

WATER PERMIT NO. 8839-3

Name of Applicant: **Greenwood Hutterian Brethren, Inc.**

Address: **28781 402nd Avenue, Delmont SD 57330** Phone: **605-993-0789**

Amount of Water Claimed: **1.78 cfs** Total Acres: **279**

Source of Water Supply: **Surface**

Water to be used for: **Irrigation** County: **Douglas & Charles Mix**

Type of Waste Disposal System:

Location: **Approx. 11 miles northeast of Wagner SD**

PRIORITY Date Received: **02-09-24**

Application/License Fee: **\$1,250.00**

Corrected Application Received: **02-22-24**

Period of Annual Use: **April 15 – October 15**

Remarks:

Diversion Point: **NE 1/4 NW 1/4 Sec 22 and NE 1/4 NW 1/4 Sec 23; all in T97N-R62W**

Land to be Irrigated: **SE 1/4 Sec 16, NW 1/4, N 1/2 SE 1/4 Sec 22, S 1/2 SW 1/4 Sec 14; all in T97N-R62W**

	16			14	
	22			23	

Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **02-22-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8839-3**

Date of first receipt of application February 9, 2024.

Date of return to applicant for corrections, amendments or changes February 9, 2024.

Date of receipt of corrected application February 21, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8839-3 to Greenwood Hutterian Brethren, Inc., 28781 402nd Avenue, Delmont SD 57330, 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. 8839-3 appropriates 1.78 cubic feet of water per second of runoff stored in an existing dam (57.6 acre-feet storage capacity) located in the NE ¼ NW ¼ Section 22 and a sand pit (40 acre-feet storage capacity) located in the NE ¼ NW ¼ Section 23 for irrigation of 279 acres located in the SE ¼ Section 16, NW ¼, N ½ SE ¼ Section 22, S ½ SW ¼ Section 14; all in T97N-R62W. This site is located approximately 11 miles northeast of Wagner 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: April 15 – October 15.
3. The date from which applicant may claim right is February 9, 2024.
4. The date of approval of Permit No. 8839-3 is June 7, 2024.
5. One-fifth of the construction is to be completed on or before December 7, 2026.
6. All construction is to be completed on or before June 7, 2029.
7. Water is to be put to beneficial use on or before June 7, 2033.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 8839-3 authorizes storage of up to 57.6 acre-feet of water in a dam and 40 acre-feet of water in a sand pit with sufficient water annually to maintain the water level to the respective outlet elevations.
1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 20 2024.
date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8839-3</u> Hydrologic Unit <u>10170101</u> Basin <u>Missouri</u> Newspaper <u>Platte Enterprise Corsica Globe</u> <u>Mitchell Daily Republic</u> (office use only) <u>Daily Press & Dakotan</u>
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PAID
FEB 09 2024
Ck# 1070
Rec't# 219/27

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.)

- Name to Appear on Irrigation Permit GREENWOOD 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 28781 402ND AVENUE DELMONT SD 57330
(Address) (City) (State) (Zip Code)
Phone (605) 779-5221 Mobile (605) 933-0789 Email jpworth67@gmail.com
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 279
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply BITTERMAN SAND PIT, UNNAMED INTERMITTENT TRIBUTARY TO CHOTEAU CREEK (DAM)
- Location of point of diversion EXISTING SAND PIT IN NW 1/4 23, T97N R62W, EXISTING IMPOUNDMENT
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
IN NE 1/4 of NW 1/4 SECTION 22, T97N R62W County DOUGLAS & CHARLES MIX
- County or counties where water will be used DOUGLAS AND CHARLES MIX
- Annual period during which water is to be used APRIL 15 - OCTOBER 15
- 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
SW 1/4 SECTION 16, T97N R62W, CHARLES MIX	72		
NW 1/4 SECTION 22, T97N R62W, CHARLES MIX	97		
N 1/2 of SE 1/4 SECTION 22, T97N R62W, CHARLES MIX	60		
S 1/2 of SW 1/4 SECTION 14, T97N R62W, DOUGLAS	50		

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

RECEIVED

FEB 09 2024

**OFFICE OF
WATER**

I, Jake Plunkett Jake Plunkett Secretary, 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.

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

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

For either existing or proposed wells:

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

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) DOMESTIC WASTEWATER TREATMENT LAGOON
- b) System Capacity (gallons) 2.7 million Year Constructed 2023
- 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 (DAM ON UNNAMED TRIBUTARY TO CHOTEAU CREEK)

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.

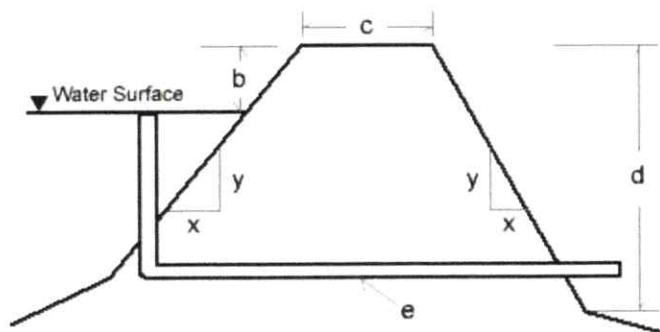
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

N/A

- b) Freeboard 2.8 FEET
- c) Crest Width 15' FEET
- Crest Length 435 FEET
- d) Height 18 FEET
- e) Primary Outlet Capacity 15 CFS

If pipe, diameter 36 INCH

- f) Secondary Spillway Capacity 25 CFS
- Spillway Width 90 FEET
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
- Upstream 2.5:1
- Downstream 2.5:1
- h) Area of Impoundment 8.36 ACRES
- i) Storage 57.6 Acre Feet
- j) Drainage Area Above Dam 217 Acres



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 _____ Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

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

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

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) DOMESTIC WASTEWATER TREATMENT LAGOON

b) System Capacity (gallons) 2.7 million Year Constructed 2023

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 (BITTERMAN SAND PIT)

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:

N/A

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)

