

WATER PERMIT NO. 8963-3

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

Address: **35691 156th Street, Faulkton SD 57438** Phone: **605-324-3303**

Amount of Water Claimed: **96.8 AF** Total Acres: **N/A**

Source of Water Supply: **Groundwater**

Water to be used for: **Industrial** County: **Faulk**

Type of Waste Disposal System:

Location: **Approx. 7 miles northeast of Faulkton**

PRIORITY Date Received: **05-30-25**

Application/License Fee: **\$700.00**

Corrected Application Received: **06-16-25**

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **NE 1/4 NE 1/4 Sec 17-T119N-R68W**

Land to be Irrigated: **N/A**

Depth of Well: **1170**

Well Driller: **Stretch's Well Service**

Remarks:

Type of Map: **aerial**

				x	
			17		

Reviewed and the Number Assigned on: **06-16-25**

By: **Rachel Rodriguez**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8963-3

Date of first receipt of application May 30, 2025.

Date of return to applicant for corrections, amendments or changes May 30, 2025.

Date of receipt of corrected application June 16, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8963-3 to Evergreen Hutterian Brethren, Inc., 35691 156th Street, Faulkton SD 57438, 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. 8963-3 appropriates up to 30.7 acre-feet of water annually at a maximum pump rate of 0.134 cubic feet of water per second from one well completed into the Dakota Aquifer (1,170 feet deep) located in the NE 1/4 NE 1/4 Section 17-T119N-R68W for industrial use in a precast concrete production facility. This site is located approximately seven miles northeast of Faulkton SD.
2. The water appropriated shall be used for the purpose of industrial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 8963-3 is September 29, 2025.
5. The date from which applicant may claim right is May 30, 2025.
6. One-fifth of the construction is to be completed on or before March 29, 2028.
7. All construction is to be completed on or before September 29, 2030.
8. Water is to be put to beneficial use on or before September 29, 2034.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Water Permit No. 8963-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Any future replacement well must meet the adequate well construction standard as defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20 and may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.
3. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Dakota Aquifer.
4. Water Permit No. 8963-3 appropriates up to 30.7 acre-feet of water annually.

WATER MANAGEMENT BOARD

By: _____

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

11/21/25
date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8963-3</u> Hydrologic Unit <u>1016 0007</u> Basin <u>James</u> Newspaper <u>Faulkton Co. Record</u> <u>Aberdeen News</u> (office use only)
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PAID
MAY 30 2025
Ck# 10496
Rec't# _____

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☒ Industrial	☐ Other _____	

Type of Application:
(check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

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

- Name to Appear on Water Permit Evergreen Hutterian Brethren, Inc.
Mailing Address 35691 156th St. Faulkton SD 57438
(Address) (City) (State) (Zip Code)
Phone 605-324-3303 Mobile 605-380-2742 Email evg57438@gmail.com
- Amount of water claimed 0.133 *CFS or 60 **GPM and 30.7 ***AF or 31,536,000 gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply New Water Well Dakota Well
- Location of point of diversion NE 1/4 NE 1/4 Sec 17 119 68 45 1270N County Faulk
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) 99.0429W
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW 1/4 section 12-T104N-R53W)
- County or counties where water will be used Faulk
- Annual period during which water is to be used Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Water Supply for PreCast Production

RECEIVED

MAY 30 2025

**OFFICE OF
WATER**

I, Tim Hoyer 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.

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)

RECEIVED

MAY 30 2025

OFFICE OF
WATER

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) 1170' Depth to Top of Water Bearing Material 720' Depth to Water from Surface 33'
- d) Distance to nearest domestic well on applicant's property 1000' Property owned by others _____

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

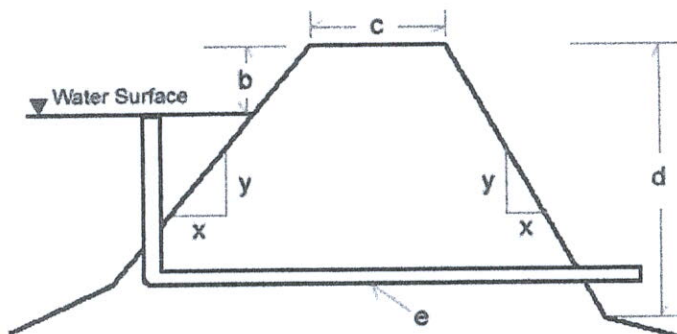
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

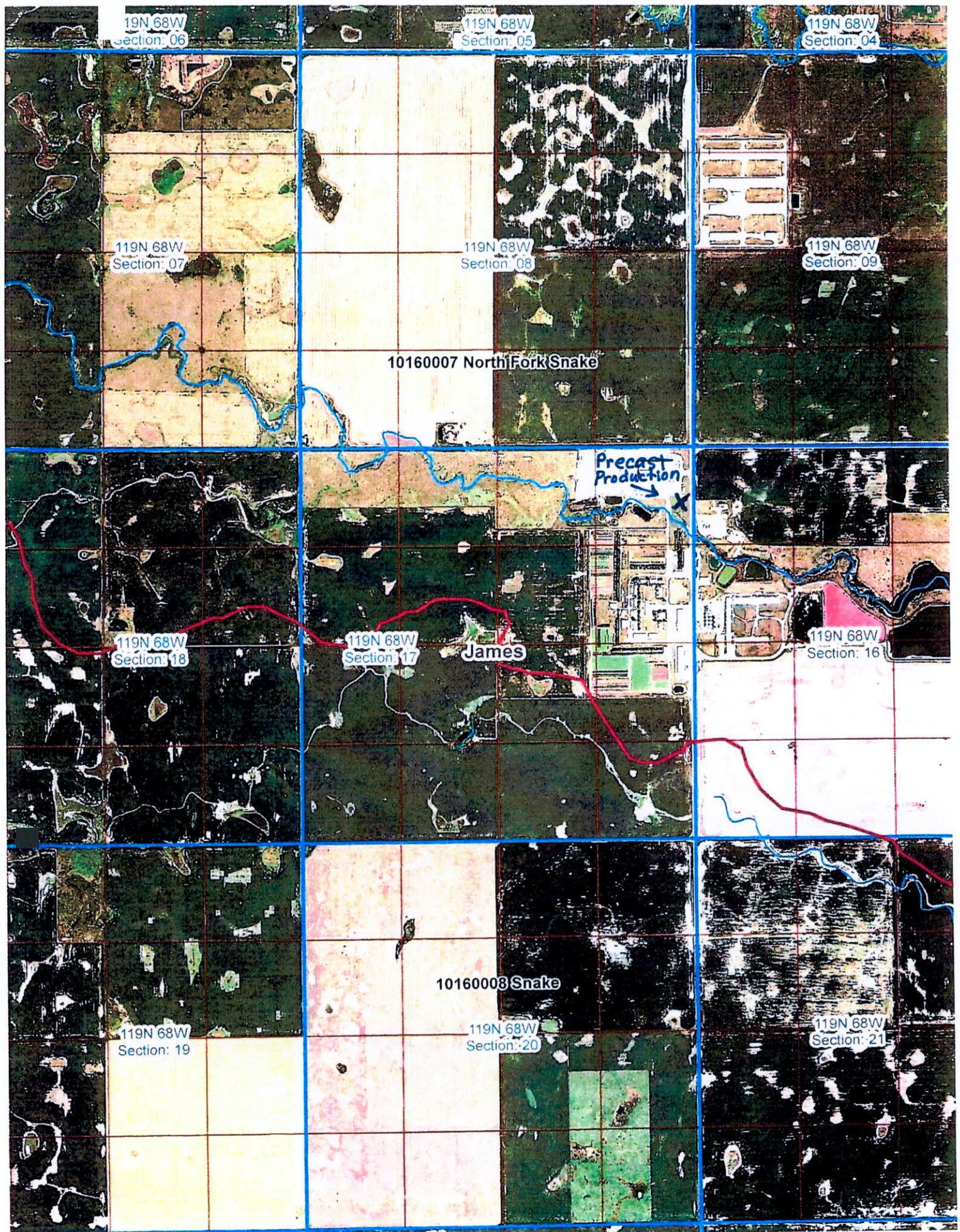
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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



