

Water Right Number 2934.3

1. Applicant 929 10 76

2. Name of Applicant WINEY CREST

3. Kind of Water Right PERMANENT

4. Amount of Water Allocated 1.9

5. Point of Water Supply BY WELL

6. Water to be used for IRRIGATION

7. Water to be returned None

8. Water to be returned and used for IRRIGATION County LOS ANGELES

9. Name of Applicant WINEY CREST State CALIFORNIA

10. Dated 9-22-76

11. By WINEY CREST

12. By WINEY CREST

13. By WINEY CREST

14. By WINEY CREST

15. By WINEY CREST

No. 2934-3
 Map No. 2266-3 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 Gary J. Gisi
 Postoffice address Ipawich, R.R. 2, Box 14, State South Dakota 57451
 If a corporation show date and place of incorporation _____

 2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor

 3. Name of diversion work Gary J. Gisi Unit # 2

4. Amount of water claimed (cubic feet per second) _____

 5. Source of water supply ground water

 6. Location of point of diversion A POINT IN THE SW 1/4, SECTION 12, T122N, R.68W

 County Edmunds

 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 320

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. 12-122-68	160		
S.E. 11-122-68	160		

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 American News - Aberdeen, 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 Edmunds

 I, Gary J. Gisi, 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 Gary J. Gisi

 Subscribed and sworn to before me this 5 day of July, 1976
James B. Gering
 Notary Public (or other qualified officer)

Commission Expires
11-6-1976

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2934-3

GARY J. GISI
(Applicant)

IPSWICH PR 2, Box 14
(Post Office Address)

SOUTH DAKOTA 57451
(State)

With the following modifications:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation 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 or in irrigation wells having prior water rights.

Date of first receipt of application JUNE 18, 19 76

Date of return to applicant for correction, amendments or changes required 11, 19 76

Date of receipt of corrected application JULY 1, 19 76

Approved SEPTEMBER 30, 19 76, Recorded in Book 16 Page 56

WATER RIGHT PERMIT NO. 2934-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2934-3 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 JUNE 18, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 30, 19 79
3. The whole of said work is to be completed on or before SEPTEMBER 30, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 30, 19 83
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 19 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 SEPTEMBER 30, 19 83; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 24th day of NOVEMBER, 19 76

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

PAISE NO.

S.E. 12-122-68 Edmunds Co. 4/2/76

LOCATION

DATE _____

RIG NO.

FOREMAN

[illegible]

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout. * Log will be furnished by driller.

(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.

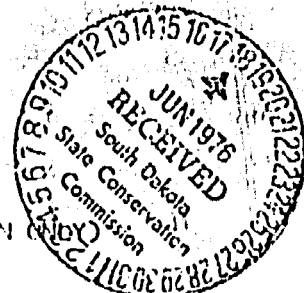
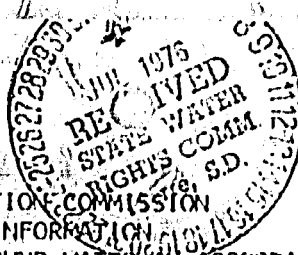
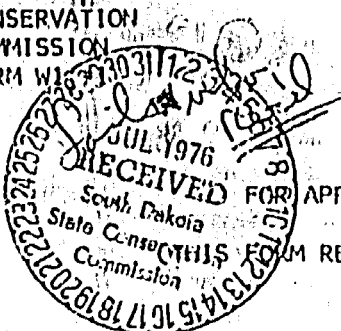
On same owner's property 130 rds. On property owned by others 160 rds.

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.

Harry J. Kase
Signature of Applicant

CONSERVATION
COMMISSION
FORM W-16



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

NAME Gary J. Gist

ADDRESS Ipswich, South Dakota 57451

COUNTY Edmunds

LEGAL DESCRIPTION

1. WELL LOCATION: S.W. of the S. E. Sec. 12-122-68
2. LOCATION OF AREA TO BE IRRIGATED N.W. 12-122-68 & S. E. 11-122-68

TYPE OF IRRIGATION

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

WATER QUALITY

5. SAMPLE NUMBER 76-1110
6. SALINITY (EC x 10⁶) 642 (medium)
7. SODIUM (SAR) 0.97 (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 Edmunds 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.