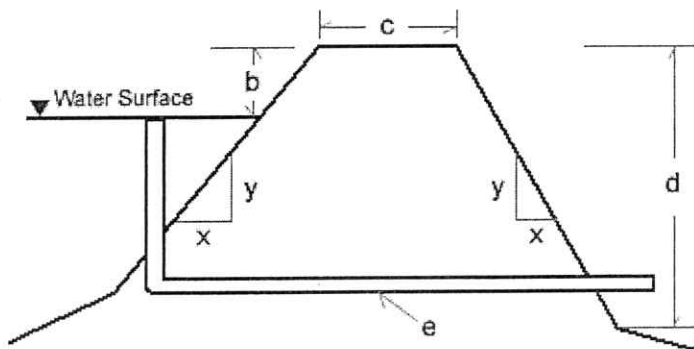
Upstream _____

Downstream _____

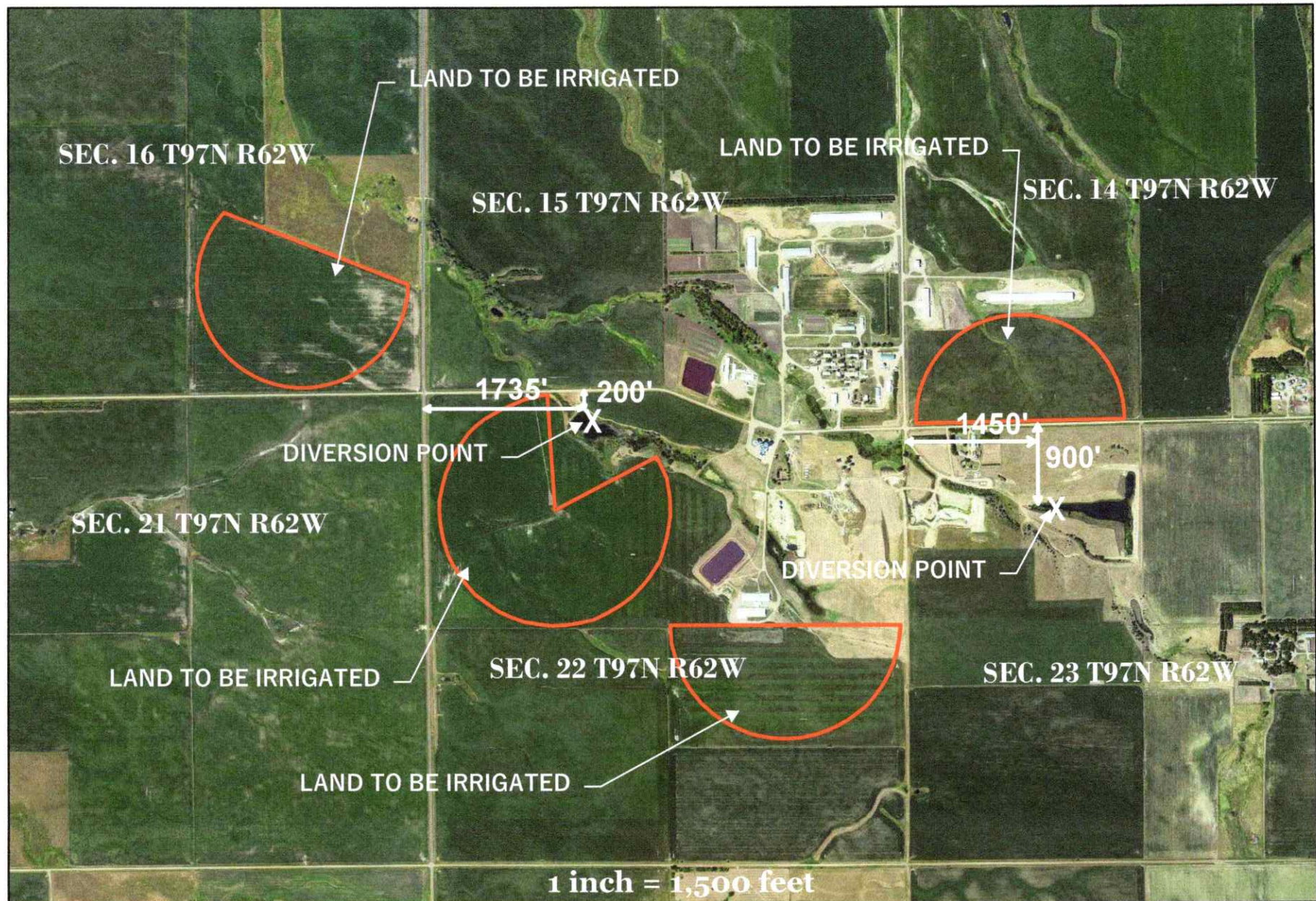
h) Area of Impoundment 5 ACRES

i) Storage 40 Acre Feet EST.

j) Drainage Area Above Dam 11.5 Acres



GREENWOOD HBI WATER RIGHTS PERMIT MAP



97N 62W
Section: 09

97N 62W
Section: 10

97N 62W
Section: 11

97N 62W
Section: 12

97N 62W
Section: 16

97N 62W
Section: 15

97N 62W
Section: 14

97N 62W
Section: 13

97N 62W
Section: 21

97N 62W
Section: 22

10170101 Lewis and Clark Lake

97N 62W
Section: 23

97N 62W
Section: 24

97N 62W
Section: 28

97N 62W
Section: 27

97N 62W
Section: 26

97N 62W
Section: 25

97N 62W
Section: 33

97N 62W
Section: 34

97N 62W
Section: 35

97N 62W
Section: 36

Location Information

Legal Location: SW SW NE NW SEC. 23, T. 097 N., R. 62 W.

