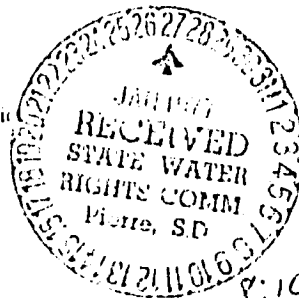


Water Right Number 3607-3

1. Considered 3-23, 19 77
2. Name of Applicant PEARL CREEK COLONY
3. Post Office Address ILLINOIS
4. Amount of Water claimed 2.0
5. Source of Water supply 78' WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in BEADLE County
about 5 1/2 E 45 miles of CANOUR
8. Proof of Publication Received JE 3-22-77
Not Received _____
9. Application 3 Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

Map No. 28843 Water Division No. 3 JAMES RIVER District 1
 (Blanks to be Filled by the Engineer for the W. H. C.)


APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Pearl Creek Lutheran Brothers Inc.
 Post-office address R.R. 2, Iroquois, State South Dakota 57353
 If a corporation show date and place of incorporation March 1, 1950, Iroquois, So. Dak.
 Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
 3. Name of diversion work Pearl Creek Colony - Unit # 5
 4. Amount of water claimed (cubic feet per second) 2.0
 5. Source of water supply Ground Water
 6. Location of point of diversion SECTION 16, T10N, R59W
Center SW 1/4

- County Beadle
 7. Annual period or periods during which water is to be used March - November
 8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use: Total number of acres to be irrigated 160

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.
SW 1/4 of 16-110-59	160		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
 11. Choice of newspaper for Notice of Intent to Appropriately Water, publication Daily Plainsman, Huron, SD 57350
 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 Beadle)I, Paul Waldner 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 Paul WaldnerSubscribed and sworn to before me this 21 day of January 1977

Notary Public (or other qualified officer)

 MY COMMISSION
 EXPIRES NOV. 6, 1984

WATER RIGHT APPLICATION APPROVAL 3607-3The Water Rights Commission hereby approves Water Right Application No. 3607-3PEARL CREEK LUTHERIAN BRETHREN, INC. R.R.#2 JEROME, SD
(Applicant) (Post Office Address)SOUTH DAKOTA 57353
(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 adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application JANUARY 27, 19 77
Date of return to applicant for correction, amendments or changes required —, 19 —
Date of receipt of corrected application FEBRUARY 18, 19 77
Approved MARCH 23, 19 77, Recorded in Book 17 Page 341

WATER RIGHT PERMIT NO. 3607-3The Water Rights Commission hereby grants and issues this Water Right Permit No. 3607-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JANUARY 27, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 23, 19 78
3. The whole of said work is to be completed on or before MARCH 23, 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 23, 19 82
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 2.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 23, 19 82; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 19TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John K. Ketchum
Chief Engineer, Executive OfficerCertificate of Construction Issued APRIL 5, 19 79Water License Issued APRIL 5, 19 79

PAGE NO.

19	Steve Kuehl
RIG NO.	FOREMAN

[illegible]

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 provided 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 160 rds. On property owned by others 1120 rds.

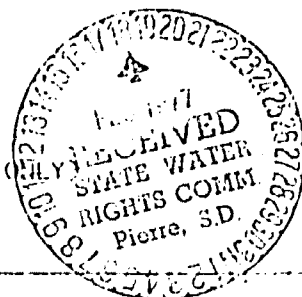
G. Water Storage Dams.

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.

Paul Walder
Signature of Applicant

STATE CONSERVATION
COMMISSION
FORM W1 #1

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



NAME Pearl Creek Hutterian Brothran Inc. - Unit # 5

ADDRESS R.R. # 2, Iroquois, South Dakota 57353

COUNTY Beadle

LEGAL DESCRIPTION

1. WELL LOCATION Center of SW 1/4 of 16-110-59

2. LOCATION OF AREA TO BE IRRIGATED SW 1/4 of 16-110-59

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____

4. CROPS TO BE IRRIGATED Corn, Alfalfa, Small Grain

WATER QUALITY

5. SAMPLE NUMBER 77-162

6. SALINITY (EC X 10⁶) 64.5 (medium)

7. SODIUM (SAR) 1.03 (low)

8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and; the soils information has been acquired from Beadle 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.

