

**WATER PERMIT NO. 8777-3**

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

Address: **46527 189<sup>th</sup> Street, Estelline SD 57234** Phone: **605-690-5430**

Amount of Water Claimed: **1.67 cfs** Total Acres: **136**

Source of Water Supply: **Groundwater**

Water to be used for: **Irrigation** County: **Hamlin**

Type of Waste Disposal System:

Location: **Approx. 6 miles northwest of Estelline SD**

**PRIORITY** Date Received: **6-28-2023**

Application/License Fee: **\$1,050.00**

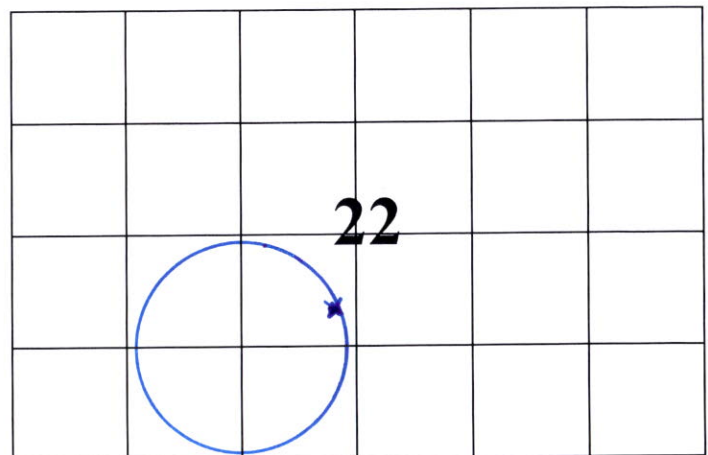
Corrected Application Received:

Period of Annual Use: **May 1 – October 31**

Remarks: **Water Permit No. 8645-3 well could not be used, so alternative well was constructed to irrigate Sec 22. However, the well was constructed into a different aquifer so a new permit is needed.**

Diversion Point: **NE 1/4 SW 1/4 Section 22-T114N-R51W**

Land to be Irrigated: **SW 1/4 Section 22-T114N-R51W**



Depth of Well: **150**

Well Driller: **Steffl Drilling & Pump Inc.**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **6-30-2023**

By: **Rachel Rodriguez**

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

**SOUTH DAKOTA**  
**WATER PERMIT NO. 8777-3**

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Date of first receipt of application June 28, 2023.

The Water Management Board approved Water Permit No. 8777-3 on October 1, 2025, for Poinsett Hutterian Brethren Inc., 46527 189<sup>th</sup> Street, Estelline SD 57234, 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. 8777-3 appropriates 1.67 cubic feet of water per second from one existing well completed into the Prairie Coteau Aquifer (approximately 150 feet deep) located in the NE 1/4 SW 1/4 Section 22 for irrigation of 136 acres located in the SW 1/4 Section 22; all in T114N-R51W. This site is located approximately 6 miles northwest of Estelline 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 – October 31.
3. The date from which applicant may claim right is June 28, 2023.
4. One-fifth of the construction is to be completed on or before April 1, 2028.
5. All construction is to be completed on or before October 1, 2030.
6. Water is to be put to beneficial use on or before October 1, 2034.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. The well approved under Water Permit No. 8777-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

By: Mark Mayer  
Mark Mayer, PE  
Director of Office of Water  
Department of Agriculture and Natural Resources

10/27/25  
date





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

PAID

JUN 28 2023

Ck# 6635

Rec't# 6/28/23

Mail to:

SD DANR, Water Rights  
523 E Capitol Ave  
Pierre, SD 57501-3182

ph. (605) 773-3352

No. 8777-3 Hydrologic Unit 10170202  
Basin Middle Big Sioux  
Newspaper Estelline Journal  
Watertown Public Opinion  
(office use only)

RECEIVED

JUN 28 2023

OFFICE OF  
WATER

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 Poinsett Hutterian Brethren Inc.

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 46527 189th Street Estelline SD 57234  
(Address) (City) (State) (Zip Code)

Phone 605.873.2630 Mobile 605.690.5430 Email levi.tschetter@outlook.com

2. Amount of water claimed 1.78 \*CFS or 750 \*\*GPM \*\*\*AF Total Acreage 136  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Groundwater - one existing well

4. Location of point of diversion NE1/4 SW1/4 section 22-T114N-R51W

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hamlin

5. County or counties where water will be used Hamlin

6. Annual period during which water is to be used May 1 - October 31

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 |
|-----------------------------|-------|------------------|-------|
| SW1/4 section 22-T114N-R51W | 136   |                  |       |
|                             |       |                  |       |
|                             |       |                  |       |
|                             |       |                  |       |

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

The SW1/4 sec. 22 is authorized for irrigation of 136 acres under Water Permit No. 8645-3 from one well to be completed into the Big Sioux Brookings aquifer located in the NW1/4 SE1/4 section 27-114N-51W. Since this well could not be used, an alternative well was constructed in the NE1/4 SW1/4 section 22-114N-51W to irrigate the SW1/4 section 22. However, the well was constructed into a different aquifer so a new permit is needed for the irrigation project.

I, Levi Tschetter President, 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 \_\_\_\_\_ Have test holes been drilled? ☐ Yes ☐ No Drilled by \_\_\_\_\_  
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Steffl Drilling & Pump Inc.

**For either existing or proposed wells:** SEE WELL COMPLETION REPORT

c) Well Depth (required) 150 ft Depth to Top of Water Bearing Material \_\_\_\_\_ Depth to Water from Surface \_\_\_\_\_

d) Distance to nearest domestic well on applicant's property \_\_\_\_\_ Property owned by others 2000

**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)

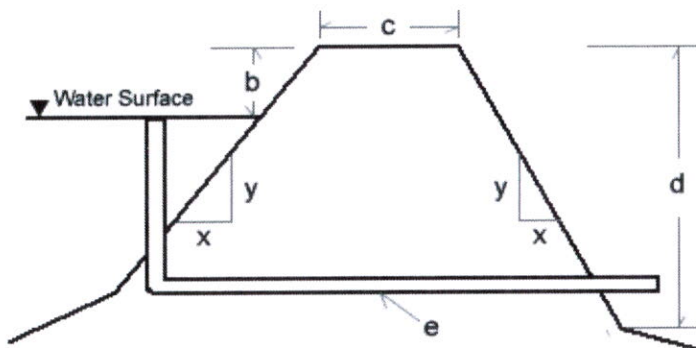
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

h) Area of Impoundment \_\_\_\_\_

i) Storage \_\_\_\_\_ Acre Feet

j) Drainage Area Above Dam \_\_\_\_\_ Acres

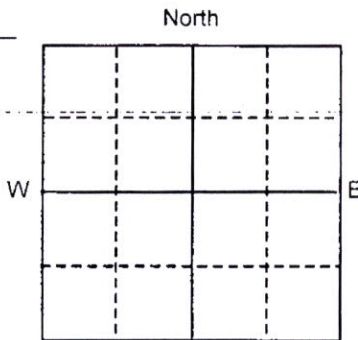




7988-3

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 SE 1/4 Sec 114N Twp 51W Rg 9County HamlinPlease mark well  
location with an "X"

Well Completion Date

06-25-15

1 Mile

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

## PROPOSED USE:

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

## METHOD OF DRILLING:

tremie piped

## CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

| PIPEWEIGHT | DIAMETER     | FROM        | TO            | HOLE DIAMETER    |
|------------|--------------|-------------|---------------|------------------|
| LB/FT      | <u>12</u> IN | <u>0</u> FT | <u>196</u> FT | <u>17 1/2</u> IN |
| LB/FT      | IN           | FT          | FT            | IN               |
| LB/FT      | IN           | FT          | FT            | IN               |

## GROUTING DATA:

| Grout Type       | No. of Sacks | Grout Weight | From        | To            |
|------------------|--------------|--------------|-------------|---------------|
| <u>Bentonite</u> | <u>48</u>    | Lb/gal       | <u>0</u> Ft | <u>190</u> Ft |
|                  |              | Lb/gal       | Ft          | Ft            |

Describe grouting procedure

tremie piped

## SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12 Inches Length 15 FeetMaterial Stainless SteelSlot Size .070 Set From 196 Feet to 211 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

## DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorinated☐ No, Why Not?Lab to which water  
quality sample sent for analysisn/aWell Owner: Owen Peterson

Business Name:

Address: PO Box 97City, State, Zip: Wendell MN 56590

## WELL LOG:

| FORMATION        | DEPTH |     |
|------------------|-------|-----|
|                  | FROM  | TO  |
| Top soil         | 0     | 2   |
| Yellow clay      | 2     | 48  |
| Gravel           | 48    | 67  |
| Blue clay        | 67    | 140 |
| Med sand         | 140   | 147 |
| Gray clay        | 147   | 192 |
| med- coarse sand | 192   | 209 |
| Gray clay        | 209   | 215 |
| Stratc           | 215   | 220 |

STATIC WATER LEVEL 48 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:   
☐ Bailed  
☐ Other

Pumping Level Below Land Surface

96 Ft. After 12 Hrs. pumped 400 GPM

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: \_\_\_\_\_ GPM

## REMARKS

N 44 41.547W 96 57.095AltamontThis well was drilled under license # 475 and this report is true and accurate.Drilling firm: Thein Well Co, Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: \_\_\_\_\_

RECEIVED

SEP 14 2015

WATER RIGHTS  
PROGRAM

HN-2016A

SD EForm - 1621LD V1

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

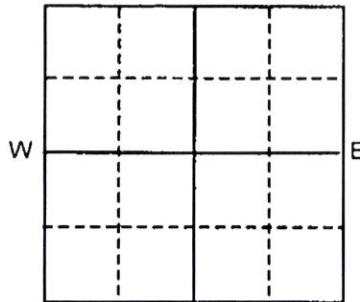
11-02

Location SW ¼ SE ¼ Sec 8 Twp 114N Rg 51W

County Hamlin

North

Please mark well location with an "X"



Well Completion Date

October 8, 2013

1 Mile

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

50.0 ft. from septic (identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

Rotary

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT | DIAMETER | FROM   | TO       | HOLE DIAMETER |
|------------|----------|--------|----------|---------------|
| LB/FT      | 6.00 IN  | 0.0 FT | 200.0 FT | 9.88 IN       |
| LB/FT      | IN       | FT     | FT       | IN            |
| LB/FT      | IN       | FT     | FT       | IN            |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From   | To       |
|------------|--------------|--------------|--------|----------|
| Bentonite  | 18           | Lb/gal       | 0.0 Ft | 196.0 Ft |
|            |              | Lb/gal       | Ft     | Ft       |

Describe grouting procedure  
tremie piped

## SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 6.00 Inches Length 28.0 Feet

Material PVC

Slot Size .030 Set From 200.0 Feet to 228.0 Feet

Other information

## WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

## DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? chlorinated

☐ No, Why Not?

Lab to which water quality sample sent for analysis

n/a

Well Owner: Owen Peterson

Business Name:

Address: PO Box 97

City, State, Zip: Wendell MN 56590

## WELL LOG:

| FORMATION                | DEPTH |     |
|--------------------------|-------|-----|
|                          | FROM  | TO  |
| Black top soil           | 0     | 1   |
| Brown clay & rocks       | 1     | 50  |
| Blue clay                | 50    | 59  |
| Brown gravel/sand        | 59    | 64  |
| Brown yellow clay/gravel | 64    | 71  |
| Yellow brown gravel/sand | 71    | 86  |
| Blue clay                | 86    | 190 |
| Blue brown clay/gravel   | 190   | 199 |
| Mixed color gravel/sand  | 199   | 228 |

STATIC WATER LEVEL 25.0 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:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

26.4 Ft. After 4.0 Hrs. pumped 100.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

## REMARKS

GPS: N 44 41.332

W 096 58.613

RECEIVED

FEB 24 2014

WATER RIGHTS PROGRAM

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: Thein Well Co., Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:



8645-3

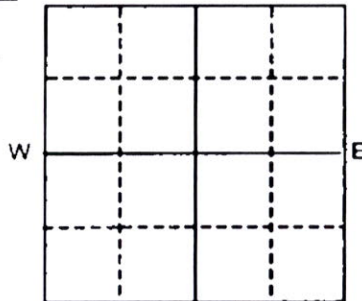
SD EForm - 1621LD V1

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 SE 1/4 Sec 27 Twp 114N Rg 51WCounty Hamlin

North

Please mark well  
location with an "X"

Well Completion Date

February 9th 2022

1 Mile

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

## PROPOSED USE:

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

## METHOD OF DRILLING:

Rotary

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe \_\_\_\_\_

| PIPEWEIGHT | DIAMETER | FROM  | TO    | HOLE DIAMETER |
|------------|----------|-------|-------|---------------|
| LB/FT      | 12 IN    | 0 FT  | 65 FT | 17.5 IN       |
| LB/FT      | IN       | 85 FT | 95 FT | 17.5 IN       |
| LB/FT      | IN       | FT    | FT    | IN            |

## GROUTING DATA:

| Grout Type  | No. of Sacks | Grout Weight | From   | To    |
|-------------|--------------|--------------|--------|-------|
| Quick Grout | 20           | Lb/gal       | 0.0 Ft | 60 Ft |
|             |              | Lb/gal       | Ft     | Ft    |

Describe grouting procedure \_\_\_\_\_

## SCREEN:

☐ Perforated pipe ☒ Manufactured  
 Diameter 12 Inches Length 20 Feet
Material StainlessSlot Size 100 Set From 65 Feet to 85 Feet

Other information \_\_\_\_\_

WAS A PACKER OR SEAL USED? ☐ Yes ☐ No

If so, what material? \_\_\_\_\_

Describe packer(s) and location \_\_\_\_\_

## DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not? \_\_\_\_\_Lab to which water  
quality sample sent for analysis \_\_\_\_\_Well Owner: Poinsett ColonyBusiness Name: SameAddress: 46527 189th StCity, State, Zip: Estelline SD 57234

## WELL LOG:

## DEPTH

| FORMATION |       |            | FROM | TO |
|-----------|-------|------------|------|----|
| Top Soil  | Black | M          | 0    | 2  |
| Clay      | Tan   | M          | 2    | 8  |
| Gravel    | Tan   | Med / Hard | 8    | 14 |
| Clay      | Gray  |            | 14   | 28 |
| Gravel    | Tan   |            | 28   | 44 |
| Clay      | Gray  |            | 44   | 57 |
| Sand      | Blue  |            | 57   | 85 |
| Clay      | Blue  |            | 85   | 95 |

STATIC WATER LEVEL 21.237 Below 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: \_\_\_\_\_☐ Bailed☐ Other

Pumping Level Below Land Surface

36.73 Ft. After 24 Hrs. pumped 789 GPM

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: \_\_\_\_\_ GPM

## REMARKS

IRRIGATION WELL (TH#5)

GPS:

44 39 05.30N, 96 56 9.20WThis well was drilled under license # 463 and this  
report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative: \_\_\_\_\_

Signature of Well Owner or Equitable Property Holder: \_\_\_\_\_

4/01/22

RECEIVED

Date: \_\_\_\_\_

DEC 19 2022

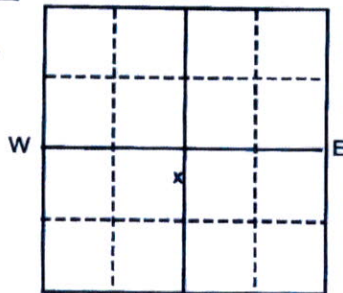
OFFICE OF  
WATER

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ SW ¼ Sec 22 Twp 114 Rg 51County Hamlin

North

Please mark well  
location with an "X"

Well Completion Date

12/08/2022

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?  
ft. from \_\_\_\_\_ (Identify source) \_\_\_\_\_

## PROPOSED USE:

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

## METHOD OF DRILLING:

Rotary

## CASING DATA:

☐ Steel ☐ Plastic ☐ Other  
 If other describe \_\_\_\_\_

| WEIGHT | DIAMETER | FROM | TO | HOLE DIAMETER |
|--------|----------|------|----|---------------|
| LB/FT  | IN       | FT   | FT | IN            |
| LB/FT  | IN       | FT   | FT | IN            |
| LB/FT  | IN       | FT   | FT | IN            |

## GROUTING DATA:

| Grout Type          | No. of Sacks | Grout Weight | From          | To            |
|---------------------|--------------|--------------|---------------|---------------|
| <u>HS Bentonite</u> | <u>8</u>     | Lb/gal       | <u>0.0</u> Ft | <u>157</u> Ft |
|                     |              | Lb/gal       | Ft            | Ft            |

Describe grouting procedure

Tremmy

## SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter \_\_\_\_\_ Inches Length \_\_\_\_\_ Feet

Material \_\_\_\_\_

Slot Size \_\_\_\_\_ Set From \_\_\_\_\_ Feet to \_\_\_\_\_ Feet

Other Information \_\_\_\_\_

WAS A PACKER OR SEAL USED? ☐ Yes ☐ No

If so, what material? \_\_\_\_\_

Describe packer(s) and location \_\_\_\_\_

## DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? \_\_\_\_\_  
☒ No, Why Not? Test Hole  
 Lab to which water \_\_\_\_\_  
 Quality sample sent for analysis \_\_\_\_\_
Well Owner: Levi TschetterBusiness Name: Poinsett ColonyAddress: 46527 189th StCity, State, Zip: Estelline ☒ SD ☒ 57234

