

WATER PERMIT NO. 8866-3

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

Address: **48088 210th Street, White SD 57276** Phone: **605-693-4425**

Amount of Water Claimed: **2.11 cfs** Total Acres: **148**

Source of Water Supply: **Groundwater**

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

Type of Waste Disposal System:

Location: **Approx. 7 miles northeast of Brookings SD**

PRIORITY Date Received: **04-04-024**

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

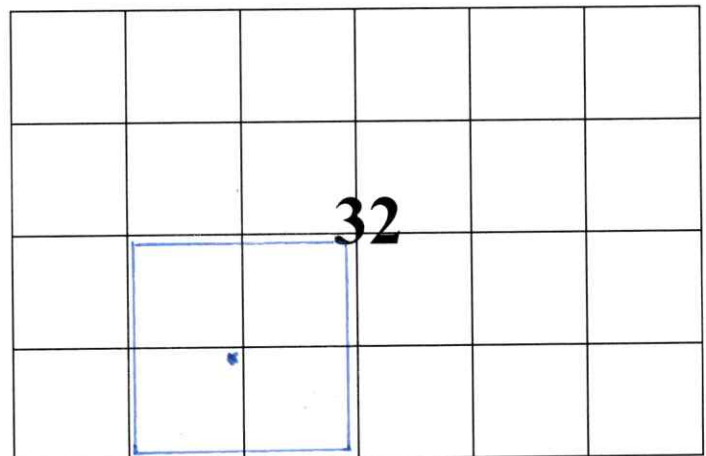
Corrected Application Received: **05-06-24**

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

Remarks:

Diversion Point: **Near center of SW Sec 32-T111N-R48W**

Land to be Irrigated: **SW 1/4 Sec 32-T111N-R48W**



Depth of Well: **200**

Well Driller: **Kaiser Well Drilling**

Remarks:

Type of Map: **aerial**

Reviewed and the Number Assigned on: **05-06-24**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8866-3

Date of first receipt of application April 4, 2024.

Date of return to applicant for corrections, amendments or changes April 5, 2024.

Date of receipt of corrected application July 30, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8866-3 to Rolland Hutterian Brethren Inc., 48088 210th Street, White SD 57276, 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. 8866-3 appropriates 2.11 cubic feet of water per second from up to two wells to be completed into the Rutland Aquifer (approximately 200 feet deep) located near the center of the SW 1/4 Section 32 for irrigation of 148 acres located in the SW 1/4 Section 32; all in T111N-R48W. This site is located approximately 7 miles northeast of Brookings 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 1 – October 31.
3. The date from which applicant may claim right is July 30, 2024.
4. The date of approval of Permit No. 8866-3 is October 21, 2024.
5. One-fifth of the construction is to be completed on or before April 21, 2027.
6. All construction is to be completed on or before October 21, 2029.
7. Water is to be put to beneficial use on or before October 21, 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. The wells approved under Water Permit No. 8866-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8866-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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

NOV 01 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>8866-3</u> Hydrologic Unit <u>10170202</u>
	Basin <u>Middle Big Sioux</u>
	Newspaper <u>Brookings Register</u>
	(office use only)

RECEIVED

APR 04 2024

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 Rolland Huttarian 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 48088 210TH. ST. White SD 57276
(Address) (City) (State) (Zip Code)
Phone 605-693-4425 Mobile 605-690-8290 Email jwjohn14@gmail.com

2. Amount of water claimed 2.11 *CFS or 950 **GPM ***AF Total Acreage 148
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply New well (near center of SW 1/4)

4. Location of point of diversion Alton sec 5/ or Sherman sec 32 - T11N - R48W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

1 to 2 wells in Alton sec 5 110 r48. N. West or. Sherman 32 110 48. S. West County Brookings

5. County or counties where water will be used Brookings

6. Annual period during which water is to be used April- October

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
Sherman township sec 32. 110 r 48. S. 1/4	148		
SW 1/4 Sec 32 - T11N - R48W			

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

I, Jonathan. Wipf, 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.

2021-08

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 1 to 2 Have test holes been drilled? ☒ Yes ☐ No Drilled by Keizer well drilling
(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) 200 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____
- d) Distance to nearest domestic well on applicant's property 1 mile Property owned by others Brown

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

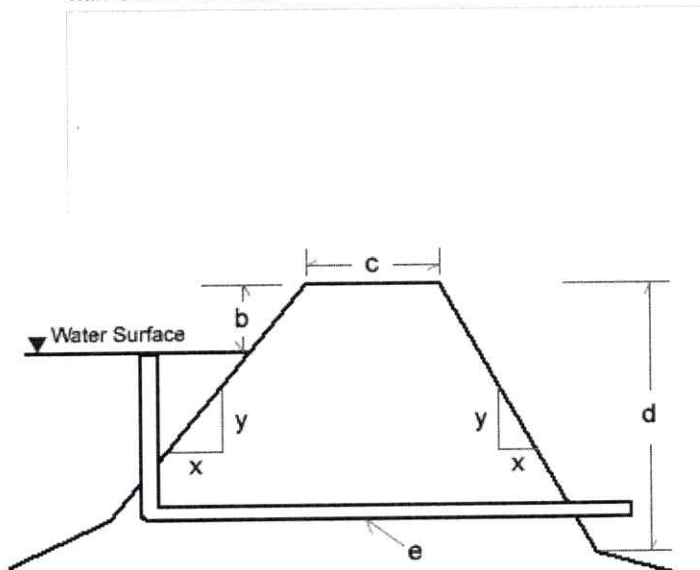
3. Dugout Information

- 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:

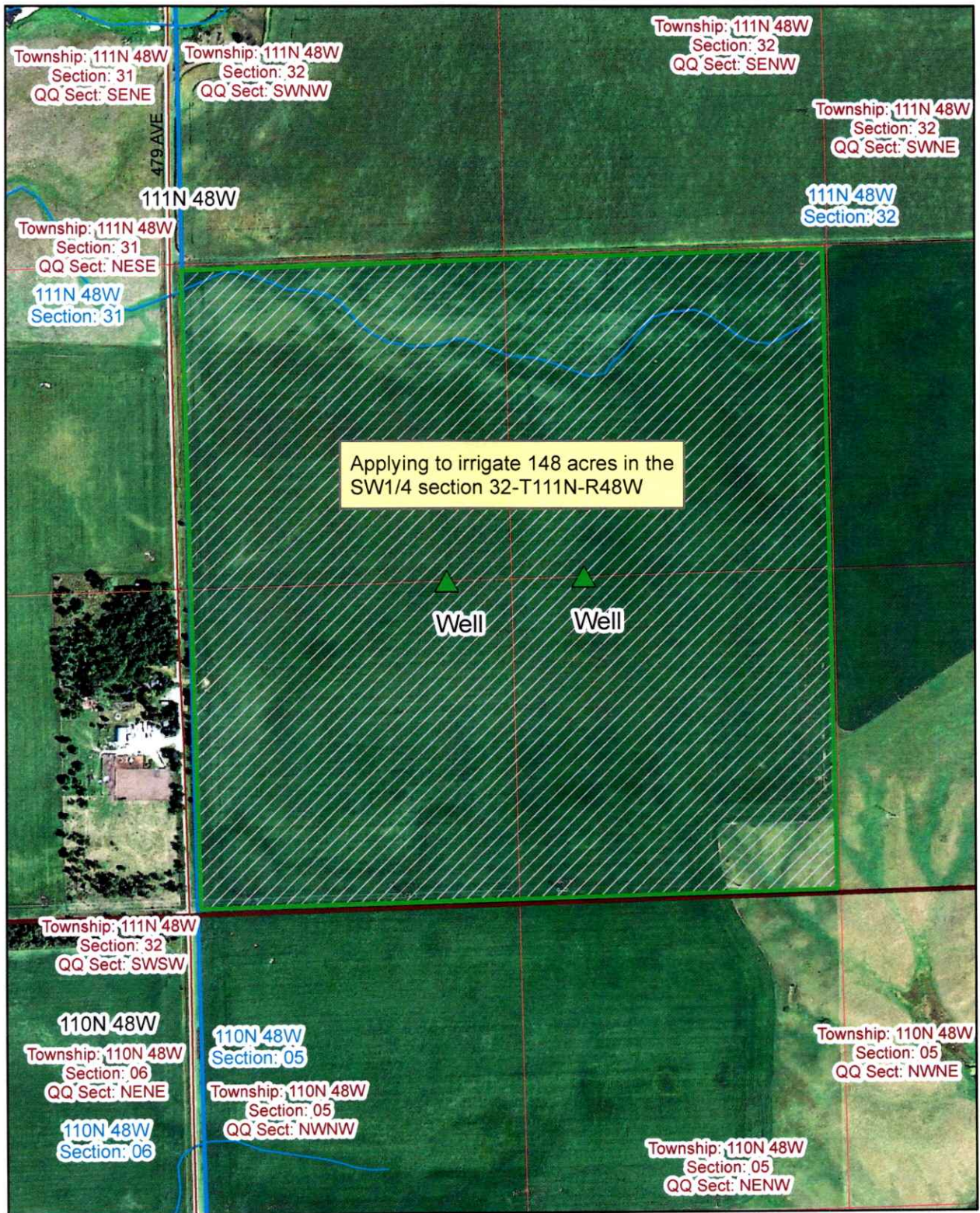


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Scale: 1 inch = 608 feet

850

Feet



DANR
SOUTH DAKOTA

Completed by:

Ron Duvall, Engineer
SD DANR, Water Rights Program

Date: July 30, 2024

Application No. 8866-3

111N 48W
Section: 19

111N 48W
Section: 20

111N 48W
Section: 21

111N
Section:

111N 48W
Section: 30

111N 48W
Section: 29

111N 48W
Section: 28

111N
Section:

111N 48W
Section: 31

111N 48W
Section: 32

10170202 Middle Big Sioux

111N 48W
Section: 33

111N
Section:

110N 48W
Section: 06

110N 48W
Section: 05

110N 48W
Section: 04

110N
Section:

110N 48W

110N 48W
Section: 08

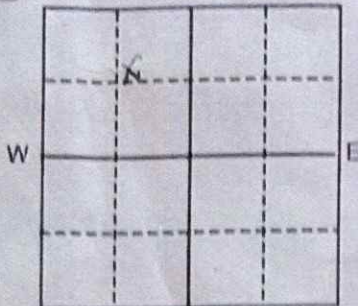
110N 48W
Section: 09

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NW 1/4 Sec 5 Twp 110N Rg 48WCounty Brookings

North

Please mark well
location with an "X"

Well Completion Date

4-12-2023

K — 1 Mile — D

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 Rig

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
SDR17 LB/FT	5 IN	+2 FT	178 FT	8.75 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
GrtWelDF	16	54 Lb/gal	0 Ft	178 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Pressure Pull

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 5 Inches Length 20 FeetMaterial PVCSlot Size 25 Set From 178 Feet to 198 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? HTH
☐ No, Why Not? _____
Lab to which water
quality sample sent for analysis

SDPHL

Well Owner:

Business Name: Rolland Hutterian Brethern IncAddress: 48088 210th StCity, State, Zip: White, SD 57276-6613

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Yellow Clay	1	22
Yellow Gravel	22	30
Blue Clay	30	55
Yellow Rocky gravel tight w iron	55	68
Blue Clay	68	180
Grey Med-Coarse	182	198

STATIC WATER LEVEL

70.6

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: air 80+
☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____

GPM

REMARKS

This well was drilled under license # 689 and this report is true and accurate.Drilling firm: Kaiser Well Drilling INC

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 4-19-2023

sent to state 6-1-23

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date May 6, 2024

RECEIVED OF Rolland Hutterian Brethren, Inc. 48088 210th Street White SD 57276

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

Fee for Application for Permit No. <u>8866-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$850.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8866-3</u>	\$200.00
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
	\$1050.00

By *Eric Gronlund*
Chief Engineer *gm*

Duvall, Ron

From: Duvall, Ron
Sent: Monday, July 22, 2024 4:45 PM
To: Jonathan wipf
Cc: Rodriguez, Rachel; Dewell, Amanda
Subject: RE: Water Permit Application
Attachments: 8866-3_map.pdf

Jonathan Wipf called 7/30/24 and indicated the map is accurately depicting area to be irrigated and approximate well locations. I told Mr. Wipf I would sign map.
Ron Duvall

Mr. Wipf,

Following up on the message below concerning the map for your application to irrigate. We have not received a map yet so I drafted one and have attached it to this email. The proposed well locations are just in the vicinity of the center of the SW1/4 section 32-T111N-R48W near the location of what I presume will be a center pivot. Please take a look at the attached map and let me know whether it suffices to complete your application or, if not, what changes are needed. After we have a completed map, the application can be processed. If you prefer to call, I can be reached at 605-773-5670.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Duvall, Ron
Sent: Tuesday, May 14, 2024 9:19 AM
To: Jonathan wipf <jwjohn14@gmail.com>
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Water Permit Application

Mr. Wipf,

We spoke on the phone a while ago concerning your irrigation permit application. The discussion centered on the legal description of the township listed on your application – the correct township is T111N, not T110N as noted on the application. As discussed in the call, the change to correct the legal description has been made to the application. Regardless of getting that straightened out, we still need a map outlining the acreage to be irrigated and your best guess as to the locations for the one or two wells needed to operate the system. Providing a map is not optional, it is part of the application as required by [Administrative Rule 74:02:02:07](#). Aside from the legal requirement, a map allows us to cross check legal descriptions on the map with the application to make sure no mistakes are being made, for example, like the correct township.

Once we have the completed map, we should have everything needed to process your application. The map can be returned to us via email or mailed to:

Atten: Rachel Rodriguez
SD DANR, Water Rights Program

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, April 30, 2024 10:50 AM
To: jwjohn14@gmail.com
Subject: Invoice
Attachments: Rolland Invoice.docx

Per your request, attached is an invoice for your water permit application.

Thank you,

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



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, April 18, 2024 10:17 AM
To: jwjohn14@gmail.com
Subject: FW: Water Permit Application
Attachments: RollandMap.pdf

Good morning,

I am still waiting for the following items:

- Attached is a map of Section 32 -T111N-R48W. Please mark the well location with an "X" and outline the acres to be irrigated.
- The application fee \$850.00 + the inspection fee \$200.00 = \$1,050.00 is required with the application.

Once, I am in receipt of the items above, I can begin processing your application.

Thank you,

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



From: Rodriguez, Rachel
Sent: Friday, April 12, 2024 11:04 AM
To: jwjohn14@gmail.com
Subject: FW: Water Permit Application

Good morning,

You spoke with Ron Duvall regarding the information I requested. However, I am still waiting for the map and fees, see below.

- Attached is a map of Section 32 -T111N-R48W. Please mark the well location with an "X" and outline the acres to be irrigated.
- The application fee \$850.00 + the inspection fee \$200.00 = \$1,050.00 is required with the application.

Once, I am in receipt of the items above, I can begin processing your application.

Thank you,

Rachel Rodriguez

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, April 12, 2024 11:04 AM
To: jwjohn14@gmail.com
Subject: FW: Water Permit Application
Attachments: RollandMap.pdf

Good morning,

You spoke with Ron Duvall regarding the information I requested. However, I am still waiting for the map and fees, see below.

- Attached is a map of Section 32 -T111N-R48W. Please mark the well location with an "X" and outline the acres to be irrigated.
- The application fee \$850.00 + the inspection fee \$200.00 = \$1,050.00 is required with the application.

Once, I am in receipt of the items above, I can begin processing your application.

Thank you,

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



From: Rodriguez, Rachel
Sent: Friday, April 5, 2024 11:47 AM
To: jwjohn14@gmail.com
Subject: Water Permit Application

Good Morning Jonathan,

I am in receipt of your water permit application. However, there are a few items needed:

- Attached are maps of the Section 5 and Section 32 -T110N-R48W. On these maps, please mark the two well locations with an "X" and outline the acres to be irrigated.
- Attached is Form 2A, please complete the sections highlighted in yellow.
- The application fee \$850.00 + the inspection fee \$200.00 = \$1,050.00 is required with the application.

Once, I am in receipt of the items above, I can begin processing your application.