County: DOUGLAS

Hydrologic Unit Code: 10170101

Land Owner:

Location: 097N62W23BACC

Latitude: 43.207500

Longitude: -98.142778

Ground Surface Elevation: 1680 T

Project Information

Project: DOUGLAS COUNTY STUDY

Drill Date: 8/8/1969

Company: SDGS

Drilling Method: AUGER

Test Hole Number: 77069

Geologist: L. HEDGES

Geologist's Log: ☒

Driller: J. KALISZEWSKI

Driller's Log: ☐

Total Drill Hole Depth (ft): 24.0

Well Information

SDGS Well Name:

Water Rights Well:

Other Well Name:

Casing Type:

Screen Type:

Total Casing and Screen (ft):

Casing Stick-up (ft):

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer:

Management Unit:

Casing Top Elevation:

Casing Diameter (in):

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to

Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to

Other: to

Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

ISOLATED GRAVEL DEPOSIT

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 9, 2024

RECEIVED OF Animal Waste Applicators, LLC for Greenwood Hutterian Brethren, Inc. 28781 402nd Ave., Delomont SD 57330

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

Fee for Application for Permit No. <u>8839-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1050.00</u>
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8839-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>1250.00</u>

By Eric Ironlund
Chief Engineer
vm

February 21, 2024

Dave and Doug Bitterman of Bitterman Sand Pit will allow Greenwood Colony of Delmont, South Dakota to pump water from the east oldest sand pit. The water will be used to irrigate their crop ground. The process of pumping will help the water level decrease for the Bittermans to mine sand in the future.

Bitterman Sand Pit

Dave Bitterman

Rodriguez, Rachel

From: JAKE WURTZ <jpwurtz67@gmail.com>
Sent: Wednesday, February 14, 2024 11:28 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application for Irrigation

I'll have a visit with Mr. Bitterman and get a letter to your office

On Fri, Feb 9, 2024 at 4:21 PM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Good Afternoon Jake,

I am in receipt of your water permit application for irrigation. The application looks good. However, when I read the letter from Dakota Environmental, Inc. it indicated that the owner of the pit (Bitterman) "has agreed in principle" to allow the applicant to pump water from the pit for irrigation use. We would need written confirmation from the Bitterman's that they agree to allow withdrawal of water for your use.

Once I have received written confirmation, I can begin processing your application.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us





DAKOTA ENVIRONMENTAL, INC.

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

February 8, 2024

Eric Gronlund
South Dakota DENR Water Rights
523 East Capitol
Pierre, SD 57501

Re: Greenwood HBI, Douglas and Charles Mix Counties, SD
DEC Project No. 97044

Dear Mr. Gronlund:

The following is provided as a description of the proposed application.

Greenwood HBI proposes to obtain a Water Rights Permit for irrigation to four pivots, using two existing surface water features as sources.

One source would be an existing dam located on an unknown tributary to Choteau Creek. The dam has been in place for many years and is not believed to have been engineered. A copy of form 2A has been completed with the observable information documented to the best of our ability at this time.

The second source would be the excavation of the Bitterman sand pit. The owner of the pit has agreed in principle to allow the applicant to pump water from the pit for use in irrigation. A separate copy of form 2A is included with the observable and estimated information regarding the pit impoundment. Since the impoundment is below existing grade, many of the items on the form are not applicable. Water from this source would either be pumped directly to pivots, or into the drainage leading to the dam, to then be distributed to pivots.

The withdraw points for this application, as well as the areas proposed for irrigation, are shown on the included map.

We hope you will find the enclosed information adequate for review of this application. As always, please feel free to contact us if you have any questions or require additional information.

Sincerely,

Brian Friedrichsen, PE
Senior Engineer

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, February 9, 2024 4:21 PM
To: jpwurtz67@gmail.com
Subject: Water Permit Application for Irrigation

Good Afternoon Jake,

I am in receipt of your water permit application for irrigation. The application looks good. However, when I read the letter from Dakota Environmental, Inc. it indicated that the owner of the pit (Bitterman) "has agreed in principle" to allow the applicant to pump water from the pit for irrigation use. We would need written confirmation from the Bitterman's that they agree to allow withdrawal of water for your use.

Once I have received written confirmation, I can begin processing your application.

Thank you,

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



November 2, 2023

Jake Wurtz
Greenwood Hutterian Brethren, Inc.
28781 402nd Avenue
Delmont, SD 57330-5911

RE: Greenwood Hutterian Brethren, Inc. - Proposed Underground Manure Transfer Pipeline
Plans and Specifications Review

Dear Mr. Wurtz:

The Department of Agriculture and Natural Resources (DANR) received an electronic copy of the plans and specifications for your proposed underground manure transfer pipeline for your permitted swine feeding operation on September 29, 2023. These plans were submitted for amended state permit coverage under the 2017 *General Water Pollution Control Permit for Concentrated Animal Feeding Operations* (general permit), **permit number SDG-109059**. Your proposed manure management system modification will be located in the East ½ of Section 22, Township 97 North, Range 62 West in Charles Mix County, South Dakota.

Poultry Manure Management System

Your permitted turkey feeding operation consists of a housed lot feeding a maximum of 50,000 turkeys in four finisher barns and one starter barn. Your permitted layer chicken feeding operation consists of a housed lot feeding a maximum of 1,000 layers in the layer barn. Your permitted broiler chicken feeding operation consists of a housed lot feeding a maximum of 1,200 broilers in the broiler barn.

The poultry manure and litter is contained within the barns until the barns are cleaned. When fields are available for spreading, the material is hauled directly from the barns and land applied. When fields are not available, the material is hauled to the solid manure stockpiling site until conditions permit land application of the manure. The designed capacity of the stockpiling site is 365 days of solids storage for the 50,000 turkeys and 1,000 layer chickens, and 180 days of solids storage for the 1,200 broiler chickens. The stockpiling site is located in the Northwest ¼ of Section 14, Township 97 North, Range 62 West in Douglas County. The holding pond for the stockpiling site is designed to contain the 100-year, 24-hour storm event falling on the 1.4 acre stockpiling area and holding pond. The existing turkey starter barn includes a 1,250-gallon holding tank and a compacted clay liner floor surfaced with fiber reinforced concrete. The holding tank is sized for one wash cycle and wash water from the turkey starter barn is transferred to the north swine system holding pond.

On December 30, 2005, the department approved an expansion to the poultry manure management system for 15,000 turkeys for a new total population of 65,000 turkeys. The expansion consists of a

74-foot by 200-foot addition to the west end of the north turkey finisher barn. Manure from the expanded turkey population will be stored on the existing stockpiling area which will still have at least 365 days of storage with the manure from the additional turkeys. **On December 18, 2018, the approval for these modifications was extended and the modifications must be completed by December 18, 2023.**

Dairy Calf Manure Management System

Your permitted dairy calf manure management system consists of a housed lot feeding a maximum of 200 dairy calves. All manure and bedding is handled as a solid and stored on the existing solid manure stockpiling area.