## WELL LOG:

|           |       |       | DEPTH |     |
|-----------|-------|-------|-------|-----|
| FORMATION |       |       | FROM  | TO  |
| Top Soil  | Black | M     | 0     | 1   |
| Clay      | Tan   | M     | 1     | 18  |
| Clay      | Blue  | M     | 18    | 133 |
| Sand      | Blue  | 20sft | 133   | 146 |
| Clay      | Blue  |       | 146   | 154 |
| Sand      | Blue  |       | 154   | 157 |
|           |       |       |       |     |
|           |       |       |       |     |
|           |       |       |       |     |
|           |       |       |       |     |

## STATIC WATER LEVEL

If flowing: closed in pressure \_\_\_\_\_ FEET

GPM flow \_\_\_\_\_ through \_\_\_\_\_ PSI

Controlled by ☐ Valve ☐ Reducers ☐ Other \_\_\_\_\_ Inch pipe

Reduced flow rate \_\_\_\_\_ GPM

Can well be completely shut in? \_\_\_\_\_

## WELL TEST DATA:

☐ Pumped Describe: \_\_\_\_\_☐ Bailed☐ Other

Pumping Level Below Land Surface

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: \_\_\_\_\_ GPM

## REMARKS

TH #9 - West of Colony

GPS:

44 39 55.35N

96 56 10.36W

RECEIVED

DEC 29 2022

OFFICE OF  
WATERThis well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffi Drilling & Pump Inc

Signature of License Representative: \_\_\_\_\_

Signature of Well Owner or Equitable Property Holder: \_\_\_\_\_

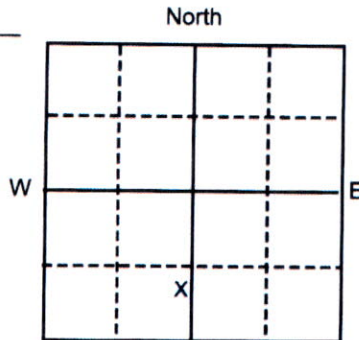
Date: \_\_\_\_\_



8777-3

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ SW ¼ Sec 22 Twp 114 Rg 51County HamlinPlease mark well  
location with an "X"

Well Completion Date

05/15/2023

1 Mile

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

1,000 ft. from Farm Site (identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

Rotary

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT | DIAMETER | FROM   | TO     | HOLE DIAMETER |
|------------|----------|--------|--------|---------------|
| LB/FT      | 12 IN    | 0 FT   | 135 FT | 17.5 IN       |
| LB/FT      | 12 IN    | 150 FT | 160 FT | 17.5 IN       |
| LB/FT      | IN       | FT     | FT     | IN            |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From   | To     |
|------------|--------------|--------------|--------|--------|
| H.S. Bent  | 9            | Lb/gal       | 0.0 Ft | 130 Ft |
|            |              | Lb/gal       | Ft     | Ft     |

Describe grouting procedure

Tremmy

## SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12 Inches Length 15 FeetMaterial Stainless SteelSlot Size 80 Set From 135 Feet to 150 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? chlorine☐ No, Why Not?Lab to which water  
quality sample sent for analysisWell Owner: Levi TschetterBusiness Name: Poinsett ColonyAddress: 46527 189th StCity, State, Zip: Estelline ☒ SD ☒ 57234

## WELL LOG:

| FORMATION   | DEPTH |         |
|-------------|-------|---------|
|             | FROM  | TO      |
| Top Soil    | BLK   | 0 1     |
| Gravel      | TAN   | 1 12    |
| Clay        | TAN   | 12 22   |
| Clay        | BLU   | 22 135  |
| Sand/Gravel |       | 135 150 |
| Clay        | BLU   | 150 160 |
|             |       |         |
|             |       |         |
|             |       |         |

STATIC WATER LEVEL 34 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:☐ Bailed☐ Other

Pumping Level Below Land Surface

119.5 Ft. After 24 Hrs. pumped 750 GPM

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: \_\_\_\_\_ GPM

## REMARKS

IRR WELL (TH #10) - West of Colony  
GPS: 44 39 44.25N 96 56 10.03WThis well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

DEC 20 2023

Date:

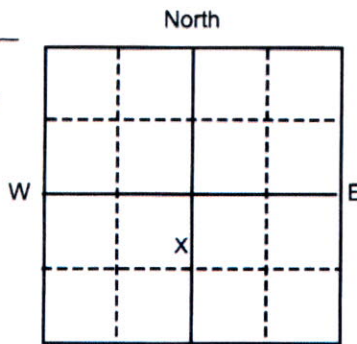
OFFICE OF  
WATER



8777-3

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SW 1/4 Sec 22 Twp 114 Rg 51County HamlinPlease mark well  
location with an "X"

Well Completion Date

05/18/2023

1 Mile

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

2,000 ft. from Farm Site (identify source)

## PROPOSED USE:

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

## METHOD OF DRILLING:

Rotary

## CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT | DIAMETER | FROM   | TO     | HOLE DIAMETER |
|------------|----------|--------|--------|---------------|
| LB/FT      | 12 IN    | 0 FT   | 135 FT | 17 IN         |
| LB/FT      | 12 IN    | 150 FT | 160 FT | 17 IN         |
| LB/FT      | IN       | FT     | FT     | IN            |

## GROUTING DATA:

| Grout Type | No. of Sacks | Grout Weight | From   | To     |
|------------|--------------|--------------|--------|--------|
| H.S. Bent  | 9            | Lb/gal       | 0.0 Ft | 130 Ft |
|            |              | Lb/gal       | Ft     | Ft     |

Describe grouting procedure

Tremmy

## SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12 Inches Length 15 FeetMaterial Stainless SteelSlot Size 100 Set From 135 Feet to 150 Feet

Other information

## WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

## DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not?
Lab to which water  
quality sample sent for analysisWell Owner: Levi TschetterBusiness Name: Poinsett ColonyAddress: 46527 189th StCity, State, Zip: Estelline ☒ SD ☒ 57234

## WELL LOG:

| FORMATION | DEPTH |     |
|-----------|-------|-----|
|           | FROM  | TO  |
| Top Soil  | 0     | 1   |
| Clay      | 1     | 15  |
| Clay      | 15    | 136 |
| Sand      | 136   | 149 |
| Clay      | 149   | 160 |
|           |       |     |
|           |       |     |
|           |       |     |

STATIC WATER LEVEL 38 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:☐ Bailed☐ Other

Pumping Level Below Land Surface

121.9 Ft. After 24 Hrs. pumped 750 GPM

\_\_\_\_\_ Ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

If pump installed, pump rate: \_\_\_\_\_ GPM

## REMARKS

IRR WELL (TH #8) - West of Colony

GPS: 44 39 50.60N 96 56 10.60W

This well was drilled under license # 463 and this report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

DEC 20 2023

Date:

OFFICE OF  
WATER



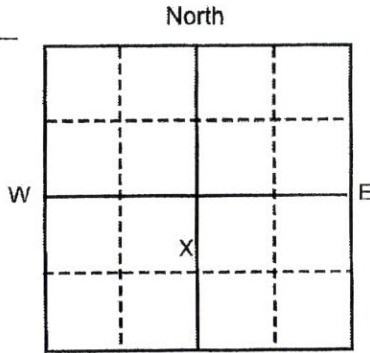
# SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE ¼ SW ¼ Sec 22 Twp 114 Rg 51

County Hamlin

Please mark well location with an "X"



Well Completion Date

05/18/2023

← 1 Mile →

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?  
2,000 ft. from Farm Site (identify source)

**PROPOSED USE:**

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

**METHOD OF DRILLING:**

Rotary

**CASING DATA:**

☐ Steel ☒ Plastic ☐ Other

If other describe

| PIPEWEIGHT | DIAMETER | FROM   | TO     | HOLE DIAMETER |
|------------|----------|--------|--------|---------------|
| LB/FT      | 12 IN    | 0 FT   | 135 FT | 17 IN         |
| LB/FT      | 12 IN    | 150 FT | 160 FT | 17 IN         |
| LB/FT      | IN       | FT     | FT     | IN            |

**GROUTING DATA:**

| Grout Type | No. of Sacks | Grout Weight | From   | To     |
|------------|--------------|--------------|--------|--------|
| H.S. Bent  | 9            | Lb/gal       | 0.0 Ft | 130 Ft |
|            |              | Lb/gal       | Ft     | Ft     |

Describe grouting procedure

Tremmy

**SCREEN:**

☐ Perforated pipe ☒ Manufactured

Diameter 12 Inches Length 15 Feet

Material Stainless Steel

Slot Size 100 Set From 135 Feet to 150 Feet

Other information

**WAS A PACKER OR SEAL USED?**

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

**DISINFECTION:** Was well disinfected upon completion?

☒ Yes, How?

☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Levi Tschetter

Business Name: Poinsett Colony

Address: 46527 189th St

City, State, Zip: Estelline ☒ SD ☒ 57234

**WELL LOG:**

|           |     | DEPTH |     |
|-----------|-----|-------|-----|
| FORMATION |     | FROM  | TO  |
| Top Soil  | BLK | 0     | 1   |
| Clay      | TAN | 1     | 15  |
| Clay      | BLU | 15    | 136 |
| Sand      | BLU | 136   | 149 |
| Clay      | BLU | 149   | 160 |
|           |     |       |     |
|           |     |       |     |
|           |     |       |     |

**STATIC WATER LEVEL**

38 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: Submersible

☐ Bailed

☐ Other

Pumping Level Below Land Surface

121.9 Ft. After 24 Hrs. pumped 750 GPM

Ft. After  Hrs. pumped  GPM

If pump installed, pump rate:  GPM

**REMARKS**

IRR WELL (TH #8) - West of Colony

GPS: 44 39 50.60N 96 56 10.60W

This well was drilled under license # 463 and this report is true and accurate.

Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

**RECEIVED**

**JUN 12 2023**

Date:

**OFFICE OF  
WATER**



Owner: Levi Tschetter Unique Well#: Irrigation Well (TH#8)

Tested by: Brandon S GPS: 44 39 05.30N 96 56 9.20W

Date: 5/19/2023 – 5/25/2023 Totalizer: 05408100 - 05934700

**Well Information:**

Length of Casing: 135'

Length of Screen: 15'

Total Well Depth: 160'

Static Water Level: 38'

Pump Capacity: \_\_\_\_\_

Motor HP 50 Voltage \_\_\_\_\_

Motor MFG: \_\_\_\_\_

Pump Model & MFG: \_\_\_\_\_

GPM 750 PWL 121.9 HRS 24hrs

RECEIVED

JUN 12 2023

OFFICE OF  
WATER

| TIME    | GPM | PWL     | COMMENTS                         |
|---------|-----|---------|----------------------------------|
| 5/19/23 |     |         |                                  |
| 8:23am  | 450 | 62'     | Start test pump                  |
| 8:24am  | 450 | 62'     | Dirty at 3 of 10 for first 5 min |
| 8:25am  | 450 | 63'     |                                  |
| 8:26am  | 450 | 63'     |                                  |
| 8:27am  | 450 | 63' 9"  |                                  |
| 8:28am  | 650 | 76'     | Adjusted flow                    |
| 8:29am  | 650 | 76' 6"  |                                  |
| 8:30am  | 650 | 77' 2"  |                                  |
| 8:31am  | 650 | 77' 2"  |                                  |
| 8:32am  | 775 | 86'     | Adjusted flow                    |
| 8:33am  | 775 | 86' 10" |                                  |
| 8:34am  | 900 | 96' 10" | Adjusted flow                    |
| 8:35am  | 900 | 97' 6"  |                                  |
| 8:40am  | 900 | 100' 1" |                                  |
| 8:50am  | 900 | 100' 7" |                                  |
| 8:55am  | 900 | 102'    |                                  |
| 9:43am  | 900 | 107'    |                                  |
| 9:45am  | 750 |         | Adjusted flow                    |
| 9:47am  | 750 |         | Totalizer 05476200               |
| 9:50am  | 750 | 104'    |                                  |
| 7:30pm  | 750 | 124'    | Motor stopped at 8:12pm          |
| 8:15pm  | 750 | 76.923  |                                  |
| 5/22/23 | SWL | 23.103  |                                  |
| 12:30pm | 750 | 23.103  |                                  |
| 12:31pm | 725 | 61.231  | Adjusted flow                    |
| 12:33pm | 725 | 69.294  |                                  |

The data stated above is representative of the time spent pumping at the capacities stated. Deviation from either time spent pumping or capacity or both could change the outcome of these results.





## Page 2

[illegible]

The data stated above is representative of the time spent pumping at the capacities stated. Deviation from either time spent pumping or capacity or both could change the outcome of these results.

# RECEIPT

## WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 28, 2023

RECEIVED OF Poinsett Hutterian Brethren Inc. 46527 189<sup>th</sup> Street Estelline SD 57234

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

|                                                                                                                        |                   |
|------------------------------------------------------------------------------------------------------------------------|-------------------|
| Fee for Application for Permit No. <u>8777-3</u> to Appropriate Water, to construct and to put water to beneficial use | \$ <u>850.00</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>8777-3</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>1050.00</u> |

By *Eric Gronlund*  
Chief Engineer  
*Em*





**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. 8777-3, Poinsett Hutterian Brethren Inc.**

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. 8777-3, Poinsett Hutterian Brethren Inc., 46527 189th Street, Estelline SD 57234.

The Chief Engineer is recommending DEFERRAL of Application No. 8777-3 for up to two years for further study pursuant to SDCL 46-2A-2 and 46-2A-7. The deferral of Application No. 8777-3 is to allow time for Poinsett Hutterian Brethren Inc. to delineate the areal extent of the Prairie Coteau aquifer in which the well is located or show a hydrologic connection to a nearby portion of the Prairie Coteau aquifer in which Water Right Nos. 7921-3 and 7988-3 are located. This effort may entail conducting an aquifer performance test.

See report for further information.

Eric Gronlund, Chief Engineer  
August 24, 2023

NOTE: The applicant or their consultant shall consult with the Water Right Program regarding requirements for a suitable aquifer performance test or additional drilling to the northwest of the well site in adjacent sections. To discuss the requirements and recommendations for an aquifer performance test or additional drilling, please contact Adam Mathiowetz at (605) 773-3352.

REPORT TO THE CHIEF ENGINEER  
ON  
WATER PERMIT APPLICATION NO. 8777-3  
FOR  
POINSETT HUTTERIAN BRETHERN INC  
AUGUST 25, 2023

Water Permit Application No. 8777-3 proposes the irrigation of 136 acres from one existing well (approximately 150 feet deep) completed into the Prairie Coteau aquifer at a maximum instantaneous diversion rate of 1.67 cubic feet of water per second (cfs). The well is located in the NE ¼ SW ¼ Section 22 and the land to be irrigated is located in the SW ¼ Section 22, all in T114N-R51W. The site is located approximately 6 miles northwest of Estelline, SD in Hamlin County.

**AQUIFER: Prairie Coteau (PCO)**

**Aquifer Characteristics:**

The Prairie Coteau aquifer has been recognized by the DANR-Water Rights Program as a collection of Quaternary-aged discontinuous buried primarily non-basal and non-surficial glacial outwash deposits between the approximate altitudes of 1,550 to 1,800 feet (NGVD29) on the Prairie Des Coteau in South Dakota (Hansen, 1994; Kume, 1985; SDGS, 2023; Thompson, 2001; Water Rights, 2023c, 2023d, and 2023e). These various outwash deposits are disconnected, lenticular bodies of sand and gravel with widely varying depths, thicknesses, and areal extents. These bodies are collectively known as the Prairie Coteau aquifer due to the hydrogeologic similarities, but each deposit is treated as its own independent aquifer (Water Rights, 2023d).

Cumulatively, the Prairie Coteau aquifer underlies approximately 1,100 square miles of Deuel and Hamlin Counties (Kume, 1985). At any given location, the aquifer is composed of multiple layers of sand and gravel separated by clayey till and enclosed in a thick section of till overlying the bedrock of the area (Kume, 1985). Generally, the various layers are not hydrologically connected. The aquifer is under confined conditions (Kume, 1985; Water Rights, 2023e).

At the applicant's well site, the general elevation of the target portion of the Prairie Coteau aquifer ranges from 1,520 to 1,560 feet (NGVD29). The aquifer is expected to be under confined conditions (Water Rights, 2023e). Based on the test hole completion report submitted with this application the depth to the top of the first layer of aquifer materials is 133 feet below grade. Due to the limited number of wells, test holes, and lithologic borings penetrating this portion of the Prairie Coteau aquifer, it is currently not possible to determine an approximate areal extent for the targeted portion of the Prairie Coteau aquifer (SDGS, 2023; Water Rights, 2023c, 2023d, and 2023e).

**APPLICABLE SOUTH DAKOTA CODIFIED LAW (SDCL):**

Pursuant to SDCL 46-2A-9, "A permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the diversion point 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 as defined by SDCL 46-2-9 and 46-2-11.” This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Prairie Coteau aquifer.