119N 68W
Section: 06

119N 68W
Section: 05

119N 68W
Section: 04

119N 68W
Section: 07

119N 68W
Section: 08

119N 68W
Section: 09

10160007 North Fork Snake

119N 68W
Section: 18

119N 68W
Section: 17

James

119N 68W
Section: 16

10160003 Snake

119N 68W
Section: 19

119N 68W
Section: 20

119N 68W
Section: 21

8963-3

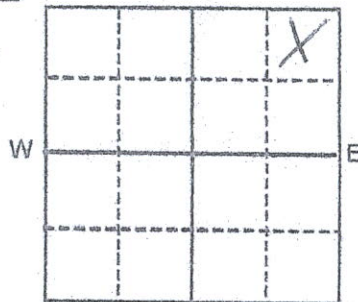
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NE 1/4 Sec 12 Twp 119N Rg 68WCounty Faulk

North

Please mark well
location with an "X"

Well Completion Date

3-28-25

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
NONE ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☒ OtherIf other describe stainless steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>1100</u> FT	<u>7 7/8</u> IN
<u>944059</u> LB/FT	<u>2</u> IN	<u>1090</u> FT	<u>1170</u> FT	<u>4 1/2</u> IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>160</u>	<u>15</u> Lb/gal	<u>0</u> Ft	<u>1100</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Pumped Through 5" Pipe

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 2 Inches Length 80 FeetMaterial Stainless SteelSlot Size 1025 Set From 1090 Feet to 1170 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ NoIf so, what material? CementDescribe packer(s) and location 1100

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?Lab to which water
quality sample sent for analysisWell Owner: Evergreen Colony

Business Name:

Address: 35691 156th STCity, State, Zip: Faulkton SD 57438

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top Soil	0	2
yellow Clay	2	35
Blue Clay	35	110
Shale	110	720
Dakota	720	1170

STATIC WATER LEVEL

30

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☐ Bailed☐ Other

Pumping Level Below Land Surface

30 Ft. After 14 Hrs. pumped 30 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

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

Drilling firm:

Stretch's Well Service Inc.

Signature of License Representative:

Tom Ralston

Signature of Well Owner or Equitable Property Holder:

Tim HoferDate: 5-6-2025

RECEIVED

MAY 30 2025

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 16th, 2025

RECEIVED OF Evergreen Hutterian Brethren, Inc 35691 156th Street Faulkton SD 57438

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

Fee for Application for Permit No. <u>8963-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</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>8963-3</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>700.00</u>

By


Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF ACTING CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8963-3, Evergreen Hutterian Brethren, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8963-3, Evergreen Hutterian Brethren, Inc., 35691 156th Street, Faulkton SD 57438.

The Acting Chief Engineer is recommending APPROVAL of Application No. 8963-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under Water Permit No. 8963-3 is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit must control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Any future replacement well must meet the adequate well construction standard as defined in Administrative Rule of South Dakota (ARSD) 74:02:04:20 and may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.
3. The Permit holder must report to the Chief Engineer annually the amount of water withdrawn from the Dakota Aquifer.
4. Water Permit No. 8963-3 appropriates up to 30.7 acre-feet of water annually.

See report on application for additional information.

Mark Mayer, PE
Director of Office of Water
August 27, 2025

Report to the Chief Engineer
On Water Permit Application No. 8963-3
Evergreen Hutterian Brethren Inc.

08/22/2025

Water Permit Application No. 8963-3 proposes to appropriate up to 30.7 acre-feet of water annually at a maximum pump rate of 0.134 cubic feet of water per second (cfs) from one well completed into the Dakota aquifer (1,170 feet deep) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17-T119N-R68W for industrial use in a precast concrete production facility. This site is located in Faulk County approximately seven miles northeast of Faulkton SD.

AQUIFER: Dakota (DKOT)

HYDROGEOLOGY:

The Dakota Formation is defined as the first relatively continuous sandstone below the Greenhorn Limestone, extending downward to the top of the Skull Creek Shale in western and central South Dakota (Schoon, 1971). In eastern South Dakota, the Skull Creek Shale is not continuous and when absent, the Dakota Formation directly overlies Precambrian bedrock or the Inyan Kara Group (Schoon, 1971). In western South Dakota, a stratigraphically equivalent formation to the Dakota Formation is the Newcastle Formation, which outcrops in the Black Hills (Bredehoeft and others, 1983). In eastern South Dakota, the Dakota Formation can be separated into three layers: 1) upper layer of fine to medium grained, light to reddish brown, quartz sandstone interbedded with minor gray to dark grey shale layers; 2) a middle layer of silty gray clay interbedded with minor sandstone layers; and 3) a lower layer of medium to coarse grained quartz sandstone (Schoon, 1971).