Thank you,

Rachel Rodriguez

PAID

MAY 06 2024

Ck# 24536

Rec't# _____

DATE: APRIL 30, 2024
INVOICE

TO

SALESPERSON JOB PAYMENT TERMS DUE DATE

Due upon receipt

[illegible]

Make all checks payable to DANR/Water Rights

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Friday, April 5, 2024 11:47 AM
To: 'jwjohn14@gmail.com'
Subject: Water Permit Application
Attachments: Form 2A.pdf; RollandMap1.pdf; RollandMap2.pdf

Good Morning Jonathan,

I am in receipt of your water permit application. However, there are a few items needed:

- Attached are maps of the Section 5 and Section 32 -T110N-R48W. On these maps, please mark the two well locations with an "X" and outline the acres to be irrigated.
- Attached is Form 2A, please complete the sections highlighted in yellow.
- The application fee \$850.00 + the inspection fee \$200.00 = \$1,050.00 is required with the application.

Once, I am in receipt of the items above, I can begin processing your application.

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8866-3, Rolland 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. 8866-3, Rolland Hutterian Brethren, Inc., 48088 210th Street, White SD 57276.

The Chief Engineer is recommending APPROVAL of Application No. 8866-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The wells approved under Water Permit No. 8866-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 8866-3 must be constructed by a licensed well driller and construction of the well and installation of the pump must comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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
September 27, 2024

NOTE: Water Permit Application No. 8866-3 is for an appropriation of water from the Rutland aquifer with an approximate well depth of 200 feet. If the well is completed into the Aurora management unit of the Big Sioux aquifer which is at a shallower depth, a new water permit will need to be obtained to correctly identify the water source.

Report to the Chief Engineer
Water Permit Application No. 8866-3
Rolland Hutterian Brethren, Inc. c/o Jonathan Wipf
September 23, 2024

Water Permit Application No. 8866-3 proposes to use 2.11 cubic feet of water per second (cfs) from up to two wells to be completed into the Rutland aquifer (approximately 200 feet deep) located near the center of the SW ¼ of Section 32 for the irrigation of 148 acres located in the SW ¼ of Section 32, all in T111N-R48W. This site is located in Brookings County, approximately 7 miles northeast of Brookings, South Dakota.

Aquifer: Rutland (RUT)

Description of Aquifer:

The Rutland aquifer is a glacial outwash composed of mostly fine to very coarse sand, and very fine to medium gravel. The aquifer is buried and confined by till, and has not been extensively mapped, but is located in the southeast portion of Brookings County and possibly Moody County, and likely extends into western Lincoln County in Minnesota (Hansen, 1986; Hamilton, 1989; Hullinger, 2024; Water Rights, 2024a). The areal extents of the Rutland aquifer in South Dakota are listed on **Table 1**. The areas were calculated using ArcGIS Pro from maps made by Hamilton (1989) and Hansen (1986). Those maps are likely outdated, and current data suggest a smaller areal extent of the aquifer.

Table 1. Estimated areal extents of the Rutland aquifer in Brookings and Moody Counties, South Dakota. Total estimated area is 172,458 acres, or approximately 269 square miles.

County	Area (acres)	Source
Brookings	151,200	Hamilton (1989)
Moody	21,258	Hansen (1986)

Depths to the top of the Rutland aquifer range from 23 feet east of Brookings, to 432 feet near the Minnesota state line (Hamilton, 1989). Generally, the depth to aquifer increases going east towards Minnesota, and the direction of groundwater movement is towards lower potentiometric pressure where the aquifer is less buried, which is west into South Dakota (Hamilton, 1989; Hullinger, 2024; Water Rights, 2024a). Well completion reports completed in the Rutland aquifer within approximately three miles state a depth to the top of aquifer materials ranging from 103 to 198 feet below ground surface, and saturated thicknesses ranging from 16 to 24 feet (Water Rights, 2024a).

Application No. 8866-3 submitted a well completion report with the application; however, the well log completion report is for a domestic well located approximately ½ mile south of the proposed well locations, and is owned by the applicant. This well has a total depth of 198 feet below ground surface, and the static water level at the time the well was drilled was 70.6 feet below ground surface. The saturated aquifer is 16 feet thick, located at a depth below ground surface of 182 to 198 feet. Based on this well completion report and others nearby the proposed well locations, the Rutland aquifer is under confined conditions (Water Rights, 2024a).

There is another, shallower aquifer—the Big Sioux: Aurora aquifer present above the Rutland aquifer in this area; however, based on the well completion report provided with this application, the Big Sioux: Aurora aquifer has a 25-foot clay layer between a total separation of 152 feet from the Rutland. Since the well completion report provided with the application is not a test hole specifically at the location of the proposed wells, any new wells completed for Application No. 8866-3 will need to be completed into the deeper Rutland aquifer, and not the Big Sioux: Aurora aquifer, if that aquifer is available at the proposed well locations. Otherwise, a new permit will be needed before completing wells into the uppermost aquifer in this area, which is the Big Sioux: Aurora aquifer.

South Dakota Codified Law (SDCL) 46-2A-9:

Pursuant to SDCL 46-2A-9, “A permit to appropriate water may be issued only if there is 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 Rutland aquifer.

SDCL 46-6-3.1:

SDCL 46-6-3.1 states that “No application to appropriate groundwater may be approved if, according to the best possible 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.”

Water Permit Application No. 8866-3 does not involve a water distribution system as defined by SDCL 46-1-6(17) and the Rutland aquifer is not older or stratigraphically lower than the Greenhorn formation (Fahrenbach et al., 2010). Therefore, in order to approve an application to appropriate water, there needs to be evidence showing a reasonable probability that unappropriated water is available. This report will address whether average annual recharge exceeds discharge with available data and observation well analysis.