This application proposes to appropriate water from the Prairie Coteau aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires:

“No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems.”

The Greenhorn Formation is a Cretaceous aged formation (Fahrenbach et al, 2010). The Prairie Coteau aquifer is younger and stratigraphically higher than the Greenhorn Formation. Furthermore, the applicant is not a water distribution system as defined by SDCL 46-1-6(17). Therefore, the balance between recharge to and withdrawals from the Prairie Coteau aquifer must be considered for this application.

### **Hydrologic Budget:**

Determination of water availability includes a review of water use occurring from the aquifer targeted by a given application. This includes determination of the areal extent of the aquifer. An aquifer performance test was conducted for Water Right No. 7921-3 located approximately 2.6 miles northwest of the applicant’s well site. The aquifer performance test was conducted and analyzed by Dustman of Summit Envirosolutions (Dustman, 2014). The aquifer performance test was conducted as part of a deferral recommendation for then Application No. 7921-3 to determine aquifer areal extent and availability of water for the application. The aquifer performance test report was reviewed by Water Rights Staff Engineer Capen (2014) and a supplementary report drafted recommending approval of the application. Water Right No. 7921-3 was targeting a deposit of the Prairie Coteau aquifer in the elevation range of 1,500 to 1,550 feet (NGVD29).

The aquifer performance test determined a radius of influence ( $r_0$ ) of approximately 60,000 feet or 11.4 miles. It was noted by Capen (2014) the methods used to determine the aquifer characteristics, transmissivity and storativity, were done using early-time data and therefore not necessarily as reliable or accurate as using late-time data. Early-time data includes the influence of emptying of the well casing to a stable pumping level and local dewatering of the aquifer around the well casing which are not necessarily representative of the aquifer on a larger scale. Furthermore, a secondary review of this aquifer performance test by Drennon (2023) and conducted for this application determined that the  $r_0$  is likely only in one direction, to the northeast of the tested well. This is due to the shape of the drawdown curve (see Figure 1) and the fact that one monitoring well was in

very close proximity to the pumping well and the other more distant monitoring well was located to the northeast of the pumping well.

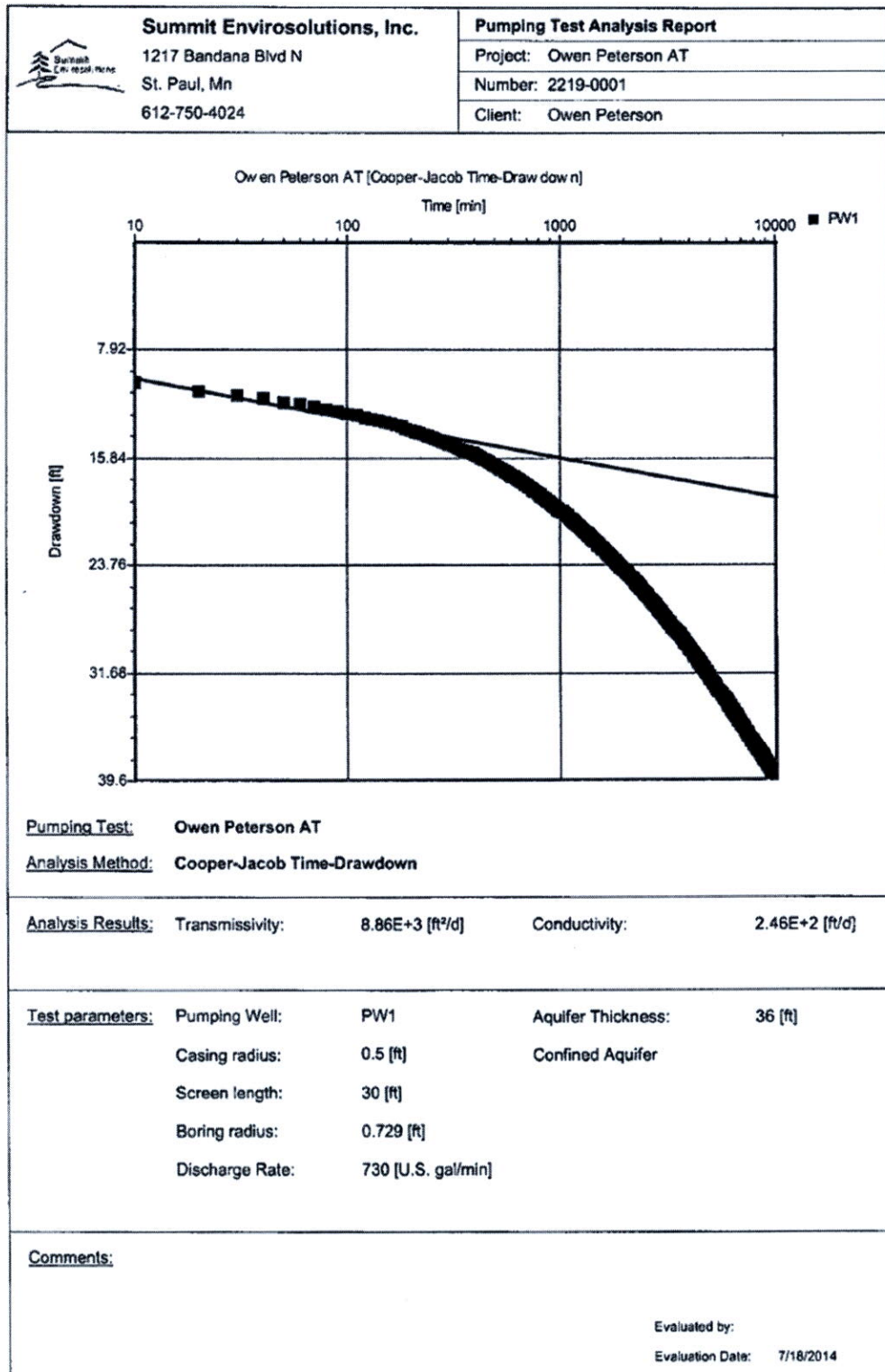


Figure 1- Cooper-Jacob Time-Drawdown curve for the pumping well for Water Right No. 7921-3 aquifer performance test (Dustman, 2014)



On a log time scale, such as the graph in Figure 1, the shape of the drawdown curve should be a straight line if the aquifer is so extensive that no boundary conditions were encountered. However, the shape is a curved line. This is more indicative of a channel deposit. The monitoring wells used for this performance test were 100 feet south and 2 miles northeast of the pumping well. Furthermore, review of various borings including several drilled since completion of the aquifer performance test in the area support that the deposit used by Water Right No. 7921-3 is likely a channel deposit running northeast to southwest of the well for Water Right No. 7921-3 and not necessarily a large areal extent deposit that would include the well site for this application located approximately 2.6 miles southeast of the pumping well for Water Right No. 7921-3 (SDGS, 2023; Water Rights, 2023c, 2023d, and 2023e).

Furthermore, review of the borings with sufficient depth to reach the applicant's targeted aquifer in the area of this application are limited to the applicant's borings on site and a lithologic boring by the SD Geological survey approximately 1.4 miles southeast (SDGS, 2023). There are no other borings of sufficient depth within approximately two miles of the well the applicant proposes to use to determine areal extent of the portion of the Prairie Coteau aquifer in which the well is completed. In short, there is not sufficient information available to determine the areal extent of the portion of the Prairie Coteau aquifer the applicant intends to use. Based on a recharge rate for buried confined aquifers suggest by Hedges and others (1985), 0.15 to 0.6 inches per year, and assuming an application rate of 10 inches per acre per year equating to 113.3 ac-ft/yr, then the portion of the Prairie Coteau aquifer the applicant proposes to use needs to underlie 2,267 to 9,067 acres or 3.5 to 14.2 square miles.

While there is an observation well, HN-2016A, completed into the portion of the Prairie Coteau aquifer Water Right No. 7921-3 uses, located approximately 2.5 miles northwest of the applicant's well site, it is uncertain if that portion of the Prairie Coteau aquifer is hydrologically connected to the portion this application proposes to use. However, the hydrograph for HN-2016A is useful for discussing the likely artesian head pressure available and the reaction to pumping by Water Right Nos. 7921-3 and 7988-3 which are both completed into the same portion of the aquifer as the observation well. The top of the aquifer material in HN-2016A is 199 feet below grade. At the lowest recorded water level, there was approximately 104 feet of artesian head pressure remaining above the top of the aquifer. It is clearly evident that pumping by Water Right Nos. 7921-3 and 7988-3 reduces the artesian head pressure in the aquifer during the irrigation season (Water Rights, 2023b and 2023c). Since 2020, there has been a decline in the water level of the first measurement each year for this observation well. This may be due to abnormally dry to drought conditions persisting in the area for much of 2020, 2021, and 2023, particularly during the primary recharge period of spring through early summer during those years and during a portion of those months in 2022 as well.

Based on the best reasonably available information, this application should be deferred until additional information is available to delineate the aquifer or to show a hydrologic connection to the portion of the Prairie Coteau aquifer that Water Right Nos. 7921-3 and 7988-3 are completed into. Examples of further information could be additional drilling to the northwest of the well site in adjacent sections or an aquifer performance test of sufficient length to demonstrate an  $r_0$  that is sufficiently large enough to support this application.



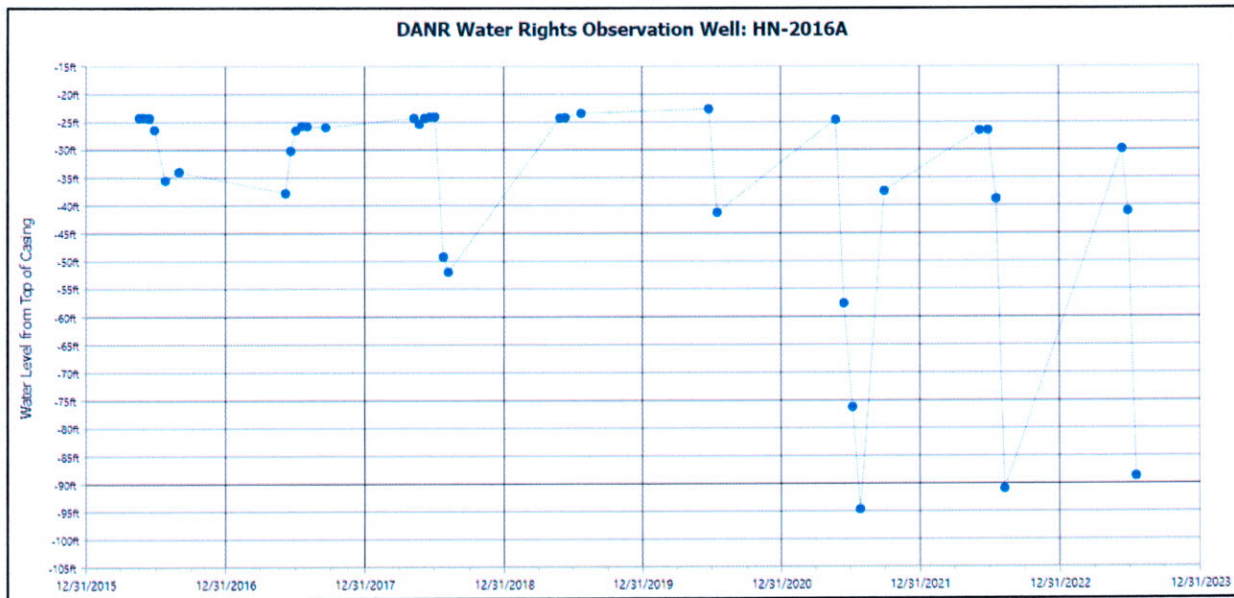


Figure 2- Hydrograph for HN-2016A (Water Rights, 2023c)

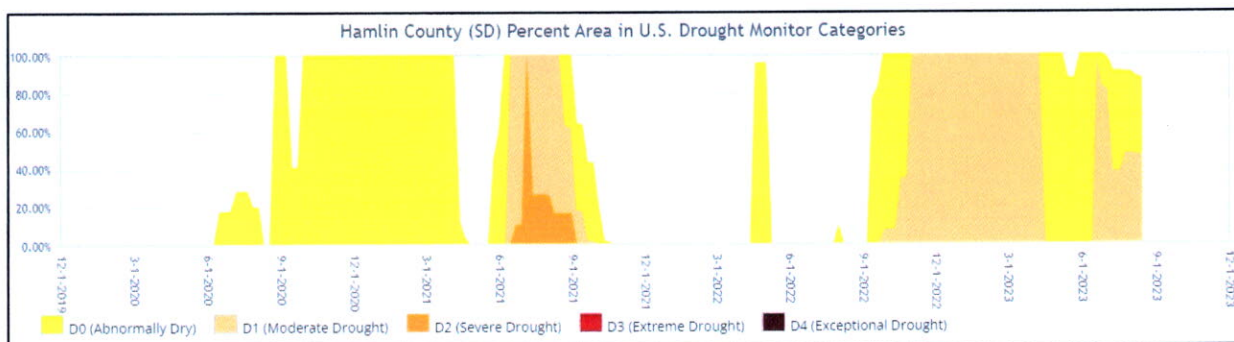


Figure 3- Hamlin County, SD percent of area in U.S. Drought Monitor Categories December 2019 to December 2023 (Drought Monitor, 2023)

### POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

The nearest Prairie Coteau aquifer water rights that may be completed into the same portion of the aquifer as this application are Water Right Nos. 7921-3 and 7988-3, approximately 2.6 miles northwest and 2.2 miles north, respectively (Water Rights, 2023d). However, as previously stated, this application and Water Right Nos. 7921-3 and 7988-3 may not be in the same portion of the Prairie Coteau aquifer. There are no domestic wells on record within two miles that appear to be completed into the Prairie Coteau aquifer at a similar elevation as the applicant's well (Water Rights, 2023e). There may be domestic wells completed into the same portion of the Prairie Coteau aquifer wells as the applicant's well that are not on file with the Water Rights Program.

The Prairie Coteau aquifer is expected to be under confined conditions at the applicant's well site (Water Rights, 2023e). Since the aquifer is confined, drawdown can extend some distance from a well. However, the exact drawdown behavior cannot be determined without an aquifer performance test. The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has promulgated rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure



for domestic use. The Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

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

The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted the Findings of Fact and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Prairie Coteau aquifer at their location. A review of the Water Rights Program complaint file for Hamlin County shows no complaints of well interference from wells completed into the Prairie Coteau aquifer in the county (Water Rights, 2023a). There have been complaints filed with the Water Rights Program regarding well impairment of Prairie Coteau aquifer wells in other counties (Water Rights, 2023a). Most of these complaints were unsubstantiated and required the lowering of pumps in the owner’s wells. As previously stated, pump placement using artesian head pressure as a means of delivery of water has been determined by the Water Management Board to not be protected. When considering the statutes (SDCL 46-1-4 and 46-6-6.1, rule (ARSD 74:02:04:20(7)), the expected amount of artesian head pressure at the proposed well site for this application (100+ feet), and the lack of well interference complaints in the area of this application from the Prairie Coteau aquifer, there is a reasonable probability that any drawdown created by using this proposed diversion will not cause an unlawful impairment on existing water rights/permits with adequate wells or adequate domestic wells.

#### **CONCLUSIONS:**

1. Water Permit Application No. 8777-3 proposes the irrigation of 136 acres from one existing well (approximately 150 feet deep) completed into the Prairie Coteau aquifer at a maximum instantaneous diversion rate of 1.67 cubic feet of water per second (cfs). The well is located in the NE ¼ SW ¼ Section 22 and the land to be irrigated is located in the SW ¼ Section 22, all in T114N-R51W. The site is located approximately 6 miles northwest of Estelline, SD in Hamlin County.
2. There is not sufficient information available to determine the areal extent of the aquifer this application proposes to use. Thus, there is not sufficient information available to determine if the amount of unappropriated water available is sufficient to satisfy this application.

3. This application should be deferred until further information is available to delineate the aquifer. For example, there could be additional drilling in the area, or an aquifer performance test could be conducted.
4. There is a reasonable probability that use from this proposed diversion will not unlawfully impair existing appropriative or domestic users with adequate wells.



Adam Mathiowetz, PE  
SD DANR-Water Rights Program

**REFERENCES:**

- Capen, B. 2014. Supplemental Report to the Chief Engineer Deferred Water Permit Application No. 7921-3 Owen and Lamont Peterson. SD DANR-Water Rights Program. Pierre, SD.
- Drennon, K.C. August 22, 2023. *Personal Communication*. DANR-Water Rights Program Engineer II. Pierre, SD.
- Dustman, J. 2014. Aquifer Test Report, Owen Peterson Farm. Summit Project No. 2219-0001. Summit Envirosolutions, Inc. St. Paul, MN.
- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L. and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigation 3. DANR-Geological Survey Program. Vermillion, SD.
- Hansen, D.S. 1994. Major Aquifers in Codington and Grant Counties, South Dakota. Information Pamphlet No. 47. SD DANR-Geological Survey. Vermillion, SD.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Kume, J. 1985. Water Resources of Deuel and Hamlin Counties, South Dakota. Water-Resource Investigations Report 84-4069. U.S. Geological Survey. Huron, SD.
- SDGS.2023. SD Geological Survey Lithologic Logs Database. Accessed: August 21, 2023. <<http://cf.sddanr.net/lithdb/>>.
- Thompson, R.F. 2001. Water Resources of the Lake Traverse Reservation, South and North Dakota, and Roberts County, South Dakota. Water-Resource Investigations Report 01-4219. U.S. Geological Survey. Rapid City, SD.
- Drought Monitor. 2023. U.S. Drought Monitor Time Series. Accessed August 22, 2023. <<https://droughtmonitor.unl.edu/DmData/TimeSeries.aspx>>.