The Dakota aquifer is comprised of the saturated and permeable portions of the Dakota Formation and is primarily a confined bedrock aquifer throughout most of South Dakota (Schoon, 1971; Water Rights 2025b and 2025d). The Dakota Formation underlies approximately 66,500 square miles of South Dakota and has an average thickness of 150 feet (Schoon, 1971). Using Schoon's (1971) estimates of average thickness (150 feet) and areal extent (66,500 square miles or 42.5 million acres) of the Dakota aquifer, and assuming 15% porosity for the Dakota Formation, calculates to an approximate 960 million acre-feet of stored water within the Dakota aquifer in South Dakota.

A well completion report was submitted with this application. The well was completed on March 28, 2025, with a static water level 30 feet below ground surface (Water Rights, 2025d). The water well completion report shows the top of aquifer material 720 feet below ground surface. Based on the top of aquifer material, the static water level, and total well depth (1,170 ft), the aquifer is confined with a saturated aquifer thickness of at least 450 feet (Water Rights, 2025b). The well completion report indicates the aquifer material is confined by a layer of shale and is similar to other nearby test hole reports and well completion reports (Water Rights, 2025d).

South Dakota Codified Law (SDCL)

Water Permit Application No. 8963-3 proposes to appropriate water from the Dakota aquifer. The probability of unappropriated water being available from the aquifer can be evaluated by considering *SDCL 46-6-3.1, SDCL 46-2A-9*.

Pursuant to SDCL 46-6-3.1,

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

The Dakota aquifer is older than and stratigraphically lower than the Greenhorn Formation. However, the applicant's proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Dakota aquifer must be considered.

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 Dakota aquifer.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Dakota aquifer in South Dakota occurs through upward leakage from underlying aquifers with a higher potentiometric surface than the Dakota aquifer, downward seepage through overlying confining layers, and through the infiltration of precipitation on the Newcastle Formation that outcrops in the Black Hills (Bredehoeft and others, 1983; Water Rights, 2025b). Using computer modeling, Bredehoeft and others (1983) attempted to match Darton's (1909) potentiometric surface map of the Dakota aquifer and developed a recharge estimate of approximately 79.4 cfs (57,500 acre-feet/year) prior to well development. However, assumptions used in Bredehoeft and other's (1983) recharge estimate are now outdated. For example, the recharge estimates used for the Madison and Inyan Kara aquifers in Bredehoeft and other's (1983) analysis are much lower than estimates calculated by the more recent research of Carter and others (2002). While outdated, the Bredehoeft and other's (1983) estimate is the best

information available to give a sense of scale of the recharge to the Dakota aquifer in South Dakota, it is unknown whether the true recharge rate of the Dakota aquifer is higher or lower than Bredehoeft and others' (1983) estimates.

Discharge

Discharge from the Dakota aquifer in South Dakota occurs through well withdrawals, uncontrolled flowing wells, outflow through corroded well casings, and outflow to overlying or adjacent aquifers due to higher potentiometric surface in the Dakota aquifer (Bredehoeft and others, 1983; Water Rights, 2025d). Currently, there are 259 water rights/permits authorized to appropriate water from the Dakota aquifer. Additionally, there are seven future use permits reserving 4,287 acre-feet/year of water from the Dakota aquifer, shown on Table 1 (Water Rights, 2025c).

Table 1. Future use permits from the Dakota aquifer (Water Rights, 2025c)

Permit No.	Name	County	Use	Priority Date	Amount Reserved (ac-ft/yr)
1262C-3	City of Canton	LN	MUN	03/16/1966	674
5219-3		LN	MUN	12/05/1988	1,175
8400-3	City of Harrisburg	LN	MUN	05/15/2019	550
5101-3	City of Lennox	LN	MUN	08/27/1986	*0
5101A-3		LN	MUN	08/27/2007	*0
5155-3	Lincoln County RWS	LN	RWS	10/21/1987	440
4817-3	South Lincoln RWS	LN	RWS	08/17/1981	1,448
LN: Lincoln; MUN: Municipal; RWS: Rural Water System; *City of Lennox has allocated all the water they had reserved				TOTAL:	4,287

Of the 259 active water rights/permits, 98 are primarily for water distribution systems (rural water system, municipal, suburban housing development, etc.), 21 for irrigation, 112 for commercial use, 6 for industrial use, 11 for domestic use, 4 for fish and wildlife propagation, 2 for geothermal use, 2 for institutional use, and 3 for recreation (Water Rights, 2025c). The use type determined for each water right/permit was based on the primary use categorized for each water right/permit as some permits have multiple uses (Water Rights, 2025c). Historically, average water use by non-irrigation appropriations limited by an instantaneous diversion rate have been assumed to be pumping 60% of full time at the respective permitted diversion rate. Water rights/permits limited by an annual volume are assumed to withdraw their entire respective annual volume limitation. This is a standard method used by the DANR-Water Rights Program for estimating annual withdrawals by non-irrigation appropriations from an aquifer and is likely an overestimation of average annual withdrawals (Water Rights, 2025c). Additionally, some water rights/permits were found to withdraw from multiple aquifers. As such, only water from the Dakota aquifer for Water Right No. 8199-3 & Water Permits Nos. 2804-2, 8464-3, 8670-3 & 8697-3 will be considered in total estimates for Table 2. Some of the water rights/permits authorized to appropriate water from the Dakota aquifer are identified as being connected to a rural water system (RWS) rather than their local wells. Therefore, the annual water for these water rights/permits has been estimated to be zero acre-feet per year when

applicable. The City of Canton only purchases 49% of their water from South Lincoln Water System (Friedeman and Settje, 2025). Overall, the estimated average annual withdrawal rate from the Dakota aquifer by the non-irrigation water rights/permits is approximately 25,022 acre-feet per year (Table 2) (Water Rights, 2025c).