Gary J. Gist
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
5 DAY OF May 1976.

Edward A. Oakley
(TITLE OR SEAL)

Commissioner of Agriculture
W. 11146

Albert J. [Signature]
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

Form 6 - Notice of Intent to Appropriate Water

2934-3

Publish first publication, on or before September 16, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 10, 1976

Notice is hereby given that Gary Gisi
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
1.9 cubic feet of water per second of time from the ground water through the
Gisi #2, the point of diversion of which is to be located in the

SW $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 12, Twp. 122N, Range 68W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

SE $\frac{1}{4}$, Section 11 and NW $\frac{1}{4}$, Section 12, T122N, R68W

This application No. 2934-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 29th day of September, 1976, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

Gary Gisi, Ipswich, S.D.

57451

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

No. 2934-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brown) ss.

I, Dianne Brenden hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Aberdeen American News

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 Aberdeen of

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

September 15, 1976

September 22, 1976

Dianne Brenden
(Signature)

Principal Clerk
(Title)

September 22, 1976
(Date Signed)

(No. 713-Sep. 15-22-1976)
NOTICE OF INTENT TO APPROPRIATE WATER
Notice is hereby given that Gary Gist
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 1.9
cubic feet of water per second of time
from ground water through the Gist No. 1
2, the point of diversion of which is to be
located in the SW 1/4 SE 1/4 of Section 12,
Twp. 122N, Range 66W, said water to be
used for the purpose of providing
irrigation on portions of the following
described land: SE 1/4 Section 11 and
NW 1/4 Section 12, T122N, R66W, S46E.
This application No. 2934.3 will be
considered by the Water Rights Com-
mission at their office at Pierre upon the
29th day of September, 1976, at 10:00
A.M. All interested persons may appear
and be heard.
WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist





Department of Water & Natural Resources

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

January 29, 1988

GARY J GISI
RR #1 BOX 145
IPSWICH, SD 57451

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2934-3, 2768-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 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 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

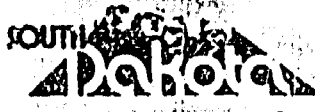
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2934-3, 2768-3 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 questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

February 5, 1988

2768-3
2934-3

Gary J. Gisi
RR 1, Box 145
Ipswich SD 57451

Dear Mr. Gisi:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 2768-3 & 2934-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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



Department of Water & Natural Resources

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

March 5, 1991

2768-3
2934-3

Craig Carson
Real Estate Appraiser
Farm Credit Services
PO Box 1987
Aberdeen, SD 57401-1987

Dear Mr. Carson:

Enclosed, as you requested, are copies of Water Permit Nos. 2768-3 and 2934-3. These permits are currently listed in the name of Gary Gisi, Ipswich, SD. We have not yet conducted an inspection of the irrigation systems which may have been constructed under these permits. Therefore, we are not aware of the extent of development.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



GARY J GISI
RR #1 BOX 145
IPSWICH SD 57451

2934-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 2768-3 & 2934-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2768-3 & 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 before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 1992

2934-3
2768-3

Diane Schurr
Box 105
Roscoe, SD 57471

Dear Ms. Schurr:

I am writing to acknowledge receipt of the 1991 irrigation questionnaires for Water Permit Nos. 2768-3 and 2934-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire (originally sent to Gary Gisi). The questionnaires were received prior to the Water Management Board meeting and are no longer listed on the agenda.

A transfer of ownership had been filed early in 1991 for a portion of the land described in these permits. The transfer was never completed since ownership of the remaining portion has not been determined.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

cc: Gary J Gisi, RR #1 Box 145, Ipswich, SD 57451



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 1992

2768-3
2934-3

Diane Schurr
Box 105
Roscoe, SD 57471

Dear Ms. Schurr:

Enclosed are two partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change on Water Permit Nos. 2768-3 and 2934-3. We discussed earlier about the one transfer being filed in April of 1991 for a portion of the land. You indicated all the land under both permits should be transferred.

Please check over the forms for accuracy and have them signed in the presence of a notary by the new owner. A \$2.50 filing fee is required for each transfer. We already have a filing fee for No. 2768-3, so you will only need to submit \$2.50 for transferring Permit No. 2934-3.

