

1. Considered MAY 20, 1976 2727-3
2. Name of Applicant PEARL CREEK LUTHERIAN BRETHREN, INC.
3. Post Office Address IROQUOIS
4. Amount of water claimed 1.9
5. Source of water supply 75' DEEP WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 135
7. Water to be diverted and used in BEADLE county  
about 35.4W miles of IROQUOIS
8. Proof of Publication Received 5-24-76  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_
10. Remarks:

No. 2727-3Map No. 2086-3 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 Pearl Creek Hutterian Brethren, Inc.  
 Postoffice address R R 2 Iroquois, State South Dakota  
 If a corporation show date and place of incorporation March 1, 1950 Iroquois, So. Dak.  
 2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor  
 3. Name of diversion work Pearl Creek Hutterian Brethren, Inc. Unit #2  
 4. Amount of water claimed (cubic feet per second) 1.9  
 5. Source of water supply ground water  
 6. Location of point of diversion ON THE CENTER OF THE NW 1/4 SECTION 21,  
T10N, R59W  
 County Beadle  
 7. Annual period or periods during which water is to be used March-November  
 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 135

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. |
|--------------------|----------------|------------------|----------------|
| N.W. 1/4-21-110-59 | 135            |                  |                |
|                    |                |                  |                |
|                    |                |                  |                |
|                    |                |                  |                |

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 2 years.  
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Daily Plainsman, Huron, So. Dak.  
 12. Principal Features of the Proposed Water Supply System.

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

Pump Bowl

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

Main Line

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ -----

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 BeadleI, Pearl Creek Hutterian Brethren, Inc.

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 work.

Signed Wm. Waldner,Subscribed and sworn to before me this 15 day of MARCH, 1950

Notary Public (or other qualified officer)

COM EXPIRES 3-4-54

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2727-3  
PEARL CREEK HUTTERIAN BROTHERS, INC. R. #2, TROQUOIS  
 (Applicant) (Post Office Address)  
SOUTH DAKOTA 57353 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 APRIL 29, 1976  
 Date of return to applicant for correction, amendments or changes required —, 19 —  
 Date of receipt of corrected application —, 19 —  
 Approved MAY 20, 19 76, Recorded in Book 15 Page 189

WATER RIGHT PERMIT NO. 2727-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2727-3 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 APRIL 29, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20, 1978
3. The whole of said work is to be completed on or before MAY 20, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20, 1983
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 1.9 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 MAY 20, 1983, said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 10<sup>TH</sup> day of JUNE, 1976