Table 2. Estimated annual use for non-irrigation water rights/permits authorized to divert water from the Dakota aquifer (Water Rights, 2025c)

Use Type	Count	Diversion Rate (cfs)	Estimated Diversion Rate Total (ac-ft/yr)	Limited by Volume (ac-ft/yr)	Total Estimated Use (ac-ft/yr)
Commercial	112	11.48	4,985	2,380	7,365
Domestic	11	1.58	688	72	760
Fish and Wildlife Propagation	4	2.73	1,187	0	1,187
Geothermal	2	2.33	1,012	0	1,012
Industrial	6	0.84	367	7	374
Institutional	2	1.34	582	0	582
Municipal	85	5.19	2,253	6,402	8,655
Recreational	3	0.45	195	3.1	199
Rural Water System	6	3.31	1,438	2,005	3,443
Suburban Housing Development	7	3.33	1,447	0	1,447
Total:	238	32.58	14,153	10,869	25,022
COM: Commercial, DOM: Domestic, FWP: Fish & Wildlife Propagation, GEO: Geothermal, IND: Industrial, INS: Institutional, MUN: Municipal, REC: Recreation, RWS: Rural Water System, SHD: Suburban Housing Development					

Currently, there are 21 irrigation water rights/permits authorized to appropriate water from the Dakota aquifer (Water Rights, 2025c). Irrigation water rights/permits have been typically required to report their annual usage on an irrigation questionnaire since 1979. The estimated average annual withdrawal rate for the Dakota aquifer irrigation water rights/permits that have reported over the period of record (1979 to 2023) is approximately 164 acre-feet per year (Table 3) (Water Rights, 2025a). To reflect the current development of irrigation water rights/permits more accurately, the average annual withdrawal rate for irrigation appropriations from 2014 to 2023 is approximately 245 acre-feet per year (Table 3) (Water Rights, 2025a).

Water Permit Nos. 8828-3, 8842-3, and 2890-2 were approved later than 2023, so they have not reported an annual usage yet and will need to be accounted for. Generally, crop irrigators in eastern South Dakota apply less than one foot of water per acre per year. Regardless, one foot of water per acre per year application rate will be used to somewhat overestimate the annual withdrawal rate for Water Permit Nos. 8828-3 & 8842-3. Water Permit Nos. 8828-3, 8842-3, and 2890-2 combined are permitted to irrigate 567 acres. Combining the estimated annual use of Water Permit Nos. 8828-3, 8842-3, 2890-2 and the reported annual average (2014 to 2023), results in an estimated annual irrigation withdrawal rate of 812 acre-feet per year.

Table 3. Reported historic irrigation use from the Dakota aquifer (Water Rights, 2025a)

Year	No. of Permits	Reported (acre-feet)
1979	2	38
1980	2	110
1981	4	45
1982	5	33.23
1983	5	64.39
1984	4	0
1985	5	8.1
1986	5	238.85
1987	5	1.3
1988	4	452.8
1989	4	265.4
1990	4	234
1991	5	165.42
1992	5	40.4
1993	7	112.4
1994	7	51.9
1995	8	30.8
1996	8	34.38
1997	9	48
1998	9	175.8
1999	10	101.57
2000	10	172.81
2001	11	160.85
2002	10	178.87
2003	10	205.02
2004	10	153.97
2005	12	146.51
2006	13	232.32
2007	14	199.98
2008	14	196.39
2009	15	130.76
2010	17	171.66
2011	18	174.57
2012	18	298.3
2013	18	256.52
2014	17	162.86
2015	17	236.1
2016	16	195.95
2017	16	229
2018	16	156.7
2019	15	107.5
2020	16	245.61
2021	16	255.93
2022	17	483.45
2023	19	376.05
Min	2	0
Max	19	483.45
Avg (1979-2023)	10	163.99
Avg (2014-2023)	17	244.93

There are domestic wells completed into the Dakota aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2025d). Due to their relatively low diversion rates, withdrawals from domestic wells are generally not considered to be a significant portion of the hydrologic budget. Additionally, with the development of rural water systems in areas where the Dakota aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is assumed to be negligible to the hydrologic budget for the Dakota aquifer.

Hydrologic Budget Summary

The average annual recharge rate to the Dakota aquifer has not been accurately quantified. Bredehoeft and others (1983) estimated the recharge rate to be approximately 57,500 acre-feet/year. However, the Bredehoeft and others (1983) recharge estimate relies on old information and the actual recharge rate of the Dakota aquifer could be higher or lower than previously estimated. The estimated average annual withdrawal rate from the Dakota aquifer is approximately 30,152 acre-feet per year (Future Use Reservations: 4,287 acre-feet/year; non-irrigation: 25,022 acre-feet/year; irrigation (avg 2014 to 2023) including 2024 & 2025 permits: 812 acre-feet/year; Water Permit Application No. 8963-3 (if approved, assuming full volume): 30.7 acre-feet/year). Based on the hydrologic budget, there is a reasonable probability unappropriated water is available from the Dakota aquifer for the proposed appropriation.

OBSERVATION WELL DATA:

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.

Observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. The DANR-Water Rights Program monitors 46 observation wells completed into the Dakota aquifer (Water Rights, 2025b). The two nearest observation wells to the proposed diversion point are ED-85A (approximately 26 miles northeast) and HD-87A (approximately 58 miles southeast) (Water Rights, 2025b). DANR Water Rights has not measured HD-87A since October of 2019 due to significant access issues preventing measurement. The hydrographs for these observation wells are displayed in Figure 1 (Water Rights, 2025b). The majority of observation wells in the Dakota aquifer have a declining water level, with several observation wells that are under the influence of heavy pumping showing a history of slightly declining water levels that eventually stabilize. There are a couple of observation wells that have stable water levels over their period of record. The data points utilized to construct the hydrographs are measurements of the static water level in the observation wells from the top of the well casing which were then converted to elevation in feet above the NGVD29 datum.