Upon completion of the transfer forms, please return them to our office along with \$2.50. The transfers will be processed as soon as they are received in our office.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 1992

2768-3
2934-3

Arnold Schurr
HCR 2 Box 71
Roscoe, SD 57471

Dear Mr. Schurr:

I am writing to acknowledge receipt of the two "Notice of Transfer of Ownership" forms you submitted for use in filing an ownership change with Water Permit Nos. 2768-3 and 2934-3.

The transfer of Water Permit No. 2768-3 has been processed and all records pertaining to No. 2768-3 are now listed under your name. I am enclosing the receipt for filing fees for No. 2768-3, paid by Siegel, Barnett & Schutz.

A filing fee of \$2.50 was not received with the transfer form submitted for No. 2934-3. The water permit can not be completed with the required filing fee.

Upon receipt of the \$2.50 filing fee from you, the transfer of ownership for Water Permit No. 2934-3 will be processed. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

cc: Diane Schurr, Box 105, Roscoe, SD 57471

REDUCTION RATIO

ROLL NUMBER

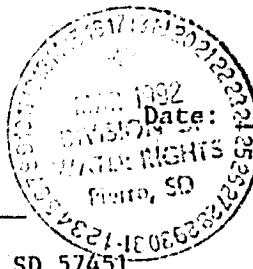
DATE MICROFILMED

UNIVERSITY OF MICHIGAN LIBRARY

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2934-3



Date: 3-12-92

I\We request that Water Permit No. 2934-3

formerly owned by: Gary J Gisi, Ipswich, SD 57451

be transferred to: (name & address) Arnold Schurr HCR 3 Box 71

Roscoe SD 57471 (Telephone No.) 605-287-4384

Title to the following described land(s)/property has been transferred as described above:

NE 1/4 Section 12, SE 1/4 Section 11, T122N, R68W

I\We understand that the validity of Water Permit No. 2934-3 has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Edmunds)

I\We Arnold Schurr being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Arnold Schurr
(Signed)

Subscribed and sworn to before me this 12th day of March, 1992.

Diane Schurr
(Notary Public)
11/17/97

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 27, 1982

RECEIVED OF Arnold or Jeanne Schurr, HCR 2, Box 71, Coscon, SD 57471

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. _____		
Fee for Filing Transfer Form <u>Water Permit No. 2034-3</u>		2 50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By [Signature]
Chief Engineer



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

March 27, 1992

No. 2934-3

Arnold Schurr
HCR 2, Box 71
Roscoe, SD 57471

Dear Mr. Schurr:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 2934-3.

Our records now show you as the owner of Water Permit No. 2934-3.

Sincerely,

Cheryl F. Frost
Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

2934-3



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

March 17, 1993

Pembrook Hutterian Inc.
RR #1 Box 30
Ipswich, SD 57451

Attention: Secretary/Treasurer

Dear Sir:

I am contacting you in regard to the "Notice of Transfer of Ownership" you submitted for Water Permit No. 2934-3. The form was completed properly, however, can not be filed for record without a \$2.50 filing fee as required by SDCL 46-2-13.

Please remit the filing fee as soon as possible. Upon receipt of the fee, Water Permit No. 2934-3 will be transferred from Arnold Schurr to Pembrook Hutterian Inc.

If you have any questions, please contact me.

Sincerely,

Genry McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

NOTICE OF TRANSFER OF OWNERSHIP

No. 2934-3

To: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: March 15, 1993

I/We request that Water Permit/Right No. 2934-3

formerly owned by: Arnold Schurr

be transferred to: (name & address) Pembroke Hutterian Inc.

RR 1 Box 30 Ipswich SD 57451 (telephone No.) 605-426 6518

Title to the following described land(s)/property has been transferred as described above:

Section 15-132-12

I/We understand that the validity of Water Permit/Right No. 2934-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

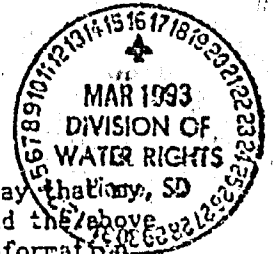
You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Lincoln)

I/We Pembroke Hutterian Inc. being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.



