

2521-3

1. Considered 3-17, 19 76
2. Name of Applicant PEMBROCK FARMERS COOP
3. Post Office Address IPSWICH
4. Amount of water claimed 1.6 UP TO 12
5. Source of water supply GROUND WATER (42' WELLS)
6. Water to be used for IRRIGATION
- Acres to be irrigated 540
7. Water to be diverted and used in EDMUNDS county
about 5S, 2E miles of IPSWICH
8. Proof of Publication
9. Application
10. Remarks:

Received 3-16-76

Not Received _____

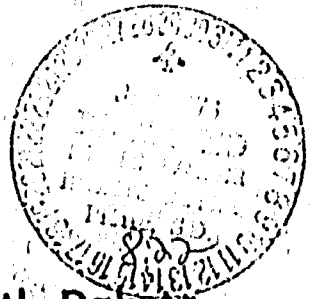
Approved _____

Subject to _____

Not Approved _____

Action deferred _____

Map No. 1892-3 Water Division No. 3 JAMES RIVER District _____
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Pembroke Farmers Cooperative
 Postoffice address Ipswich, State S.D. 57451
 If a corporation show date and place of incorporation June 1, 1975, Pembroke Colony, Ipswich, SD
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & by direct labor
 3. Name of diversion work Pembroke Farmer's Cooperative (Pembroke Colony)
 4. Amount of water claimed (cubic feet per second) 2.6
 5. Source of water supply Ground Water
 6. Location of point of diversion SE 1/4, Sec. 13, NE 1/4 SW 1/4, Sec. 24 and NE 1/4 Sec. 23, T122N, R68W
 County Edmunds
 7. Annual period or periods during which water is to be used April thru October
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 540
 List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>SW 1/4 Section 13</u>	<u>135</u>	<u>SE 1/4 Section 23</u>	<u>135</u>
<u>SE 1/4 Section 24</u>	<u>135</u>		
<u>NW 1/4 Section 24</u>	<u>135</u>	<u>All in T122N. R68W</u>	

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Ipswich Tribune, Ipswich
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Wells & Pumps

B. Works proposed to transport water to place of use.

Mainline to Pivot

C. Works proposed to apply water to beneficial use.

Center Pivot Sprinkler SystemEstimated Total Cost \$ 150 000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Edmunds

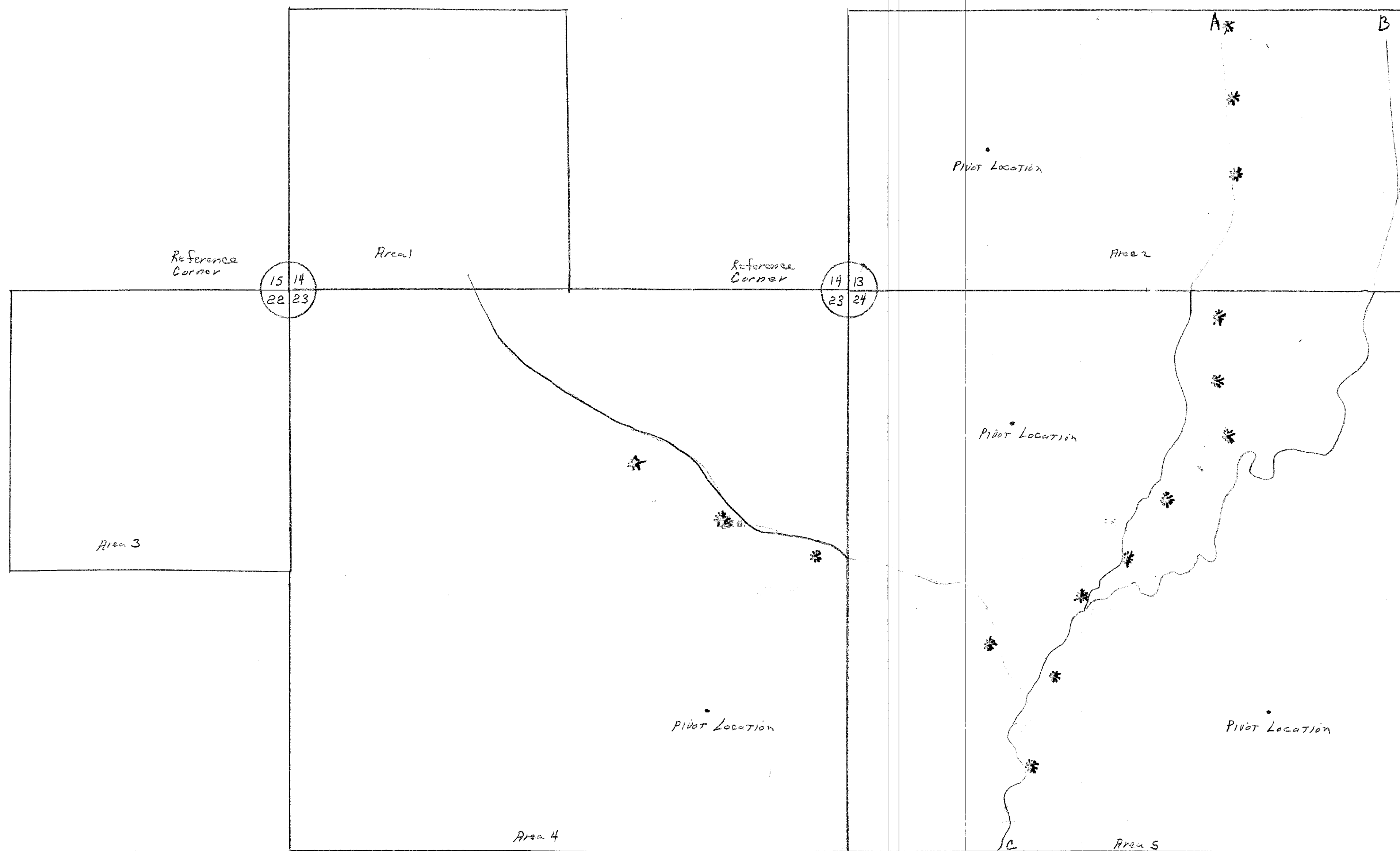
I, Pembroke Farmers Cooperative the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed David Decker - PresidentSubscribed and sworn to before me this 28th day of January, 1976

Op. C. Decker
 Notary Public (or other qualified officer)

CLERK OF COURTS
 EDMUNDS COUNTY

Ipswich, South Dakota 57451



Area	Legal Description	Acres
1	SW $\frac{1}{4}$ Sec 14-T122-R68	160
2	N $\frac{1}{2}$ Sec 13-T122-R68	320
3	NE $\frac{1}{4}$ Sec 22-T122-R68	160
4	Sec 23-T122-R68	640
5	Sec 24-T122-R68	640
Total		1920 Ac

Water Supply Wells to be located on Creek
Between Points A-C and B-C

Land to be irrigated by Sprinklers

Prime Development Areas
SW $\frac{1}{4}$ Sec 13
NW $\frac{1}{4}$ Sec 24
SE $\frac{1}{4}$ Sec 24
SE $\frac{1}{4}$ Sec 23

Scale 8" = 1 mile

Pembroke Hutterian Assn.
Ipswich, So. Dak

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed.....	Date.....	Approved by.....
Drawn.....	Title.....	
Traced.....	Title.....	
Checked.....	Sheet.....	Drawing No.....

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2521.3
PEMBROOK FARMERS COOPERATIVE IPSWICH
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57451 With the following modifications.
 (State)

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application JANUARY 29 1976
 Date of return to applicant for correction, amendments or changes required — 19—
 Date of receipt of corrected application FEBRUARY 2 1976
 Approved MARCH 17 1976 Recorded in Book 14 Page 307
 WATER RIGHT PERMIT NO. 2521.3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2521.3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JANUARY 29 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 17 1978
3. The whole of said work is to be completed on or before MARCH 17 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 17 1985
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 7.6 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 17 1985; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 22ND day of MARCH 1976

WATER RIGHTS COMMISSION

By:

John H. Holt
 Chief Engineer, Executive Officer

Certificate of Construction Issued — 19—

Water License Issued — 19—

12 Principal Features of the Proposed Water Supply System (continued)

D. Web Information or Estimates.

(1) Drill Hole, Diameter 22 Inch Depth 42 feet

(2) Casing, Type Plastic Diameter 15' Thickness 3/8" wall
(wood cased steel pipe)

(3) Perforated Screen

Type 100 slot plastic Diameter 1.5" Length 30'

(4) Gravel Bed Thickness 14 - 30, Length of gravel bed Bottom to 4' from top

F. Output Information or Estimate.

(1) Surface dimensions _____, Depth _____

Fill out for Fisher a Wolf or a Dogout

(1) Water Binding Materials (Please attach a copy to test well log if available.)

Character of Water-bearing materials: Course SAND 7 6 ft. to 2 ft. from
7 feet to 4 ft. Foot (blue clay 31 to 35)

Depth to top of water bearing material 7 feet

Depth to bottom of water bearing material 41 feet

Thickness of water bearing material 34 Feet (with 4' clay between)

Depth to water (ground surface to water level) 7 feet

(2) Distance to nearest existing household or livestock watering wells

On same owner's property 1500' Area Artisan id. On property owned by others 2 miles id.

6. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area, and storage capacity of each storage dam. The location of each water storage dam should be shown on the water control map.

by Pembroke ~~Chapman~~ ^{James} Cooper
Nathan Decker - Secretary

CONSERVATION
COMMISSION
MI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED WELL IRRIGATION ONLY)

FOR COMMISSION USE ONLY

IRRIGATION SYSTEM

WATER QUALITY

SOILS CAPABILITY

APPROVED

DISAPPROVED

NAME Pembroke Colony
ADDRESS Ipswich, So. Dakota
COUNTY Edmunds

LEGAL DESCRIPTION

1. WELL LOCATION On Creek in SE Sec 13, Sec 24-T122-R68
2. AREA TO BE IRRIGATED SE Sec 13, SWSec 14, NE Sec 22, Sec 23, Sec 24-T122-R-68

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (INDICATE TYPE) Pivot Sprinkler
4. CROPS TO BE IRRIGATED Corn, Small Grain

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE 0-4%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION See Attachment

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NUMBER 76-007 (only)
8. SALINITY EC = 951 μ mhos/cm (high)
9. SODIUM SAR = 1.58 (low)

Sample 76-008 is unsuitable!

I DO HEREBY CERTIFY THAT A CHEMICAL ANALYSIS OF THE GROUND WATER TO BE
ACQUIRED FOR IRRIGATION FROM SOUTH DAKOTA STATE UNIVERSITY AND:

THE LAND CAPABILITY FOR IRRIGATION INFORMATION HAS BEEN ACQUIRED FROM

Soil Conservation Service, Ipswich, S.D.

AND:

THAT THE LEGAL DESCRIPTION FOR THE LOCATION OF THE WELL AND LAND TO BE
IRRIGATED IS TRUE AND CORRECT.

Nathan Decker

SUBSCRIBED AND SWORN BEFORE ME THIS

6th DAY OF January 1976

D. C. Spicer

Notary Public

(TITLE)

REPORT OF ANALYSIS Water Quality Laboratory Water Resources Research Institute South Dakota State University Brookings, South Dakota 57006

Submitted by: David Becker
 Address: Box 1000, Colony
Isleworth, SD 57451

Date Rec'd: January 5, 1976
 Sample No. 76-007
 Identification 1 1011-16

WATER ANALYSIS

Calcium (Ca)	105	ppm*	3.25	me/l**
Magnesium (Mg)	40	ppm	3.28	me/l
Sodium (Na)	71	ppm	3.26	me/l
Potassium (K)	10	ppm	0.26	me/l
Sulfate (SO ₄)	237	ppm	4.93	me/l
Nitrate (as N)		ppm	1.08	me/l
Chloride (Cl)	52	ppm	5.80	me/l
Bicarbonate (HCO ₃)	354	ppm		me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		g.p.g.***
Fluoride (F)		ppm		
Hardness (EDTA as CaCO ₃)	290	ppm (as CaCO ₃)		
Alkalinity (Methyl Orange)	0	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	95.1	micromhos per cm at 25° C.		
Electrical Conductivity	3.52			
Sodium Adsorption Ratio	27.05	% of cations		
Sodium	0.09	me/l		
Residual sodium carbonate	7.57			
pH				
Others:				
*ppm=parts per million				
**me/l=millequivalents per liter				

***g.p.g.=grains per gallon

COMMENTS: Total cations 12.05 me/l
 Total anions 11.81 me/l

By: Shirley H. Hooten

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-007

Amount Enclosed \$

Signed

REPORT OF ANALYSIS **Water Quality Laboratory** **Water Resources Research Institute** **South Dakota State University** **Brookings, South Dakota 57006**

Submitted by: David Decker
Address: Hambrook Colony
Ipswich, SD 57451

Date Rec'd January 5, 1975
Sample No. 75-008
Identification Test Hole #1

WATER ANALYSIS

Calcium (Ca)	110	ppm*	6.00	me/l**
Magnesium (Mg)	47	ppm	2.35	me/l
Sodium (Na)	147	ppm	6.39	me/l
Potassium (K)	14	ppm	0.60	me/l
Sulfate (SO ₄)	434	ppm	9.03	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	68	ppm	2.90	me/l
Bicarbonate (HCO ₃)	342	ppm	14.00	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	200	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1445	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	2.88			
Sodium	38.49	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.78			
Others:				

*ppm=parts per million
**me/l=millequivalents per liter
***g.p.g.=grains per gallon

COMMENTS: Total cations 16.60 me/l
Total anions 16.53 me/l

By: Shirley M. Moran

Service Performed	Amount Due
Irrigation analysis	\$8.10

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-008

Amount Enclosed \$

Signed

Attachment #1

Pembroke Colony

Soils to be irrigated

Soil symbol	Soil Name	Slope	Capability Dryland
26A	Bryant loam	0-3	11e2
26B	Bryant loam	2-6	11e1
24A	Rowelle-Dursted loam	0-3	11e3
26B	Bryant-Grassier loam	2-6	11e2

January 8, 1976



Mr. David Decker
Pembroke Colony
Ipswich, SD 57451

Dear Mr. Decker:

I am enclosing herewith the copy of the report of analysis for water sample #76-007 and water sample 76-008. The 2 samples are somewhat alike in sodium content and characteristics but quite a bit different in total salt load. The one designated as 76-007 is much to be preferred over the other water supply. Both of these would be suitable, however, if the internal drainage characteristics of the soils are adequate. The soils information which we received along with the WI-1 form does not tell how much area is occupied by each of the four soil types or associations which are listed. However, the Cresbard loam, which is in soil delineation #24A is distinctly a non-irrigable soil. It should not be irrigated under any circumstances and if the area which it occupies is an appreciable part of the whole quarter section, you should abandon plans to go ahead with irrigation. This is something which I am unable to tell and only your experience in farming it will be able to give the answer to this question. The other soils which are listed should not have any specific reaction to this water and the only possible problem is a gradual increase in the total salt content of the surface soil, if you use a water management procedure which tends to accentuate salt accumulation.

This type of water should be used in such a fashion as to apply fairly substantial amounts each time you irrigate and you should irrigate as seldom as possible. I would suggest not more than 3 irrigations in any growing season, and preferably less. I would also suggest that you use not less than 3 inches in any one application. The reason for this recommendation is that if water is applied in small, frequent amounts you will very much accelerate the tendency for salt to build up in the upper part of the soil profile. This will very quickly interfere with the crop performance and cause salt problems in many directions.

A copy of this letter, and of the water analyses are being sent to the State Conservation Commission along with your WI-1 form.

Again, I recommend very strongly that if you proceed with the development of the waters, you use only the one designated as 76-007 and use it in the fashion recommended in the paragraph above.

Sincerely yours,

L. O. Fine
L. O. Fine
Water Quality Lab

cc: State Conservation Commission, D. Pahl, Herbert Brandner (Co. Ext. Agent)

D. 2521-3Publish first publication, on or before March 4, 1976NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 13, 1976

Notice is hereby given that Pembroke Farmers Cooperative
whose post office address is Ipswich, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
7.6 cubic feet of water per second of time from the ground water through the
Pembroke No. 1, the point of diversion of which is to be located in the
SE $\frac{1}{4}$, Section 13, NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 24 and NE $\frac{1}{4}$
of Section 23, Twp. 122N, Range 66W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

SW $\frac{1}{4}$, Section 13, SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 24, SE $\frac{1}{4}$, Sec. 23, T122N, R66W

This application No. 2521-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 17th day of March, 1976, at 1:00 P.M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

cc: Pembroke Farmers Cooperative

No. 2521-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Edmunds) ss.
County Edmunds)

I, W.L. Combs hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Ipswich Tribune

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the city
of Ipswich of South Dakota

County of Edmunds and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

February 26th and March 5th, 1976

W.L. Combs
(Signature)

Publisher-Owner
(Title)

March 15, 1976
(Date Signed)

PUBLIC NOTICES

NOTICE — INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
February 13, 1976
Form 6 — Notice of Intent
to Appropriate Water
No. 2521-3

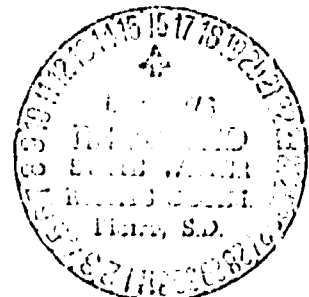
Notice is hereby given that
Pembroke Farmers Cooperative
whose post office address is Ips-
wich, South Dakota, has made an
application in accordance with the
provisions of the water laws of
South Dakota for a permit to ap-
propriate for beneficial use 7.6
cubic feet of water per second of
time from the ground water
through the Pembroke No. 1, the
point of diversion of which is to
be located in the SE $\frac{1}{4}$, Section 13,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24 and NE $\frac{1}{4}$ of
Section 23, Twp. 122N, Range 68W.
Said water to be used for the pur-
pose of providing irrigation on
portions of the following described
land: SW $\frac{1}{4}$, Section 13, SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 24, SE $\frac{1}{4}$ Section 23, Twp.
122N, Range 68W.

The application No. 2521-3 will be
considered by the Water Resour-
ces Commission at their office at
Pierre upon the 17th day of March,
1976, at 1:00 P.M. All interested
persons may appear and be heard.

WATER RESOURCES
COMMISSION,
By:
BURTON F. JONES,
Water Rights Specialist

cc: Pembroke Farmers
Cooperative
Ipswich, S. D. 57451

7-8c



2521-3
see called - see if checked and
were using urgent - do not have
Permit for this.

Water Rights Division
605 773-3352

April 26, 1982

David Decker, President
Pembroke Colony
Ipswich SD 57451

Dear Mr. Decker:

Enclosed are several forms that are needed for a water permit. These forms need to be filled out in an accurate manner. I plan on stopping in sometime the first week in May and will have somebody from the Division of Water Quality with me.

If you have any questions on this matter, please contact this office.

Sincerely,

TIMOTHY G. SCHAAL
Water Resources Engineer

TGS:ks

enclosures

Water Rights Division
605 773-3352

April 30, 1982

NOTICE
SHUT OFF ORDER

Mr. David Decker, President
Pembroke Colony
Ipswich SD 57451

Dear Mr. Decker:

This letter is to inform you that you are ordered to stop irrigating lands in Section 24, T122N, R68W with water from your ditch. You only have a permit to irrigate these lands from your wells.