WATER RIGHTS COMMISSION

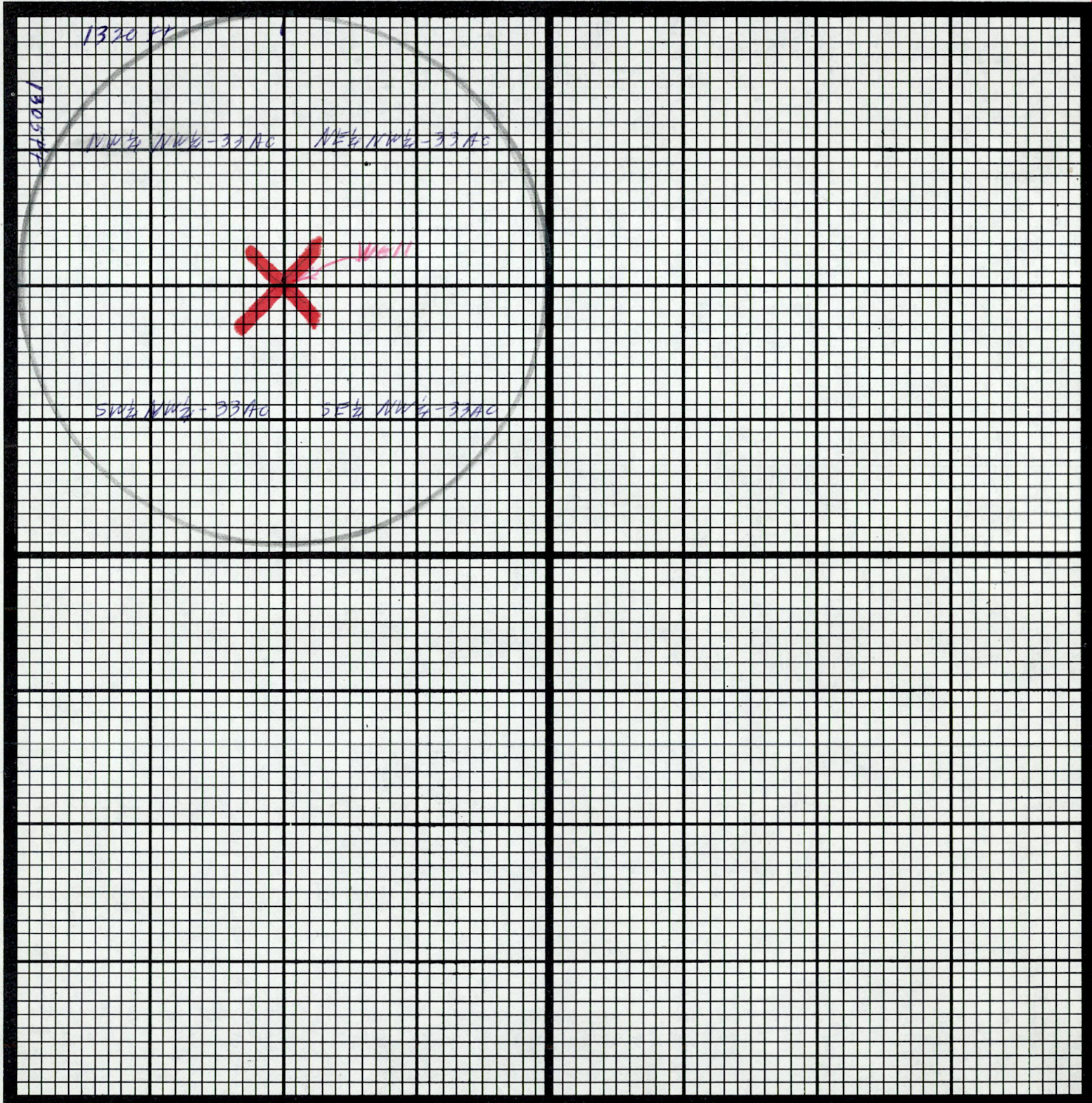
By: John H. Hatcher  
 Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 15, 1977  
 Water License Issued SEPTEMBER 15, 1977

HURON DRILLING INC.  
WELL LOCATION MAP

Map Cabinet Copy

NAME Pearl Creek Hutterian Brethren, Inc. DATE March 15, 19 76  
WELL NO. 2 N.W. QUARTER, SECTION 21  
TWP. 110 RANGE 59 IN Beadle COUNTY



Prepared By Dick Fadgen

Dick Fadgen

Beadle County Extension Agent

X — PROPOSED LOCATION

MAP NE 2086-3, APP. 27-3

# HURON DRILLING INC. DRILLERS LOG

PAGE NO.

Pearl Creek Hutterian Brethren  
JOB NAME Inc.

N.W. 21-110-59 Beadle  
LOCATION Co.

3/12/76  
DATE:

15  
RIG NO.

Everett Lodner  
FOREMAN

| Well Name | Location | Co.  | Date                                                 | Rig No.        | Foreman |
|-----------|----------|------|------------------------------------------------------|----------------|---------|
| Unit #    | Depth    | Time | Remarks                                              | Description    |         |
| 1         | 0-20     |      | Yellow Clay Traces of fine yellow sand               |                |         |
| 2         | 20-35    |      | 20-25 Yellow Clay 25-30 Blue Clay                    | N.W. 21-110-59 |         |
|           |          |      | 30-35 Fine Blue Sand                                 | Leadle County  |         |
| 3         | 35-50    |      | Good Sand with Coal, water loss                      | 2              |         |
| 4         | 50-65    |      | Good Sand, Coal, gravel streaks, good water loss     |                |         |
| 5         | 65-80    |      | Good Sand and 83 sized gravel, coal, good water loss |                |         |
| 6         | 80-95    |      | Good Sand with gravel 87-95                          |                |         |
|           |          |      | Cased 76 ft.                                         |                |         |
|           |          |      | 30 GPM                                               |                |         |
|           |          |      | 40 ft. Slotted                                       |                |         |
|           |          |      | 36 ft. Blank                                         |                |         |
|           |          |      | 27 ft. Waterhead                                     |                |         |