Hydrologic Budget Analysis:

Recharge

The Rutland aquifer may be recharged by infiltration of precipitation through till, and through adjacent sand and gravel outwashes (Hamilton, 1989). There is no estimated recharge rate to this aquifer. Hedges et al. (1985) uses a range of 0.15 to 0.6 inches/year to estimate recharge to confined aquifers when a more specific recharge rate has not been found. Applying this rate

range to the areal extent for Brookings and Moody Counties shown in **Table 1**, recharge to the Rutland aquifer is approximately 2,156 to 8,623 acre-feet/year, which is likely an overestimation as current data suggest a smaller areal extent of the aquifer.

Using Darcy's Law, Hamilton (1989) estimated the outflow through the Rutland aquifer from Brookings County into Moody County to be 6,000 acre-feet/year. This value is a likely minimum recharge rate to the aquifer since outflow through Moody County should be equal or less than total aquifer recharge. Since 6,000 acre-feet/year is within the range calculated from Hedges et al. (1985) rate for confined aquifers, that will be the recharge used for the hydrologic budget analysis.

Discharge

Discharge from the Rutland aquifer is generally to the south and southwest, where the aquifer is in direct contact with the Big Sioux: Aurora aquifer or separated by only a few feet of till, and the potentiometric surface of the Rutland aquifer is above the Big Sioux: Aurora aquifer (Hamilton, 1989). There are currently 22 existing water rights/permits authorized to appropriate water from the Rutland aquifer (Water Rights, 2024b).

Of the 22 water rights/permits, 17 are for irrigation use. Irrigation water rights/permits have been typically required to report annual usage on an irrigation questionnaire since 1979. Although there are irrigation rights from the Rutland aquifer with priority dates before 1989, there is no reported usage until 1989. The average total reported pumpage for the years 1989 to 2023 is approximately 490 acre-feet, and the average total reported pumpage for the years 2014 to 2023 is approximately 710 acre-feet (Water Rights, 2024c). To reflect the current development of irrigation water rights/permits more accurately, the average total reported pumpage for irrigation appropriations from 2014 to 2023 will be used for the budget and is approximately 710 acre-feet.

The most recent irrigation questionnaire (2023) lists three newly approved permits that have never reported usage because they are still in their construction period or were approved by the Chief Engineer after the 2023 questionnaire was mailed out. Previous reports on the Rutland aquifer by the Water Rights Program estimate the average annual application rate to be 10 inches of water per acre. Multiplying this application rate with the number of acres permitted by Water Permit Nos. 8611-3, 8737-3, and 8815-3 gives an estimated average annual withdrawal for these three permits to be 302 acre-feet. **Table 2** in the budget summary breaks down those withdrawal estimates for each permit. Application No. 8866-3 is requesting to irrigate 148 acres, and if approved, is estimated to pump an average of 123 acre-feet/year.

Of the 22 water rights/permits appropriating water from the Rutland aquifer, five are for commercial or domestic use. Non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to pump 60% of any given time throughout the year. Using this method, the estimated appropriative use for the five non-irrigation water rights is approximately 717 acre-feet/year.

Domestic use does not require a water permit, and so the total withdrawal amount is unknown. Due to relatively low diversion rates and the availability of rural water, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget.

Hydrologic Budget Summary

Recharge to the Rutland aquifer is estimated to be 6,000 acre-feet/year. The estimated annual withdrawal is 1,729 acre-feet/year, listed on Table 2. This application seeks to withdrawal an estimated 123 acre-feet/year. Based on the hydrologic budget analysis, there is a reasonable probability that unappropriated water is available for the proposed appropriation.

Table 2. Summary of estimated annual withdrawals from the Rutland aquifer (Water Rights, 2024b and 2024c)

Sources of Withdrawal	Estimated Withdrawal (acre-feet)
Irrigation use (average total reported pumpage from 2014-2023)	710
Water Permit No. 8611-3	67
Water Permit No. 8737-3	125
Water Permit No. 8815-3	110
Non-Irrigation	717
TOTAL	1,729

Observation Well Analysis:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.

The SD DANR Water Rights Program monitors 4 observation wells completed into the Rutland aquifer (Water Rights, 2024d). From the location of the proposed wells, observation well BG-80I is approximately 4.2 miles southeast, BG-78E is approximately 7.7 miles southeast, BG-78F is approximately 6.7 miles southeast, and BG-2005A is approximately 6.2 miles southwest. Hydrographs for these observation wells are shown in **Figure 1**, and static water level elevations are referenced to the local ground elevation. Hydrographs for observation wells illustrate climatic conditions and pumping from the Rutland aquifer at those locations. The Rutland aquifer is primarily a confined aquifer, and the static water level represents the pressurized water level, also called the hydraulic head or artesian head pressure. Pressurized water levels due to confining layers change more dramatically from the effects of pumping than water levels that are only under atmospheric pressure.