This order is issued in accordance with the South Dakota Water Laws which require the Water Management Board to control and regulate all of the waters of the State.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:TS:ks

1. The following service is requested (check one):
☐ Show to whom and date delivered.....
☒ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery.....
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
David Decker, Pres.
Pembroke Colony
Convincer SD 57451

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 4381373

(Always obtain signature of addressee or agent)
 I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
David Decker

4. DATE OF DELIVERY
 5-1-82

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Betty

~~SOUTH DAKOTA
AGRICULTURE~~
Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 O Pierre, South Dakota 57501
Phone 605/773-3258

April 28, 1982

Dave Decker
Pembroke Colony
Ipswich, SD 57451

Dear Mr. Decker:

As discussed in your conversation with this office April 27, 1982; concerning your application for the SE $\frac{1}{4}$ 13; SW $\frac{1}{4}$ 14; NE $\frac{1}{4}$ 22; Sec 23 & Sec 24-112-68. It will be necessary for you to submit a new application; along with a water sample because your permit issued in 1976 is for well water only, not a dugout.

Enclosed please find a WI-1 form for you to complete and forward along with the correct soils information and a water sample to the Water Resource Laboratory at Brookings, SD.

If you have any questions please feel free to contact this office.

Sincerely,

Martin Gertsonson
Martin Gertsonson
Program Director (Acting)

cf

Enclosures: WI-1 form



WATER RIGHTS DIVISION

(605) 773-3352

May 5, 1982

Mr. David Decker, Jr.
Pembroke Colony
Ipswich, South Dakota 57451

Dear Mr. Decker:

Enclosed is an application form that is partially completed. I think this is the way we will need it filled out. You will need to provide the location of the points of diversion and a map showing the points of diversion and the lands that will be irrigated. Also a water sample must be sent to the Water Quality Lab in Brookings.

Yesterday I said something about trying to get your application ready so it could be presented at the June meeting of the Water Management Board. I forgot to tell you that the Soil-Water Compatibility (WI-1 form) must be approved by the Conservation Commission before a water permit application can be advertised for the Water Management Board meeting. The Conservation Commission is meeting tomorrow and their next meeting will be in early July. Therefore the earliest your application can be presented to the Water Management Board will be at the July 28 meeting.

Sincerely,

Timothy G. Schaal
Water Resources Engineer

TS:ms

Enc.

cc:Conservation Commission



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 17, 1989

Pembroke Farmer's Coop
RR 1, Box 30
Ipswich, SD 57451

Dear Sirs:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

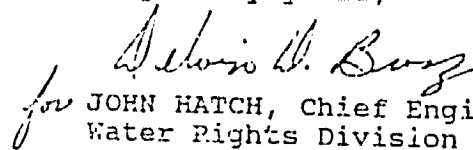


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
 - 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

David Decker
Pambrook Colony
RR 1, Box 30
Ipswich, SD 57451

2521-3

4a. Article Number

P 318 052 667

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

7-12-94

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Pembroke
Colony, c/o David Decker of Route 1 Box 30, Ipswich, SD holder of
 Permit No. 2521-3, bearing the priority of January 29 1976 authorizing
 the diversion of 76 cu. ft. per second of the waters of ground water
 for irrigation purposes, in Edmunds County.

I have to report on the conditions of the same as follows:

* A. Works used to divert the water:

Booster pump #1 - 8 wells with submersible
 pumps feed the booster pump
 Jacuzzi model # 506H4-T/E
 500 gpm Century motor - 50HP

* pump #2 - 8 wells

Jacuzzi model # 406H-T/O
 500 gpm U.S. Electric motor
 40 HP

* pump #3 - 5 wells

Jacuzzi (tag rusted)
 500 gpm
 Century motor 50 HP

B. Works used to transport water to place of use:

6730 feet of 8" PVC pipe

C. Works used to apply water to beneficial use:

3 center pivots - 500 gpm
 each 1260 feet long
 Low pressure

The system is in the following condition good

The point of diversion is located NW 1/4 of the NE 1/4 of Section 24; SW 1/4 SE 1/4 Section 13;
SW 1/4 NE 1/4 Section 24; N 1/2 SE 1/4 Section 13; All in T122N - R68W.

The works are capable of diverting and conveying to the place of use 3.33 cfs
 cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: All in T122N - R68W.

31 acres - NW 1/4 NW 1/4 Sec 24	31 acres - NW 1/4 SE 1/4 Sec 24	31 NW 1/4 SW 1/4 Sec 13
32 " SW 1/4 NW 1/4 Sec 24	32 " NE 1/4 SE 1/4 Sec 24	32 NE 1/4 SW 1/4 Sec 13
31 " NE 1/4 NW 1/4 Sec 24	32 " SE 1/4 SE 1/4 Sec 24	30 SW 1/4 SW 1/4 Sec 13
32 " SE 1/4 NW 1/4 Sec 24	31 " SW 1/4 SE 1/4 Sec 24	32 SE 1/4 SW 1/4 Sec 13

comprising a total of 378 acres of land and the license should be issued for 3.33 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 6/16/88

* See file documentation dated
 8/7/91 for information concerning
 the number of wells (total of 12 wells)

Tim Collier
 SIGNED

LICENSE FOR PERMIT NUMBER 2521-3

1. Legal location of wells: NW 1/4 of the NE 1/4 of Section 24 -
T 122N - R 68W; SW 1/4 SE 1/4 Sec 13 - T 122N - R 68W.

dams & structures: _____

2. Well Information: Well Drilling Firm Dwayne Martin (?)

No. of wells 8* Depth 30' - 40'

Casing a) diameter 16" + 10" Screen a) type PVC +

b) length _____ b) length 10 - 15'

c) type PVC + stainless steel Static Water Level -

Pump a) make Jacuzzi Motor a) make Century

b) model 506H4-T/E b) model no. SC

c) size - c) horsepower rating 50

d) capacity 500 GPM d) motor efficiency rating _____

e) turbine pump _____
no. of stages _____

3. Distribution lines:

a) size of lines 8"

b) type PVC

c) length 2080'

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

- i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

- b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot.

- 1) make Pentower
- 2) number of towers 10
- 3) distance between towers

- 4) overall length 1260
- 5) End gun (Y/N) (N)
- 6) high or low pressure _____
- 7) make & size of nozzles

- 8) PSI reading while system is
running 30
- 9) GPM 500

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES	NO	Check Items
-----	----	-------------

- | | | |
|----------|-------|---|
| <u>✓</u> | _____ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| <u>✓</u> | _____ | 2. Special Qualifications to permit being abided by. |
| <u>✓</u> | _____ | 3. All Structures, wells and lands on map. |

REMARKS:

* See 8/9/91 file documentation concerning number of wells

The acreage is not chemigated.

No well logs in file, uncertain who drilled wells.

LICENSE FOR PERMIT NUMBER 2521-3

1. Legal location of wells: N¹/₂ of the SE¹/₄ of Sec. 13 - T122N-R68W

dams & structures: _____

2. Well Information: Well Drilling Firm Bwayne Martin(?)

No. of wells 5 *

Depth ~ 45'

Casing a) diameter 16"

Screen a) type PVC

b) length ~ 30'

b) length ~ 10-15'

c) type PVC

Static Water Level -

Booster
Pump

a) make Jacuzzi

Motor a) make Century

tag
rusted

b) model -

b) model no. -

c) size -

c) horsepower rating 50

d) capacity 500 GPH

d) motor efficiency rating -

e) turbine pump

no. of stages -

3. Distribution lines:

a) size of lines 8"

b) type PVC

c) length 2800

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: (c) center pivot
model 1) make Zimatic
307 Type 7 2) number of towers 7
Serial # 3) distance between towers _____
L05636 4) overall length 1260
5) End gun (Y/N) (N)
6) high or (low) pressure Low
7) make & size of nozzles _____
8) PSI reading while system is running 30
9) GPM 500

g) Gun
1) make _____
2) serial number _____
3) nozzle size _____
4) capacity (GPM) _____
5) PSI _____
6) hose size _____
7) hose length _____

d) Gate Pipe
1) length _____
2) diameter _____
3) spacing of gates _____

e) Siphons
1) number _____
2) size _____

f) Portable boom
1) make _____
2) serial number _____
3) nozzle size _____
4) capacity (GPM) _____
5) PSI _____

h) Hydromatic
1) make _____
2) model _____
3) serial number _____
4) length _____
5) nozzle size _____
6) spacing _____
7) PSI _____
8) capacity (GPM) _____

YES	NO	Check Items
___	___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
✓	___	2. Special Qualifications to permit being abided by.
✓	___	3. All Structures, wells and lands on map.

REMARKS:

*See 8/9/91 file documentation concerning number of wells

The acreage is not chemigated.

No well logs in file, uncertain who drilled wells

LICENSE FOR PERMIT NUMBER 2521-3

1. Legal location of wells: SW 1/4 of the NE 1/4 of Section 24.
T122N-R68W.

dams & structures: _____

2. Well Information: Well Drilling Firm Dwayne Martin (3)

No. of wells 8* Depth 20-30'

Casing a) diameter 8" Screen a) type Pvc
b) length 10-20' b) length 10
c) type PVC Static Water Level -

Booster Pump a) make Jacuzzi Motor a) make U.S. Electrical
b) model 40-GH T/D b) ¹⁰ model no. 960-6314-928
c) size - c) horsepower rating 40
d) capacity 500 GPM d) motor efficiency rating -
e) turbine pump no. of stages -

3. Distribution lines:

a) size of lines 8"
b) type PVC
c) length 1850'

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____

- i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

- h) Distribution lines or canals:

1) size _____
2) type _____
3) length _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

- b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- 1) make Olsen-Pentwater
- 2) number of towers 8
- 3) distance between towers _____
- 4) overall length 1260
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running 30
- 9) GPM 500

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

- ☒ ☐ 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
- ☒ ☐ 2. Special Qualifications to permit being abided by.
- ☒ ☐ 3. All Structures, wells and lands on map.