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 28, Depth 75

(2) Casing, Type PVC Plastic Sch 40 (wood, concrete, steel, etc) Diameter 15 1/2" Thickness .410

(3) Perforated Screen

Type 100 Slot PVC Plastic, Diameter 15 1/2", Length 40'  
Sch 40

(4) Gravel Pack, Thickness 6", Length of gravel pack 75'

E. Dugout Information or Estimates \* Log will be furnished by driller.

(1) Surface dimensions \_\_\_\_\_, Depth \_\_\_\_\_

F. Fill out for Either a Well or a Dugout.

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

Character of Water bearing materials \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Depth to top of water bearing material \_\_\_\_\_

Depth to bottom of water bearing material \_\_\_\_\_

Thickness of water bearing material \_\_\_\_\_

Depth to water (ground surface to water level) \_\_\_\_\_

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

On same owner's property 240 rds. On property owned by others 480 rds.

G. 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 right map.

Robert Creek Colony  
James A. Adams  
Signature of Applicant

April 22, 1976



Pearl Creek Hutterian Brethern, Inc.  
c/o Mr. Moses Waldner  
Iroquois, SD 57353

Dear Mr. Waldner:

Enclosed you will find the original copy of report of analysis on water sample #76-28, submitted here on March 31 for irrigation analysis. I am also enclosing a receipt for your payment.

The analysis of this water reveals a moderately high total salt content as indicated by the electrical conductivity value of 900, however, the sodium content is fairly good being only 46% of all the cations and giving a sodium adsorption ratio of 3.15. Thus, the water is suitable for irrigation of any normal soil. The soils which you have indicated to be irrigated in the northwest quarter of section 21-110-59 are moderately well suited to irrigation except that delineation 26A, which is the Dudley-Stickney soil, in the northwest corner is not suitable and the delineations 101A and 102B have occasional shallow depressions with claypan subsoils and often salts associated with these. These soils will not perform satisfactorily for irrigation, especially if they are allowed to pond and fill with water so that a non-aerated situation develops in the root zone of the crops. Therefore, it would be very wise to grade and fill these depressional areas to whatever extent is possible before you begin to irrigate. This will save you a lot of time and improve the yields on these areas and also avoid the possibility of center pivot systems becoming clogged and being damaged. There is a considerable depression in the north part of delineation 10C which has fairly good soils in general. This depression should definitely be filled as it is marked as a wet spot on the soil map. It is close to the center of the quarter so that it will be unavoidably irrigated by the center pivot system.

The water quality being moderately high or medium high in total salt will have some potential for increasing the total salinity of the root zone of crops after a few years of irrigation. This is especially true when one uses an application system which puts on a moderate or small amount of water frequently during a growing season. This is the time when evaporation and water use is the highest and if one uses light irrigation frequently, the salts which are brought in with the water are concentrated in the very upper part of the soil (perhaps top 6 inches or foot). This is a situation which you very much want to avoid and the only way to avoid it is to use substantial applications of water

Pearl Creek Hutterian Brethern  
April 22, 1976  
Page 2

(3 inches or more) and irrigate as infrequently as possible, that is, no more than 3 times in any growing season. I recommend very strongly that you observe these management practices on soils which you have which are only fairly suitable to begin with, that is, their internal permeability is moderately slow. In addition to this, they have some salts in the deeper part of the subsoil.

A copy of this letter, and of the water analysis, and your application materials are being sent to the State Conservation Commission for their action.

Sincerely yours,

*L. O. Fine*

L. O. Fine  
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission  
D. Fahl  
Dick Fadgen, County Extension Agent  
Huron Drilling Co.



CONSERVATION  
COMMISSION  
FORM W1 #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 GROUND WATER IRRIGATION ONLY)

NAME Pearl Creek Hutterian Brethren, Inc.