Water Rights. 2023a. County Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, SD

Water Rights. 2023b. Irrigation Questionnaire Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2023c. Observation Well Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2023d. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2023e. Well Completion Reports. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 1995. Water Rights File No. 2313-2 Coca-Cola Bottling Company of the Black Hills. SD DANR-Water Rights Program. Pierre, SD.



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA     )  
                                          ) SS  
COUNTY OF HUGHES         )

**Affidavit of Public Notice  
Posting on DANR Website**

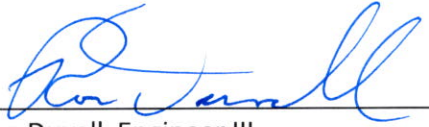
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the 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.:** 8777-3

**Name of Applicant:** Poinsett Hutterian Brethren, Inc., c/o Levi Tschetter

**Date of Posting:** 10/24/2023

**Date of Removal:** 3/17/2025

  
\_\_\_\_\_  
Ron Duvall, Engineer III

3/17/2025  
\_\_\_\_\_  
Date

Subscribed and sworn to before me, a notary public, this 17<sup>th</sup> day of March, 2025.

  
\_\_\_\_\_  
Notary Public - South Dakota  
My commission expires:

(SEAL)

Rachel Rodriguez  
My Commission Expires  
May 16, 2029







**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**File No. 8645-3**

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

**NAME:** Levi Tschetter, Poinsett Hutterian Brethren Inc.

**ADDRESS:** 46527 189<sup>th</sup> Street, Estelline SD 57234

**DATE:** June 12, 2023    **PHONE:** 605.690.5430    **EMAIL:** levi.tschetter@outlook.com

**RE:** Change in Diversion Point Location for Water Permit No. 8645-3

**COMMENTS:**

On June 12, 2023, a well completion report for an irrigation well in the name of Levi Tschetter was received. Based on the latitude/longitude, the irrigation well is located in the NE1/4 SW1/4 section 22-T114N-R51W (the well completion report says "SE1/4 SW1/4"). Water Permit No. 8645-3 was issued for irrigation of the SW1/4 section 22 from a well located to the south in section 27-T114N-R51W. The well in section 27 has been constructed (see well log in file) but Mr. Tschetter indicated the well could not be used to irrigate the SW1/4 section 22 because he could not get the property owner's permission to cross the road between section 27 and section 22. Consequently, a suitable well site was found in the SW1/4 section 22 and a well was completed in that location for irrigation of the SW1/4 section 22.

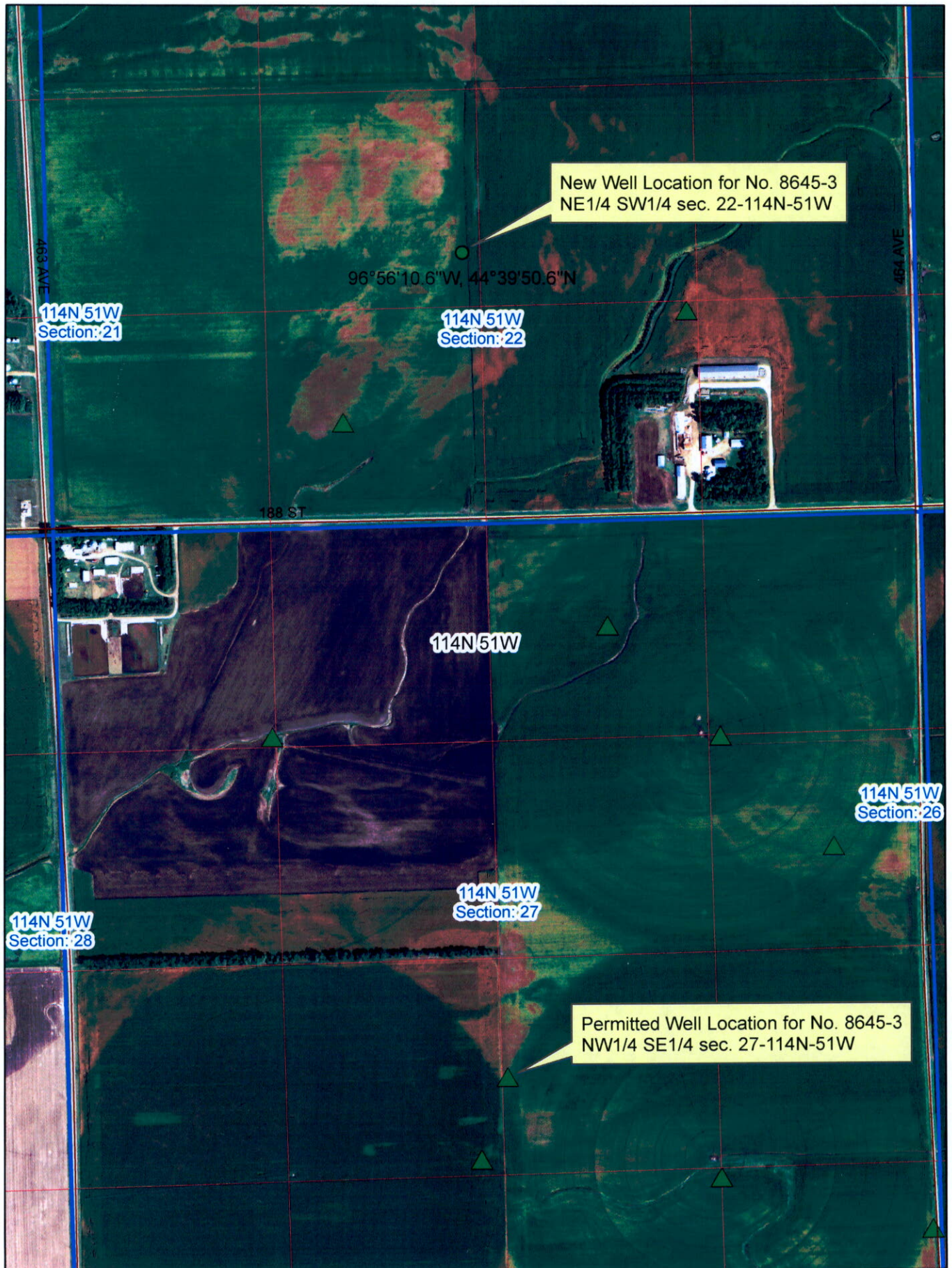
I informed Mr. Tschetter that it may be possible to change the well location from section 27 to section 22 provided the water source remains unchanged as well as the amount of water needed and the acres to be irrigated will not increase. Mr. Tschetter indicated the area to be irrigated would remain unchanged and the amount of water needed. I asked Mr. Tschetter what his intentions were for the well in section 27 that could not be used to irrigate the SW1/4 section 22. Mr. Tschetter indicated that he plans to use the well in section 27 to irrigate the SW1/4 section 26-T114N-R51W that is covered by another water permit. Use of the new well would allow the pivots in the W1/2 section 26 to both operate at the same time rather than alternating operation of the pivots. An application has been provided to Mr. Tschetter to review.

**RECOMMENDED ACTION:**

Perform a staff review to determine whether a change in the location of the diversion point can be addressed administratively pursuant to SDCL 46-5-13.1.

Ron Duvall, Engineer III  
SD DANR, Water Rights Program





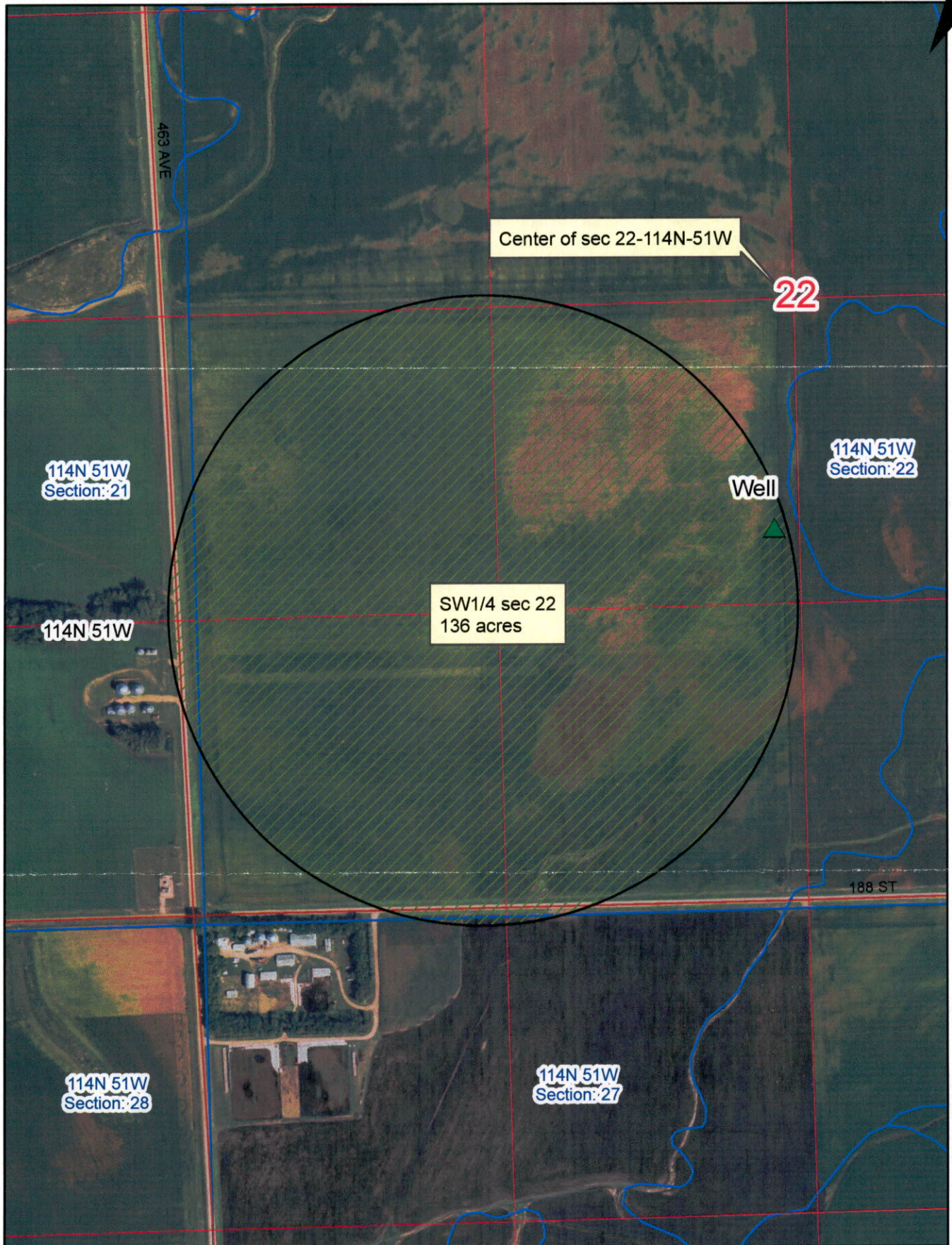


Scale: 1 inch = 589 feet

840

Feet

N



Completed by:

*R. Duvall*  
Ron Duvall, Engineer III  
SD DANR, Water Rights Program

Date:

*7/25/23*





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

December 7, 2023

**NOTICE OF ENTRY OF ORDER**

TO: Poinsett Hutterian Brethren Inc.  
c/o Levi Tschetter  
46527 189th Street  
Estelline SD 57234

Jennifer L. Verleger, Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre SD 57501-8501

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*  
SD DANR, Water Rights Program

SUBJECT: Deferral of Water Permit Application No. 8777-3, Poinsett Hutterian Brethren Inc.

Notice is given that on December 6, 2023, the Water Management Board deferred Application No. 8777-3 for up to two years as recommended by the Chief Engineer. As noted in the Chief Engineer's recommendation, deferral of the application is to allow time for Poinsett Hutterian Brethren Inc. to delineate the areal extent of the Prairie Coteau aquifer in which the well is located or show a hydrologic connection to a nearby portion of the Prairie Coteau aquifer in which Water Right Nos. 7921-3 and 7988-3 are located. This effort may entail retaining a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test.

Prior to expiration of the two-year deferral, the application may be brought back to the Board for further consideration. To do this, you or your consultant shall consult with the Water Rights Program regarding requirements for a suitable aquifer performance test or additional drilling to the northwest of the well site in adjacent sections. To discuss the requirements and recommendations for an aquifer performance test or additional drilling, please contact Adam Mathiowetz at (605) 773-3352.

c: David McVey, Assistant Attorney General



# CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Entry of Order dated December 7, 2023, regarding deferral of Water Permit Application Nos. 8777-3 - Poinsett Hutterian Brethren Inc., was served upon the following by enclosing the same in envelopes with first class postage prepaid, and depositing said envelopes in the United States mail on December 7, 2023.

Poinsett Hutterian Brethren Inc.  
c/o Levi Tschetter  
46527 189th Street  
Estelline SD 57234

Above also Sent Inter-office to:

Jennifer L. Verleger, Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre SD 57501-8501

David McVey, Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre SD 57501-8501



Vickie Maberry  
Water Rights Program, DANR

STATE OF SOUTH DAKOTA    )  
                                          ) SS  
COUNTY OF HUGHES        )

Sworn to, before me, this 7 day of December, 2023.

  
Rachel Rodriguez  
Notary Public  
My Commission expires May 16, 2029





**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.**

October 16, 2023

Poinsett Hutterian Brethren Inc.  
c/o Levi Tschetter  
46527 189<sup>th</sup> Street  
Estelline SD 57234

Dear Mr. Tschetter:

Water Permit Application No. 8777-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Estelline Journal printed in Estelline SD (Ph # 605 873-2475) and the Public Opinion printed in Watertown (see attachment for contact number). 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.

Please note that as a legal entity, Poinsett Hutterian Brethren, Inc. is required to be represented by legal counsel in this administrative proceeding.

Sincerely,

*Rachel Rodriguez*

Rachel Rodriguez  
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 HEARING on Application No. 8777-3 to Appropriate Water

Notice is given that Poinsett Hutterian Brethren Inc., c/o Levi Tschetter, 46527 189<sup>th</sup> Street, Estelline SD 57234 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second from one existing well completed into the Prairie Coteau Aquifer (approximately 150 feet deep) located in the NE 1/4 SW 1/4 Section 22 for irrigation of 136 acres located in the SW 1/4 Section 22; all in T114N-R51W. This site is located approximately 6 miles northwest of Estelline SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that “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 Chief Engineer’s recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board.” In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 8777-3 for up to two years for further study pursuant to SDCL 46-2A-2 and 46-2A-7. The deferral of Application No. 8777-3 is to allow time for Poinsett Hutterian Brethren Inc. to delineate the areal extent of the Prairie Coteau aquifer in which the well is located or show a hydrologic connection to a nearby portion of the Prairie Coteau aquifer in which Water Right Nos. 7921-3 and 7988-3 are located. This effort may entail conducting an aquifer performance test.

The Water Management Board will consider this application at 9:45 AM (Central Time) on December 6, 2023, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing 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 November 6, 2023.

The petition shall be in writing and 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The December hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an



automatic delay must be filed by November 6, 2023. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

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 November 6, 2023.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at [Brian.Walsh@state.sd.us](mailto:Brian.Walsh@state.sd.us) as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is November 6, 2023. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Published once at an approximate cost of \_\_\_\_\_.



## Rodriguez, Rachel

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*Estelline*

**From:** Rodriguez, Rachel  
**Sent:** Monday, October 16, 2023 9:29 AM  
**To:** LeeAnne Dufek  
**Subject:** 8777-3 Poinsett Hutterian Brethren, Inc. - Public Notice  
**Attachments:** 8777-3 public.wmb\_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 25, 2023.

Poinsett Hutterian Brethren Inc., c/o Levi Tschetter, 46527 189th Street, Estelline SD 57234, (605-690-5430) 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez  
DANR | Program Assistant  
Rachel.Rodriguez@state.sd.us



## Rodriguez, Rachel

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**From:** Rodriguez, Rachel  
**Sent:** Monday, October 16, 2023 9:31 AM  
**To:** legals@thepublicopinion.com  
**Subject:** 8777-3 Poinsett Hutterian Brethren, Inc. - Public Notice  
**Attachments:** 8777-3 public.wmb\_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 25, 2023.