REMARKS:

*See 8/7/91 file documentation concerning number of wells

The acreage is not chemigated.

No well logs in file, uncertain who drilled the wells.

SIEGEL, BARNETT & SCHUTZ
ATTORNEYS AT LAW
500 CAPITOL BUILDING
ABERDEEN, SOUTH DAKOTA 57402-0490

STAN SIEGEL
JOSEPH H. BARNETT (1931-1995)
RAYMOND M. SCHUTZ
TERENCE A. O'KEEFE
HARVEY C. JEWETT
RORY KING
JEFFREY T. SVEEN
JOSEPH P. BARNETT
RONALD J. HALL
PAUL T. BARNETT
REED A. RASMUSSEN
OF COUNSEL
PHILO HALL

March 31, 1987

POST OFFICE BOX 492

TELEPHONE 225-5420
AREA CODE 605
FAX 605-226-1911

SIOUX FALLS OFFICE
SECURITY BUILDING, SUITE 314
101 SOUTH MAIN AVENUE
P. O. BOX 1286
SIOUX FALLS, SOUTH DAKOTA 57101
TELEPHONE (605) 335-6252

Mr. Ron Duvall
Department of Water & Natural Resources
Division of Water Rights
Foss Building
Pierre, SD 57501

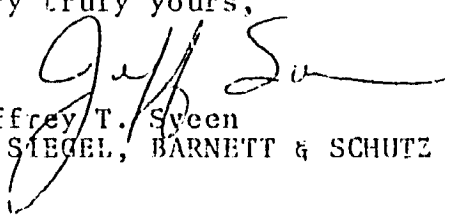
Re: Pembroke Hutterian Brethren, Inc.



Dear Ron:

This letter is intended to follow up our telephone conversations concerning Pembroke Colony. It is the desire of Pembroke Colony to lower the level of their lagoon by pumping water through the irrigation system from the lagoon onto an adjacent field. Pursuant to our discussions, it is permissible for the colony to do this without obtaining a special water permit if it is done prior to a crop being put in in the spring or after the crop is harvested in the fall. I have so instructed the colony and they have indicated that they will abide by your requirements. If this is incorrect, please let me know immediately, otherwise this will constitute the agreement between the colony and the state.

Very truly yours,


Jeffrey T. Sveen
of SIEGEL, BARNETT & SCHUTZ

JTS:cka

cc: Pembroke Hutterian Brethren, Inc.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 15, 1988

David Decker
Pembroke Colony
Route 1 Box 30
Ipswich, SD 57451

Dear Mr. Decker:

I am writing in regard to my inspection of your irrigation system as part of the final licensing process for your Water Permit No. 2521-3. After the construction period of a water permit, an inspection is made to determine what lands were developed for irrigation. A license is then issued to the permit owner.

In reviewing your permit I found that soil/water compatibility was not approved for the center pivot system located in the SW1/4 of Section 13 - T122N - R68W. Until the soil/water compatibility is approved, a license cannot be issued for Water Permit No. 2521-3.

I have enclosed a partially completed Soil/water Compatibility Permit Application Form and an instruction sheet. Please complete the owner information at the top of the form. A water quality sample and the soils information will be needed as described on the instruction sheet. The sampling procedure for taking the water sample is provided in the instruction sheet. I have enclosed a label to place on the sample bottle. The application form must have the sampler's signature and the applicant must sign and have the form notarized. Return the completed application form, the water quality sample, and the soils information to Water Quality Lab, SDSU, Brookings, SD 57007.

After the soil/water compatibility is approved we can then issue the license for your permit. If I may answer any questions please contact this office.

Sincerely,

Tim Tollefsrud
Natural Resources Engineer
(605)773-3352

enclosures



Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

APPROVED

WR#

OWNERS NAME: Pembroke Colony

OWNERS ADDRESS: RR 1, Box 30
Irsvich, SD 57451

COUNTY LAND LOCATED IN: Edmunds PHONE: 426-6516

LEGAL DESCRIPTION:

1. LOCATION SE 1/4 Sec. 13-T122N-R68W

☒ Well

Depth _____



Legal Description	Acres	Legal Description	Acres
NE 1/4 SW 1/4 Sec. 13-T122N-R68W	31		
NE 1/4 SW 1/4 Sec. 13-T122N-R68W	32		
SW 1/4 SW 1/4 Sec. 13-T122N-R68W	30		
SE 1/4 SW 1/4 Sec. 13-T122N-R68W	33	= 126 acres	

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: 83-9426

7. ADJUSTED (SAR): 2.94

5. SALINITY (EC X 10⁶): 1750

8. PERCENT SODIUM: 16.44

6. SODIUM (SAR): 1.24

Requirements:

The area mapped as Boxwell-Cresbard loam (BC) makes up approximately 40% of the project area. It is estimated that approximately 30% of the mapping unit is Cresbard, a natural sodium bearing soil. Under irrigation, the Cresbard soils may inhibit the leaching of salts or with poor water management, result in the upward movement of salt occurring in the soil. For these, adequate internal drainage shall be required as necessary, i.e., tile drainage, or other claypan renovation practice, i.e., deep ripping.

Director, Division of Conservation

Date

APPROVED

DISAPPROVED

WAIVER

REQUIREMENT

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 10, 1989

David Decker
Pembroke Colony
Route 1, Box 30
Ipswich SD 57451

Dear Mr. Decker:

This letter is in response to an on-site inspection of Water Permit No. 2521-3 by Tim Tollefsrud, staff engineer. Mr. Tollefsrud is no longer with the Division of Water Rights; therefore, I am handling the follow-up work.

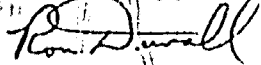
The inspection report indicates that 3 well fields are being used to operate 3 center pivots. The total number of wells in the 3 well fields is 21 wells. Permit No. 2521-3 was approved on March 17, 1976 for a total of 12 wells (see enclosed minutes of the Board meeting at which Permit No. 2521-3 was approved). An application needs to be submitted to increase the number of permitted wells from 12 to 21 wells and to specify the correct location of the well field located in the SW1/4 NE1/4 section 24-T122N-R68W.

Enclosed for your use is a partially-completed water permit application with an instruction sheet. Please complete items No. 1 and No. 9 on the enclosed application forms (Form 2) and then sign the application forms in the presence of a notary public. I will complete the remaining items on the application based on your response to the information requested in the following paragraph. The well information on the Form 2A's (Items 1a thru 1f) needs to be completed for a representative example of the actual well construction and item 1g also needs to be completed on the Form 2A's. A soil/water compatibility permit may also need to be approved by the Department of Agriculture.

I will also need to know the approximate well construction dates and when the pivots began operating. This information is needed to determine what type of procedure will be used to process your application. The application fee depends on the construction date of the wells. I will contact you regarding the fee after the enclosed applications and the well construction dates have been submitted. Copies of the well logs for the irrigation wells also need to be submitted with the application if the logs are available.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352
enc.



AUG 1989
DIVISION OF
WATER RIGHTS
PITTSBURGH, SD

Ron Duvall
SD Dept. of Water
and Natural Resources
Joe Foss Bldg.
523 East Capitol
Pierre, SD 57501-3181

In response to your letter of August 10, 1989, I wish to inform you that the additional wells to which you refer outside permit No. 2521-3 are no longer functioning wells. Therefore we feel it unnecessary to submit the water permit applications you sent us.

Please contact us if you have any further questions.

Sincerely,

David Decker

David Decker

MEMO FOR RECORD - 8/9/91

FOLLOW-UP INSPECTION OF PERMIT 2521-3 - PEMBROOK COLONY

Date of inspection - 7/30/91

Ron Duvall and Don Frye visited the Pembrook Colony as a follow-up to the inspection done by Tim Tollefsrud on 6/16/88. The purpose of the visit was to clarify the number and location of the wells being used.

According to Joel and David Decker, spokesmen for the colony, some of the wells identified in Tim Tollefsrud's report became marginal producers and were no longer being used. They stated that the locations of the three well fields were accurate, but each of the three well fields would be limited to four wells each for a total of 12 wells as prescribed by permit 2521-3.

Ron Duvall also explained to the Deckers that we had overlooked a mistake in the original advertisement which omitted the points of diversion in the NW1/4 NE1/4, Sec. 24 T122N, R68W and that we would re-advertise with the correct points of diversion at the Division's expense.

It was also confirmed that neither the well field nor the lands to be irrigated were developed in Sec 23.

Don Frye

Report on Readvertised Water Permit Application No. 2521-3
Pembroke Colony
April 15, 1993

Water Permit No. 2521-3 appropriates 7.6 cubic feet of water per second (cfs) from twelve wells to irrigate 540 acres. Readvertisement of the notice of hearing published on February 26 and March 5, 1976 is needed to correct the legal descriptions of the well locations and the irrigated acres. The location of the wells were incorrectly advertised as being located in the SE 1/4 Section 13, NE 1/4 SW 1/4 Section 24 and the NE 1/4 Section 23; all in T122N-R68W. The correct location of the wells developed for irrigation is the NE 1/4 Section 24 and the SE 1/4 Section 13; all in T122N-R68W. The wells in the SW 1/4 Section 24 and NE 1/4 Section 23 were not developed. The location of the irrigated acres was incorrectly advertised as being located in the SW 1/4 Section 13, SE 1/4 NW 1/4 Section 24 and the SE 1/4 Section 23; all in T122N-R68W. The correct location of the acreage developed for irrigation is the SW 1/4 Section 13 and the SE 1/4, NW 1/4 Section 24; all in T122N-R68W. The irrigation of land in Section 23 was never developed. This readvertisement does not authorize any increase in the 378 acres developed for irrigation or increase in the developed diversion rate of 3.33 cfs.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 2521-3.
2. This readvertisement is necessary to correct the legal descriptions of the well locations and the irrigated acres. The correct location of the wells and irrigated acreage was identified on the map and permit application.
3. The correct legal description of the wells developed for irrigation is the NE 1/4 Section 24 and the SE 1/4 Section 13; all in T112N-R68W. The correct legal description of the lands being irrigated is the SW 1/4 Section 13 and the SE 1/4, NW 1/4 Section 24; all in T112N-R68W.