ADDRESS R R 2 Iroquois, South Dakota 57353

COUNTY Beadle

LEGAL DESCRIPTION

1. WELL LOCATION: Center of the N.W. 1/4-21-110-59  
2. LOCATION OF AREA TO BE IRRIGATED N.W. 1/4-21-110-59

TYPE OF IRRIGATION

3. GRAVITY \_\_\_\_\_ TOWLINE \_\_\_\_\_ CENTER PIVOT X GUN \_\_\_\_\_  
4. CROPS TO BE IRRIGATED corn, alfalfa, small grain

WATER QUALITY

5. SAMPLE NUMBER 76-283  
6. SALINITY (EC X 10<sup>6</sup>) 996 (med-high)  
7. SODIUM (SAR) 3.15 (low)  
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Beadle County Conservation District, County Extension Office or Soil Conservation Service.

and:

that the legal description for the location of the well and land to be irrigated is true and correct.

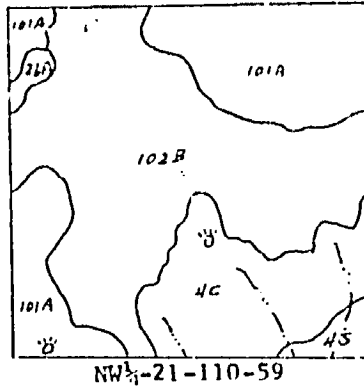
Pearl Creek Colony  
x Moses Waldner  
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS  
15 DAY OF March 19 76.

Paul Highland Kirby  
TITLE OR SEAL  
Com Expires 3-1-87  
(SOILS INFORMATION ON REVERSE SIDE)

Albert J. Haffel  
APPROVED BY \_\_\_\_\_

# SOIL MAP



## 4C Houdek-Ethan loams, 6 to 9 percent slopes

This unit consists of deep well drained loamy soils with calcareous substratums. Permeability is moderately slow. The subsoils contain 30-35% clay. Most of the slopes in these areas are less than 8 percent.

## 26A Dudley-Stickney silt loams, 0 to 3 percent slopes

This unit consists of moderately well drained soils with 4 to 10 inches of friable loamy surface over dense claypan subsoils. Very slow permeability and salts in the subsoil make these soils poorly suited for irrigation.

## 45 Lamo silt loam, 0 to 2 percent slopes

This unit consists of deep moderately well to somewhat poorly drained soils on nearly level floodplains. They have silt loam profiles which grade to silty clay loam or clay loam substrata at depths of 40 to 60 inches. Permeability is moderate. Slopes are plane. Surface runoff is slow.

## 101A Houdek-Prosper loams, 0 to 2 percent slopes

This unit consists of deep well and moderately well drained loamy soils with calcareous substratums. The subsoils contain 30-35% clay. Depth to the calcareous clay loam substratum ranges from 18 to 30 inches. Permeability is moderately slow. Included within these areas are small enclosed depressions and small areas of soil with claypan subsoils which contain salts. Drainage or fill of these included areas may become desirable to prevent ponding and excessive wetness.

## 102B Houdek-Prosper loams, 2 to 6 percent slopes

The Houdek and Prosper soils are described in the 101A mapping unit above. The unit differs primarily in the degree of slope.

Pearl Creek Hutherian Brethern

Soil Conservation Service  
Beadle County

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

Submitted by: Pearl Creek Lutheran Brethren Rec'd March 31, 1976  
Address: Iroquois, SD 57353 Sample No. 76-283  
cc: Huron Drilling, Inc. Identification # 2 Well-  
I.O. Box 1422 NE 1, Sec. 21, T. 110N, R. 59W  
Huron, SD 57350