Poinsett Hutterian Brethren Inc., c/o Levi Tschetter, 46527 189th Street, Estelline SD 57234, (605-690-5430), email address levi.tschetter@outlook.com 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez  
DANR | Program Assistant  
[Rachel.Rodriguez@state.sd.us](mailto:Rachel.Rodriguez@state.sd.us)





# LOCALiQ

Aberdeen News  
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

## **PROOF OF PUBLICATION**

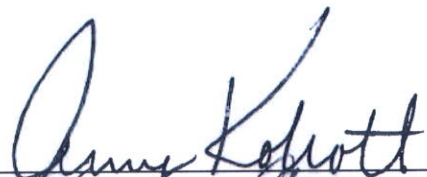
Water Rights Program Levi  
Poinsett Hutterian Brethren Inc  
46527 189Th ST  
Estelline SD 57234-5707

STATE OF SOUTH DAKOTA, COUNTY OF CODINGTON

The Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper in the issue dated:

10/25/2023

and that the fees charged are legal.  
Sworn to and subscribed before on 10/25/2023

  
\_\_\_\_\_  
Legal Clerk

  
\_\_\_\_\_  
Notary, State of WI, County of Brown

1-7-25

My commission expires

Publication Cost: \$94.32

Order No: 9412305

# of Copies:

Customer No: 1056103

1

PO #: No. 8777-3

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

NOTICE OF HEARING on  
Application No. 8777-3 to  
Appropriate Water

Notice is given that Poinsett Hutterian Brethren Inc., c/o Levi Tschetter, 46527 189th Street, Estelline SD 57234 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second from one existing well completed into the Prairie Coteau Aquifer (approximately 150 feet deep) located in the NE 1/4 SW 1/4 Section 22 for irrigation of 136 acres located in the SW 1/4 Section 22; all in T114N-R51W. This site is located approximately 6 miles northwest of Estelline SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "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 Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 8777-3 for up to two years for further study pursuant to SDCL 46-2A-2 and 46-2A-7. The deferral of Application No. 8777-3 is to allow time for Poinsett Hutterian Brethren Inc. to delineate the areal extent of the Prairie Coteau aquifer in which the well is located or show a hydrologic connection to a nearby portion of the Prairie Coteau aquifer in which Water Right Nos. 7921-3 and 7988-3 are located. This effort may entail conducting an aquifer performance test.

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Any person who intends to participate in the hearing shall allege that the application, upon approval,



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The December hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by November 6, 2023. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

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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 November 6, 2023.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at [Brian.Walsh@state.sd.us](mailto:Brian.Walsh@state.sd.us) as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is November 6, 2023. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01. Published 10/25/23 at an approximate cost of \$94.32 and may be viewed free of charge at





Form 8

RECEIVED

OCT 27 2023

OFFICE OF  
WATER

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA )

County of Hamlin ) SS

I, Lee Anne Dutch

certify that the attached printed Notice was taken

from the Hamlin County  
Republican

printed and published in Castlewood

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

Oct. 25, 2023

Cost of Printing 72.92

Lee Anne Dutch  
(Signature)

Dutcher  
(Title)

10-25-2023  
(Date Signed)

**NOTICE OF HEARING ON  
APPLICATION NO. 8777-3  
TO APPROPRIATE WATER**

Notice is given that Poinsett Hutterian Brethren Inc., c/o Levi Tschetter, 46527 189<sup>th</sup> Street, Estelline SD 57234 has filed an application for a water permit to appropriate 1.67 cubic feet of water per second from one existing well completed into the Prairie Coteau Aquifer (approximately 150 feet deep) located in the NE 1/4 SW 1/4 Section 22 for irrigation of 136 acres located in the SW 1/4 Section 22; all in T114N-R51W. This site is located approximately 6 miles northwest of Estelline SD.

South Dakota Codified Law (SDCL) 46-2A-4(10) provides that "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 Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that this application presents important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 8777-3 for up to two years for further study pursuant to SDCL 46-2A-2 and 46-2A-7. The deferral of Application No. 8777-3 is to allow time for Poinsett Hutterian Brethren Inc. to delineate the areal extent of the Prairie Coteau aquifer in which the well is located or show a hydrologic connection to a nearby portion of the Prairie Coteau aquifer in which Water Right Nos. 7921-3 and 7988-3 are located. This effort may entail conducting an aquifer performance test.

October 25, 2023 / 15

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

The December hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose the application. The request for an automatic delay must be filed by November 6, 2023. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and all petitioners regarding the time, date, and location.

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 November 6, 2023.

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at [Brian.Walsh@state.sd.us](mailto:Brian.Walsh@state.sd.us) as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.



The Water Management Board will consider this application at 9:45 AM (Central Time) on December 6, 2023, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave., Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing.

Any person who intends to participate in the hearing 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 November 6, 2023.

The petition shall be in writing and shall include a statement describing

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is November 6, 2023. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Published Oct. 25, 2023, at total cost of \$72.92 and may be viewed online at [www.sdpublicnotices.com](http://www.sdpublicnotices.com)



SENT VIA ELECTRONIC MAIL

May 29, 2024

RECEIVED BY  
adam.mathiowetz@state.sd.us  
ON MAY 29, 2024 5:50 P.M.

Mr. Levi Tschetter  
46527 189th Street  
Estelline, SD 57234

Subject: Results of Aquifer Testing  
Estelline, South Dakota

Dear Mr. Tschetter:

Summit Envirosolutions, Inc. (Summit) has completed an aquifer test at the Poinsette Hutterian Brethren, Inc. irrigation well site near Estelline, South Dakota. This letter report transmits the data, results, and conclusions regarding the test.

### **Aquifer Testing**

Summit installed pressure transducers and telemetry at five wells in late November 2023 at the locations on Figure 1. The wells included the pumping well (PW1), two test wells installed by Steffl Well Drilling (OB1 and OB2), a well owned by Owen Peterson in the southeast quarter of Section 9 (7988-3, or OB3), and a State of South Dakota observation well located on the southern edge of Section 8 known as HN2016A. OB3 is a shallow well and was used to evaluate Totalizer readings were collected at routine intervals during the refueling activities at the generator. A summary of these data are provided in Table 1.

The initial sensor installed at the pumping well (PW1) became stuck and was subsequently damaged during the pump installation. The replacement sensor could only measure up to 100 feet of water, therefore it was initially set at 86.53 below the top of the water and moved down 31.69 feet at approximately 10 minutes into the test. The data were corrected for graphical purposes by subtracting this amount from the sensor readings. The sensor was then moved back to the original setting immediately before the pump was shut off.



## **Results**

The data are attached in a Microsoft Excel workbook as an electronic attachment to this letter report. The water level data were imported into our EPIPHINY® data platform for trending and analysis.

The attached graphs present the water-level data for each observation well for comparison purposes. These data indicate that water levels at OB1 and OB3 were influenced as a result of pumping at PW1. The water levels at the other wells do not appear to be changed due to the pumping at PW1.

The amount of drawdown observed at the three wells is summarized below:

**Table 1**

| <b>WELL</b> | <b>DISTANCE<br/>(FEET)</b> | <b>WATER LEVEL<br/>AT START<br/>(FEET ABOVE<br/>SENSOR)</b> | <b>WATER LEVEL<br/>AT END<br/>(FEET ABOVE<br/>SENSOR)</b> | <b>DRAWDOWN<br/>(FEET)</b> |
|-------------|----------------------------|-------------------------------------------------------------|-----------------------------------------------------------|----------------------------|
| OB1         | 851                        | 88.65                                                       | 16.06                                                     | 72.59                      |
| OB3         | 16,421                     | 7.79                                                        | 5.95                                                      | 1.84                       |
| PW1         | 0                          | 83.56                                                       | -10.06*                                                   | 93.62                      |

\*This represents the corrected value. The total drawdown was calculated from sum of the initial reading and the amount the transducer was moved (115.45 feet) less the difference between the final corrected value and the amount the transducer was moved (21.83 feet).

The specific capacity at PW1 was calculated to be 6.9 gpm/foot of drawdown at the end of the test.

The drawdown data indicate a highly anisotropic aquifer system. The sand and gravel units that comprise the aquifer likely thin and thicken over distance, creating a difficult scenario to calculate aquifer parameters with a high degree of certainty. The fact that approximately 73 feet of drawdown was observed 850 feet from the pumping well indicates that the transmissivity may be less in that direction. However, the drawdown observed at OB3 (7988-3) over 3 miles away is more indicative of a significant recharge area contributing to the aquifer at PW1. The time

Mr. Levi Tschetter  
May 29, 2024  
Page 3

drawdown data from PW1, OB1, and OB3 were loaded into the AQTESOLV software platform where a transmissivity value of 1440 feet<sup>2</sup>/day was calculated. Based on a saturated thickness of 15 feet, the value of hydraulic conductivity was calculated to be 96 feet per day, which appears consistent with a medium to coarse grained sand with gravel. These values were then used in Microsoft Excel spreadsheets to correlate the observed drawdowns to estimate a storage coefficient of 0.00015, which is indicative of a confined aquifer, however, the prediction of drawdown at distance was not able to be matched. A zero-drawdown distance of 36,000 feet was predicted using the tool, however, drawdown was not observed at a distance of approximately 24,300 feet at HN2016N.

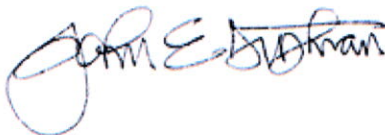
### **Conclusions**

The aquifer testing effort was successful in determining that the aquifer can sustain over 640 gpm of pumping for seven days. It is our opinion based on the connection with OB3 (7988-3) that the pumping well is likely connected to the Prairie Coteau aquifer and should therefore have adequate recharge to meet your irrigation requirements.

If you have questions regarding the contents of this letter report or the project in general, please contact me at [jdustman@summite.com](mailto:jdustman@summite.com) or (612) 750-4024.

Sincerely,

**Summit Envirosolutions, Inc.**



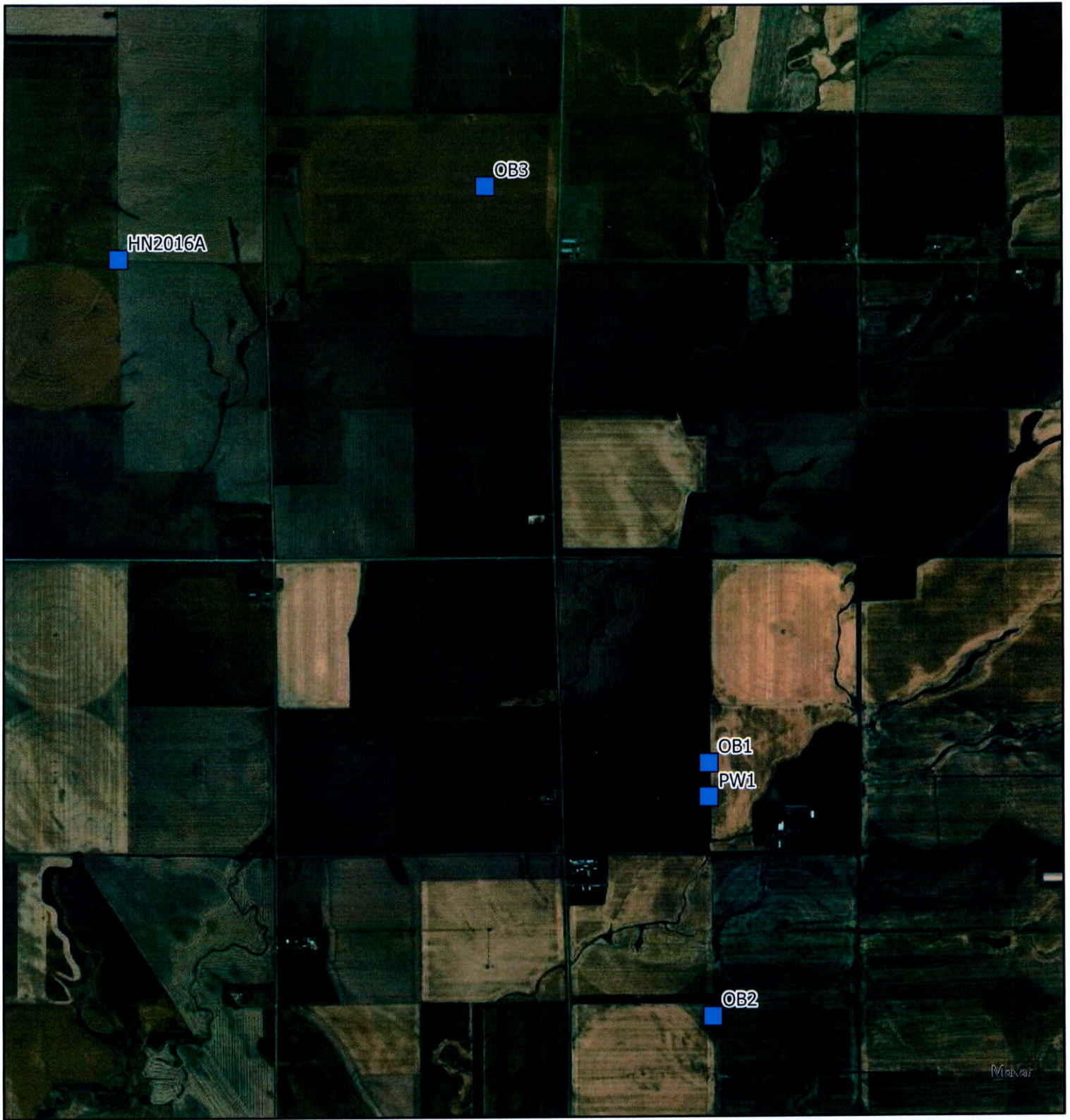
---

John E. Dustman  
Principal

jed/HS

attachments





 Aquifer Test Well



RECIEVED BY  
adam.mathiowetz@state.sd.us  
ON MAY 29, 2024 5:50 P.M.

0 0.75 1.5 Miles

## AQUIFER TEST WELLS

Poinsett Hutterian Brethren Inc.  
Estelline, South Dakota



### Figure 1

File: 20231115\_PHBI  
Summit Proj. No.: 2411-0001  
Plot Date: 4/24/2024  
Arc Operator: JED  
Reviewed by: KWR

Table 1 - Flow Rate Calculations  
Poinsett Hutterian Brethren Aquifer Test

RECIEVED BY  
adam.mathiowetz@state.sd.us  
ON MAY 29, 2024 5:50 P.M.

| Date Time         | Minutes      | Totalizer  | Gallons          | GPM           |
|-------------------|--------------|------------|------------------|---------------|
| 12/11/23 2:23 PM  | 0            | 7,232,200  |                  |               |
| 12/11/23 3:54 PM  | 91           | 7,297,600  | 65,400           | 718.68        |
| 12/11/23 4:50 PM  | 56           | 7,342,000  | 44,400           | 792.86        |
| 12/11/23 5:26 PM  | 36           | 7,369,300  | 27,300           | 758.33        |
| 12/11/23 8:26 PM  | 180          | 7,496,500  | 127,200          | 706.67        |
| 12/12/23 8:12 AM  | 706          | 7,977,700  | 481,200          | 681.59        |
| 12/12/23 5:38 PM  | 566          | 8,367,000  | 389,300          | 687.81        |
| 12/12/23 7:41 PM  | 123          | 8,451,900  | 84,900           | 690.24        |
| 12/13/23 8:31 AM  | 770          | 8,976,700  | 524,800          | 681.56        |
| 12/13/23 11:20 AM | 169          | 9,090,000  | 113,300          | 670.41        |
| 12/13/23 2:39 PM  | 199          | 9,222,600  | 132,600          | 666.33        |
| 12/13/23 4:29 PM  | 110          | 9,295,300  | 72,700           | 660.91        |
| 12/13/23 7:41 PM  | 192          | 9,422,000  | 126,700          | 659.90        |
| 12/14/23 8:30 AM  | 769          | 9,927,100  | 505,100          | 656.83        |
| 12/14/23 3:56 PM  | 446          | 10,213,800 | 286,700          | 642.83        |
| 12/14/23 8:13 PM  | 257          | 10,378,000 | 164,200          | 638.91        |
| 12/15/23 8:38 AM  | 745          | 10,849,100 | 471,100          | 632.35        |
| 12/15/23 11:15 AM | 157          | 10,948,200 | 99,100           | 631.21        |
| 12/15/23 2:47 PM  | 212          | 11,077,800 | 129,600          | 611.32        |
| 12/15/23 8:47 PM  | 360          | 11,305,100 | 227,300          | 631.39        |
| 12/16/23 8:40 AM  | 713          | 11,747,500 | 442,400          | 620.48        |
| 12/16/23 11:20 AM | 160          | 11,846,100 | 98,600           | 616.25        |
| 12/16/23 4:48 PM  | 328          | 12,048,400 | 202,300          | 616.77        |
| 12/16/23 7:54 PM  | 186          | 12,163,500 | 115,100          | 618.82        |
| 12/17/23 8:54 AM  | 780          | 12,642,500 | 479,000          | 614.10        |
| 12/17/23 12:51 PM | 237          | 12,786,800 | 144,300          | 608.86        |
| 12/17/23 7:19 PM  | 388          | 13,023,400 | 236,600          | 609.79        |
| 12/18/23 6:49 AM  | 690          | 13,444,000 | 420,600          | 609.57        |
| 12/18/23 2:27 PM  | 458          | 13,721,650 | 277,650          | 606.22        |
|                   | <b>10084</b> |            | <b>6,489,450</b> | <b>643.54</b> |



## Gronlund, Eric

---

**From:** Gronlund, Eric  
**Sent:** Thursday, August 29, 2024 2:07 PM  
**To:** jdustman@summite.com  
**Cc:** levi.tschetter@outlook.com; Drennon, Kim  
**Subject:** Poinsett Hutterian Brethren's water permit application

Mr. Dustman,

Staff Engineer Kim Drennon has been looking at the data from the performance test conducted by Summit EnviroSolutions in support of Poinsett Hutterian Brethren's water permit application. DANR is not able to replicate the results and is uncertain where the discrepancy lies. Specifically, DANR is having difficulty recreating the transmissivity value included in the submitted report. Here are some questions Kim has:

1. What part of the data was used to get a transmissivity of 1,400 ft<sup>2</sup>/day?
2. What storage coefficient was used in the analysis?
3. What effective radius did you use for the pumped well?
4. What is the pump rate used in the analysis?