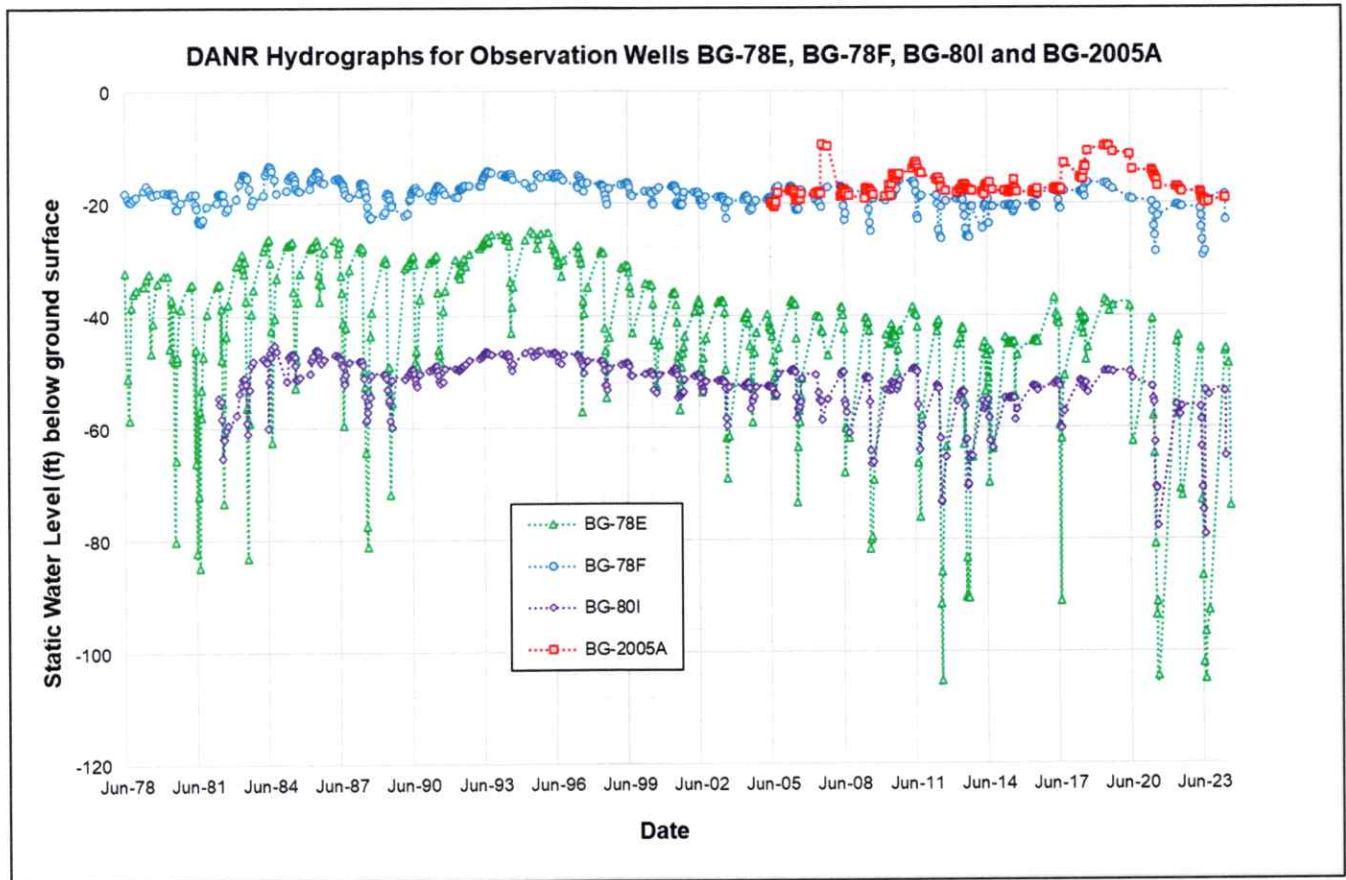


Figure 1. Hydrographs for all four observation wells in the Rutland aquifer (Water Rights, 2024d). Note ground surface elevation at the location of these wells varies between wells.

When evaluating hydrographs, the context of the entire period of record is important, as it shows long-term trends of the aquifer and not only the beginning and ending water levels. The overall, long-term trend for these hydrographs is stable to decreasing water levels. The observation wells showing decreasing water levels do eventually stabilize.

Expansive drought occurred in South Dakota in the late 1980's to early 1990's, the early to mid-2000's, from 2012 to 2014, 2017 and 2018, and from 2020 to the present (NOAA, 2024). These long-term climatic fluctuations are not pronounced in **Figure 1**, and look like long, gradual changes in the overall shape of the hydrograph from the readings at the top of the hydrograph. Some climate fluctuations can be seen in the late 1980's to early 1990's, and the early 2000's, and the wet year 2019. The effects of pumping are more prominent, and these are the downward spikes during irrigation seasons. The climate has a direct influence on the amount of pumping that occurs in an aquifer (drier conditions lead to more pumping and less recharge); however, there was a large increase in reported pumpage beginning in 1994 until the early 2000's which led to a steady decline of artesian head pressure in Rutland aquifer observation wells, particularly BG-78E. Water permits for dairy operations (Water Right Nos. 5822-3 and 6087-3) were approved with high pumping rates. Wells for these water rights are closest to BG-78E, which shows the greatest long-term decline during this time period compared to other observation wells.

Since the decline between 1994 to the early 2000's, hydraulic head in the Rutland aquifer has stabilized with only a slight downward trend in observation well BG-78E. On a short-term timeframe, the aquifer levels are recovering after the irrigation season and returning to pre-pumped levels. Observation well BG-78E is located next to multiple high yield wells (diversion rate greater than 0.2 cfs) and this well shows the most decline due to pumping, and the most fluctuation due to pumping. The difference in height between the lowest static water level on record and the depth to the top of the aquifer materials range from 52 to 92 feet for the four observation wells. This is adequate head even during times of drought.

Overall, the long-term stabilization of the aquifer after the early 2000's, the response of the aquifer to long-term wet and dry periods, and the return of the static water level to pre-pumped levels after irrigation seasons are evidence that recharge to and natural discharge from the aquifer governs the long-term and short-term water levels in the aquifer rather than the impacts of pumping. Since both recharge to and natural discharge from an aquifer can be captured for pumping, there is a reasonable probability that unappropriated water is available for the proposed appropriation.