Swine Manure Management System

Your permitted swine manure management system consists of a north site and a south site. The south swine manure management system is for a housed lot feeding a maximum of 1,980 swine weighing 55 pounds or more. The system consists of two barns with shallow pull-plug pits and an anaerobic lagoon. The anaerobic lagoon is in the Northeast $\frac{1}{4}$ of Section 22, Township 97 North, Range 62 West in Charles Mix County and is designed for at least 365 days of liquid storage capacity. An 8-inch underground PVC pipeline beginning near the south corner of the anaerobic lagoon and runs west approximately 1,960 feet to a pivot system located in the Northwest $\frac{1}{4}$ of Section 22.

The north swine manure management system is for a housed lot feeding a maximum of 8,000 swine consisting of 3,000 swine weighing less than 55 pounds and 5,000 swine weighing 55 pounds or more. The system consists of two nursery barns, a grower barn, a gilt barn, two finisher barns, a lift station, and a holding pond. The nursery barns and one finisher barn have shallow pull-plug pits. The grower, gilt, and one finisher barn have shallow scraper pits. Manure from all of the barns flows into the lift station where it is pumped into the holding pond in the Southeast $\frac{1}{4}$ of Section 15, Township 97 North, Range 62 West in Douglas County. The holding pond is designed for at least 270 days of liquid storage.

The currently proposed modifications consist of adding a second 8-inch underground PVC pipeline beginning at the south corner of the anaerobic lagoon and running east approximately 1,120 feet to the existing irrigation pivot in the north half of the Southeast $\frac{1}{4}$ of Section 22, Township 97 North, Range 62 West in Charles Mix County, South Dakota.

We have reviewed and hereby conditionally approve the revised plans and specifications for your proposed project. This approval expires on November 2, 2025, unless construction of the manure management system has been started by that date. Once construction has commenced, you will have three years to complete construction and submit a Notice of Completion. If construction is not completed within the three year timeframe this approval will expire. One copy of the approved plans and specifications is being retained for our files and requirements you must implement are listed on the attached pages.

An electronic copy of the approved application will be made available to you for your use. If you are unable to access the files, please contact the department.

Jake Wurtz
Greenwood Hutterian Brethren, Inc.
November 2, 2023
Page 3 of 5

If any deviations are required from the approved plans, those changes must be approved by the department prior to construction. A complete set of as-built plans will be required if any major deviations result.

Upon completion of construction, the enclosed Notice of Completion must be returned to the department. **You cannot use the proposed underground pipeline until an amended Certificate of Compliance is issued and updated coverage is granted under the 2017 state general permit. The department will issue an amended Certificate of Compliance and grant updated coverage under the 2017 state general permit after the Notice of Completion has been received and a satisfactory construction inspection has been conducted.**

Continued compliance is dependent upon you performing proper operation and maintenance activities. You will be liable for any noncompliance with applicable South Dakota environmental laws or regulations.

Our review covers works of sanitary significance and does not cover items such as quality of material, structural soundness, or electrical and mechanical design features. Approval of the plans and specifications does not in any way release the applicant from the responsibility that the project will be an operable facility when construction is completed.

If you have any questions regarding the content of this letter, please feel free to contact Aviana Knochel, Livestock Services Program at (605) 773-4647. Thank you for your cooperation.

Sincerely,

Neal J. Konda, PE, Natural Resources Engineer
Livestock Services Program
Phone: (605) 773-4647

cc: Brian Friedrichsen, PE, DEC, Huron, SD
Charles Mix County Commissioners

Enclosures: Construction Schedule Postcard
Notice of Completion Form

REQUIREMENTS

The following requirements must be implemented before we will issue an amended Certificate of Compliance and grant updated coverage under the 2017 state general permit. Failure to implement these requirements will invalidate this approval.

Plans & Specifications

The plans and specifications review is to determine whether seepage, storage, and other design requirements will be met.

1. Pressure Regulation Valve

The irrigation inlet riser top view detail on sheet 2 of the plans includes a pressure regulator and gauge on the leg to the west pivot. Please ensure appropriate pressure regulation valves are installed on the leg to the east pivot. An as-built detail will be required for modifications.

State General Permit

You will be required to operate your feeding operation and manure management system in accordance with the requirements in the general permit.

1. Notification

Construction Schedule - You or your engineer must notify the department of the proposed construction schedule for your project to allow our personnel the opportunity for construction inspections. Please fill out the enclosed postcard and return it to us prior to beginning construction of the manure management system. If any of the dates change from the ones submitted on the postcard, please notify us at (605) 773-4647 and ask for Aviana Knochel.

Other Government - You are responsible for contacting your local planning and zoning office to determine if there are any local ordinances or requirements with which you need to comply. If a stream, lake, or wetland will be dredged or filled during the construction of the feeding operation, you need to contact the United States Army Corps of Engineers' South Dakota Regulatory Office at (605) 224-8531 prior to beginning construction of the manure management system.

Notice of Completion - The Notice of Completion form must be completed by your engineer and returned to the department when construction of the manure management system is complete. The department cannot issue you an amended Certificate of Compliance and grant coverage under the 2017 state general permit until we receive a Notice of Completion and conduct a satisfactory construction inspection. **You cannot use the proposed underground pipeline until an amended Certificate of Compliance is issued and updated coverage is granted under the 2017 state general permit. The department will issue an amended Certificate of Compliance and grant updated coverage under the 2017 state general permit after the Notice of Completion has been received and a satisfactory construction inspection has been conducted.**

REQUIREMENTS CONTINUED

2. Nutrient Management Plan (NMP)

No changes are being made to your NMP with this modification to your manure management system. Please see the letter dated September 13, 2022, for a complete listing of NMP requirements which are applicable to this approval.