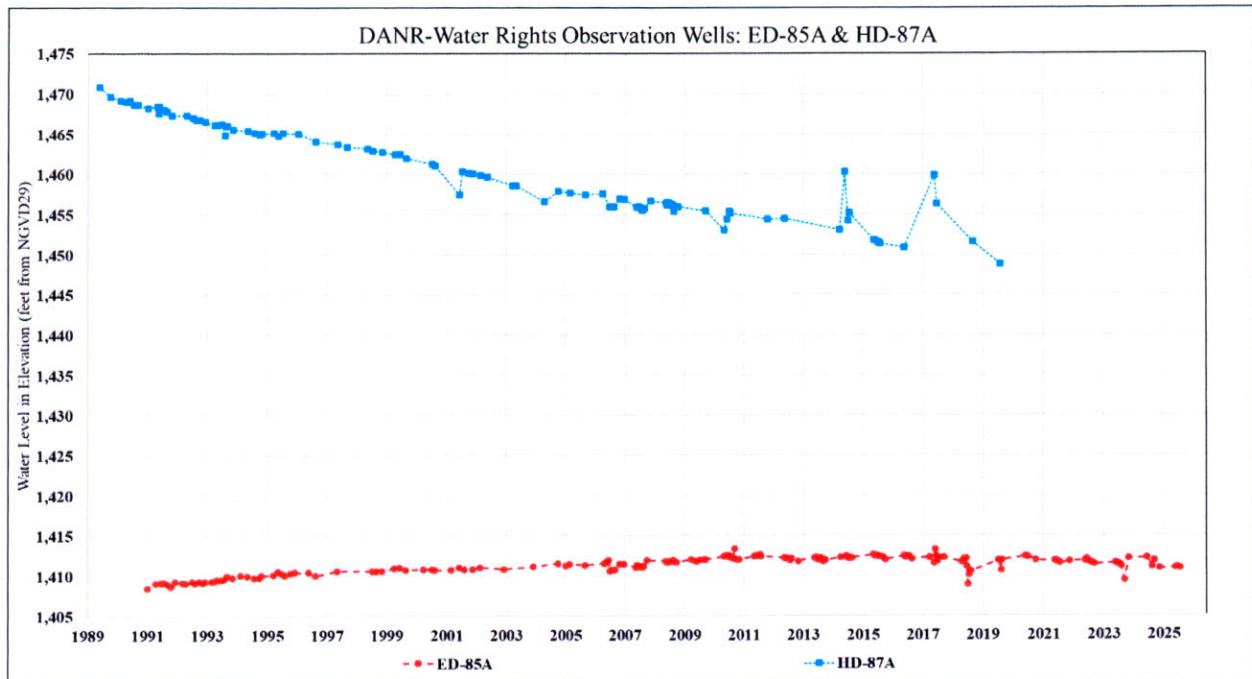


Figure 1. A graph showing the elevation of water levels for observation wells: ED-85A & HD-87A (Water Rights, 2025b)

The hydrographs in Figure 1 display both declining and stable water levels in the Dakota aquifer in central and north-central South Dakota. Several other observation wells in the southeast and south-central South Dakota were shown to have water levels that stabilize over time or have recently began stabilizing. The observation wells under the influence of heavy and continuous pumping quickly stabilized after the pumping starts. In confined aquifers, a decline in observation well water levels does not necessarily indicate a significant decrease in water stored in the confined aquifer, since measured water levels are reflecting artesian head pressure. Additionally, there are many uncontrolled, flowing wells discharging water from the Dakota aquifer at ground surface, and it is expected water from the aquifer is also being discharged to other aquifers if wells completed into the Dakota aquifer have experienced casing failure. Concerns have developed over time about the decline in artesian head pressure of the Dakota aquifer. The Water Management Board has concluded and reaffirmed that withdrawals exceeding the average annual recharge cannot be determined solely upon a decline in head pressure, and in theory the Dakota aquifer head is stabilizing relative to withdrawals and discharges (Water Rights, 1987 and 2010). Since discharge from uncontrolled flowing wells is likely to continue until water levels in the aquifer decline to being at or below the ground surface, continuing to allow beneficial pumping to occur reduces the amount of water being discharged to waste. The Water Management Board's decision to optimize development of the Dakota aquifer is favorable to issuance of permits. There is a reasonable probability unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

The closest water right/permit (not held by the applicant) to the proposed diversion point is Water Right No. 1726-3, which is held by City of Cresbard. Although, the City of Cresbard is not currently using their well and purchases all their water from WEB rural water system (Drinking Water, 2025). The diversion point for Water Right No. 1726-3 is located approximately 5.4 miles northeast of the proposed diversion point for this application (Table 4) (Figure 2) (Water Rights, 2025c).

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Dakota aquifer, with the closest domestic well on file (not held by the applicant) located approximately 12.3 miles east of the proposed diversion point (Water Rights, 2025d). There could potentially be other domestic wells completed into the Dakota aquifer near the well the applicant proposes to use that are not on file with the DANR-Water Rights Program. The location of the domestic wells in the well completion report database maintained by the Water Rights Program is based on the location listed by the driller on the well completion report.

