

Water Right Number 4114-3

1. Considered 10-6, 1977
2. Name of Applicant PEARL CREEK COLONY
3. Post Office Address CAYOUR
4. Amount of water claimed NO ADDITIONAL
5. Source of water supply 75' WELL (EXISTING)
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in BEADLE County
- about 6E, 2S Miles of CAYOUR
8. Proof of Publication Received 9-27-77
- Not received
- Approved
- Subject to
- Not approved
- Action deferred

10. Remarks:

No. 4114-3

Map No. 3348-3 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)

- Name of Applicant Pearl Creek Hutterian Brothers Inc.
Postoffice 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
- Name of diversion work Pearl Creek Colony - Unit # 1, Additional acreage
- Amount of water claimed (cubic feet per second) NO ADDITIONAL
- Source of water supply Ground Water
- Location of point of diversion Center of the NW $\frac{1}{4}$ of 16-110-59

County Beadle

- Annual period or periods during which water is to be used March-November
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- 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.
NE $\frac{1}{4}$ of 16-110-59	160		

Attach sheet if more space is needed

- 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.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Daily Plainsman, Huron, SD
- 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 McLuner 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 McLuner

Subscribed and sworn to before me this 2nd day of September 1951

Notary Public (or other qualified officer)

COMMISSION EXPIRES
MARCH 4, 1954.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4114-3

PEARL CREEK LUTHERIAN BRETHREN, INC., R.R.#2, ILLINOIS
(Applicant) (Post Office Address)

SOUTH DAKOTA
(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 or needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application SEPTEMBER 6, 1977

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

Date of receipt of corrected application —, 19 —

Approved OCTOBER 7, 1977, Recorded in Book 19 Page 127

WATER RIGHT PERMIT NO. 4114-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 114-3 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 SEPTEMBER 6, 1977
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before OCTOBER 7, 1978
3. The whole of said work is to be completed on or before OCTOBER 7, 1979
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 7, 1982
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 NO ADDITIONAL 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 OCTOBER 7, 1982; said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 2ND day of NOVEMBER, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 5, 1979

Water License Issued APRIL 5, 1979

Karl Osberg

JOB NAME

LOCATION

DATE _____

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.

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

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

G. Water Storage Dams.

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

Paul Williams
Signature of Applicant

Permit No. 4114-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

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

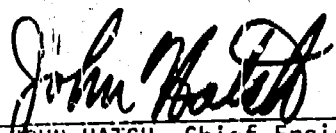
_____ the holder _____ of
Permit No. 4114-3, issued upon Application No. 4114-3, bearing date of priority of March 29, 1976 and
September 6, 1977 authorizing the diversion of 1.78 cu. ft. per second of the waters of _____
groundwater County of Beadle, State of South Dakota at _____
a point 1345' S and 1370' E of the NW 1/4 Corner, Section 16, T110N, R59W

_____ for Irrigation

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

The Applicable portions of Permit
No. 2668-3 have been incorporated
into this Certificate.

Date April 5, 1979


JOHN HATCH, Chief Engineer
Water Rights Commission

WATER LICENSE NO. 4114-3.

(1) WHEREAS, On the 6th day of September A. D. 19 77
Pearl Creek Hutterian Brethern, Inc.

made Water Right Application No. 4114-3 for a permit to use 1.78* cubic feet per second of the waters
of groundwater

County of Beadle State of South Dakota, for Irrigation
purpose; and

(2) WHEREAS, On the 2nd day of November A. D. 19 77
Permit No. 4114-3, with a date of priority of March 29, 1976 and September 6, 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 7th day of October A. D. 19 79 and for the
application to beneficial use of said water on or before the 7th day of October 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 1.78* cubic feet
per second of water for beneficial use and.

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

for Irrigating the following land in Section 16, T110N, R59W*

NW 1/4 NW 1/4 33 acres

NE 1/4 NW 1/4 " "

SW 1/4 NW 1/4 " "

SE 1/4 NW 1/4 " "

NW 1/4 NE 1/4 " "

NE 1/4 NE 1/4 " "

SW 1/4 NE 1/4 " "

SE 1/4 NE 1/4 " "

TOTAL 264 acres*

(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 _____
the holder _____ and owner _____ of said permit No. 4114-3 a water right, dating from March 20, 1976* and September 6, 1977 to use of 1.78* cubic feet per second of the waters of groundwater
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 1345' S and 1320' E of the NW 1/4 Corner, Section 16, T110N, R59W

and conduct to and upon portions of Section 16, T110N, R59W, described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 4114-3 and subject to the laws of the State of South Dakota.

