1/2025





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: HURON HTTN BRTH, JOEY WALDNER, 40068 HURON COLONY LN, HURON, SD 57350

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8678-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8678-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8678-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: SFUZW**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
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PIERRE SD 57501-3182
danr.sd.gov

January 31, 2024

2390A-3, 3268A-3, 4400A-3,
5651-3, 6431-3, 7365-3, 7366-3,
7367-3, 7370-3, 7395-3, 7905-3,
7906-3, 7369A-3, 7369B-3,
7369C-3, 7906A-3 & 8678-3

Huron Httm Brth
c/o Joey Waldner
40068 Huron Colony Ln
Huron SD 57350

Dear Mr. Waldner:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3 & 8678-3.

The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: HURON COLONY, JOEY WALDNER, 40068 HURON COLONY LN, HURON SD 57350

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3268A-3 & 8678-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3268A-3 & 8678-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3268A-3 & 8678-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: SGYWHV**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 21, 2025

Huron Httm Brth
c/o Joey Waldner
40068 Huron Colony Ln
Huron SD 57350

8678-3

3268A-3

Dear Mr. Waldner:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire, submitted over the phone on January 17, 2025.

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 8678-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda. However, the questionnaire for Permit No. 3268A-3 has not been received.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us