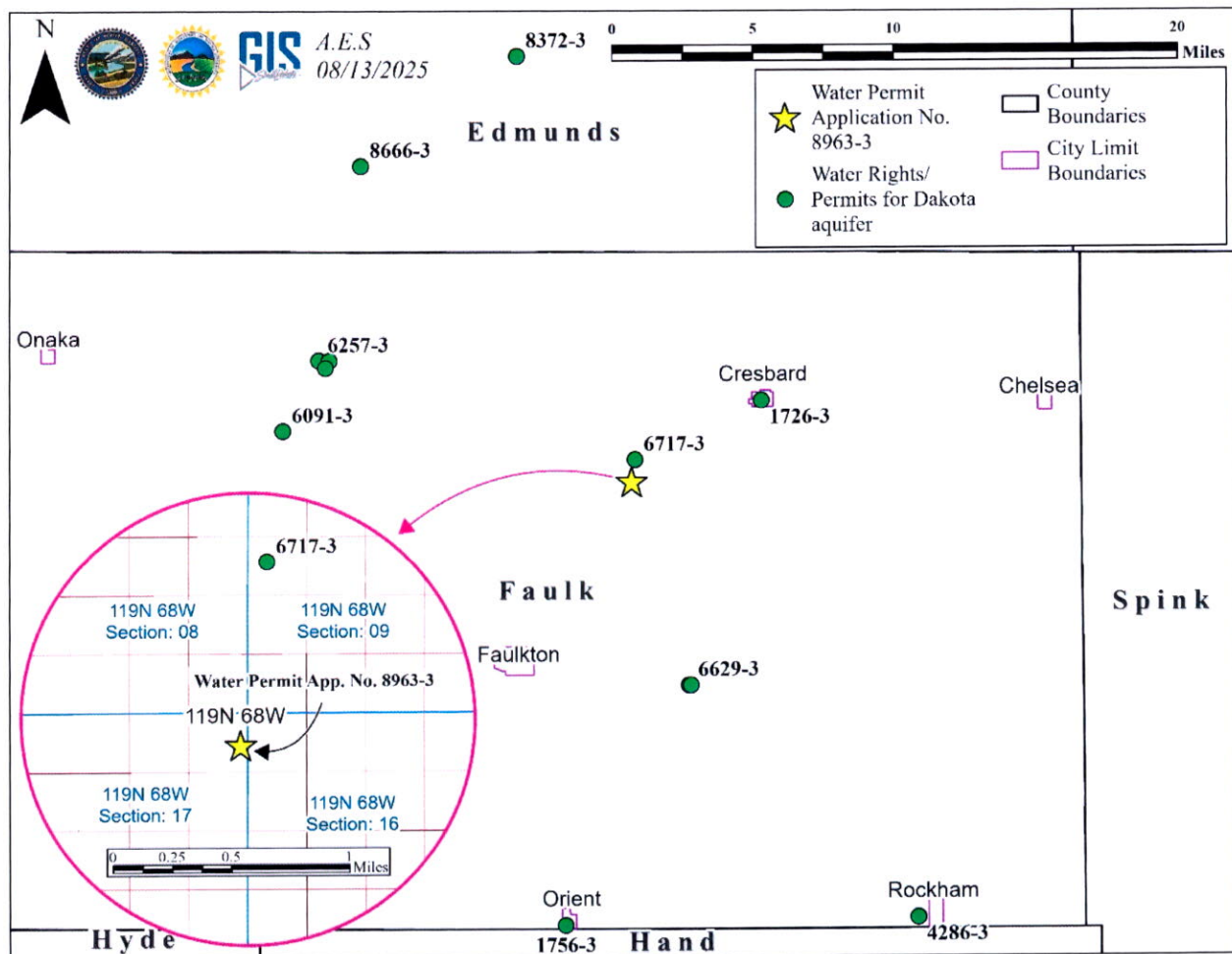


Figure 2. Water rights/permits authorized to withdraw from the Dakota aquifer within approximately twenty miles of the proposed diversion point for Water Permit Application 8963-3 (Water Rights, 2025b and 2025c)

Table 4. Water rights/permits authorized to withdraw water from the Dakota aquifer within approximately twenty miles of Water Permit Application No. 8963-3 as shown in Figure 2 (Water Rights, 2025c)

Permit No.	Name	Status	Use Type	Authorized Diversion Rate (cfs)	Volume on Permit (ac-ft/yr)
1726-3	Town of Cresbard	LC	MUN	0.11	
1756-3	Town of Orient	LC	MUN	0.05	
4286-3	Town of Rockham	LC	MUN	0.04	
6091-3	Brentwood Colony	PE	COM	0.1	
6257-3	Thunderbird Colony	PE	DOM	0.2	
6629-3	Raechel Otter	LC	COM, DOM	0.4	
6717-3	Evergreen Colony	LC	COM, DOM	0.09	
8372-3	Hybrid Turkeys	PE	COM	0.33	4.6
8666-3	SFP LLC	PE	COM	0.156	92

LC: License; PE Permit; COM: Commercial; DOM: Domestic; MUN: Municipal

The Dakota aquifer is under confined conditions at the well site. In a confined aquifer, drawdown from a pumping well can extend some distance from the well. Based on the well completion report submitted with this application there is expected to be at least 450 feet of saturated aquifer thickness and 690 feet of artesian head pressure above the top of the aquifer at the time of drilling. Any drawdown as a result of the diversion for this application is not expected to unlawfully impair nearby adequate wells. In Faulk County, there are no complaints on file with the DANR-Water Rights Program regarding well interference for adequate wells completed into the Dakota aquifer (Water Rights, 2025e).

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. The Board adopted the Findings of Facts and Conclusions of Law that noted the reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, “general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...” (Water Rights, 1995). Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered as an unlawful

impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Dakota aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated thickness of the Dakota aquifer in Faulk County, the lack of well interference complaints for adequate wells completed into the Dakota aquifer in Faulk County (Water Rights, 2025e), any drawdown created from the proposed diversion is not expected to cause an unlawful impairment to existing water right/permit holders or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments to existing users with adequate wells.

Special Consideration: Well Construction

Based on the well completion report submitted with this application there is expected to be at least 450 feet of saturated aquifer thickness at the proposed well location. The existing well meets the adequate well definition in the well construction standards, ARSD 74:02:04:20:

“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 near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

The alternative well construction requirements for certain Dakota aquifer wells (74:02:04:35) are not allowed for appropriative uses. Any future replacement wells shall meet the adequate well construction standard as defined in ARSD 74:02:04:20. Replacement wells may not be constructed using the alternative construction requirements that are allowed for domestic use wells outlined in ARSD 74:02:04:35.

CONCLUSIONS:

1. Water Permit Application No. 8963-3 proposes to appropriate up to 30.7 acre-feet of water annually at a maximum pump rate of 0.134 cfs from one well completed into the Dakota aquifer (1,170 feet deep) located in the NE ¼ NE ¼ Section 17-T119N-R68W for industrial use in a precast concrete production facility. This site is located in Faulk County approximately seven miles northeast of Faulkton SD.
2. The Water Management Board's position has been to optimize development of water for beneficial use from the Dakota aquifer.
3. Based on the hydrologic budget and observation well data across the entire aquifer, there is a reasonable probability that unappropriated water is available from the Dakota aquifer to supply the proposed appropriation.
4. There is reasonable probability that the diversion by Water Permit Application No. 8963-3 will not unlawfully impair adequate wells for existing water rights/permits and domestic users.