***The applicable portions of Water Licence No. 2668-3 have been incorporated into this License, and Water License No. 2668-3 is cancelled.**

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:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Publish first publication, on or before September 15, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 8, 1977

Notice is hereby given that Pearl Creek Hutterian Brethern whose post office address is Iroquois, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use ~~xxxxxx~~ no additional water per second of time from ground water through the Pearl Creek Colony-Unit #1 the point of diversion of which is to be located in the center of the NW $\frac{1}{4}$

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:

NE $\frac{1}{4}$, Section 16, T110, R59W.

This Application No. 4114-3 will be considered by the Water Rights Commission at the Holiday Inn, Spearfish, SD upon the 5 day of October, 1977 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERTON
Water Rights Specialist

cc: Pearl Creek Hutterian Brethern, Inc., Iroquois, SD

NOTE: Final Proof of Publication must be received by the hearing date for the Commission to take action.

SEE PERMIT NO 2668-3

FOR WATER QUALITY DATA

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss.

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

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

9-15-77

9-22-77

Brenda Haskett
(Signature)

Bookkeeper
(Title)

9-22-77
(Date Signed)

F.O. 9-15-77 L.P. 9-22-77
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
IN PEARL CREEK DIVERSION
September 8, 1977
Notice is hereby given that Pearl
Creek Hutterian Brethren whose
post office address is Iroquois,
South Dakota, has made an ap-
plication in accordance with the
provisions of SDCL 46-1-1 thru 46-1-
5; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1
thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-
41; 46-6-3; 46-6-5; 46-6-6.1; 46-6-10; 46-
6-14 and Commission Rules ARSD
52:01:01 thru 52:01:01:1 for a
permit to appropriate for
beneficial use no additional water
per second of time from ground
water through the Pearl Creek
Colony Unit No. 1 the point of
diversion which is to be located
in the center of the NW 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:
NE 1/4, Section 16, T110, R59W.
This application No. 4114-3 will
be considered by the Water Rights
Commission at the Holiday Inn,
Spearfish, SD upon the 6 day of
October, 1977 at 10 A.M. The
Commission is authorized to make
a determination on this application
at the hearing. All interested
persons may appear and be heard.
Any person who may be affected
by a Commission decision who
desires to present evidence or
cross-examine witnesses ac-
cording to SDCL 1-26 may notify
the Commission in writing prior to
the hearing or orally at the
hearing.
WATER RIGHTS COMMISSION
JAMES WINTERTON
Water Rights Specialist
No. 575 (adv.)



Check for permit for this quarter

11/2-78 Pond Creek Colony

NE 1/4-15-112-58

Just waiting C.P. will buy line
from well as NW 1/4 from parcel one
permit 7668-3 + 1/2 acre ground line
not available yet

C.P. Lockwood, Modoc 2279

for 11 322178

Corr 132AC

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6827

PIERRE, March 5, 1929

RECEIVED OF Pearl Creek Hutterian Brethren Inc., 12801 1/2 N. 10th St., Pierre, 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. 4114-7	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 4114-7		
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 John Hatch
Chief Engineer, Executive Officer
JOHN HATCH gy 88

Permit No. 4114-3Water 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 Lutheran Brethren, Inc. of RR #2, Tregeton, South Dakota 57353 holder license for 1.78 cfs - March 29, 1976
of Permit No. 4114-3, bearing date of priority of 0.0 cfs September 6, 1977
authorizing the diversion of 1.78 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 - US Elec., ID# R6234-00-811, 60 HP, 1770 RPM
Pump - Layne Bowler, Pumping 800 gpm

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

2600 ft 8" dia. PVC pipe underground

C. Works used to apply water to beneficial use.

In NW $\frac{1}{4}$ Lockwood Center Pivot Model 22009T, Ser # 735876
In NE $\frac{1}{4}$ Lockwood Center Pivot Model 2240, Ser # 323187

The system is in the following condition: GoodThe point of diversion is located 1345 ft S and 1320 ft E of the NW corner of Section 16, T110N R59WThe works are capable of diverting and conveying to the place of use 1.78cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 16, T110N R59W

NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 Ac., NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 Ac., SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 Ac.
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 Ac., NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 Ac., NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 Ac.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 Ac., SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 Ac.

comprising a total of 264 acres of land.

Well - depth - 68 ft
Static 25 ft
Pumping 800 gpm
Tested - 1500 gpm

license for 1.78 cfs.