Eric Gronlund
Eric Gronlund
Natural Resources Engineer

Ron Duvall
Ron Duvall
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 2521-3, Pembroke Colony

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 2521-3, Pembroke Colony, c/o David Decker, Route 1 Box 30, Ipswich, SD 57451.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 2521-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

See report on application for additional information.

for Eric Greenland
JOHN HATCH, Chief Engineer
April 27, 1993

Water Rights Division - DWNR
Conversation or File Documentation

File No. 2521-3

NAME OF PERSON OR FILE: Pembroke Colony & David Decker

ADDRESS: Route 1 Box 30 Ipswich, MA COUNTY Edmunds

DATE: _____ TELEPHONE _____

RE: Redadvertisement

COMMENTS:

Water Permit No. 2521-3 needs to be readvertised
at the Division's cost. The permit and the
map indicate the SE 1/4 of Section 24 and the
NW 1/4 of Section 24 in T122N-R6W. The
permit was advertised as NE 1/4 SW 1/4 Section
24. The NW 1/4 and the SE 1/4 of Section
24 have been developed and are being
irrigated by Pembroke Colony

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Lin Talpelt



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April, 28, 1993

David Decker
Pembroke Colony
Rt 1 Box 30
Ipswich, SD 57451

Dear Mr. Decker:

The original notice of hearing for Water Permit No. 2521-3 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Ipswich Tribune printed at Ipswich, SD (Ph # 426-6471). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Eric Gronlund'.

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



April 28, 1993

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

Ipswich Tribune
Box 7
Ipswich, SD 57451

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 2521-3 to be published twice. Please publish the first notice on May 5, 1993, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

No. _____

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of _____ enclosing Readvertisement of Notice
of Hearing to Appropriate Water by Permit No. _____ which was first published in our
issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on May 5, 1993, with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING on Application No. 2521-3
to Appropriate Water

Notice is given that Pembroke Colony, c/o David Decker, Rt 1 Box 30, Ipswich, SD 57451 filed an application for a water permit on January 29, 1976. Water Permit No. 2521-3 appropriates 7.6 cubic feet of water per second (cfs) from twelve wells to irrigate 540 acres. Readvertisement of the notice of hearing published on February 26 and March 5, 1976, is needed to correct the legal descriptions of the well locations and the irrigated acres. The location of the wells were incorrectly advertised as being located in the SE 1/4 Section 13, NE 1/4 SW 1/4 Section 24 and the NE 1/4 Section 23; all in T122N-R68W. The correct location of the wells developed for irrigation is the NE 1/4 Section 24 and the SE 1/4 Section 13; all in T122N-R68W. The wells in the SW 1/4 Section 24 and NE 1/4 Section 23 were not developed. The location of the irrigated acres was incorrectly advertised as being located in the SW 1/4 Section 13, SE 1/4 NW 1/4 Section 24 and the SE 1/4 Section 23; all in T122N-R68W. The correct location of the acreage developed for irrigation is the SW 1/4 Section 13 and the SE 1/4, NW 1/4 Section 24; all in T122N-R68W. The irrigation of land in Section 23 was never developed. This readvertisement does not authorize any increase in the 378 acres developed for irrigation or increase in the developed diversion rate of 3.33 cfs.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 2521-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 24, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on readvertised Application No. 2521-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 1, 1993, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 1, 1993, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 1, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 24, 1993.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by May 24, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUE

STATE OF SOUTH DAKOTA

County of Edmunds

D. E. Gibson of said County and State, he says: The Ipswich Tribune, a weekly newspaper printed and published in Ipswich, in said County, Publishing and Printing Company; and has been since hereinafter mentioned; that said newspaper now publication of the attached advertisement, a bona fide copies weekly, and has been published within the two successive weeks prior to the publication of said was during the publications of said advertisement, in part, in an office maintained at said place of publication and has been during the publication of said newspaper, as defined by the laws of the state of South Dakota.

That I, D. E. Gibson

Publisher of said newspaper and

thereof and have personal knowledge of all the facts

that the advertisement headed DIVISION OF NOTICE OF HEARING

a printed copy of which hereto attached, was printed

newspaper for TWO successive

The First publication being made on the 5

The Second publication being made on the 12

The Third publication being made on the

The Fourth publication being made on the

The Fifth publication being made on the

The Sixth publication being made on the

The Seventh publication being made on the

The Eighth publication being made on the

The Ninth publication being made on the

The Tenth publication being made on the

That the full amount of the fee charged for publication inures to the benefit of the publisher of the agreement or understanding for the division of the any other person, and that no part thereof has been paid to whomsoever.

The charges for said legal publications are

Dollars and Seventy-eight

Subscribed and sworn to before me this 12

Notary Public

PUBLIC NOTICE

Readvertisement of NOTICE OF HEARING on Application No. 2521-3 to Appropriate Water

Notice is given that Pembroke Colony, c/o David Decker, Rt 1 Box 30, Ipswich, SD 57451 filed an application for a water permit on January 29, 1976. Water Permit No. 2521-3 appropriates 7.6 cubic feet of water per second (cfs) from twelve wells to irrigate 540 acres. Readvertisement of the notice of hearing published on February 26 and March 5, 1976, is needed to correct the legal descriptions of the well locations and the irrigated acres. The location of the wells were incorrectly advertised as being located in the SE 1/4 Section 13, NE 1/4 SW 1/4 Section 24 and the NE 1/4 Section 23; all in T122N-R68W. The correct location of the wells developed for irrigation is the NE 1/4 Section 24 and the SE 1/4 Section 13; all in T122N-R68W. The wells in the SW 1/4 Section 24 and NE 1/4 Section 23 were not developed. The location of the irrigated acres was incorrectly advertised as being located in the SW 1/4 Section 13, SE 1/4 NW 1/4 Section 24 and the SE 1/4 Section 23; all in T122N-R68W. The correct location of the acreage developed for irrigation is the SW 1/4 Section 13 and the SE 1/4, NW 1/4 Section 24; all in T122N-R68W. The irrigation of land in Section 23 was never developed. This readvertisement does not authorize any increase in the 378 acres developed for irrigation or increase in the developed diversion rate of 3.33 cfs.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 2521-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 24, 1993. The petition may be informal, but must include a statement describing the petitioner's interest

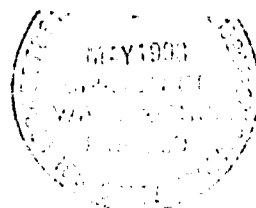
in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purpose of publishing 1) the notice of hearing on readvertised Application No. 2521-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 1, 1993, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 1, 1993, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 1, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 24, 1993.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by May 24, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

(Publish 5-5, 512)



MY COMMISSION EXPIRES
2-26-2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 6, 1994

2521-3

David Decker
Pembrook Colony
RR #1 Box 30
Ipswich, SD 57451

Dear Mr. Decker:

We are currently in the process of issuing a water license for Water Permit No. 2521-3, held by Pembrook Colony. The original inspection of your water use system was conducted in 1988 and a followup inspection was conducted in 1991 to clarify the number of wells developed. In May, 1993, the permit was readvertised to correct legal description errors.

The Colony has complied with all of the requirements for issuance of the license. In reviewing the file, prior to licensing, I realized that we had never written to you regarding the \$50.00 inspection and licensing fee.

Statutes require that we assess a \$50.00 fee for the inspection and issuance of the license. Upon receipt of the fee from you, the water license can be issued. Please remit the fee to: Department of Environment & Natural Resources, Water Rights Division, 523 E Capitol, Pierre, SD 57501.

On check or money order, please specify your permit number (2521-3). This will insure proper handling of the fee. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

July 11, 1994

SECOND NOTICE
Permit No: 2521-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

David Decker
Pembroke Colony
RR 1, Box 30
Ipswich, SD 57451

Dear Mr. Decker:

On May 6, 1994, you were notified the final inspection fee of \$50.00 is due before Water License No. 2521-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

RECEIPT

414220

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 15, 19 94

RECEIVED OF Pembroke Hutterian Brethren Inc., RR 1 Box 30, Ipswich SD 57451

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
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>2521-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John W. Hatch
Chief Engineer

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2521-3, FOR IRRIGATION**

(1) Pembrook Farmers Cooperative, of RR #1 Box 30, Ipswich, SD 57451 made Application No. 2521-3, January 29, 1976 for a water permit to appropriate 7.60 cubic feet of water per second from groundwater (up to 12 wells), Edmunds County, South Dakota for irrigation purposes. Permit No. 2521-3, with a priority date of January 29, 1976 was approved March 17, 1976 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 17, 1981 and for the application to beneficial use of said water on or before March 17, 1985.