Austin Settje
Natural Resources Engineer I
SD DANR - Water Rights Program



Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

References

- Bredehoeft, J.D., Neuzil, C.E., and Milly, P.C., 1983. Regional Flow in the Dakota Aquifer: A Study of the Role of Confining Layers. Alexandria, Virginia: U.S. Geological Survey, 1983. Water-Supply Paper 2237.
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- Schoon, R.A., 1971. Geology and Hydrogeology of the Dakota Formation in South Dakota. South Dakota Geological Survey Report of Investigations No. 104. Vermillion, SD.
- Water Rights, 1987. Finding of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 5136-3, Farmland Industries Inc of Huron, SD DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.
- 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. DANR-Water Rights Program file for Water Right No. 2313-2. Pierre, SD.
- Water Rights, 2010. Finding of Fact, Conclusions of Law, and Final Decision in the Matter of Water Permit Application No. 7165-3, Paul Buckneberg. SD DANR-Water Rights Program file for Cancelled Water Permit No. 7165-3. Pierre, SD.
- Water Rights, 2025a. "1979-2023 Irrigation Summaries by Aquifer", SD DANR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights, 2025b. Observation Well Data, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2025e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Duvall, Ron

From: Tim Hofer <evg57438@gmail.com>
Sent: Thursday, July 17, 2025 12:45 PM
To: Duvall, Ron
Subject: Re: [EXT] Water Permit Application for PreCast Production

Hello Ron, The current estimated annual gallons pumped is 10,000,000 . The 60 GPM pump is to meet a higher demand for a short window of time.

Thanks, Tim

On Wed, Jul 16, 2025 at 3:45 PM Duvall, Ron <Ron.Duvall@state.sd.us> wrote:

Tim,

It was nice to visit on the phone Monday, after you decide what annual volume to use. Just reply to this email with that number and we will update your application accordingly.

Thank you,

Ron

From: Duvall, Ron
Sent: Monday, July 14, 2025 8:37 AM
To: evg57438@gmail.com
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Water Permit Application for PreCast Production

Good morning,

I am looking over your water permit application to use water from a Dakota Aquifer well for precast production. I have a question concerning the pump rate (60 gallons per minute) and annual volume of water (96.8 acre-feet = 31,536,000 gallons per year). In order to pump that volume of water at 60 gallons per minute, you would need to pump 24 hours a day, 365 days a year. Assuming your maximum pump rate is 60 gallons per minute, the annual volume number appears to be excessive. We need an annual

volume that represents the highest end of what you may use in a year, but is also a reasonable number. This may take some estimating as to the number of hours in a year you expect the pump to be running at 60 gpm and then doing the math to come up with gallons pumped in a year.

Please let me know if you have any questions.

Thank you,

Ron Duvall

**Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program**

605.773.3352

danr.sd.gov



DANR
SOUTH DAKOTA

Rodriguez, Rachel

From: Tim Hofer <evg57438@gmail.com>
Sent: Monday, June 16, 2025 11:58 AM
To: Rodriguez, Rachel
Subject: Re: [EXT] Water Permit Application

Hello Rachel, It is intended to be used Year-around.
Thanks, Tim Hofer

On Mon, Jun 16, 2025 at 10:14 AM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Excellent! I do have one last question; will the water be used year-around? If not, please let me know what months (i.e. February 1 – September 30).

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Tim Hofer <evg57438@gmail.com>
Sent: Saturday, June 14, 2025 5:30 PM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: Re: [EXT] Water Permit Application

Hello Rachel, Please find the info you are looking for. Let me know if this works.

Thanks, Tim Hofer

605-380-2742

On Fri, Jun 6, 2025 at 4:08 PM Tim Hofer <evg57438@gmail.com> wrote:

Yes, I am working on it.

On Wed, Jun 4, 2025 at 1:45 PM Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us> wrote:

Good afternoon,

I am just following up regarding the email I sent on Friday, May 30, 2025. Please see below.

Thank you,

Rachel Rodriguez

DANR | Program Assistant

Rachel.Rodriguez@state.sd.us



From: Rodriguez, Rachel
Sent: Friday, May 30, 2025 2:39 PM
To: evg57438@gmail.com
Subject: Water Permit Application

Hello,

In looking over your application, there are a few issues:

- We need an annual volume of water, please see attachment for reference.
- A map needs to be submitted that references a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please outline the area for the precast production and mark the proposed well location with an "X".

Once I know the annual volume of water, I can determine the fees.

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

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

September 10, 2025

Evergreen Hutterian Brethren, Inc.
c/o Tim Hofer
35691 156th Street
Faulkton SD 57438

Dear Mr. Hofer:

Water Permit Application No. 8963-3 for industrial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Faulk County Record printed at Faulkton SD (Ph # 605 598-6525) and the American News printed at Aberdeen SD (see attachment for contact number). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Acting 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 Acting 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. 8963-3 to Appropriate Water

Notice is given that Evergreen Hutterian Brethren, Inc., 35691 156th Street, Faulkton SD 57438, has filed an application for a water permit to appropriate up to 30.7 acre-feet of water annually at a maximum pump rate of 0.134 cubic feet of water per second from one well completed into the Dakota Aquifer (1,170 feet deep) located in the NE 1/4 NE 1/4 Section 17-T119N-R68W for industrial use in a precast concrete production facility. This site is located approximately seven miles northeast of Faulkton SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8963-3 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 Acting 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 Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting 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 September 29, 2025.

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 Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 September 29, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting 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: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, September 10, 2025 8:54 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 11659365 8963-3 Evergreen Hutterian Brethren - Public Notice
Attachments: 11659365.pdf

Please Read Through ENTIRE Confirmation Before Approving.

Please see attached the order confirmation and proof for your requested ad. Your ad is set to run in Aberdeen American News, on Sept. 17, costing \$54.50. **FINAL DEADLINE FOR ANY CHANGES OR TO CANCEL IS BEFORE 9am Monday Sept. 15.** Your notice is scheduled to run per your request and will publish.

All orders are subject to a 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay with ACH. Pay by ACH and Save!

**Our invoicing is done on a monthly basis. You will receive an invoice for this ad after the close of the month. **

Final Order cost provided at time of payment and via a receipt.

Thanks,

Sirona Marshall
Public Notice Representative



Office: 844-254-5287

Tell my boss I rock [HERE!](#)

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, September 9, 2025 8:26 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 11659365 8963-3 Evergreen Hutterian Brethren - Public Notice

Attached is a notice to be published on September 17, 2025.