3. Setback Distance and Water Wells

The manure management system and the application sites must be located at least 100 feet from a private well owned by you if the top of the aquifer is 100 feet or more below the land surface, 150 feet from a private well owned by you if the top of the aquifer is less than 100 feet below the land surface, 250 feet from a private well not owned by you and 1,000 feet from any public supply well. These areas cannot be included in the land application areas.

4. Other Permit(s) That Will or May Be Required

Storm Water Permit - If construction will disturb more than one acre in total land area, **you must obtain a general storm water construction permit.** This permit must be obtained before you can start constructing your proposed manure management system. Information concerning this permit can be obtained by calling the Surface Water Quality Program at 1-800-737-8676. **A copy of this plan must be kept on-site during construction for review by DANR inspectors.**

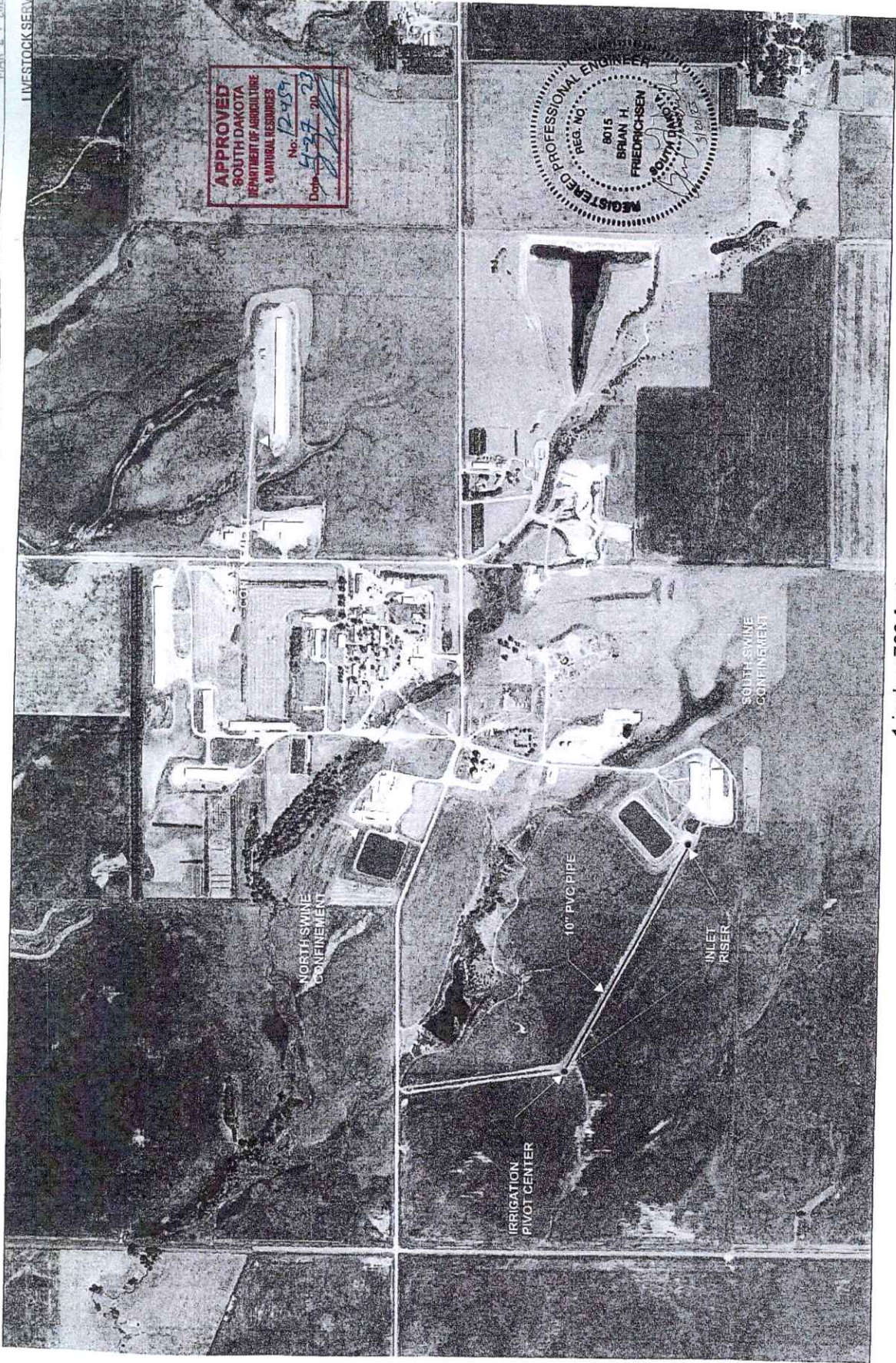
Emergency Power Generator - The department has observed that emergency power generators have been installed at similar sized operations. If an emergency power generator will be installed at your operation it may require that you obtain an air quality permit. Please contact the department's Air Quality Program at (605) 773-3151, to determine whether an air quality permit is required. If an air quality permit is required, you must have that permit prior to using the generator.

Permit to Occupy Right of Way - If manure application will involve placing hoses or other equipment in a state highway right of way (for example, in a road ditch or through a culvert), you must first obtain a Permit to Occupy Right of Way. Application for this permit may be made through the local South Dakota Department of Transportation area office. Contact your local SD DOT area office for more information on this permit. In addition, please contact your county highway superintendent to determine if your county has similar requirements.

RECEIVED

MAR 21 2023

LIVESTOCK SERVICES



APPROVED
SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE
& NATURAL RESOURCES
No. 12454
Date 5-31-20

REGISTERED PROFESSIONAL ENGINEER
8015
BRIAN H. FRIEDRICHSEN
SOUTH DAKOTA
REG. NO. 12015

SITE MAP		GREENWOOD COLONY AWMS		DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED	
REV.	DATE	DATE	DESCRIPTION	DATE	DESCRIPTION
1	5/26/21	10/27/11	REVISED PIVOT LOCATION	10/27/11	AS-BUILT PLAN SET
2	8/17/23				
CHECKED:		DRAWN:		P.O. BOX 636 HURON, SD 57350 605-352-5610	
BF		TB			
CHKD:					
BF					
TB					

JOB NO. 97044		SCALE 1" = 700'		1	
JOB NO. 97044		SCALE 1" = 700'		1	



**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. 8839-3, Greenwood 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. 8839-3, Greenwood Hutterian Brethren Inc., 28781 402nd Avenue, Delmont SD 57330.