Pembroke Hutterian Inc.
Sec. 1 Treasurer
(Signed)

Subscribed and sworn to before me this 15th day of March, 1993.

[Signature]
(Notary Public)
Lincoln County Register of Deeds

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

Division of Water Rights

Pierre, March 27, 1993

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

By [Signature]
Chief Engineer



2934-3

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

March 24, 1993

No. 2934-3

Pembroke Hutterian, Inc.
ATTN: SECRETARY/TREASURER
RR 1, Box 30
Ipswich, SD 57451

Dear Sir:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 2934-3.

Our records now show you as the owner of Water Permit No. 2934-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



2934-3

**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

2934-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2934-3

(1) Gary J. Gisi, Ipswich SD made Application No. 2934-3, June 18, 1976 for a water permit to divert 1.9 cubic feet of water per second from groundwater (one well), Edmunds County, South Dakota for irrigation purposes. Permit No. 2934-3, with a priority date of June 18, 1976 was approved September 30, 1976 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 30, 1981 and for the application to beneficial use of said water on or before September 30, 1983.

Water Permit No. 2934-3 was transferred on March 16, 1993 to Pembroke Hutterian, Inc.

Water Permit No. 2768-3 authorizes the irrigation of 132 acres located in the SW 1/4 Section 12 and retains a priority date of June 4, 1976. Water Permit No. 2934-3 authorizes the irrigation of 132 acres located in the SE 1/4 Section 11 and retains a priority date of June 18, 1976. The applicable portions of Water Permit No. 2768-3 have been incorporated into this Water License No. 2934-3.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion points are: Well No. 1 - 500 feet north and 1,550 feet west and Well No. 2 - 900 feet north and 1,700 feet west; both from the southeast corner of Section 12-T122N-R68W (SW 1/4 SE 1/4). Well #2 is the primary source of water with Well #1 maintained as a standby.

(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 land: all in T122N-R68W

Section 11	NW 1/4 SE 1/4	33 acres	Section 12	NW 1/4 SW 1/4	33 acres
	NE 1/4 SE 1/4	33 acres		NE 1/4 SW 1/4	33 acres
	SE 1/4 SE 1/4	33 acres		SE 1/4 SW 1/4	33 acres
	SW 1/4 SE 1/4	33 acres		SW 1/4 SW 1/4	33 acres
Total					264 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Pembroke Hutterian, Inc., RR 1, Box 30, Ipswich SD 57451 the holder and/or owner of Incorporated Water Permit No. 2934-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (two wells) with priority dates of June 4, 1976 and June 18, 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 Incorporated Water Permit No. 2934-3 and subject to South Dakota State Law.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 2 1996
date

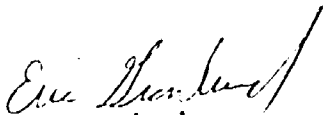


REPORT ON WATER PERMIT NO. 2768-3
PEMBROOK COLONY
December 14, 1995

Water Permit No. 2768-3 appropriates 2.0 cubic feet of water per second (cfs) from up to three wells to irrigate 160 acres. Readvertisement of the notice of hearing published June 23 and 30, 1976 is necessary to correct the legal description of the irrigated acreage and the diversion point prior to issuance of the water license. The location of the diversion point was incorrectly advertised as being located in Section 12-T111N-R68W. The correct location of the diversion point is the SW 1/4 SE 1/4 Section 12-T122N-R68W. An inspection of Water Permit Nos 2768-3 and 2934-3 found two wells developed in the SW 1/4 SE 1/4 Section 12 irrigating 264 acres located in the SE 1/4 Section 11 and the SW 1/4 Section 12; all in T122N-R68W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Conclusions

1. This is a readvertisement of Notice of Hearing for Water Permit No. 2768-3.
2. This readvertisement is necessary to correct the legal description of the diversion point prior to issuance of the water license. The correct location was identified on the permit application.
3. The correct location of the diversion point is the SW 1/4 SE 1/4 Section 12-T122N-R68W.