Additionally, are you willing to send us your Aqtesolv files for that project? The state Bureau of Information and Telecommunications just approved us installing Aqtesolv on state computers and so we finally have the ability to make more direct comparative analysis. Thanks - Eric

Eric Gronlund, PE  
Chief Engineer  
Water Rights Program, SD DANR  
605 773-3352  
eric.gronlund@state.sd.us



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

July 24, 2025

**NOTICE OF HEARING**

TO: Poinsett Hutterian Brethren Inc.  
c/o Levi Tschetter  
46527 189<sup>th</sup> St  
Estelline SD 57234

FROM: Mark Mayer, PE *MSM*  
SD DANR, Director of Office of Water

SUBJECT: Scheduling of Hearing on Deferred Water Permit Application No. 8777-3,  
Poinsett Hutterian Brethren Inc.

On December 6, 2023, the Water Management Board (Board) deferred Water Permit Application No. 8777-3 for up to two years to allow time for Poinsett Hutterian Brethren Inc. to conduct an aquifer performance test, delineating the areal extent of the Prairie Coteau Aquifer.

Since Poinsett Hutterian Brethren Inc. retained a qualified consultant from Summit EnviroSolutions to conduct a suitable aquifer performance test, this application is being rescheduled for consideration by the Board. Enclosed is an updated staff report and revised recommendation made by the acting Chief Engineer, dated July 1, 2025, and July 21, 2025, respectively.

The acting Chief Engineer's revised recommendation is that the Board approve Application No. 8777-3. If you intend to oppose the recommendation, please file a petition opposing the recommendation by August 7, 2025. A petition form is enclosed for your use if you intend to oppose the recommendation. If you support the recommendation, no petition is necessary.

The Water Management Board will conduct the hearing, reconsidering deferred Application No. 8777-3 at 9:45 AM (Central Time), on Wednesday, October 1, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD.

Pursuant to SDCL 46-2-6, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. Applicable provisions of the public notice published in the Watertown Public Opinion & Hamlin County Republican on October 25, 2023, still apply.

Questions regarding the hearing process may be directed to Amanda Dewell or Ron Duvall, Water Rights Program (605) 773-3352, amanda.dewell@state.sd.us or ron.duvall@state.sd.us.



## CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing dated July 24, 2025, regarding Water Permit Application No. 8777-3 – Poinsett Hutterian Brethren Inc., an updated report and revised recommendation dated July 1, 2025 & July 21, 2025, respectively, and a blank applicant's petition form was served upon the following by enclosing the same in an envelope with first class postage prepaid, and depositing said envelope in the United States mail on July 25, 2025.

Poinsett Hutterian Brethren Inc.  
c/o Levi Tschetter  
46527 189<sup>th</sup> St  
Estelline SD 57234

**Above Sent Inter-office to:**

Successor to Jennifer Verleger, Assistant Attorney General  
Mickelson Building, Suite 1

Shane Knox

Shannon Konst  
Water Rights Program, DANR

[illegible]

Sworn to, before me, this 24<sup>th</sup> day of July, 2025.

Wanda Huffman

Wanda Huffman  
Notary Public  
My Commission expires July 28, 2028

**Wanda Huffman**  
**My Commission Expires**  
**July 28, 2028**





**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

**REVISED RECOMMENDATION OF ACTING CHIEF ENGINEER FOR  
WATER PERMIT APPLICATION NO. 8777-3, Poinsett Hutterian Brethren, Inc.**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8777-3, Poinsett Hutterian Brethren, Inc., 46527 189th Street, Estelline SD 57234.

Based on completion and analysis of an aquifer performance test to delineate the aerial extent of the aquifer, the Acting Chief Engineer is recommending APPROVAL of Application No. 8777-3 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 approved under Water Permit No. 8777-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Mark Mayer, PE  
Director of Office of Water  
July 21, 2025



**Report to the Chief Engineer on  
Water Permit Application No. 8777-3  
Poinsett Hutterian Brethren, Inc.  
2025 July 1**

Water Permit Application No. 8777-3 proposes to appropriate up to 1.67 cubic feet of water per second (cfs) from one existing well completed into the Prairie Coteau aquifer (160 feet deep) in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 22 to irrigate 136 acres located in the SW  $\frac{1}{4}$  Section 22; all in T114N-R51W. This application is approximately 5 miles southeast of Castlewood and 6 miles north-northwest of Estelline, Hamlin County, South Dakota. This application was deferred by the Water Management Board at the December 2023 Board meeting for up to two years for further study of the target aquifer. The applicant hired a qualified consultant to conduct the study and requested this application be reviewed again.

**Aquifer: Prairie Coteau (PCO)**

*Overview*

The Prairie Coteau aquifer is a catch-all term for sand and gravel outwash bodies which underlie the Prairie Coteau in South Dakota, overlie the Altamont aquifer, are not connected to a surface water body, and are not part of another named aquifer. Bodies of outwash in the Prairie Coteau aquifer are generally non-continuous and are treated as separate aquifers for water management purposes, unless there is evidence for a connection between them.

The applicant submitted a well completion report for one well completed into the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 27 with a completion date of February 9, 2022, and one well completion report for a well completed into the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 22 with a completion date of May 18, 2023; both located in T114N-R51W. For the well completed in 2022, the driller indicated encountering sand from 57 to 85 feet below grade and placed screen from 65 to 85 feet below grade, with a static water level of 21 feet below grade at the time of completion. For the well completed in 2023, the driller reported encountering sand from 136 to 149 feet below grade and placed screen from 135 to 150 feet below grade, with a static water level of 38 feet below grade at the time of completion. Using IFSAR elevation data, the elevation of the water-bearing material for the May 18, 2023, well is between approximately 1,532 and 1,545 feet above NAVD88, whereas the elevation of the water-bearing formation from the February 9, 2022, well is between 1,603 and 1,631 feet above NAVD88. The well completed on February 9, 2022, is completed into the Big Sioux: Brookings aquifer under Water Permit No. 8645-3. Given the short distance between the two wells and difference in elevations of aquifer materials, it is unlikely the two wells are hydrologically connected. The May 18, 2023, well is completed into the Prairie Coteau aquifer. Based on the static water level in the 2023 well, the aquifer has a hydraulic head of approximately 98 feet above the top of the aquifer at that location.

*History of study in the area*

Kume [1] outlined the major aquifers in Hamlin and Deuel Counties, including the Prairie Coteau aquifer. Biessel and Gilbertson [2] reviewed the geology and water resources of Hamlin and Deuel Counties in 1987 and produced several cross-sections from east to west through the counties. Lithologic data in the Prairie Coteau aquifer is relatively sparse in the area of this



application due to the presence of stratigraphically higher water sources, such as the Big Sioux aquifer [3].

On March 6, 2014, John Dustman of Summit EnviroSolutions conducted a step test for the portion of Prairie Coteau aquifer from which Water Right No. 7921-3 had proposed to withdraw [4]. Water Right No. 7921-3 is located approximately three miles northwest of this application. Starting on April 1, 2014, Mr. Dustman conducted a seven-day constant-rate aquifer performance test in the same well. For the constant-rate test, the average pump rate was 730 gallons per minute, per his report [5]. Dustman estimated an average transmissivity approximately 8,900 feet squared per day, which divided by the thickness of the aquifer, equates to a hydraulic conductivity of approximately 240 feet per day. Although the drawdown curve with respect to time on a logarithmic scale is characteristic of a channel-shaped aquifer [6], the technical report for that application by Staff Engineer Bracken Capen indicates no boundary conditions were encountered [4]. It is possible Staff Engineer Capen was not aware of the characteristic shape of drawdown in a channel aquifer, as his report later notes that Dustman's [5] calculations were based on only a short portion of the pump test data.

#### *Aquifer performance Test for This Application*

Following initial submission of this application, the Water Rights Program requested that the applicant have an aquifer performance test carried out and analyzed for their well site. The well was pumped from December 11, 2023, 2:23 p.m. to December 18, 2023, at 2:27 p.m. for a total of approximately 228,000 gallons. The average pumping rate was 644 gallons per minute, although the flow rate was not constant and followed a scheme shown in Figure 2 [7] [8]. Water levels were monitored at one-minute intervals for three observation wells completed for the applicant as well as DANR Observation Well HN-2016A. Figure 1 shows the layout of the pumped well (PW1), observation wells (OB1, OB2, OB3, and HN-2016A) [7] [8] [9]. Dustman provided data [7] and conclusions [8] based on using the Cooper-Jacob [10] method of drawdown analysis and the Summit EnviroSolutions proprietary software. Water Rights Staff could not replicate the results of the estimated transmissivity and storage coefficient provided by Dustman [8] using the same calculation method and reasonable assumptions and requested the files showing the calculations within software that is available to the Water Rights Program, which Dustman provided (Appendix Figure 7, pg. 13) [11]. Water Rights Staff agree with the conclusion that the well Dustman [8] designated as OB2 was not drawn down by the aquifer performance test.

It is common to use the Cooper-Jacob [10] method of drawdown analysis for an aquifer performance test. However, that method assumes a constant rate of water withdrawal, infinite acting radial flow, uniform aquifer properties, a well which fully penetrates the aquifer, infinitesimally small well bore, and no recharge of any kind [10]. The Cooper-Jacob [10] method is a simplification of the Theis [12] solution of the diffusion equation and only applies during the portion of drawdown where it creates a straight line when the time axis is a logarithmic scale and the drawdown axis is a linear scale. When a straight line occurs under those conditions, that indicates infinite acting radial flow. There was no straight-line portion of the drawdown in the 2023 pumping test data [7] when a first derivative was applied to it (the first derivative calculates



the slope of a line). Furthermore, the Cooper-Jacob [10] method only applies when the Theis [12] well function is below certain values, and it was not below those values for this data set. Therefore, the Cooper-Jacob [10] method did not apply.

After a request to show how he arrived at his conclusions, Dustman [11] returned a document using the Theis [12] solution in AQTESOLV to estimate a transmissivity of 1,518 feet squared per day ( $\text{ft}^2/\text{d}$ ) and a storage coefficient of 0.09 (unitless), using an aquifer thickness of 15 feet (Figure 7), and used a constant rate of 680 gpm. Water Rights Staff used AQTESOLV [13] to analyze the data in the pumped well (PW1) and nearest observation well (OB1) provided by Dustman [7], including the inconsistent flow regime, and assumed the aquifer was a channel shape and concluded the transmissivity of the aquifer was approximately 5,500  $\text{ft}^2/\text{d}$ , or a hydraulic conductivity of 425  $\text{ft}/\text{d}$ , which is consistent with a coarse sand or fine gravel [14]. Assuming channel boundaries approximately 10,000 feet west and 6,000 feet east provided the best fit between the modeled and observed data (Appendix Figure 8 and Figure 9). Given the distance between the pumped well and OB3 and computational intensity of modeling a channel aquifer, Water Rights Staff did not include OB3 in the analysis. Using the results of the aquifer performance test data [7] and available geologic information [3], Water Rights Staff delineated a tentative boundary of the Prairie Coteau outwash which is likely to be hydrologically connected to this application. The total estimated area of the aquifer is 23,000 acres.

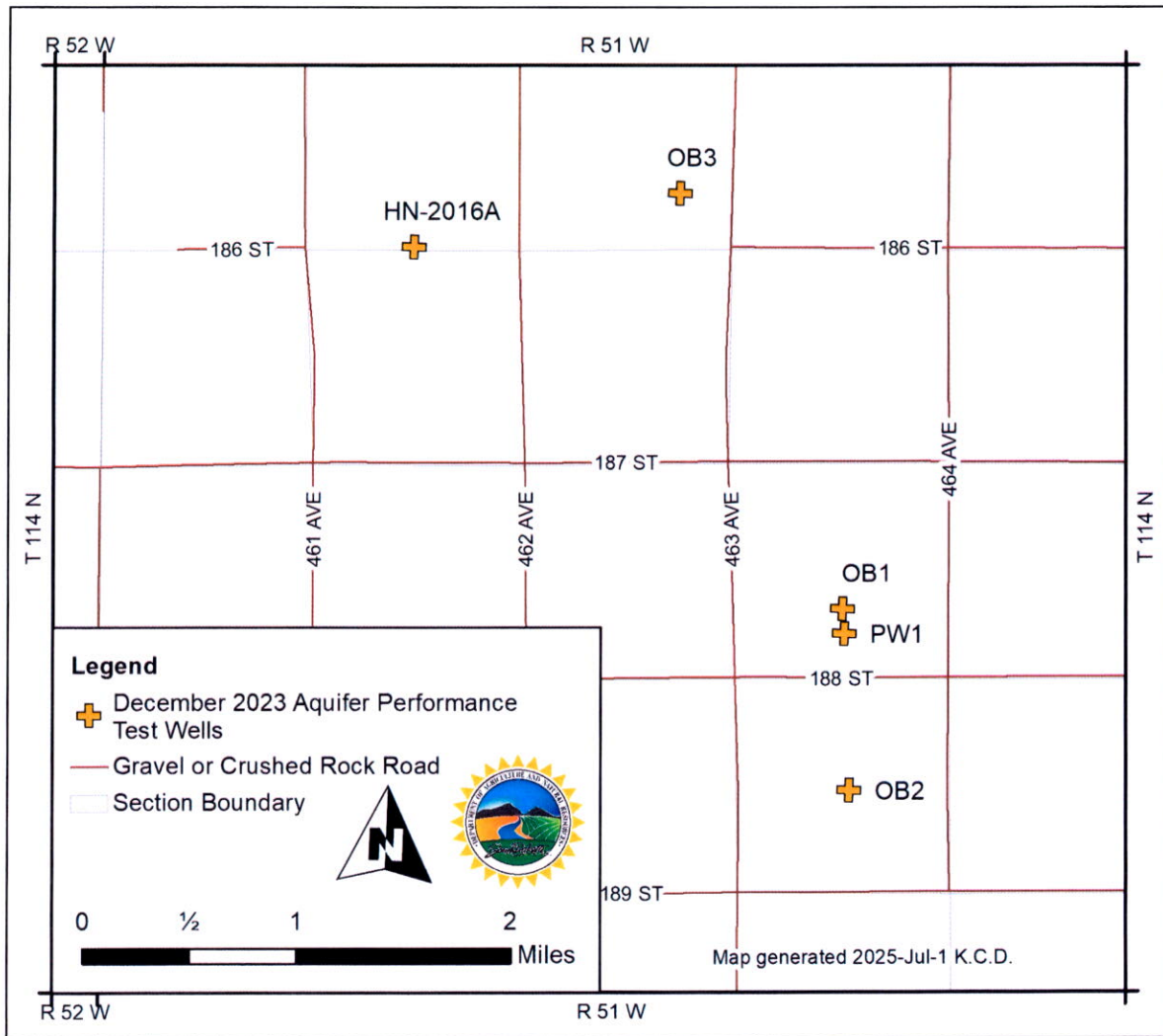


Figure 1: Layout of observation wells in 2023 aquifer performance test [7] [8]

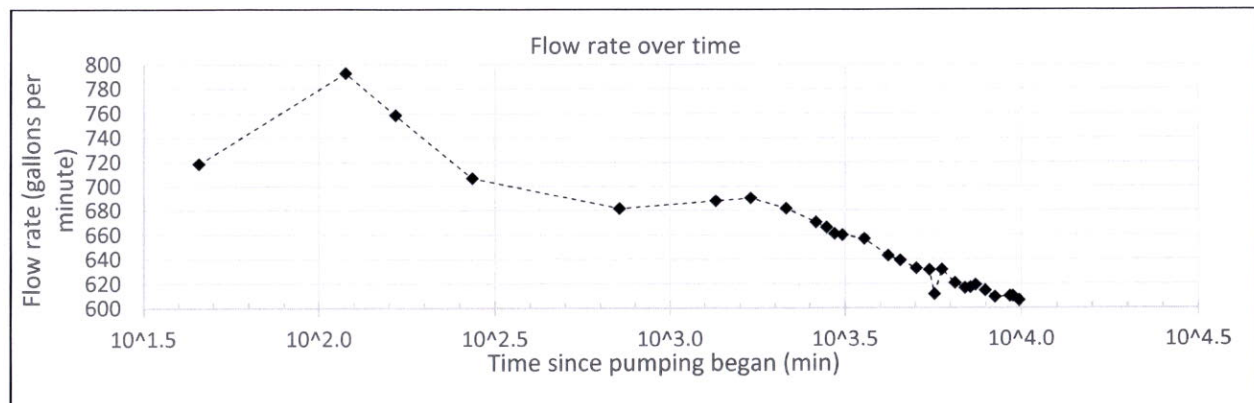


Figure 2: Flow rate over time for the 2023 aquifer performance test [7]