The Chief Engineer is recommending APPROVAL of Application No. 8839-3 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. Water Permit No. 8839-3 authorizes storage of up to 57.6 acre-feet of water in a dam and 40 acre-feet of water in a sand pit with sufficient water annually to maintain the water level to the respective outlet elevations.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
March 27, 2024

NOTE: Water from the dam and Bitterman sand pit may not be a reliable sole source of water for irrigation of 279 acres. It is DANR's understanding that Greenwood Hutterian Brethren may dispose of wastewater from the swine manure management system to these acres.

REPORT ON WATER PERMIT APPLICATION NO. 8839-3

Greenwood Hutterian Brethren

March 26, 2024

Application No 8839-2, proposes appropriate 1.78 cubic feet of water per second (cfs) of runoff stored in an existing dam (57.6 acre-feet storage capacity) located in the NE ¼ NW ¼ section 22 and a sand pit (40 acre-feet storage capacity) located in the NE 1/4 NW 1/4 Section 23 for irrigation of 279 acres located in the SE 1/4 Section 16, NW 1/4, N 1/2 SE 1/4 Section 22, S 1/2 SW 1/4 Section 14; all in T97N-R62W. This site is located approximately 11 miles northeast of Wagner SD in Charles Mix and Douglas counties.

South Dakota Codified Law SDCL 46-2A-2 directs the Chief Engineer to make a recommendation to the Water Management Board on a permit application. The Chief Engineer needs to consider four criteria in making a recommendation on whether a permit should be approved, approved with qualifications, denied, or deferred. They are: 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. This report will analyze the available information to make a recommendation to the Chief Engineer on the first two criteria the Chief Engineer needs to consider in making an official recommendation to the Water Management Board.

Review of the Proposed Project and Water Source

The applicant proposes to irrigate 279 acres utilizing center pivot irrigators at a diversion rate of 1.78 cfs from an existing dam and gravel pit. The dam is located directly on an unnamed tributary to Choteau Creek. The gravel pit is an isolated shallow gravel deposit receiving inflow from surface infiltration and runoff (Hedges. 1975).

The water source for the proposed project is runoff from a watershed located on unnamed tributaries to Choteau Creek. A watershed yield analysis was made for runoff from the watershed located upstream from the dam and the gravel pit. The analysis estimated the total combined drainage area above the dam and gravel pit to be 653 acres and had a potential annual yield with an 80% chance of occurrence or 8 out of 10 years of yielding 18.5 acre-feet annually. At a 50% chance of occurrence or 1 out of 2 years of yielding 42.4 acre-feet annually. At a 10% chance of occurrence, 1 out of 10 years, the estimated annual runoff yield is 185.1 acre-feet (USDA-NRCS.

design requirements, any object built or placed below the dam may be at greater risk during a flood event.

Based on the provided dam height, dam storage, and level of development in the area downstream of the dam site, the dam will be classified as a small-sized, category 3 dam under the ARSD Chapter 74:02:08 Safety of Dams Rules. A category 3 dam is defined as a low hazard dam whose failure may cause limited damage to agricultural lands or county and township roads or minimum economic loss.

If the dam is altered, fails and is reconstructed, or removed, plans and specifications concerning these actions will need to be approved by the Chief Engineer of the Water Rights Program in advance of doing any work. If future development occurs downstream of the dam, it may change the hazard classification of the dam. If the hazard classification does change, then the dam will need to be brought into compliance with the requirements for the new hazard classification. The Water Rights Program does not have an inspection program for privately owned category 3 dams; therefore, it is the responsibility of the dam owner to monitor and maintain their dam in safe condition.

Conclusions

1. This application proposes to appropriate 1.78 cubic feet of water per second of runoff stored in an existing dam and a sand pit for irrigation of 279 acres.
2. The watershed upstream of the dam and sand pit itself will likely not yield sufficient runoff to supply adequate water for irrigation of the total acres requested.
3. A portion of the acres will have irrigation supplemented by disposal of livestock wastewater.
4. This project is not expected to adversely impact existing water rights or domestic uses.
5. The dam listed in this application will be classified as a small-sized, category 3 dam under the ARSD Chapter 74:02:08 Safety of Dams Rules and be subject to those rules.



Mark D. Rath

Natural Resources Engineer III



**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.**

April 12, 2024

Greenwood Hutterian Brethren, Inc.
c/o Jake Wurtz
28781 402nd Avenue
Delmont SD 57330

Dear Mr. Wurtz:

Water Permit Application No. 8839-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following newspapers:

Corsica Globe, Corsica SD	(Ph # 605 382-5616)
Daily Press & Dakotan, Yankton SD	(Ph # 605 665-7811)
Daily Republic, Mitchell SD	(Ph # 605 996-5514)
Platte Enterprise, Platte SD	(Ph # 605 337-3101)

You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

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.

Instruction to Newspaper - Publish the Notice on April 23 or 24 or 25, 2024. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8839-3 to Appropriate Water

Notice is given that Greenwood Hutterian Brethren, Inc., c/o Jake Wurtz, 28781 402nd Avenue, Delmont SD 57330 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second of runoff stored in an existing dam (57.6 acre-feet storage capacity) located in the NE ¼ NW ¼ Section 22 and a sand pit (40 acre-feet storage capacity) located in the NE 1/4 NW 1/4 Section 23 for irrigation of 279 acres located in the SE 1/4 Section 16, NW 1/4, N 1/2 SE 1/4 Section 22, S 1/2 SW 1/4 Section 14; all in T97N-R62W. This site is located approximately 11 miles northeast of Wagner SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8839-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 6, 2024.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 6, 2024.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_

Rodriguez, Rachel

Platte

From: Rodriguez, Rachel
Sent: Thursday, April 11, 2024 4:02 PM
To: eprise@midstatesd.net
Subject: 8839-3 Greenwood Hutterian Brethren - Public Notice
Attachments: 8839-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 25, 2024.