A review of the original notice of hearing, published on February 26 and March 5, 1976, found errors in the legal description of the diversion points and the acreage irrigated. The permit was readvertised on May 5 and 12, 1993 to correct the errors. The readvertisement, approved on June 1, 1993, did not authorize an increase in the acres developed for irrigation or an increase in the developed diversion rate.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.33 cubic feet of water per second for beneficial use. The location of the diversion points are: NW¼ NE¼, SW¼ NE¼ Section 24; SW¼ SE¼, N½ SE¼ Section 13; T122N, R68W. There are three well fields, with four wells in each field for a total of 12 wells.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following 378 acres land: all in T122N, R68W

Section 24	Section 21	Section 13
NW¼ NW¼ 31 acres	NW¼ SE¼ 31 acres	NW¼ SW¼ 31 acres
SW¼ NW¼ 32 acres	NE¼ SE¼ 32 acres	NE¼ SW¼ 32 acres
NE¼ NW¼ 31 acres	SE¼ SE¼ 32 acres	SW¼ SW¼ 30 acres
SE¼ NW¼ 32 acres	SW¼ SE¼ 31 acres	SE¼ SW¼ 33 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Pembrook Farmers Cooperative of RR #1 Box 30, Ipswich, SD 57451 the holder and/or owner of Water Permit No. 2521-3 is issued a license to appropriate water, the right to use 3.33 cubic feet of water per second from groundwater (12 wells) with a priority date of January 29, 1976 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2521-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 14 1994
date



2521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3161

NOV 14 1994

2521-3

David Decker
Pembroke Farmers Cooperative
RR 1, Box 30
Ipswich, SD 57451

Dear Mr. Decker:

Enclosed is Water License No. 2521-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414220 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of existing wells, such as the wells authorized by Water Right No. 2521-3, constructs replacement wells and does not plan to use the old wells, the old wells are considered abandoned and must be plugged. Also, any wells that are being used or are not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

gm
enclosures

2521-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

October 25, 1995

2521-3

2768-3

2934-3

Craig Summers
Farm Credit Services
PO Box 1987
Aberdeen, SD 57401

Dear Mr. Summers:

Enclosed, as you requested, are copies of Water Permit Nos. 2768-3 & 2934-3 and Water Right No. 2521-3. These are currently listed in the name of Pembroke Colony (Pembroke Hutterian Brethren or Pembroke Farmers Cooperative).

An inspection was conducted and a water license issued for No. 2521-3. A map showing the extent of development is also enclosed. We do not know the extent of development under Water Permit Nos. 2768-3 & 2934-3, because they have not yet been inspected. In 1994, the Colony reported irrigation of a total of 500 acres using 5 center pivots. Irrigators do not include a legal description with their annual reports, so I am unable to determine from their questionnaires which land was irrigated. It may change from year to year, depending on crop rotation.

I hope the enclosed material is of help to you. If I can be of further assistance, please contact me.

Sincerely,

Genny McMath

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



2521-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451-9706

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2521-3 & 2934-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

2521-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) <u>ed</u> B. Date of Delivery <u>1-15-00</u>	
1. Article Addressed to: PEMBROOK HUTTERIAN, INC HENRY DECKER 35955 139TH ST IPSWICH SD 57451 9706		C. Signature X <u>Anita Decker</u> ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from service label) <u>2227670 387</u>		4. Restricted Delivery? (Extra Fee) ☐ Yes	



2521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 19, 2000

2521-3

2934-3

Henry Decker
Pembroke Hutterian, Inc
35955 139th St
Ipswich, SD 57451-9706

Dear Mr. Decker:

Thank you for calling with the information pertaining to your 1999 irrigation questionnaires. I completed forms for you based on our phone conversation.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 2521-3 and 2934-3. 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,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



2521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 19, 2001

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2521-3 & 2934-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaires are received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, please contact Genny McMath at (605) 773-3352.

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.



2521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/dem

January 22, 2001

2521-3
2934-3

Henry Decker
Pembroke Hutterian, Inc
35955 139th St
Ipswich, SD 57451

Dear Mr. Decker:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2000, "Notice" concerning reporting requirements for Water Right Nos. 2521-3 and 2934-3.

I completed questionnaires for you based on our January 22nd telephone conversation. The questionnaires reflect that you did not irrigate in 2000 due to ample natural moisture. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



2521-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2002

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451
9706

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2521-3 & 2934-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

2521-3

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PEMBROOK HUTTERIAN, INC
HENRY DECKER
35955 139TH ST
IPSWICH SD 57451-9706

-7103

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Henry Decker

1-17-2002

C. Signature

X Henry Decker

☐ Agent☒ AddresseeD. Is delivery address different from item 1? ☒ YesIf YES, enter delivery address below: ☐ No

Service Type

☒ Certified Mail☐ Registered☐ Insured Mail☐ Express Mail☐ Return Receipt for Merchandise☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2.

7001 2510 0004 4797 4869

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 4, 2002

2521-3
2934-3

Henry Decker
Pembroke Hutterian, Inc
35955 139th St
Ipswich, SD 57451 7103

Dear Mr. Decker:

I am writing to acknowledge receipt of the information for your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right Nos. 2521-3 and 2934-3.

I completed questionnaires for you based on our February 4th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 17, 2003

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451
7103

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2521-3 & 2934-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



2521-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 6222

Your item was delivered at 10:09 am on January 18, 2003 in IPSWICH, SD 57451. The item was signed for by H DECKER.

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SIGNATURE CONFIRMATION NUMBER: 2301 0370 0000 7540 6222	Postmark Here
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2521-3
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PMB 2020
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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 3, 2003

2521-3
2934-3

Henry Decker
Pembroke Hutterian Inc
35955 139th St
Ipswich SD 57451-7103

Dear Mr. Decker:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 2521-3 and 2934-3.

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,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



2521-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 14, 2004

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451
7103

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2521-3 & 2934-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



2521-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 8, 2004

NOTICE OF AMENDMENT OF WATER RIGHTS

TO: Henry Decker
Pembroke Hutterian Inc
35955 139th St
Ipswich SD 57451-7103

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Right Nos. 2521-3 and 2934-3

On March 3, 2004, the Water Management Board amended Water Right Nos. 2521-3 and 2934-3 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

This action was taken for failure to return the 2003 irrigation questionnaires. The addition of this qualification to your water rights means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water rights with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 8, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2004 regarding Notice of Amendment of Water Right # 1487-2, 1473-2, 1502-2, 2821-3, 1530-2, 981-1, 2518-3, 113-3, 113-3A, 3311-3, 1132-1, 2521-3, 2934-3 & 1795-3 addressed as stated below:

1487-2
Lee Ahrlin
2929 5th St Suite 150
Rapid City SD 57701

2821-3
Linn Dickson
21720 407th Ave
Cavour SD 57324

1530-2
Vern Keszler
30317 289th St
Clearfield SD 57580

981-1
Troy Krisle
1909 S Gillette Ave
Gillette WY 82718-5432

981-1
Kenneth Krisle
17697 108th St
Lemmon SD 57638

2518-3
Tim Bormann Secretary-Treasurer
Lakeside Country Club
PO Box 524
Faulkton SD 57438-0524

113-3 & 113-3A
Patti Nash
21660 469th Ave
Brookings SD 57006

3311-3
Kirby Oswald
12157 323rd Ave
Eureka SD 57437-7104

1132-1
Ezra Pauley
RR 1 Box 1
Vale SD 57788

2521-3 & 2934-3
Henry Decker
Pembrook Hutterian Inc
35955 139th St
Ipswich SD 57451-7103

1795-3
 Danny Hofer
 RT Investments 2001 LLC
 PO Box 124
 Huron SD 57350-0124

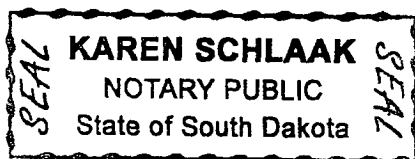
1473-2 & 1502-2
Randy Bachelor
HC 78 Box 60A
White River SD 57579

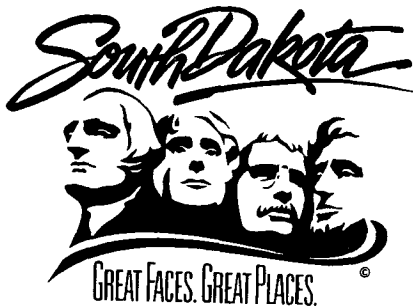

Eric Gronlund
Natural Resource Engineer
Water Rights

[illegible]

Sworn to, before me, this 9th day of March, 2004.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2007





2521-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2005

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451
7103

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2521-3 & 2934-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 2521-3 & 2934-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



2521-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0728

Your item was delivered at 10:39 am on January 21, 2005 in IPSWICH, SD 57451. The item was signed for by S HOFER.

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0728

PEMBROOK HUTTERIAN, INC
HENRY DECKER
35955 139TH ST
IPSWICH SD 57451 7103

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, July 2001



2521-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 27, 2005

2521-3
2934-3

Henry Decker
Pembroke Hutterian Inc
35955 139th St
Ipswich SD 57451-7103

Dear Mr. Decker:

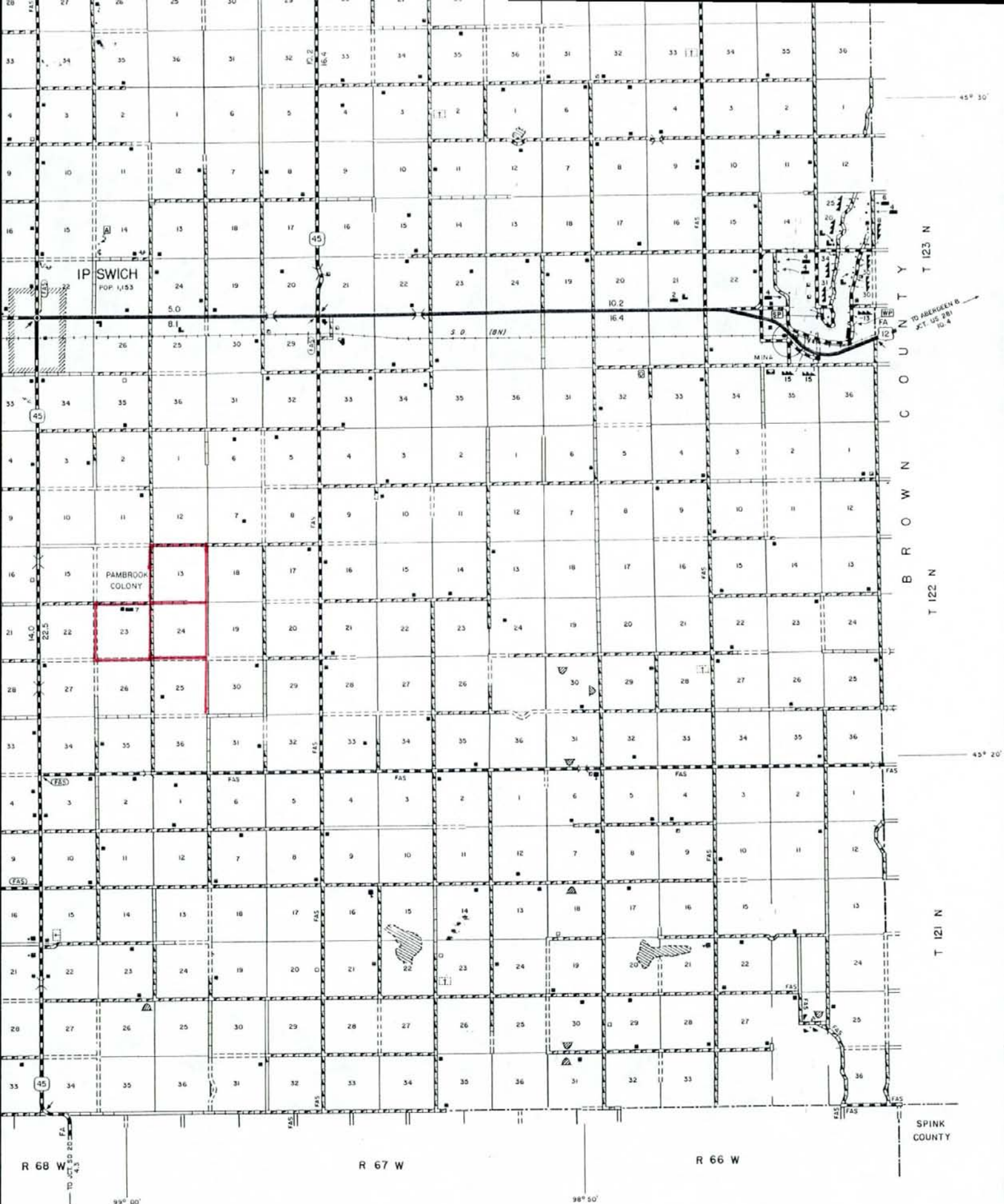
I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2521-3 and 2934-3.

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.

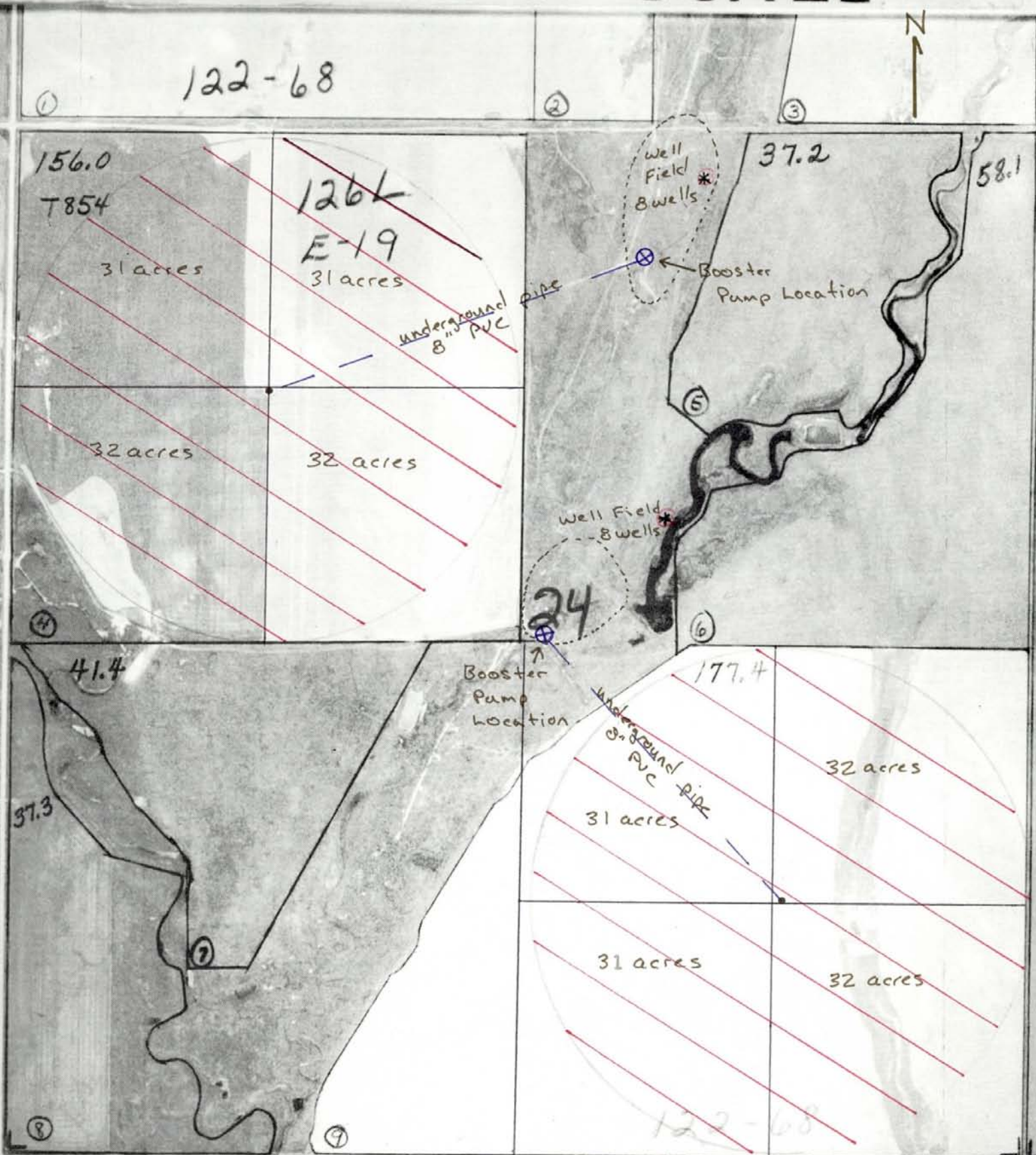
Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



2521-3 PEmBrook Colony

NOT TO SCALE

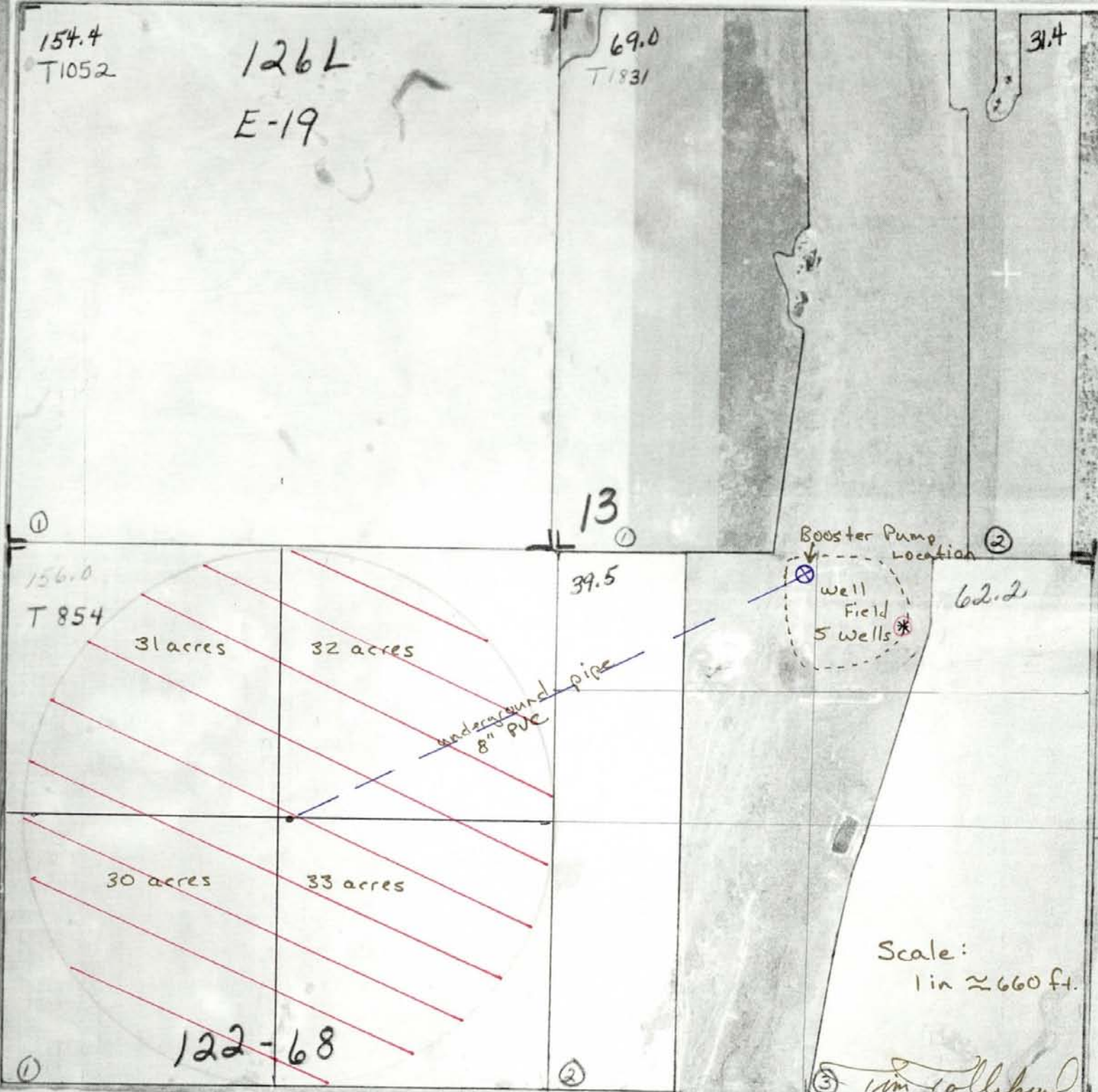


* See 8/9/91 file documentation concerning number of wells

Tim J. Allipuel
Natural Resources
Engineer 6/16/88

Scale:
1 in = 660 ft.