Potential for Unlawful Impairment:

There are currently 22 water rights/permits authorized to appropriate water from the Rutland aquifer. The nearest appropriative water right for the Rutland aquifer near the proposed well locations is Water Right No. 6802-3, which is approximately 1.5 miles southwest. The two other nearest water rights to the proposed wells are Water Right Nos. 8017-3 and 7263-3, which are held by the applicant, are over 2 miles away.

The closest domestic well on file that is not held by the applicant and likely completed into the Rutland aquifer is approximately 1.7 miles northwest of the proposed diversion points (Water Rights, 2024a). However, the two wells at that location are deeper and may be completed into a different aquifer. There are no other domestic wells on file within two miles that are highly likely completed into the Rutland aquifer constructed for someone other than the applicant. The nearest domestic well belongs to the applicant approximately ½ mile south. There could potentially be other domestic wells completed into the Rutland aquifer that are not on file with the Water Rights Program. Domestic wells in South Dakota have a priority over other use types and are protected from unlawful impairment when the well is constructed under adequate well standards, defined in ARSD 74:02:04:20(6) 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.”

The Rutland aquifer is likely confined at the proposed diversion points for this application (Water Rights, 2024a and 2024b). Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer. However, in a confined aquifer,

drawdown from pumping could extend a distance from the diversion point. A pumping test would be required to know the exact drawdown behavior of the aquifer in this area.

The well completion report submitted with this application indicates 16 feet of saturated aquifer material, and the saturated thickness of the aquifer in this area ranges from approximately 16 to 24 feet. This generally does not allow enough thickness for a pump to be placed 20 feet below the top of the aquifer but, if placed as near to the bottom of the aquifer as practical, then the well is considered to be adequate.

Observation well BG-78E is located near several high-yield wells and its hydrograph can provide insight to how the aquifer responds to pumping (**Figure 1**). This aquifer did not fully recover after the initial drawdown caused by the nearby dairies from 1994-1998, but did stabilize, showing that the aquifer is not being over-pumped. There is almost 50 feet of artesian head pressure in BG-78E even at the lowest recorded water level.

Hilltop Dairy LLP (Water Right No. 6087-3) is only 0.4 miles away from BG-78E, and drawdown from the dairy's pumping decreased the artesian head pressure in that observation well more than the other three observation wells. Two other observation wells, BG-78F and BG-80I, are located approximately 2.2 miles east and 3.4 miles northwest away from Hilltop Dairy LLP, respectively. However, these wells don't show the impact of pumping from the dairy nearly as much, meaning that the notable drawdown effect of the Rutland aquifer at that location doesn't extend much more than 0.5 miles from heavy pumping. It is unlikely that the nearest domestic well (1.7 miles northwest, not belonging to the applicant) or the nearest appropriative well with an older priority date (Water Right No. 6802-2, 1.5 miles southwest) would be affected by the pumping proposed by Application No. 8866-3, which would divert at a lower rate than the dairy, if approved. Since the applicant's own domestic well is the closest well, they will likely manage pumping to avoid impacting themselves, and therefore reduce potential impacts to others. Additionally, irrigation is the use type for both this application and the nearest water right. Since irrigation is a seasonal use, there would be no pumping over winter months and would allow for water level recovery.

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed 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."

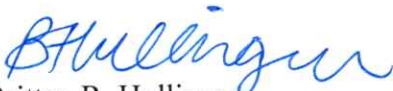
The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills (Water Rights, 1995). The Board adopted the Findings of Fact and Conclusions of Law from the case of Water Right No. 2313-2, which said that reserving artesian

head pressure for delivery of water would be inconsistent with SDCL 46-1-4. SDCL 46-1-4 states that “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” Depending on specific characteristics of the Rutland aquifer, some existing well owners may need to lower pumps at their location. There have not been any complaints of unlawful interference for wells in Brookings County or Moody County (Water Rights, 2024e).

Due to the Rutland aquifer pressure head returning to pre-pumped levels in the spring after heavy pumping during irrigation seasons create drawdown, as well as the long-term stabilization of the aquifer after an influx of new appropriations after 1994-1998, the distance of the nearest domestic wells and water rights that are not held by the applicant to the proposed diversion points, that the applicant’s own well is the closest other well completed into the Rutland aquifer, abundant artesian head pressure indicated by observation wells, ARSD 74:02:04:20(6) and (7), SDCL 46-1-4, and the lack of unlawful interference complaints in Brookings and Moody Counties, it is reasonable that any drawdown for this application is not expected to unlawfully impair nearby adequate wells.

Conclusions:

1. Water Permit Application No. 8866-3 proposes to appropriate 2.11 cfs from two wells to be completed into the Rutland aquifer for the irrigation of 148 acres. The wells are to be located near the center of the SW ¼ of Section 32 for the irrigation of land located in the SW ¼ of Section 32, all in T111N-R48W. The site is located in Brookings County, approximately seven miles northeast of Brookings, South Dakota.
2. This report assumes that the applicant will complete both proposed wells into the Rutland aquifer (well depth of approximately 200 feet) as logged by the well completion report for the nearby domestic well held by the applicant, and submitted with this application.
3. Based on a hydrologic budget and observation well analyses, there is a reasonable probability that unappropriated water is available from the Rutland aquifer to supply the proposed appropriation.
4. There is a reasonable probability that the proposed diversion by Application No. 8866-3 will not unlawfully impair adequate wells for existing South Dakota water rights/permits and domestic uses.