Eric Gronlund
Natural Resources Engineer


Ron Duvall
Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED
WATER PERMIT APPLICATION NO. 2768-3, Pembroke Colony**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 2768-3, Pembroke Colony, RR 1, Box 30, Ipswich, SD 57451.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 2768-3 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 qualifications:

The irrigation wells approved under this Permit will be located near domestic wells and other irrigation 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 or in irrigation wells having prior water rights.

See report on application for additional information.

A handwritten signature in dark ink, appearing to read 'John Hatch', is written above the printed name.

JOHN HATCH, Chief Engineer
January 18, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 1996

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

Dear Mr. Decker:

The original notice of hearing for Water Permit No. 2768-3 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 # (605) 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 Water Rights Program. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



January 23, 1996

Ipswich Tribune
Box 7
Ipswich, SD 57451-0007

Attn: Legal Department

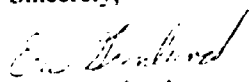
Enclosed is a Readvertisement of Notice of Hearing on Permit No. 2768-3 to be published twice. Please publish the first notice on January 31, 1996 with the second publication 7 days later.

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

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

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

No. _____

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

Readvertisement of NOTICE OF APPLICATION NO 2768-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 2768-3 held by Pembroke Colony, RR 1, Box 30, Ipswich, SD 57451. The water permit was originally applied for: June 4, 1976. Water Permit No. 2768-3 appropriates 2.0 cubic feet of water per second (cfs) from up to three wells to irrigate 160 acres. Readvertisement of the notice of hearing published June 23 and 30, 1976, is necessary to correct the legal description of the diversion point. The location of the diversion point was incorrectly advertised as being located in Section 12-T111N-R68W. The correct location of the diversion point is the SW 1/4 SE 1/4 Section 12-T122N-R68W. An inspection of Water Permit Nos. 2768-3 and 2934-3 found two wells developed in the SW 1/4 SE 1/4 Section 12 irrigating 264 acres located in the SE 1/4 Section 11 and the SW 1/4 Section 12; all in T122N-R68W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application No. 2768-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 February 20, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PUBLIC NOTICE

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Edmunds) SS

I, _____

certify that the attached printed Notice was
taken from the Ipswich Tribune

printed and published in Ipswich, I.D.

County of Edmunds and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

1/31/96

2/7/96

Cost of Printing: \$ 42.16

Guth Habson
(Signature)

Bookkeeper
(Title)

2-7-96
(Date Signed)



Readvertisement of NOTICE OF APPLICATION NO. 2768-3

to Appropriate Water

Notice is given of readvertisement of Water Permit No. 2768-3 held by Pembroke Colony, RR 1, Box 30, Ipswich, SD 57451. The water permit was originally applied for June 4, 1976. Water Permit No. 2768-3 appropriates 2.0 cubic feet of water per second (cfs) from up to three wells to irrigate 160 acres. Readvertisement of the notice of hearing published June 23 and 30, 1976, is necessary to correct the legal description of the diversion point. The location of the diversion point was incorrectly advertised as being located in Section 12-T111N-R68W. The correct location of the diversion point is the SW 1/4 SE 1/4 Section 12-T122N-R68W. An inspection of Water Permit Nos. 2768-3 and 2934-3 found two wells developed in the SW 1/4 SE 1/4 Section 12 irrigating 264 acres located in the SE 1/4 Section 11 and the SW 1/4 Section 12; all in T122N-R68W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application No. 2768-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 February 20, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

(Publish T 1-31; 2-6)

PAYMENT REQUEST FORM

PAYEE: Ipswich Tribune
Box 7
Ipswich, SD 57451-0007

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Publication of Readvertisement of Notice of
Application No. 2768-3 to Appropriate Water.