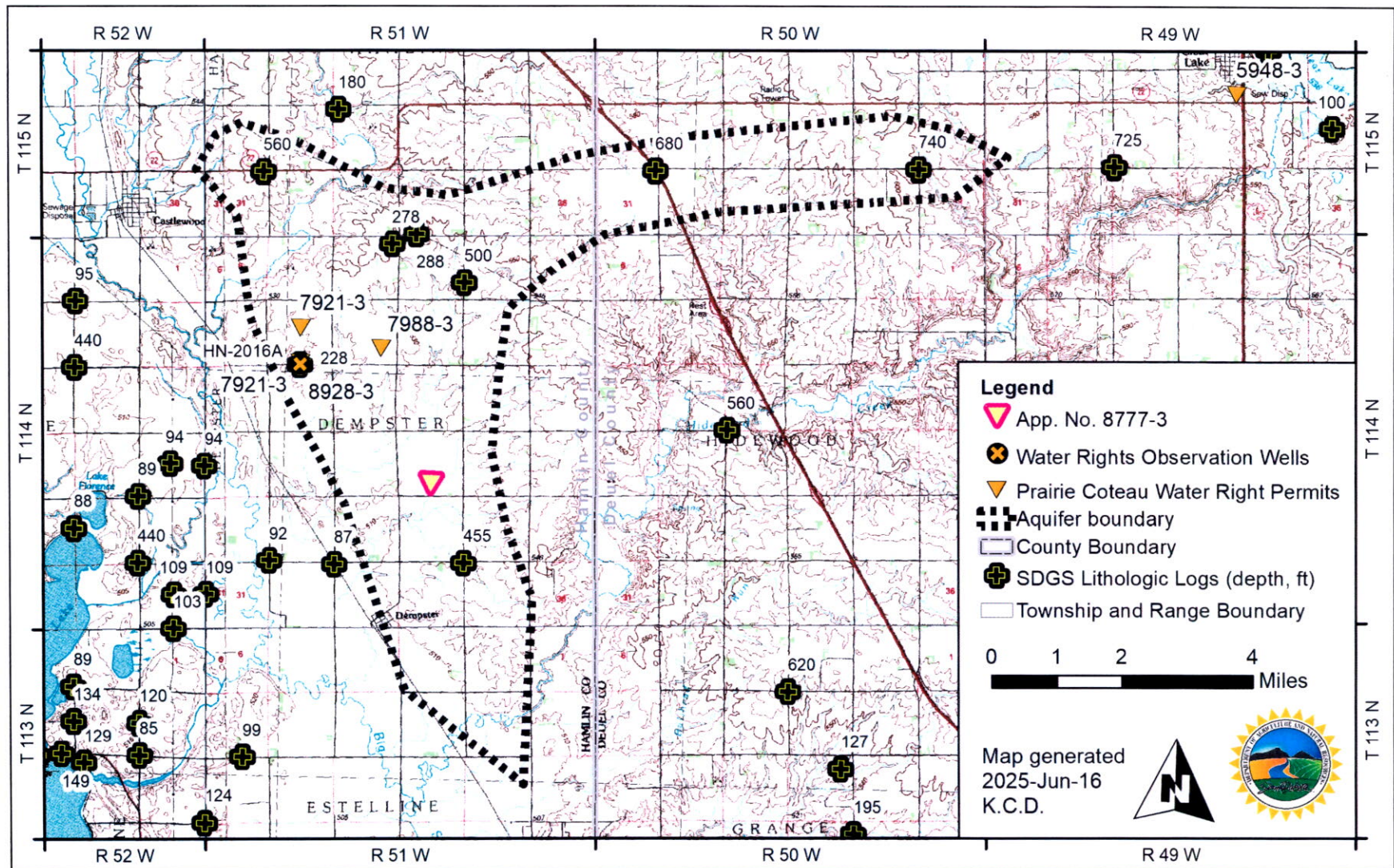


Figure 3: Map of aquifer boundary [3]



**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 Prairie Coteau 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.

**Availability of Water**

*Observation Wells*

Administrative Rule of South Dakota (ARSD) 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 water. The Water Rights Program maintains one observation well, HN-2016A, which is completed into the same body of Prairie Coteau outwash as this application [15]. Figure 4 shows the water elevations measured over the period of record in that well. The elevation of the top of casing is 1,734 ft from NAVD88 (1,733 from NGVD29, as stored in the Observation Well Database) and the top of the aquifer is 200 feet below the top of casing, so the aquifer is at an elevation of approximately 1,534 ft from NAVD88 near HN-2016A. From the fall to the spring, when the aquifer is not in use, water levels fluctuate between 1,691 to 1,711 feet from NAVD88, meaning the aquifer has a static hydraulic head of 157 to 177 feet above the aquifer. During the irrigation season, the lowest water level observed was 1,639 feet NAVD88 (in 2021), meaning the hydraulic head was 105 feet above the top of the aquifer. The static water levels show a slight decline over the period of record, starting in June 2020. However, that timeframe corresponds to periods when most or all of Hamlin County was experiencing abnormal dryness or drought [16]. Therefore, it is likely that the body of Prairie Coteau outwash that this application proposes to withdraw from is experiencing normal fluctuations due to changes in annual precipitation rather than withdrawals due to pumping.



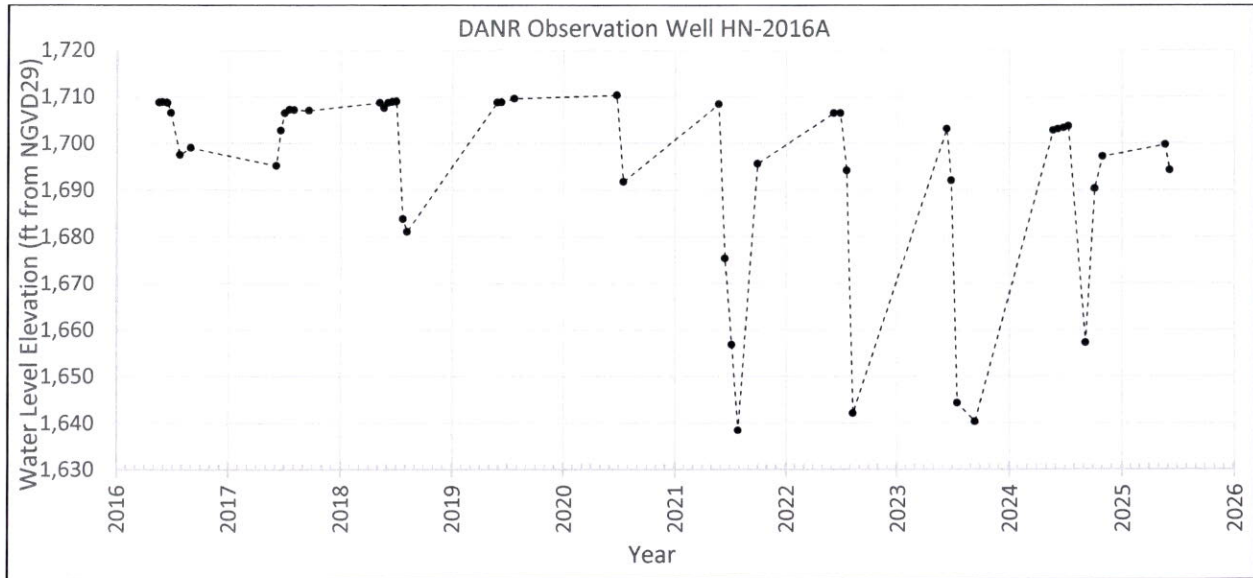


Figure 4: Data from DANR Observation Well HN-2016A [15]. NAVD88 elevations are approximately one foot higher than NGVD29 elevations at this location.

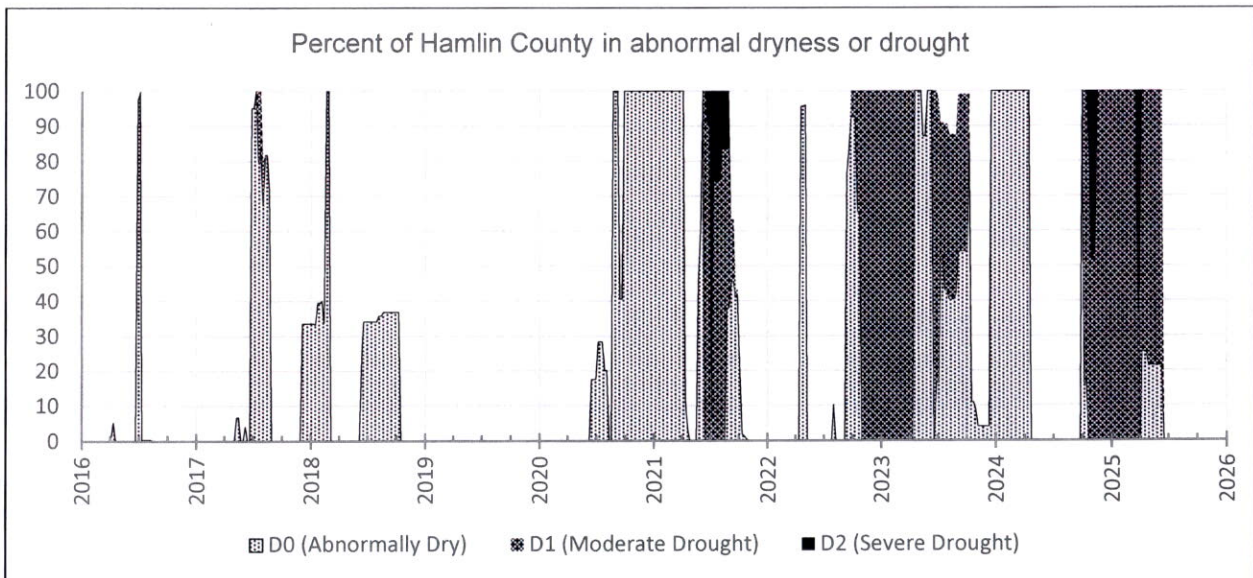


Figure 5: Percentage of Hamlin County in abnormal dryness or drought [16]

## Hydrologic Budget

### Recharge

Recharge to the body of outwash in the Prairie Coteau aquifer that this application proposes to withdraw from is likely to be mainly from infiltration from the glacial till overlying it. There is no formal estimate of recharge for this body of outwash, but Hedges, Allen, and Holly [17] provide a range of 0.15 to 0.6 inches per year as an estimate of recharge for buried glacial outwash. By applying that range over the estimated 23,000 acres of aquifer, the recharge to the body of Prairie Coteau outwash from which this application proposes to withdraw is 300 to 1,200 ac-ft/yr. With no other information available, the Water Rights Program has used the average of

the two values as the working estimate of the recharge. For this aquifer, that average is 750 ac-ft/yr.

### Discharge

Discharge from the body of Prairie Coteau outwash from which this application proposes to withdraw is likely to be mainly by appropriative withdrawals. There are three permits on file with the Water Rights Program that may withdraw from the same body of outwash, which are all irrigation permits [18]. Table 1 shows the water right permits which withdraw from the same body as this application, as well as this application [18]. Of the three permits authorized to withdraw, only two have withdrawn over the period of record of 2015 through 2024 [19] [20]. Figure 6 shows the total irrigation reported in the same body of outwash as this application over the period of record [19] [20]. Table 2 shows the average irrigation reported or estimated for each permit [19] [20]. For permits with no reported irrigation, it is estimated that they will withdraw 10 inches per acre annually. Including the estimated withdrawal for this application, the total estimated withdrawal from the same outwash as this application is 545 ac-ft/yr.

Table 1: Water Right Permits withdrawing from the body of Prairie Coteau outwash for this application, as well as this application [18].

| Permit No. | Status   | Priority   | Name/Business                    | Acres | Max. CFS |
|------------|----------|------------|----------------------------------|-------|----------|
| 7921-3     | License  | 11/05/2013 | Owen & Lamont Peterson           | 267   | 2.22     |
| 7988-3     | License  | 03/31/2014 | Owen & Lamont Peterson           | 251   | 1.11     |
| 8928-3     | Permit   | 01/27/2025 | Promises Kept, LLLP              | 240   | 1.97     |
| 8777-3*    | Deferred | 06/28/2023 | Poinsett Hutterian Brethren, Inc | 136   | 1.67     |
| Total      | --       | --         | --                               | 894   | 6.97     |

\* This application

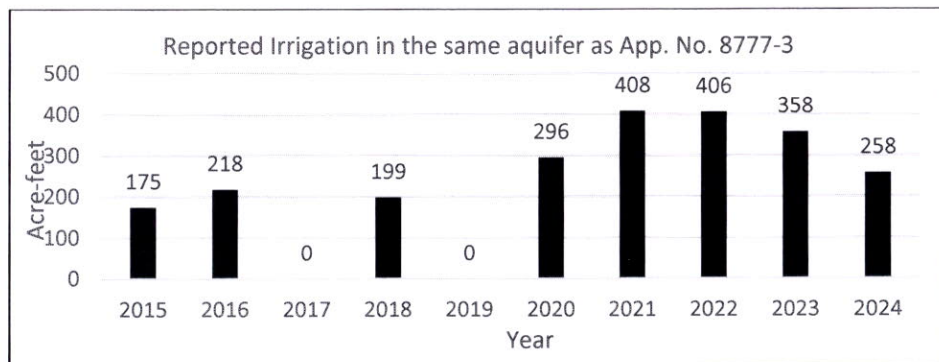


Figure 6: Irrigation reported over the period of record (2015-2024) [19] [20]

Table 2: Irrigation reported by permit over the period of record (2015-2024) [19] [20]

| Permit No. | Number of Reports | Avg. Report (ac-ft/yr) | Avg. Report (in/acre, excl. years of no irrigation) | Average report (in/acre, all years) | Estimated Use (ac-ft/yr) |
|------------|-------------------|------------------------|-----------------------------------------------------|-------------------------------------|--------------------------|
| 7921-3     | 10                | 129                    | 7.23                                                | 5.79                                | 129                      |
| 7988-3     | 10                | 103                    | 6.15                                                | 4.92                                | 103                      |
| 8928-3     | 0                 | N/A                    | N/A                                                 | N/A                                 | 200                      |
| 8777-3*    | 0                 | N/A                    | N/A                                                 | N/A                                 | 113                      |
| Total      | --                | 232                    | --                                                  | --                                  | 545                      |

\* This application



#### Summary of Hydrologic Budget

The recharge to the same body of Prairie Coteau outwash as this application is estimated to range from 300 to 1,200 ac-ft/yr, with a mid-range value of 750 ac-ft/yr. The estimated average annual withdrawal from the aquifer is 545 ac-ft/yr, including the withdrawal estimated for this application of 113 ac-ft/yr. Therefore, based on the hydrologic budget and the observation well record, there is reasonable probability unappropriated water is available for this application.

#### **Potential for Unlawful Impairment of Existing Water Rights**

The nearest water right permit on file that is completed into the same layer of Prairie Coteau as this application is Water Right No. 7988-3, which is approximately 2.2 miles north-northwest of this application [18]. The nearest domestic well on file with the Water Rights Program that is likely to be completed into the same aquifer is located approximately five miles northwest of the well for this application, based on the location provided by the well driller [9]. 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*

There are no substantiated complaints on file with the Water Rights Program indicating an unlawful impairment of a groundwater right has ever occurred in Hamlin County [21]. In the hearing for Water Permit Application No. 2313-2 for Coca-Cola Bottling Company, the Water Management Board determined that to put the waters of the state to maximum beneficial use, hydraulic head would not be protected as a means of water delivery [22]. In the event that hydraulic head in the aquifer declines below the placement of a pump or outlet of a flowing well, well owners may be required to lower their pumps or install pumps to maintain their withdrawal rate. As long as the well does not meet the definition of an adversely impacted adequate well (ARSD 74:02:04:20(7)), the Water Management Board has not historically considered it an unlawful impairment of existing water rights. Given the lack of complaints, presence of approximately 98 feet of hydraulic head near this application, and distance between the applicant's well and any other water right or domestic well, there is reasonable probability this application can be developed without unlawful impairment of existing water rights.

#### **Note: Priority Date**

This application was submitted before Water Permit No. 8928-3 and will have a senior priority date to that permit. Water Permit No. 8928-3 was issued before this because geologic data at the time did not indicate it was completed into the same formation as this application.

**Conclusions**

1. Water Permit Application No. 8777-3 proposes to appropriate 1.67 cfs from one existing well completed into the Prairie Coteau aquifer in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 22 to irrigate 136 acres located in the SW  $\frac{1}{4}$  Section 22; all in T114N-R51W.
2. Based on the hydrologic budget, record of an observation well , and aquifer performance test data, there is reasonable probability there is unappropriated water available for this application.
3. There is reasonable probability this application can be developed without unlawful impairment of existing water rights and domestic uses.



Kimberly C. Drennon, E.I.