Greenwood Hutterian Brethren, Inc., c/o Jake Wurtz, 28781 402nd Avenue, Delmont SD 57330, 605-779-5221 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

Consica

From: Rodriguez, Rachel
Sent: Thursday, April 11, 2024 4:05 PM
To: globe@siouxvalley.net
Subject: 8839-3 Greenwood Hutterian Brethren - Public Notice
Attachments: 8839-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 23, 2024.

Greenwood Hutterian Brethren, Inc., c/o Jake Wurtz, 28781 402nd Avenue, Delmont SD 57330, 605-779-5221 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

From: Rodriguez, Rachel
Sent: Thursday, April 11, 2024 4:08 PM
To: legals@mitchellrepublic.com
Subject: 8839-3 Greenwood Hutterian Brethren - Public Notice
Attachments: 8839-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 24, 2024.

Greenwood Hutterian Brethren, Inc., c/o Jake Wurtz, 28781 402nd Avenue, Delmont SD 57330, 605-779-5221 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



From: Rodriguez, Rachel
Sent: Thursday, April 11, 2024 4:10 PM
To: Kelly Kronaizl
Subject: 8839-3 Greenwood Hutterian Brethren - Public Notice
Attachments: 8839-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on April 24, 2024, in the Daily Press & Dakotan.

Greenwood Hutterian Brethren, Inc., c/o Jake Wurtz, 28781 402nd Avenue, Delmont SD 57330, 605-779-5221 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



Affidavit Of Publication

STATE OF SOUTH DAKOTA

County of Douglas

GERRI K. OLSON of said County and State, being first duly sworn, on her oath says:
THE CORSICA GLOBE is a weekly newspaper of general circulation, published in Corsica, Douglas County, State of South Dakota by **GERRI K. OLSON** and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bonafide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed

N. of Applicant

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

The first publication being made on 5-28, 2024,

the second publication being made on _____, 20____,

the third publication being made on _____, 20____,

the fourth publication being made on _____, 20____,

the fifth publication being made on _____, 20____,

the sixth publication being made on _____, 20____,

the seventh publication being made on _____, 20____,

the eighth publication being made on _____, 20____,

that \$ 113.40 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division there of has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.



Gerri K. Olson

Subscribed and sworn to before me this 28 day of May, 2024

Wendy K. Wilson
Notary Public, Douglas County, South Dakota

My Commission Expires Aug. 29, 2024

RECEIVED

MAY 30 2024

OFFICE OF
WATER

Notice of Application No. 8839-3 to Appropriate Water

Notice is given that Greenwood Hutterian Brethren, Inc., c/o Jake Wurtz, 28781 402nd Avenue, Delmont SD 57330 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second of runoff stored in an existing dam (57.6 acre-feet storage capacity) located in the NE 1/4 NW 1/4 Section 22 and a sand pit (40 acre-feet storage capacity) located in the NE 1/4 NW 1/4 Section 23 for irrigation of 279 acres located in the SE 1/4 Section 16, NW 1/4, N 1/2 SE 1/4 Section 22, S 1/2 SW 1/4 Section 14; all in T97N-R62W. This site is located approximately 11 miles northeast of Wagner SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8839-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by June 7, 2024.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by June 7, 2024.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of \$113.40.

90c5/28c

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, May 20, 2024 2:02 PM
To: jpwurtz67@gmail.com
Subject: 8839-3 Greenwood Hutterian Brethren - Corsica Globe Public Notice
Attachments: 8839-3 Corsica public.short_final.pdf

Good afternoon,

Attached is a copy of the public notice scheduled to be published on May 28th in the Corsica Globe, please call the newspaper at 605-946-5489 to authorize publication and arrange for payment.

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

From: Rodriguez, Rachel
Sent: Monday, May 20, 2024 1:44 PM
To: globe@siouxvalley.net
Subject: 8839-3 Greenwood Hutterian Brethren - Public Notice
Attachments: 8839-3 Corsica public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on May 28, 2024.

Greenwood Hutterian Brethren, Inc., c/o Jake Wurtz, 28781 402nd Avenue, Delmont SD 57330, 605-779-5221 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.**

And please do reply so I know you have received this notice.

Thank you,

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





AFFIDAVIT OF PUBLICATION

State of Pennsylvania, County of Lancaster, ss:

Tatiana Dorval, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC and duly authorized agent of the Mitchell Republic, a newspaper printed and published in the City of Mitchell, County of Davison, State of South Dakota.

1. I am the designated agent of The *Mitchell Republic*, a Daily newspaper published in the city of Mitchell, in said County Davison, and State of South Dakota; I have full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice.

2. The newspaper listed on the exhibit published the advertisement of: **General Public Notice Notice**; (1) time: *Wednesday, April 24, 2024*, as required by law or ordinance.

3. That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher of publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any other person whomsoever, that the fees charged for the publication are: \$42.56

(Signed) Tatiana Dorval

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

VERIFICATION

State of Pennsylvania
County of Lancaster

Subscribed in my presence and sworn to before me on this: 04/25/2024

Nicole Burkholder

Notary Public
Notarized remotely online using communication technology via Proof.

NOTICE OF APPLICATION NO. 8839-3 to Appropriate Water

Notice is given that Greenwood Hutterian Brethren, Inc., c/o Jake Wurtz, 28781 402 nd Avenue, Delmont SD 57330 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second of runoff stored in an existing dam (57.6 acre-feet storage capacity) located in the NE 1/4 NW 1/4 Section 22 and a sand pit (40 acre-feet storage capacity) located in the NE 1/4 NW 1/4 Section 23 for irrigation of 279 acres located in the SE 1/4 Section 16, NW 1/4, N 1/2 SE 1/4 Section 22, S 1/2 SW 1/4 Section 14; all in T87N-R62W. This site is located approximately 11 miles northeast of Wagner SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8839-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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

3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 6, 2024.