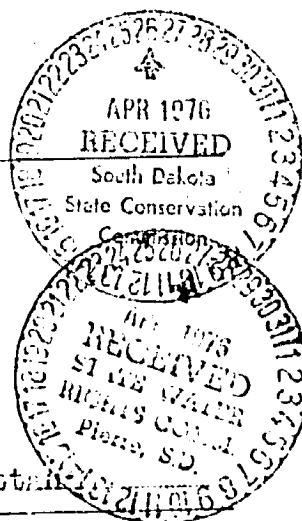
## **WATER ANALYSIS**

|                                       |       |                             |      |           |
|---------------------------------------|-------|-----------------------------|------|-----------|
| Calcium (Ca)                          | 89    | ppm                         | 4.45 | me/l**    |
| Magnesium (Mg)                        | 23    | ppm                         | 1.89 | me/l      |
| Sodium (Na)                           | 129   | ppm                         | 5.61 | me/l      |
| Potassium (K)                         | 9     | ppm                         | 0.23 | me/l      |
| Sulfate (SO <sub>4</sub> )            | 210   | ppm                         | 4.37 | me/l      |
| Nitrate (as N)                        |       | ppm                         |      | me/l      |
| Chloride (Cl)                         | 24    | ppm                         | 0.67 | me/l      |
| Bicarbonate (HCO <sub>3</sub> )       | 342   | ppm                         | 5.60 | me/l      |
| Carbonate (CO <sub>3</sub> )          |       | ppm                         |      | me/l      |
| Iron (Fe)                             |       | ppm                         |      | me/l      |
| Fluoride (F)                          |       | ppm                         |      | me/l      |
| Hardness (EDTA as CaCO <sub>3</sub> ) |       | ppm                         |      | g.p.g.*** |
| Alkalinity (Methyl Orange)            | 280   | ppm (as CaCO <sub>3</sub> ) |      |           |
| Alkalinity (Phenolphthalein)          | 0     | ppm (as CaCO <sub>3</sub> ) |      |           |
| Electrical Conductivity               | 996   | microhmhos per cm at 25° C. |      |           |
| Sodium Adsorption Ratio               | 2.15  |                             |      |           |
| Sodium                                | 46.05 | % of cations                |      |           |
| Residual sodium carbonate             | 0.00  | me/l                        |      |           |
| pH                                    | 7.85  |                             |      |           |
| Others:                               |       |                             |      |           |

\*ppm = parts per million  
\*\*me/l = milliequivalents per liter

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

COMMENTS: Total cations 12.18 me/l  
Total anions 10.64 me/l



By: Shirley Litten

| Service Performed   | Amount Due  |
|---------------------|-------------|
| Irrigation analysis | \$8.00 PAID |

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-283

Amount Enclosed \$

Signed

Permit No. 2727-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Pearl Creek Hutterian Brethern, Inc.

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 2727-3, issued upon Application No. 2727-3, bearing date of priority of April 29,  
1976 authorizing the diversion of 1.9 cu. ft. per second of the waters of \_\_\_\_\_  
ground water County of Beadle, State of South Dakota at \_\_\_\_\_  
a point 1305'S & 1320'E of the NW corner, Section 21, T110N  
R59W  
\_\_\_\_\_, for irrigati n

purposes, ~~has~~ complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.78 cu. ft. per second of water.

Date September 15, 1977

By:

~~WATER RIGHTS COMMISSION~~  
WATER RIGHTS COMMISSION  
*John Hatch*  
JOHN HATCH, Chief Engineer

## WATER LICENSE NO. . . 2727-3

(1) WHEREAS, On the 29th day of April A. D. 19 76

Pearl Creek Hutterian Brathern, Inc.

made Water Right Application No. 2727-3 for a permit to use 1.9 cubic feet per second of the waters of ground water

County of Beadle, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 20th day of May A. D. 19 76

Permit No. 2727-3, with a date of priority of April 29, 1976

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 20th day of May A. D. 19 81 and for the application to beneficial use of said water on or before the 20th day of May A. D. 19 83

and,

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating a 132 acre circle in the NW, Section 21, T110N, R59W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Pearl Creek Hutterian Brethern, Inc.

\_\_\_\_\_ of Iroquois

the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 2727-3 a water right, dating from April 29, 1976

\_\_\_\_\_ to use of 1.78 cubic feet per second of the waters

of ground water

in the County of Beadle and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at \_\_\_\_\_

a point 1305'S & 1320'E of the NW corner, Section 21, T11N,

R59W

and conduct to and upon a 132 acre circle in the NW 1/4, Section 21, T11N, R59W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2727-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 15th day of September A. D.