AMOUNT: \$42.16

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: John H. Hatt 2-13-77

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Permit No. 2934-3 & 2768-3
JAMES River - Water District

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

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, 7/19/93, made a thorough examination of the water use system constructed by PEMBROOK COLONY of RR 1 BOX 30, IPSWICH SD holder of Permit No. 2768-3, bearing the priority of JUNE 4, 1976 authorizing the diversion of 2.00 cu. ft. per second and Permit No. 2934-3, bearing the priority of JUNE 18, 1976 authorizing the diversion of 1.9 cu. ft. per second and of the waters of GROUNDWATER 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:

TWO PUMPS WITH AN 800 GPM CAPACITY

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

5500 FEET OF 8 INCH PVC

C. Works used to apply water to beneficial use:

TWO VALLEY LOW PRESSURE CENTER PIVOTS

The system is in the following condition GOOD. The point of diversion is located FROM THE SE CORNER OF SECTION 12 T122N-R68W; WELL NO 1 - 500 FEET NORTH AND 1550 FEET WEST. WELL NO 2 - 900 FEET NORTH AND 1700 FEET WEST. The 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 IRRIGATION. Water has been put to beneficial use to the maximum extent as follows:

ALL LAND LOCATED IN T122N-R68W;

SECTION 11:

NW1/4 SE1/4 - 33 ac NE1/4 SE1/4 - 33 ac SE1/4 SE1/4 - 33 ac SW1/4 SE1/4 - 33 ac

SECTION 12:

NW1/4 SW1/4 - 33 ac NE1/4 SW1/4 - 33 ac SE1/4 SW1/4 - 33 ac SW1/4 SW1/4 - 33 ac

comprising a total of 264^{acres} of land and the license should be issued for 1.78.

Applicable permit qualifications have been complied with: YES

Exceptions to compliance are: NONE

Mark D. Rath

Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Program

10/5/95

Date

REPORT ON INSPECTION OF PERMIT NO. 2934-3

DATE OF INSPECTION: 7/19/95

Other permit(s) associated with the project: 2768-3

**DIVERSION POINT LEGAL LOCATION: FROM THE SE CORNER OF SECTION 12 T122N-R68W:
WELL NO 1 - 500 FEET NORTH AND 1550 FEET WEST. WELL NO 2 - 900 FEET NORTH AND
1700 FEET WEST.**

WELL INFORMATION:

- 1) Well Drilling Firm: HURON DRILLING
- 2) No. of Wells 2
- 3) Depth(s) 37 feet
- 4) Well log is available YES

**COMMENT: THE PEMBROOK COLONY IS THE THIRD LAND OWNER SINCE THE PERMITS
HAVE BEEN ISSUED. THEY PRIMARILY USE WELL NO. 2 AS THE SOURCE OF THE WATER
SUPPLY FOR THE TWO CENTER PIVOTS, BUT MAINTAIN WELL NO. 1 ON STANDBY. THE
PERMIT HOLDERS DID NOT KNOW THE SPECIFICS INFORMATION ABOUT PUMP NO.1 AT THE
TIME OF THE INSPECTION.**

Casing: WELL NO 1

- 1) Diameter 16 inches
- 2) Length 12 feet
- 3) Type PVC

Screen:

- 1) Type SLOTTED PLASTIC
- 2) Length 25 feet
- 3) Static water level ? feet

Pump:

- 1) Make UNKNOWN SUBMERSIBLE
- 2) Model ?
- 3) Size ?
- 4) Capacity 400 GPM

Motor:

- 1) Make UNKNOWN
- 2) Model No. 2
- 3) Horsepower rating 2 hp

Casing: WELL NO 2

- 1) Diameter 16 inches
- 2) Length 12 feet
- 3) Type PVC

Screen:

- 1) Type SLOTTED PLASTIC
- 2) Length 25 feet
- 3) Static water level 2 feet

Pump:

- 1) Make AURORA
- 2) Model VERTILINE
- 3) Size 12 inch
- 4) Capacity 800 GPM

Motor:

- 1) Make US ELECTRICAL
- 2) Model No. 364TI?
- 3) Horsepower rating 60 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 5500 feet

SYSTEM TYPE:

Center pivot: **EAST PIVOT**

- 1) Make VALLEY
- 2) Overall length 1310 feet

- 3) Number of towers 7
- 4) End gun NO
- 5) High or low pressure LOW
- 6) Capacity 400 GPM

Center pivot: WEST PIVOT

- 1) Make VALLEY
- 2) Overall length 1310 feet
- 3) Number of towers 7
- 4) End gun NO
- 5) High or low pressure LOW
- 6) Capacity 400 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate NO

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y



February 22, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Permit No. 2934-3

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

Dear Sirs

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2768-3 and 2934-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2768-3 will be incorporated into 2934-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

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

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

2934-3

Henry Decker
Pembroke Hutterian, Inc.
RR 1, Box 30
Ipswich, SD 57451

Dear Mr. Decker:

Enclosed is Water License No. 2934-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414866 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2934-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is 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 Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of Water Permit No. 2768-3 have been incorporated into this Water License No. 2934-3.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

2934-3
414866

Pierre, _____ March 21, 19 96

RECEIVED OF Pembrock 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>2934-3</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 Hatcher*
Chief Engineer



2934-3
**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.