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

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If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published times at the total approximate cost of \$42.56 and may be viewed for free of charge at www.sdpublishnotices.com.
(Apr. 24, 2024)

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

APR 29 2024

OFFICE OF
WATER

GREENWOOD HUTTERIAN BRETHERN INC.
28781 402ND AVE
DELMONT SD 57330

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

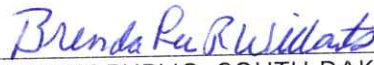
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 24th DAY OF April, 2024
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$40.96 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 04/24/2024

FILED ON: 04/24/24


SUBSCRIBED AND SWORN TO BEFORE ME THIS 24th DAY OF April, 2024


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 12/15/2029



NOTICE OF APPLICATION NO. 8839-3 to Appropriate Water

Notice is given that Greenwood Hutterian Brethren, Inc., c/o Jake Wurtz, 28781 402nd Avenue, Delmont SD 57330 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second of runoff stored in an existing dam (57.6 acre-feet storage capacity) located in the NE 1/4 NW 1/4 Section 22 and a sand pit (40 acre-feet storage capacity) located in the NE 1/4 NW 1/4 Section 23 for irrigation of 279 acres located in the SE 1/4 Section 16, NW 1/4, N 1/2 SE 1/4 Section 22, S 1/2 SW 1/4 Section 14; all in T97N-R62W. This site is located approximately 11 miles northeast of Wagner SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8839-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by May 6, 2024.

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

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by May 6, 2024.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of \$40.96 and can be viewed free of charge at www.sdpublicnotices.com

Published April 24, 2024.

The Platte Enterprise

Platte, SD 57369

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF CHARLES MIX)

Sharon Huizenga, being duly sworn, deposes and says: That she is a resident of Charles Mix County, and State of South Dakota; that the Platte Enterprise is a weekly newspaper of general circulation, printed and published in the City of Platte, is said County and State, published once a week, printed in the English language, and has a bona fide circulation of 200 copies weekly, has been admitted to the United State mail under the second class mailing privilege for at least one year prior to the publication of the annexed notice and said newspaper is printed either in whole or in part in the office maintained at the above place of publications, that the newspaper has been published as aforesaid continuously for more than one year last preceding the publication of said noticed, and is a legal newspaper.

That the affiant is the publisher of said newspaper, in charge of advertising department thereof and has personal knowledge of all the facts slated in this affidavit, and that the notice and advertisement headed

Notice of Application No- 8834-3 to Appropriate Water

a printed copy of which is hereunto attached, was printed and published in the Platte Enterprise for one issue/s, the first publication being made on Thursday, the 25th day of April, A.D., 2024 and succeeding publications were made severally on

Thursday the _____ day of _____ A.D., 20_____

Thursday the _____ day of _____ A.D., 20_____

Thursday the _____ day of _____ A.D., 20_____

Thursday the _____ day of _____ A.D., 20_____

and the last publication being made on Thursday, the _____ of _____ A.D., 20_____

That the publication fee for publishing said notice is the sum of \$ 38.36

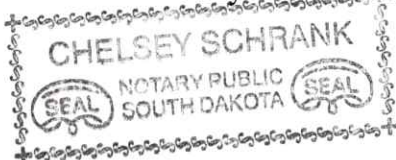
Sharon Huizenga

Subscribed and sworn to before me this 1st day of May, A.D., 2024

Chelsey Schrank

Notary Public for Charles Mix County, SD

My Commission Expires on 7-8-25



RECEIVED

MAY 06 2024

**OFFICE OF
WATER**

LEGAL NOTICE

NOTICE OF APPLICATION NO. 8839-3 TO APPROPRIATE WATER

Notice is given that Greenwood Hutterian Brethren, Inc., c/o Jake Wurtz, 28781 402nd Avenue, Delmont SD 57330 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second of run-off stored in an existing dam (57.6 acre-feet storage capacity) located in the NE 1/4 NW 1/4 Section 22 and a sand pit (40 acre-feet storage capacity) located in the NE 1/4 NW 1/4 Section 23 for irrigation of 279 acres located in the SE 1/4 Section 16, NW 1/4, N 1/2 SE 1/4 Section 22, S 1/2 SW 1/4 Section 14; all in T97N-R62W. This site is located approximately 11 miles northeast of Wagner SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8839-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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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 May 6, 2024.

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

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If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of \$38.30 and may be viewed free of charge at www.sdpublicnotices.com.

(April 25)

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, April 12, 2024 8:32 AM
To: jpwurtz67@gmail.com
Subject: 8839-3 Greenwood Hutterian Brethren - Public Notice
Attachments: 8839-3 Rec.pdf; 8839-3 Ltr.pdf; 8839-3 PubNotice.pdf

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

JUN 20 2024

Greenwood Hutterian Brethren, Inc.
c/o Jake Wurtz
28781 402nd Avenue
Delmont SD 57330

Dear Mr. Wurtz:

Enclosed is Water Permit No. 8839-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures



**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.: 8839-3

Name of Applicant: Greenwood Hutterian Brethren Inc., c/o Jake Wurtz

Date of Posting: 4/22/2024

Date of Removal: 6/20/2024



Ron Duvall, Engineer III

6/20/2024

Date

Subscribed and sworn to before me, a notary public, this 20th day of June, 2024.



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

(SEAL)



**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 11-20-2024

TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Greenwood HBI
(name)28781 402nd Ave
(address)Delmont SD 57330-5911
(city, state, zip)605-933-0879
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8839-3 states that the water use system is to be constructed by

4-24-2024
(date)

, and water is to be put to beneficial use by

4-24-2024
(date)

The water use system was completed on 6-15-2024
(date)

Applying the water to beneficial use was completed on 6-15-2024
(date)

You may schedule an investigation so that the water license may be issued.

Jake P. Wirth
(signature)

7-98

**RECEIVED**

DEC 02 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 5, 2024

8839-3

Greenwood Hutterian Breth Inc
c/o Jake Wurtz
28781 402nd Ave
Delmont SD 57330

Dear Mr. Wurtz:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system authorized by Water Permit No. 8839-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

8839-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: GREENWOOD HUTTERIAN BRETHERN INC., JAKE WURTZ, 28781 402ND AVE,
DELMONT, SD 57330

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8839-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8839-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8839-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: SDYSHB**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 2, 2026

8839-3

Greenwood Hutterian Brethren Inc.
C/O Jake Wurtz
28781 402nd Ave
Delmont, SD 57330

Dear Mr. Wurtz,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us