Nineteen Hundred and seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch  
Chief Engineer, Executive Officer JOHN HATCH

2727-3

Publish first publication, on or before May 10, 1976

NOTICE  
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 3, 1976

Notice is hereby given that Pearl Creek Hutterian Brethern, Inc.

whose post office address is Iroquois, 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

1.9 cubic feet of water per second of time from the ground water through the Pearl Creek Unit #2, the point of diversion of which is to be located in the

Center of the NW 1/4

of Section 21, Twp. 110N, Range 59W. Said water to be used for the purpose of providing irrigation on <sup>portions of</sup> the following described land:

NW 1/4, Section 21, T110N, R59W

This application No. 2727-3 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of May, 1976, at 1:00 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES  
Water Rights Specialist

BFJ/bw  
cc:

Pearl Creek Hutterian Brethern, Inc. R.R. 2, Iroquois, SD  
57353

Form 8 - Proof of Publication - Notice of  
Intent to Appropriate Water

No. 2727-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 ) ss.  
County Beadle )

I, Dorethy Murphy hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Huron Daily Plainsman

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 Huron

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

May 7, 1976

May 14, 1976

Dorethy Murphy  
(Signature)

Bookkeeper  
(Title)

May 14, 1976

(Date Signed)

F.P. 5776 L.P. 51476  
NOTICE INTENT TO  
APPROPRIATE WATER  
Pierre, South Dakota 57501  
May 3, 1976

Notice is hereby given that Pearl  
Creek Hutterian Brethren, Inc.  
whose post office address is  
Iroquois, 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 1.9 cubic feet of  
water per second of time from  
ground water through the Pearl  
Creek Unit No. 2, the point of  
diversion of which is to be located in  
the Center of the NW 1/4 of Section 21,  
Twp. 110N, Range 59W. Said water  
to be used for the purpose of  
providing irrigation on portions of  
the following described land: NW 1/4,  
Section 21, T110N, R59W.

This application No. 2727-3 will be  
considered by the Water Rights  
Commission at their office at Pierre  
upon the 20th day of May, 1976, at  
1:00 P.M. All interested persons  
may appear and be heard.  
WATER RIGHTS COMMISSION  
By: BURTON F. JONES  
Water Rights Specialist  
No. 217 (adv.)

Form 10.

No. ~~2722-3~~

2722-3

NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE  
DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT  
DIVISION OF WATER RIGHTS  
JOE FOSS BUILDING  
PIERRE, SOUTH DAKOTA 57501  
TO WATER RIGHTS COMMISSION  
State Office Building No. 2  
Pierre, South Dakota 57501

Post Office Pierre, S. Dak.

Date 6-19-76

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2722-3

Water Right Permit No. 2722-3 states that the diversion system is to be constructed by 3-16, 1976 and that the water is to be put to beneficial use by 5-3, 1976.

The diversion system was completed on 5-3, 1976. Applying the water to beneficial use was completed on 6-4, 1976.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Paul Walden  
(Signature)



Permit No. 2727-3Water Division 3 James River Water DistrictREPORT OF EXAMINATION OF WORKS  
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by pearl Creek Hutterite Brethren, Inc.of RR #2, Tregouis, S. Dak, 57353 holder  
of Permit No. 2727-3, bearing date of priority of April 29, 1976  
authorizing the diversion of 1.9 cu. ft. per second of the waters of Ground  
for Irrigation purposes, in Beadle County.

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

The Water Use System consists of,

A. Works used to divert the water: Pump: Layne Bowler - 800 gpm  
Motor: High Thrust, US Electrical, HP 60, RPM-1770.  
ID# R-6734-00-311B. Works used to transport water to place of use,  
8" dia Alum. 15ft longC. Works used to apply water to beneficial use.  
Lockwood Center Pivot, Model # 2286,  
Scr # 745676.The system is in the following condition: ExcellentThe point of diversion is located 1305 ft South and 1320 ft E of the NW Corner  
of Section 21, T110N R59WThe works are capable of diverting and conveying to the place of use 1.78  
cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 21, T110N R59W  
NW 1/4 NW 1/4 - 33 Ac, NE 1/4 NW 1/4 - 33 Ac, SW 1/4 NW 1/4 - 33 Ac, SE 1/4 NW 1/4 - 33 Accomprising a total of 132 acres of land.