Brittan R. Hullinger
Natural Resources Engineer I
Water Rights Program, SD DANR



Adam Mathiowetz, P.E.
Natural Resources Engineer IV
Water Rights Program, SD DANR

References:

- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR Geological Survey. Vermillion, SD.
- Hamilton, L.J. 1989. Water Resources of Brookings and Kingsbury Counties, South Dakota. Water Resources Investigations Report 88-4185. U.S. Geological Survey. Huron, South Dakota.
- Hansen, D.S. 1986. Water Resources of Lake and Moody Counties, South Dakota. Water Resources Investigations Report 84-4209. U.S. Geological Survey. Huron, South Dakota.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Groundwater Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Groundwater Recharge. Office of Geological Survey. Vermillion, South Dakota.
- Hullinger, B.R. 2024. Report on Water Permit Application No. 8815-3. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- National Oceanic and Atmospheric Administration (NOAA). 2024. National Integrated Drought Information System (NIDIS). Accessed September 18, 2024
<<https://www.drought.gov/states/south-dakota#historical-conditions>>
- Water Rights. 1995. Findings of Fact, Conclusions of Law, and Final Decision in the matter of Water Permit Application No. 2313-2, Coca-Cola Bottling Company of the Black Hills. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2024a. Well Completion Reports. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2024b. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2024c. "1979-2023 Irrigation Summaries by Aquifer." SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2024d. Observation Well Data. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2024e. County Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

September 30, 2024

Rolland Hutterian Brethren, Inc.
c/o Jonathan Wipf
48088 210th Street
White SD 57276

Dear Mr. Wipf:

Water Permit Application No. 8866-3 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 Brookings Register printed in Brookings SD (Ph # 605 692-6271). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

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 APPLICATION NO. 8866-3 to Appropriate Water

Notice is given that Rolland Hutterian Brethren, Inc., c/o Jonathan Wipf, 48088 210th Street, White SD 57276 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second from up to two wells to be completed into the Rutland Aquifer (approximately 200 feet deep) located near the center of the SW 1/4 Section 32 for irrigation of 148 acres located in the SW 1/4 Section 32; all in T111N-R48W. This site is located approximately 7 miles northeast of Brookings SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8866-3 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 October 21, 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 October 21, 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

From: Rodriguez, Rachel
Sent: Monday, September 30, 2024 7:48 AM
To: registerclassifieds@brookingsregister.com
Subject: 8866-3 Rolland Hutterian Brethren Inc. - Public Notice
Attachments: 8866-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on October 10, 2024.

Rolland Hutterian Brethren, Inc., c/o Jonathan Wipf, 48088 210th Street, White SD 57276, 605-693-4425, 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

Exhibit "A"

SS

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

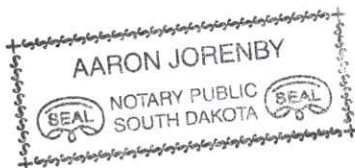
Leg# 40725 Notice of Application to Appropriate Water

same was published, is hereto attached marked Exhibit "A" said newspaper for _____ 1 times, to-wit:

October 10, 2024

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Forty-Four Dollars and Ninety-Seven Cents \$44.97



October

KMFoiles

10 day of

2024

Ag

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2026

Legal 40725 1X
10/10
**NOTICE OF APPLICATION
NO. 8866-3 TO
APPROPRIATE WATER**
Notice is given that Rolland Hutterian Brethren, Inc., c/o Jonathan Wipf, 48088 210th Street, White SD 57276 has filed an application for a water permit to appropriate 2.11 cubic feet of water per second from up to two wells to be completed into the Rutland Aquifer (approximately 200 feet deep) located near the center of the SW 1/4 Section 32 for irrigation of 148 acres located in the SW 1/4 Section 32; all in T11N-R48W. This site is located approximately 7 miles northeast of Brookings SD. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8866-3 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 Duval for this information, or

RECEIVED

OCT 21 2024

OFFICE OF
WATER

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 October 21, 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 October 21, 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 October 10, 2024 at the total approximate cost of \$44.97 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, September 30, 2024 7:52 AM
To: jwjohn14@gmail.com
Subject: 8866-3 Rolland Hutterian Brethren Inc. - Public Notice
Attachments: 8866-3 Rec.pdf; 8866-3 Ltr.pdf; 8866-3 PubNotice.pdf

Good morning,

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

NOV 01 2024

Rolland Hutterian Brethren Inc.
c/o Jonathan Wipf
48088 210th Street
White SD 57276

Dear Mr. Wipf:

Enclosed is Water Permit No. 8866-3 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.: 8866-3

Name of Applicant: Rolland Hutterian Brethren, Inc., c/o Jonathan Wipf

Date of Posting: 10/7/2024

Date of Removal: 11/1/2024

Ron Duvall, Engineer III

11/1/2024

Date

Subscribed and sworn to before me, a notary public, this 1st day of Nov, 2024.

Notary Public - South Dakota

My commission expires: Rachel Rodriguez
My Commission Expires
May 16, 2029



(SEAL)



**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: ROLLAND HTTN BRTH, JONATHAN WIPF, 48088 210TH ST, WHITE, SD 57276 6613

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

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaires

Our records indicate your 2025 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3218-3 & 3452-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4859-3, 8017-3 & 8866-3 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) 4859-3, 8017-3 & 8866-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3218-3 & 3452-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires 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 questionnaires 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: XOLFWZ**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26th, 2026

8866-3
8017-3
4859-3
3452-3
3218-3

Jonathan Wipf
C/O ROLLAND HTTN BRTH
48088 210th St
White, SD 57276

Dear Mr. Wipf,

I am writing to acknowledge receipt of your 2025 irrigation questionnaires.

You may disregard the January 20, 2026, "Notice" concerning reporting requirements for Water Right Nos. 8017-3, 4859-3, 3452-3, 3218-3 and Permit No. 8866-3. 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