Evergreen Hutterian Brethren, Inc., 35691 156th Street, Faulkton SD 57438, 605-324-3303, evg57438@gmail.com has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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



Order Confirmation

Not an Invoice

Account Number:	1556648
Customer Name:	Evergreen Hutterian Brethren Inc
Customer Address:	Evergreen Hutterian Brethren Inc 35691 156Th ST Faulkton SD 57438-6106
Contact Name:	Evergreen Hutterian Brethren, Inc.
Contact Phone:	
Contact Email:	evg57438@gmail.com
PO Number:	NO. 8963-3

Date:	09/10/2025
Order Number:	11659365
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	165.0000
Height in Inches:	18.1900

Print

Product	#Insertions	Start - End	Category
ABD The American News	1	09/17/2025 - 09/17/2025	Govt Public Notices
ABD aberdeennews.com	1	09/17/2025 - 09/17/2025	Govt Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$54.50
Tax Amount	\$0.00
Service Fee 3.99%	\$2.17
Cash/Check/ACH Discount	-\$2.17
Payment Amount by Cash/Check/ACH	\$54.50
Payment Amount by Credit Card	\$56.67

Order Confirmation Amount	\$54.50
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Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, September 9, 2025 8:24 AM
To: info@faulkcountyrecord.com
Subject: 8963-3 Evergreen Hutterian Brethren - Public Notice
Attachments: 8963-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 17, 2025.

Evergreen Hutterian Brethren, Inc., 35691 156th Street, Faulkton SD 57438, 605-324-3303 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: Tuesday, September 9, 2025 8:26 AM
To: aan-legals@aberdeennews.com
Subject: 8963-3 Evergreen Hutterian Brethren - Public Notice
Attachments: 8963-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 17, 2025.

Evergreen Hutterian Brethren, Inc., 35691 156th Street, Faulkton SD 57438, 605-324-3303, evg57438@gmail.com has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol Ave, Pierre SD 57501.

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

Thank you,

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



**NOTICE OF
APPLICATION NO. 8963-
3 to Appropriate Water**

Notice is given that Evergreen Hutterian Brethren, Inc., 35691 156th Street, Faulkton SD 57438, has filed an application for a water permit to appropriate up to 30.7 acre-feet of water annually at a maximum pump rate of 0.134 cubic feet of water per second from one well completed into the Dakota Aquifer (1,170 feet deep) located in the NE 1/4 NE 1/4 Section 17-T119N-R68W for industrial use in a precast concrete production facility. This site is located approximately seven miles northeast of Faulkton SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8963-3 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 Acting 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 Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting 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 September 29, 2025.

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.

Affidavit of Publication

State of South Dakota

§

County of Faulk

Jennifer Miller of said county, being first duly sworn, on oath says that she is the publisher of the **Faulk County Record LLC**, a weekly newspaper printed and published in Faulkton in said County of Faulk and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

**Notice of Application
NO. 8963-3
To Appropriate Water**

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for week(s), on the day of each week on which said

One (1)

newspaper was regularly published, to-wit:

September 17, 2025

that the full amount of the fees for the publication of the annexed notice is

\$40.82

Subscribed and sworn to before me this



September 30, 2025



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OCT 03 2025

**OFFICE OF
WATER**

Any interested person may file a comment on the application with the Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 September 29, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting 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 one time at the total approximate cost of \$40.82.

LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

Water Rights Program
Water Rights Program
523 E Capitol Ave
Pierre SD 57501

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SEP 23 2025

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WATER**

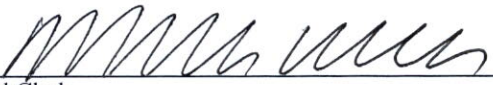
STATE OF SOUTH DAKOTA, COUNTY OF BROWN

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

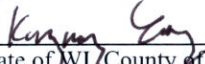
09/17/2025

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

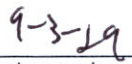
Sworn to and subscribed before on 09/17/2025



Legal Clerk



Notary, State of WI, County of Brown



My commission expires

Publication Cost:	\$54.50	
Tax Amount:	\$0.00	
Payment Cost:	\$54.50	
Order No:	11659365	# of Copies:
Customer No:	1556648	1
PO #:	NO. 8963-3	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

NOTICE OF APPLICATION
NO. 8963-3 to Appropriate
Water

Notice is given that Evergreen Hutterian Brethren, Inc., 35691 156th Street, Faulkton SD 57438, has filed an application for a water permit to appropriate up to 30.7 acre-feet of water annually at a maximum pump rate of 0.134 cubic feet of water per second from one well completed into the Dakota Aquifer (1,170 feet deep) located in the NE 1/4 NE 1/4 Section 17-T119N-R68W for industrial use in a precast concrete production facility. This site is located approximately seven miles northeast of Faulkton SD.

Pursuant to SDCL 46-2A-2, the Acting Chief Engineer recommends APPROVAL of Application No. 8963-3 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 Acting 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 Acting Chief Engineer. A petition opposing the application shall be filed on a form provided by the Acting Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Acting Chief Engineer. The Acting 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 Acting Chief Engineer's recommendation, the applicant shall also file a

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petition. A petition filed by either an interested person or the applicant must be filed by September 29, 2025.

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 Acting Chief Engineer. The comment shall be filed on a form provided by the Acting Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Acting 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 September 29, 2025.

If the applicant does not contest the recommendation of the Acting Chief Engineer and no petition to oppose the application is received, the Acting 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 Sept. 17, 2025, at the total approximate cost of \$54.50 and may be viewed free of charge at www.sdpublicnotice.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, September 10, 2025 9:07 AM
To: evg57438@gmail.com
Subject: 8963-3 Evergreen Hutterian Brethren - Public
Attachments: 8963-3 Rec.pdf; 8963-3 Ltr.pdf; 8963-3 PubNotice.pdf; Invoice AmericanNews.pdf

Good morning,

Attached is a copy of the report, acting 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

November 21, 2025

Evergreen Hutterian Brethren, Inc.
c/o Tim Hofer
35691 156th Street
Faulkton SD 57438

Dear Mr. Hofer:

Enclosed is Water Permit No. 8963-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

Mark Mayer, PE
Director of Office of Water

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

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

Application No.: 8963-3

Name of Applicant: Evergreen Hutterian Brethren, Inc., Tim Hofer

Date of Posting: 9/15/2025

Date of Removal: 11/21/2025

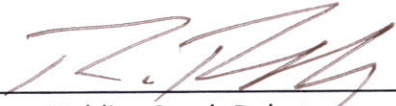


Ron Duvall, Engineer III

11/21/2025

Date

Subscribed and sworn to before me, a notary public, this 21st day of Nov, 2025.



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

(SEAL)