Paul Walther
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
27 DAY OF January 19 22.

[Signature]
(TITLE OR SEAL)

[Signature]
APPROVED/DATE

MY COMMISSION
EXPIRES NOV. 1, 2021

(SOILS INFORMATION ON REVERSE SIDE)

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

Submitted by: Pearl Creek Colony
 Address: Rt. 2
Iroquois, SD 57353
 cc: Huron Drilling, Inc.
Huron, SD 57350

Date Rec'd: January 31, 1977
 Sample No.: 77-162
 Identification: 15 Well-80
S&B, Box 16, T. 110N, R. 59W

WATER ANALYSIS

Calcium (Ca)	89	ppm*	4.45	me/l**
Magnesium (Mg)	19	ppm	1.56	me/l
Sodium (Na)	41	ppm	1.78	me/l
Potassium (K)	9	ppm	0.23	me/l
Sulfate (SO ₄)	108	ppm	2.25	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.12	me/l
Bicarbonate (HCO ₃)	317	ppm	5.20	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g-p.g.***
Alkalinity (Methyl Orange)	260	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	645	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.03			
Sodium	22.19	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.73			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 8.02 me/l
 Total anions 7.57 me/l

By: Shirley Kitten

Service Performed	Amount Due
Irrigation analysis	\$15.00
	- 8.00 paid
	\$ 7.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-162

Amount Enclosed \$

Signed

February 3, 1977

Pearl Creek Rutterian Brethern, Inc.
R.R. #2
Iroquois SD 57353

Dear Sir:

Your water sample (Lab. No. 77-162) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The VI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ekb
Enclosures

cc: State Conservation Commission

P.S. This letter pertains to the SW 1/4 of sec. 16-110-59.

The Budley-Stichney soils through the center of this quarter and along the north side are suitable only for hay crops such as alfalfa grass.

Inasmuch as this is 1/3 of the total land area, it is best if this quarter is permanently in hay and small grains, mostly because of claypan and salt problems.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3607-3

(1) WHEREAS, On the 27th day of January A. D. 19 77

Pearl Creek Hutterian Brethern, Inc.

made Water Right Application No. 3607-3 for a permit to use 2.0 cubic feet per second of the waters of ground water

County of Beadle State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 19th day of April A. D. 19 77

Permit No. 3607-3 with a date of priority of January 27, 1977

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 23rd day of March A. D. 19 79 and for the application to beneficial use of said water on or before the 23rd day of March A. D. 19 82

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.88 cubic feet per second of water for beneficial use and,

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

for irrigating a 132 acre circle in the SW $\frac{1}{4}$, Section 16, T110N, R59W

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

_____ of Iroquois
the holder _____ and owner _____ of said permit No. 3607-3 a water right, dating from January 27, 1977
_____ to use of 1.88 cubic feet per second of the waters
of ground water

in the County of Beadle and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1340'N and 1300'E of the SW Corner,
Section 16, T110N, R59W

and conduct to and upon a 132 acre circle in the SW 1/4, Section 16, T110N, R59W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3607-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of April A. D.
Nineteen Hundred and Seventy-nine

WATER RIGHTS COMMISSION

By:


Chief Engineer, Executive Officer

JOHN HATCH

Form 15.

Permit No. 3607-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

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

_____ the holder _____ of
Permit No. 3607-3, issued upon Application No. 3607-3, bearing date of priority of _____
January 27, 1977 authorizing the diversion of 2.0 cu. ft. per second of the waters of _____
ground water _____ County of Beadle _____, State of South Dakota at _____
a point 1340'N and 1300'E of the SW Corner, Section 16, T110N, R59W

_____ for Irrigation

_____ has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water.

Date April 5, 1979

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Commission

Form 6 - Notice of Intent to Appropriate Water

No. 3607-3

Publish first publication, on or before March 1, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 1, 1977

Notice is hereby given that Pearl Creek Waterman Brothers, Inc.
whose post office address is Troquais, 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

2.0 cubic feet of water per second of time from the ground surface through
Pearl Creek Colony-Unit # 5, the point of diversion of which is to be located in the

center of SW 1/4

of Section 16, Twp. 110N, Range 59W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

SW 1/4, Section 16, T110N, R59W

This application No. 3607-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 23rd day of March, 1977, 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:

Pearl Creek Colony, R. R. #2, Troquais, SD 57353

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

No. 3607-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

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

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

city _____ of Huron

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

3-8-77

3-15-77

Brenda Haskett
(Signature)

Bookkeeper
(Title)

3-15-77

(Date Signed)

F.P. 3-8-77 L.P. 3-15-76

NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57401
March 1, 1977

Notice is given that Pearl Creek
Hutterian Brethren, Inc. whose
post office address is Iroquois,
South Dakota, has made an ap-
plication in accordance with the
provisions of the water laws of
South Dakota for a permit to ap-
propriate for beneficial use 2.0
cubic feet of water per second of
time from ground water through
the Pearl Creek Colony Unit No. 5
the point of diversion of which is to
be located in the center of SW $\frac{1}{4}$ of
section 16, Twp. 110N, Range 59W.
Said water to be used for the
purpose of providing irrigation on
portions of the following described
land:

SW $\frac{1}{4}$, Section 16, T110N, R59W.
This application No. 3607-3 will
be considered by the Water Rights
Commission at their office at
Pierre upon the 23rd day of March,
1977, at 10:00 A.M. All interested
persons may appear and be heard.
WATER RIGHTS COMMISSION
BURTON F. JONES
Water Rights Specialist
No. 181 (adv.)



Ref. on 363-3

7607-3 Pearl River Colony

11-2-78 Well Depth - 80 ft - Touch 20 ft

Pumping 700 gpm. operates on 100

Motor D.C. 60 HP. 1765 RPM

Model 5 K 6254 x N 301A

ser # CNJ 309394

Byron Jackson

ser # 7111 7323.

CP Leeward Model 2200

ser # 340977

Cover 132 Acres

Permit No. 3607-3Water Division 3 James River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Pearl Creek Hutterian Brethren, Inc of RR #2, Tregua's, South Dakota 57357 holder of Permit No. 3607-3, bearing date of priority of January 27, 1977 authorizing the diversion of 2.0 cu. ft. per second of the waters of One Well for Irrigation purposes, in Beadle County.

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

The Water Use System consists of,

A. Works used to divert the water;

Motor, GE Model 5K 5254 XN 501A; Ser # CNJ309394
60 HP - 1765 RPM
Pump, Byron Jackson. Ser # 771H 7323
Pumping 900 gpm.

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

20 ft 8" dia. Aluminum Pipe

C. Works used to apply water to beneficial use.

Lockwood Center Pivot, Model 2200, Ser # 340977The system is in the following condition: GoodThe point of diversion is located 1340' N and 1300 ft E of the SW corner of Section 16, T110N R 59WThe works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows:

All in Section 16, T110N R 59W. NW 1/4 SW 1/4 - 33 Ac
NE 1/4 SW 1/4 - 33 Ac, SW 1/4 SW 1/4 - 33 Ac, SE 1/4 SW 1/4 - 33 Ac

comprising a total of 132 acres of land.Well depth - 80 ftStatic - 30 ftPumping - 900 gpmCapacity over 900 gpm

Date January 25, 1979
L. Roy Giffenough
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

No 4 6826

State of South Dakota

PIERRE, March 5, 1979

RECEIVED OF Peopl Crddk Hutterian Brothers, Inc. Leadville, SD
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. <u>3607-2</u>	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. <u>3607-2</u>		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By J. H. Hatch
Chief Engineer, Executive Officer
JOHN HATCH gy 2/1



Department of Water & Natural Resources

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

March 23, 1987

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

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

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

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

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

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

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

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

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



Department of Water & Natural Resources

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

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: Moses Waldner
PEARL CREEK HUTTHERIAN BRETHREN
RR 2
THROQUOIS, SD 57352

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

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

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

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

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

Attachment to Water Permit No. 3607-3

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 3607-3 to add the following qualification:

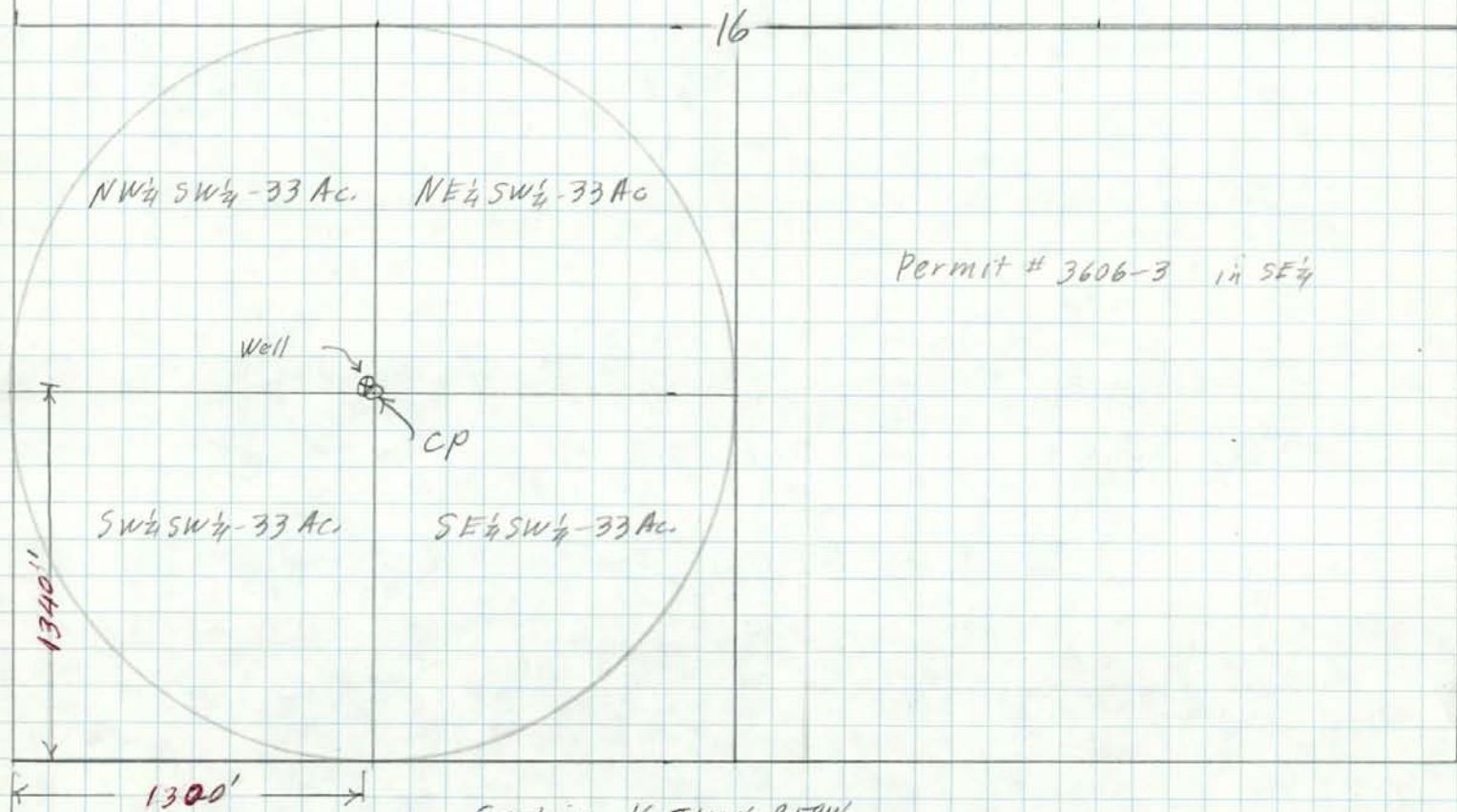
"This Permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

Section 16 T110N R59W



Permit # 2668-3 in NW $\frac{1}{4}$ -

Permit 4114-3 in NE $\frac{1}{4}$



Section 16, T110N R59W

Pearl Creek Colony

Duplicate Map. original missing Lf. Menaugh

Map # 2884-3

Appl # 3607-3



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

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2727-3, 3606-3, 3607-3, 4114-3, 4115-3 & 4356-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2727-3, 3606-3, 3607-3, 4114-3, 4115-3 & 4356-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2727-3, 3606-3, 3607-3, 4114-3, 4115-3 & 4356-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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February 1, 2008

Conrad Waldner
Pearl Creek Hutterian Brethern
21085 415th Ave
Iroquois SD 57353

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

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 2727-3, 3606-3, 3607-3, 4114-3, 4115-3 & 4356-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Gregg Magera