Engineer III, DANR – Water Rights Program



## References

- [1] J. Kume, "Major aquifers in Deuel and Hamlin Counties, South Dakota," S. D. Dept. of Ag. and Nat. Resources Geological Survey Program, Vermillion, South Dakota, 1976.
- [2] D. R. Beissel and J. P. Gilbertson, "Geology and Water Resources of Deuel and Hamlin Counties, South Dakota Part 1: Geology," S. D. Dept. of Ag. and Nat. Resources Geological Survey Program, Verillion, South Dakota, 1987.
- [3] Geological Survey Program, "Lithologic Logs," S. D. Dept. of Ag. and Nat. Resources. Vermillion, South Dakota, 2025.
- [4] Water Rights Program, "Administrative file for Water Permit No. 7921-3," S. D. Dept. of Ag. and Nat. Resources, Joe Foss Bldg., Pierre, South Dakota, 2025.
- [5] J. Dustman, "Aquifer Test Report Owen Peterson Farm Castlewood, South Dakota," Summit EnviroSolutions, July 2014.
- [6] J. G. Ferris, D. B. Knowles, R. H. Brown and R. W. Stallman, "Theory of Aquifer Tests," United States Geological Survey, Denver, CO, 1962.
- [7] J. Dustman, "Data from December, 2023 aquifer performance test for Poinsett Hutterian Brethren," not published, Summit EnviroSolutions, 2024.
- [8] J. Dustman, *Memo to Mr. Levi Tschetter regarding Results of Aquifer Testing Estelline, South Dakota*, Forwarded via email to Adam Mathiowetz: Summit EnviroSolutions, May 29, 2024.
- [9] Water Rights Program, "Well Completion Reports," S.D. Dept. of Ag. and Nat. Resources, Pierre, South Dakota, 2025.
- [10] H. H. Cooper and C. E. Jacob, "A generalized graphical method of evaluating formation constants and summarizing well-field history," United States Geological Survey, Washington, D. C., 1953.
- [11] J. Dustman, *Email to Kim Drennon regarding Poinsett Hutterian Brethren Inc. Application 8777-3*, Summit EnviroSolutions, February 21, 2025 4:06 p.m.
- [12] C. V. Theis, "The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage," United States Geological Survey, Washington, D. C., 1952.
- [13] G. M. Duffield, "AQTESOLV Version 4.50.002 PROFESSIONAL," HydroSOLVE, Reston, Virginia, 2024.

- [14] G. M. Duffield, "Aquifer Properties," HydroSOLVE, Inc, 23 November 2019. [Online]. Available: [http://www.aqtesolv.com/aquifer-tests/aquifer\\_properties.htm](http://www.aqtesolv.com/aquifer-tests/aquifer_properties.htm). [Accessed 16 June 2025].
- [15] Water Rights Program, "Observation Wells," S. D. Dept. of Ag. and Nat. Resources, Pierre, South Dakota, 2025.
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- [17] L. S. Hedges, J. Allen and D. E. Holly, "Evaluation of ground-water resources eastern South Dakota and upper Big Sioux River South Dakota and Iowa," U.S. Army Corps of Engineers, Omaha, Nebraska, 1985.
- [18] Water Rights Program, "Water Right Permit Files," S. D. Dept of Ag. and Nat. Resources, Pierre, South Dakota, 2025.
- [19] Water Rights Program, "Irrigation Questionnaire Summaries," S. D. Dept. of Ag. and Nat. Resources, Joe Foss Bldg, Pierre, South Dakota, 2022.
- [20] Water Rights Program, "Irrigation reports," S. D. Dept. of Ag. and Nat. Resources Joe Foss Bldg., Pierre, South Dakota, 2024.
- [21] Water Rights Program, "Complaints Database," S.D. Dept. of Ag. and Nat. Resources, Joe Foss Building, Pierre, SD, 2025.
- [22] South Dakota Water Management Board. *On the Matter of Water Permit Application No. 2313-2 for Coca Cola Bottling Company*, 1995.



## Appendix: Supplemental Figures

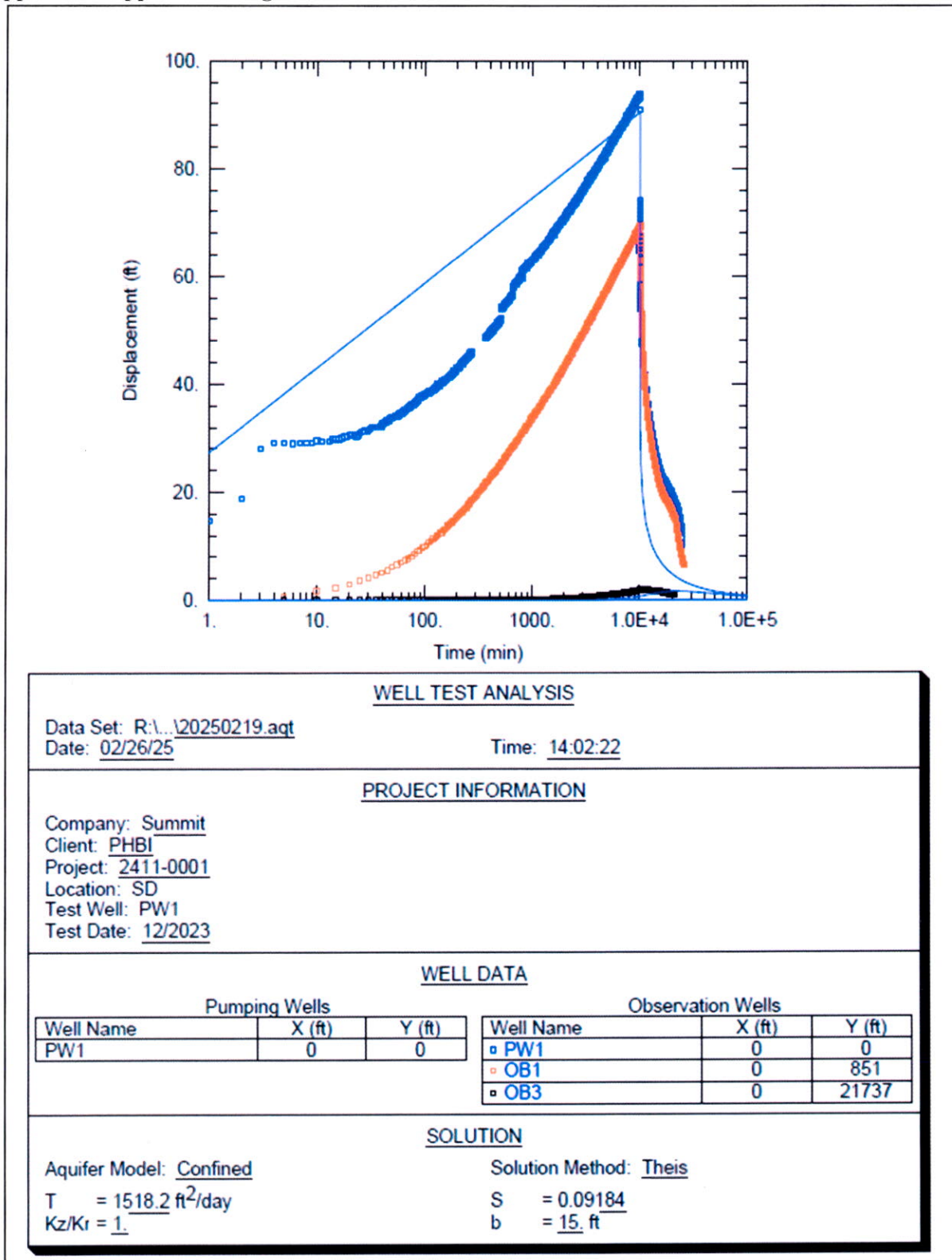


Figure 7: Aqtesolv report from Dustman [11]

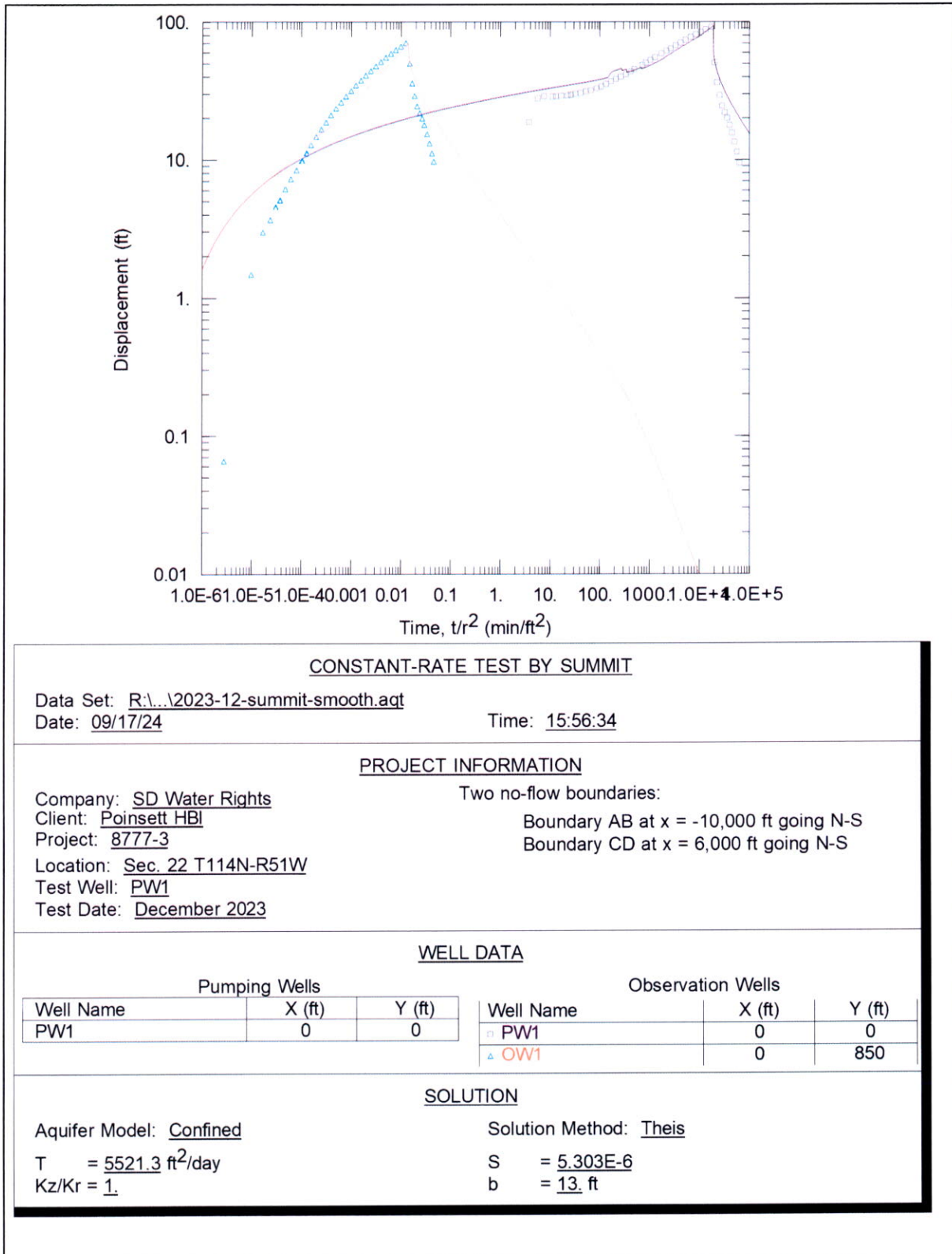


Figure 8: Aqtesolv [13] results from Water Rights Staff analysis assuming the aquifer is a channel shape [7]



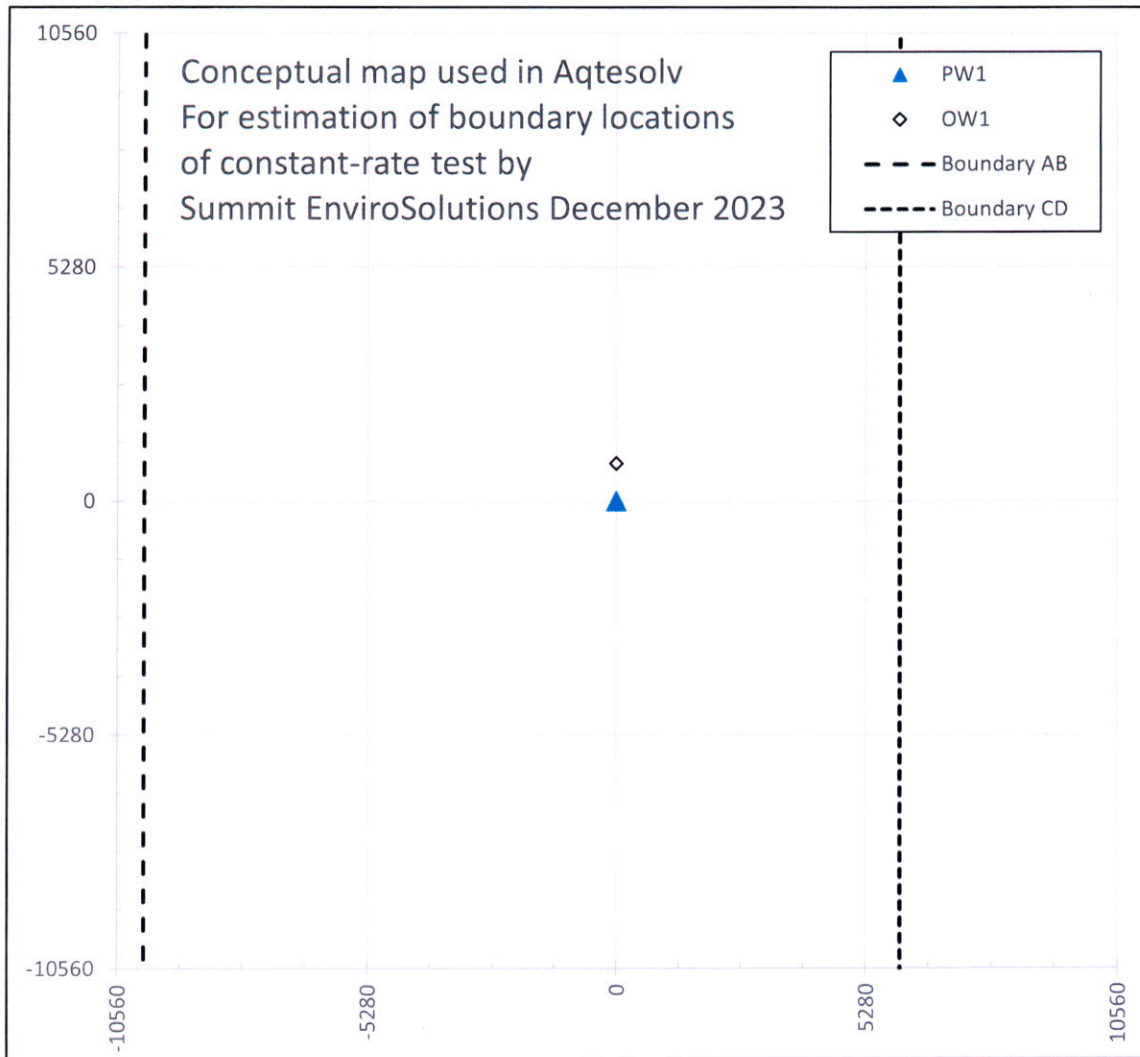


Figure 9: Conceptual model of aquifer boundaries using data provided by Dustman [7], assuming the aquifer is a channel shape. Axis labels are distance from pumping well (PW1) in feet.

## Rodriguez, Rachel

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**From:** Rodriguez, Rachel  
**Sent:** Monday, October 16, 2023 10:25 AM  
**To:** Levi Tschetter  
**Subject:** 8777-3 Poinsett Hutterian Brethren, Inc. - Public Notice  
**Attachments:** Recommendation\_8777-3.pdf; 8777-3 Letter.pdf; 8777-3 PubNotice.pdf; WatertownPublicOpinion.pdf

Good morning Levi,

Attached is a copy of the report, chief engineer's 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 also being mailed to you today.

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

Thank you,

Rachel Rodriguez  
DANR | Program Assistant  
Rachel.Rodriguez@state.sd.us







**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

October 27, 2025

Poinsett Hutterian Brethren Inc.  
c/o Levi Tschetter  
46527 189th Street  
Estelline SD 57234

Dear Mr. Tschetter:

Enclosed is Water Permit No. 8777-3 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,

Mark Mayer, PE  
Director of Office of Water

enclosures



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA     )  
                                          ) SS  
COUNTY OF HUGHES         )

**Affidavit of Public Notice  
Posting 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.:** 8777-3

**Name of Applicant:** Poinsett Hutterian Brethren, Inc., c/o Levi Tschetter

**Date of Posting:** 10/24/2023

**Date of Removal:** 10/27/2025

  
\_\_\_\_\_  
Ron Duvall, Engineer III

10/27/2025  
\_\_\_\_\_  
Date

Subscribed and sworn to before me, a notary public, this 27<sup>th</sup> day of Oct, 2025.

  
\_\_\_\_\_  
Notary Public - South Dakota  
My commission expires:  
Rachel Rodriguez  
My Commission Expires  
May 16, 2029

(SEAL)