2934-3

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

2934-3

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

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

1-20-01

C. Signature

X *Henry Decker*☐ 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.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 3123

PS Form 3811, July 1999

Domestic Return Receipt

102595 00-M-0952

2934-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 575-1-3132
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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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



2934-3
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.

2934-3

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) Henry Decker B. Date of Delivery 1-17-2002

C. Signature X Henry Decker ☐ Agent ☒ Addressee

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2.
7001 2510 0004 4797 4869



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



2934-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE 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.



2934-3
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 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



**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.



2934-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8824

Your item was delivered at 9:41 am on January 15, 2004 in IPSWICH, SD 57451. The item was signed for by K HOFER.

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 8824

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

Waiver of Signature ☐ YES ☐ NO

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DEPARTMENT of ENVIRONMENT
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PMB 2020
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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

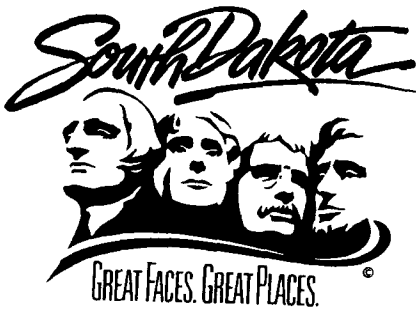
On March 3, 2004, the Water Management Board amended Water Right Nos. 2521-3 and 2934-3 to add the following qualification:

"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.





2934-3

**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.



2934-3

**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

NOT TO SCALE

305.1
T1051120.6
125R
F-18
T10460
10754⑧ W
NHLE

27.6

T10755

124.0

33ac

33ac

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⑦A W
NHLE

122-68

⑦ W
NHLE

2 of 2

0934-3

Mark D Rath
 Natural Resources Engineer
 Division of Water Rights
 Date 8/8/95

2768-3 2934-3

Paul Davis

Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 8/8/95

122-68

11.5 T9967

126 R
F-19

26.5

24.0

12

T1072B

64.6

1990 Trees

1700'

1550'