NOT TO SCALE



156.0
T854

126L
E-19

* See 8/9/91 File documentation concerning number of wells

37.2 Natural Resources Engineer
6/16/88 58.1

NOT TO SCALE





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 18, 2008

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451
7103

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2521-3 & 2934-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** 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) 2521-3 & 2934-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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 ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 26, 2008

2521-3
2934-3

Henry Decker
Pembrook Hutterian Inc
35955 139th St
Ipswich SD 57451

Dear Mr. Decker:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 2521-3 and 2934-3.

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,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Gregg Magera, Attorney at Law



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 22, 2010

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451 7103

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2521-3 & 2934-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 2521-3 & 2934-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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.

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Service(s): **Signature Confirmation™**Status: **Delivered**

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- Sorting Complete, January 23, 2010, 8:58 am, IPSWICH, SD 57451
- Arrival at Post Office, January 23, 2010, 6:40 am, IPSWICH, SD 57451

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FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9341

PEMBROOK HUTTERIAN, INC
HENRY DECKER
35955 139TH ST
IPSWICH SD 57451 7103

Waiver of Signature ☐ YES ☐ NOPostmark
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 3, 2010

2521-3
2934-3

Henry Decker
Pembroke Hutterian, Inc
35955 139th St
Ipswich SD 57451-7103

Dear Mr. Decker:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 2521-3 and 2934-3.

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,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Gregg Magera



2521-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2012

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451
7103

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2521-3 & 2934-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 2521-3 & 2934-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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 ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 27, 2012

2521-3
2934-3

Henry Decker
Pembrook Hutterian Inc.
35955 139th St
Ipswich SD 57451

Dear Mr. Decker:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 2521-3 & 2934-3. 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,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Gregg Magera, Attorney at Law



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2013

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451 7103

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2521-3 & 2934-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 2521-3 & 2934-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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.

2521-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 4, 2013

2521-3
2934-3

Henry Decker
Pembrook Hutterian Inc
35955 139th St
Ipswich SD 57451 7103

Dear Mr. Decker:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right Nos. 2521-3 and 2934-3. 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,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Gregg Magera, Attorney at Law



2521-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2014

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451
7103

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2521-3 & 2934-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 2521-3 & 2934-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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 ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 28, 2014

2521-3
2934-3

Henry Decker
Pembrook Hutterian Inc
35955 139th St
Ipswich SD 57451

Dear Mr. Decker:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 2521-3 and 2934-3. 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,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

cc: Gregg Magera, Attorney at Law



2521-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2015

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451
7103

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2521-3 & 2934-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** 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:

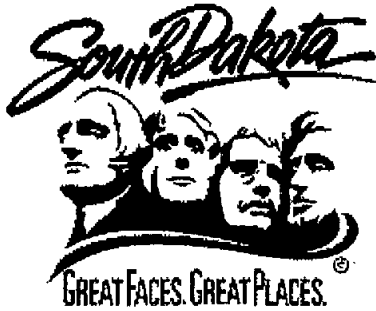
1. Suspend or cancel Permit No(s) 2521-3 & 2934-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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 ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

February 24, 2015

2521-3
2934-3

Henry Decker
Pembroke Hutterian Inc
35955 139th St
Ipswich, SD 57451 7103

Dear Mr. Decker:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

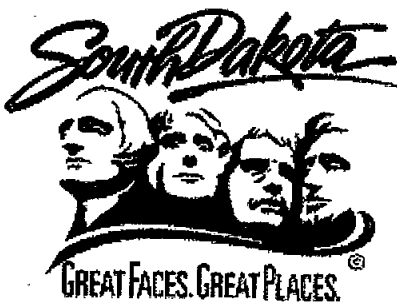
You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 2521-3 & 2934-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Gregg Magera



2521-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 15, 2016

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451 7103

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2521-3 & 2934-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 2521-3 & 2934-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genney.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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 ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 26, 2016

2521-3
2934-3

John Hofer
Pembroke Hutterian Inc
35955 139th St
Ipswich SD 57451 7103

Dear Mr. Hofer:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 2521-3 and 2934-3. 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,

A handwritten signature in cursive script that reads 'Genny McMath'.

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Gregg Magera, Attorney at Law



2521-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 25, 2019

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451
7103

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2521-3 & 2934-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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) 2521-3 & 2934-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

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 ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 31, 2019

2521-3
2934-3

Henry Decker
Pembroke Hutterian Inc
35955 139th St
Ipswich SD 57451-7103

Dear Mr. Decker:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires. Eli Hofer scanned and emailed the documents to us on January 30th.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 2521-3 and 2934-3. 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,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Gregg Magera, Attorney at Law, PO Box 490, Aberdeen SD 57402-0490



2521-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2020

NOTICE

TO: PEMBROOK HUTTERIAN, INC, HENRY DECKER, 35955 139TH ST, IPSWICH, SD 57451 7103

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2521-3 & 2934-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2521-3 & 2934-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 2521-3 & 2934-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: FJJULC**

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.

2521-3

USPS Tracking®

FAQs >

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Tracking Number: 70191120000129106789

Remove X

Your item was delivered to an individual at the address at 8:09 am on January 25, 2020 in IPSWICH, SD 57451.

 **Delivered**

January 25, 2020 at 8:09 am
Delivered, Left with Individual
IPSWICH, SD 57451

Get Updates ✓

Text & Email Updates

Tracking History

Product Information

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Here

PEMBROOK HUTTERIAN, INC
HENRY DECKER
35955 139TH ST
IPSWICH SD 57451 7103

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

See Less ^



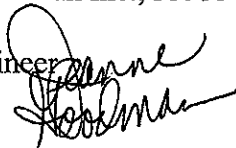
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.dennr.sd.gov

February 27, 2020

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Henry Decker, Pembroke Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right Nos. 2521-3 and 2934-3

On February 26, 2020, the Water Management Board ordered:

Effective March 26, 2020, Water Right Nos. 2521-3 and 2934-3 be suspended for the 2020 irrigation season for failure to submit the 2019 irrigation questionnaires.

If the 2019 irrigation questionnaires are received prior to March 26, 2020, the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2020 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2020 unless the 2019 irrigation questionnaires are submitted by March 26, 2020.

After March 26th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2019 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2020 in Pierre, SD. The letter should include your reasons for not completing the 2019 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2020 regarding Water Management Board action taken February 26, 2020 for Irrigation Questionnaire violations addressed as stated below:

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

Water Right No. 5947-3

Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

Water Permit Nos. 7008A-3 and 7009A-3

Roger D Hanson, 615 E 72nd St., Kansas City MO 64131

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

Water Right No. 876-1

Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

Water Right No. 1213B-1

Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 410B-2

Kathi Koester, PO Box 206, Custer SD 57730-0206

Water Permit No. 8253-3

James Makens, Makens Oak Tree LLP, 42563 168th St, Clark SD 57225

Water Permit Nos. 5849-3 and 6194-3

Josh Oakley, Meadow Creek Golf Course, PO Box 511, Volga SD 57071-0511

Water Right Nos. 2521-3 and 2934-3

Henry Decker, Pembrook Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

Water Right Nos. 5566-3 & 7615-3 and Water Permit No. 7616-3

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

Water Right No. 4737-3

RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley LA 51247

Water Right No. 2954-3

Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

Water Right Nos. 2631A-3 and 5451-3
Merritt Ulmer, PO Box 433, Menno SD 57045-0433
Merritt & Marie Ulmer, 1402 S Cage #217, Pharr TX 78577

Water Right No. 553-1
Richard W Kieffer, 14555 Hamlet Pl, Sturgis SD 57785

Three Year Suspensions:

Water Right No. 6168-3
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

Water Right No. 2106-2
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701

Amendments:

Water Right Nos. 804-2 & 995-2
Robert Berry, 23331 Hwy 14, Midland SD 57552

Water Right No. 766-2
Gene Fortune, PO Box 60, Interior SD 57750 0060

Water Right Nos. 516-1 and 715-1
Lawrence Woodward, PO Box 220, Dupree SD 57623 0220

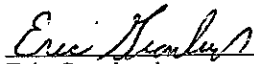
Both Suspend and Amendments

Water Right No. 960-3 and Water Permit No. 472A-3
Chad Binger, 18309 383rd Ave, Tulare SD 57476

Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3
Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766



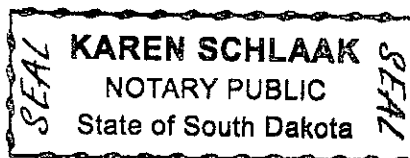
Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.



Karen Schlaak
Notary Public
My Commission expires April 1, 2025



2521-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 2, 2020

2521-3
2934-3

Eli Hofer
Pembrook Hutterian Inc
35955 139th St
Ipswich SD 57451

Dear Mr. Hofer:

On February 26th the Water Management Board ordered Water Right Nos. 2521-3 and 2934-3 suspended if the 2019 irrigation questionnaires were not received prior to March 26, 2020. The questionnaire information for your water rights has been received.

Based on our phone conversation, I completed two forms for you indicating due to wet conditions, you did not irrigate in 2019. With the irrigation questionnaires on file, no violations have occurred, and no suspensions will take place. You may irrigate during the 2020 irrigation season.

If you have any questions, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352