Well Data:

Depth 86 ft.Depth to water 30 ft.Casing 16" diaTested 1000 gpmDate Sept. 30, 1976  
Leroy J. Mernagh  
(Signature)



# Department of Water & Natural Resources

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

March 23, 1987

PEARL CREEK HUTTERIAN, Paul Waldner  
RR 2  
IROQUOIS, SD 57353

## NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation  
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4114-3, 4115-3, 3606-3, 3607-3, 4356-3, 2727-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm. May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 4114-3, 4115-3, 3606-3, 3607-3, 4356-3, 2727-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

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

NOTE: If the questionnaires are received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

**SOUTH DAKOTA**  
**Department of**  
**Water & Natural Resources**

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

May 13, 1987

**NOTICE OF AMENDMENT TO WATER PERMIT(s)**

**TO:** Moses Waldner  
 PEARL CREEK HUTTERIAN BRETHERN  
 RR 2  
 IROQUOIS, SD 57353

**FROM:** John Hatch, Chief Engineer  
 Water Rights Division  
 605 773-3352

*John Hatch*

**SUBJECT:** Amendment to Water Permit No(s). 4115-3, 4114-3,  
 3607-3, 3606-3, 2727-3, and 4356-3

Pursuant to the provisions of the notice dated March 23, 1987,  
 and following the Hearing May 6, 1987, the Water Management Board  
 has amended Water Permit No(s). 4115-3, 4114-3, 3607-3, 3606-3,  
 2727-3, and 4356-3 to add the following qualification:

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

The addition of this qualification to your Permit means that  
 failure to submit the required irrigation questionnaire in the  
 future could result in SUSPENSION of the water permit and no use  
 of water for up to one year for the first violation. Please  
 include the enclosed attachment with your permit.

Attachment to Water Permit No. 2727-3

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 2727-3 to add the following qualification:

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>● <b>SENDER:</b> Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.</p> <p>Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.</p> <p>1. <input checked="" type="checkbox"/> Show to whom delivered, date, and addressee's address.      2. <input type="checkbox"/> Restricted Delivery.</p> |                                                                                                                                                                                                                                                            |
| <p>3. Article Addressed to:</p> <p>Moses Waldner</p> <p>2200 N. LINCOLN BLVD. SUITE 100</p> <p>CHICAGO, IL 60614</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>4. Article Number</p> <p>P576 309 731</p>                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>5. Type of Service:</p> <p><input checked="" type="checkbox"/> Registered      <input type="checkbox"/> Insured</p> <p><input checked="" type="checkbox"/> Certified      <input type="checkbox"/> COD</p> <p><input type="checkbox"/> Express Mail</p> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Always obtain signature of addressee or agent and <b>DATE DELIVERED</b>.</p>                                                                                                                                                                            |
| <p>5. Signature — Addressee</p> <p>X <i>Moses Waldner</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>8. Addressee's Address (ONLY if requested and fee paid)</p>                                                                                                                                                                                             |
| <p>6. Signature — Agent</p> <p>X <i>Miss Paul Waldner</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                            |
| <p>7. Date of Delivery</p> <p>5/15/87</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                            |

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
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January 18, 2008

**NOTICE**

TO: PEARL CREEK HUTTERIAN BRETHERN, CONRAD WALDNER, 21085 415TH AVE,  
IROQUOIS, SD 57353

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) 2727-3, 3606-3, 3607-3, 4114-3, 4115-3 & 4356-3. 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) 2727-3, 3606-3, 3607-3, 4114-3, 4115-3 & 4356-3 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) 2727-3, 3606-3, 3607-3, 4114-3, 4115-3 & 4356-3 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.

2727-3

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| SIGNATURE CONFIRMATION NUMBER:<br>2303 2160 0000 0802 3394                   |  | PEARL CREEK HUTTERIAN BRETHERN<br>CONRAD WALDNER<br>21085 415TH AVE<br>IROQUOIS SD 57353                                                                         |  |
| Waiver of Signature <input type="checkbox"/> YES <input type="checkbox"/> NO |  | POSTAL CUSTOMER:<br>Keep this receipt. For Inquiries:<br>Access internet web site at<br><a href="http://www.usps.com">www.usps.com</a><br>or call 1-800-222-1811 |  |
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**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 1, 2008

Conrad Waldner  
Pearl Creek Hutterian Brethern  
21085 415<sup>th</sup> Ave  
Iroquois SD 57353

RE: Water Right Nos. 2727-3, 3606-3, 3607-3, 4114-3, 4115-3 & 4356-3

Dear Mr. Waldner:

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. 2727-3, 3606-3, 3607-3, 4114-3, 4115-3 & 4356-3.

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