192

2934-3

HURON DRILLING INC.
WELL LOCATION MAP

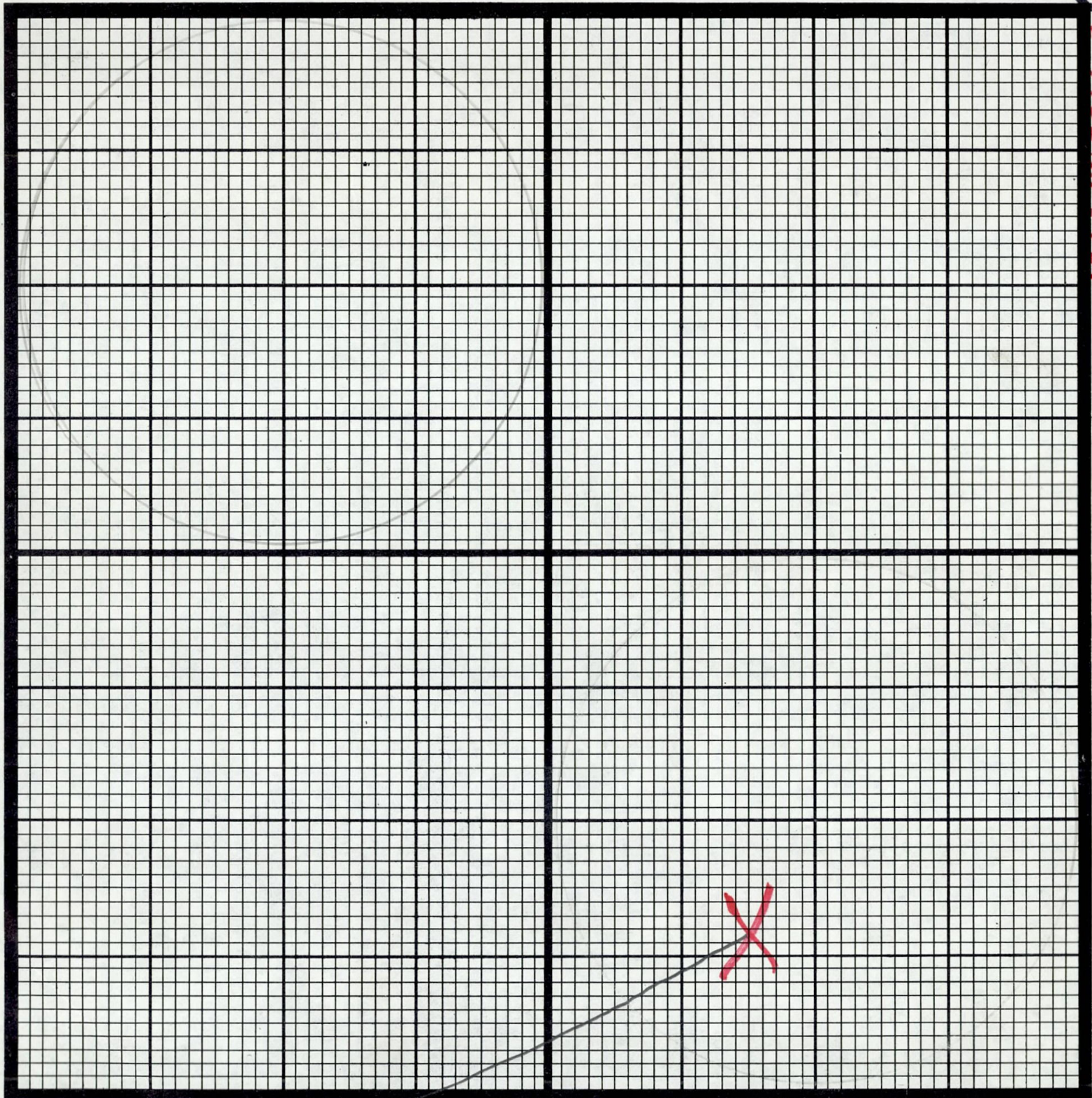
NAME Gary J. Gisi

DATE May 5, 19 76

WELL NO. 1

S.E. QUARTER, SECTION 12

TWP. 122 RANGE 68 IN Edmunds COUNTY



SE⁴, SEC 11 TO BE IRRIGATED
X — PROPOSED LOCATION

Prepared By Dick Fadgen
Dick Fadgen
Beadle County Extension Agent

MAP NO 2266-3 (APR 1976 2934-3)



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 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.

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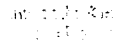
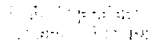
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FOIA



U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 3400

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

Waiver of Signature ☐ YES ☐ NO

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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 26, 2008

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 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,

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

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/asp>

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 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,

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



2934-3

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
Pembroke 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,

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

c: Gregg Magera, Attorney at Law



2934-3

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, 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.



**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
Pembroke 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



2934-3
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.

2934-3



**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



2934-3
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.

2934-3



**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
Pembrook 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,

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



2934-3
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 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

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,

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

c: Gregg Magera, Attorney at Law



2934-3
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,

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, PO Box 490, Aberdeen SD 57402-0490



2934-3
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.



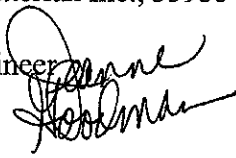
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.dnr.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, Pembroke 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 IA 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

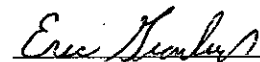
Both Suspend and Amendments

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

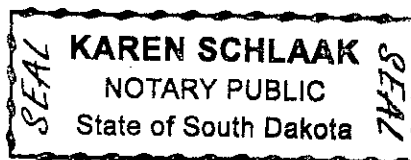
Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766


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



2934-3



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,

Genny McMath
Water Rights Program
605 773-3352