Note: This examination of works combines Permit # 2668-3, which is licensed and Permit 4114-3. All pertinent information of both permits is included herein for licensing under Permit # 4114-3. Permit # 2668-3 may be cancelled

LICENSE SEPARATELY
659

Date January 25, 1979
Leroy J. Mernauk
(Signature)

 **Department of
Water & Natural Resources**

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

March 23, 1987

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

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

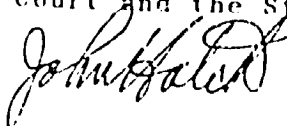
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4114-3, 4115-3, 3606-3, 3607-3, 4356-3, 2727-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted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

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

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

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

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



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

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



Department of Water & Natural Resources

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

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

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

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

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. 4114-3

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. 4114-3 to add the following qualification:

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

HURON DRILLING INC.
WELL LOCATION MAP

Copy

NAME Pearl Creek Mutherian Brothern Inc.

DATE Mar 6 11. 19 76

WELL NO. 1

N.W.

QUARTER, SECTION 16

TWP. 110

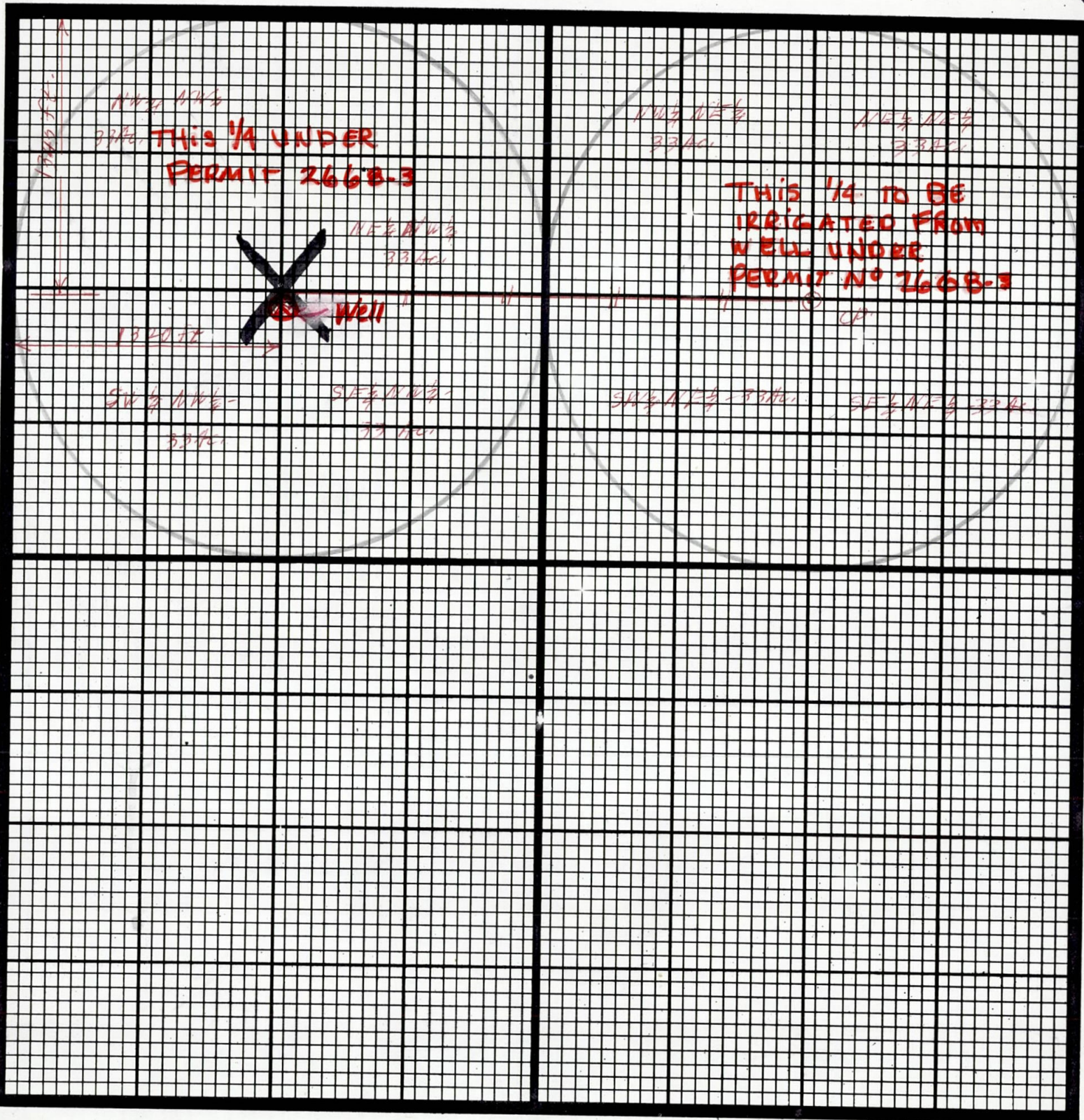
RANGE

59

IN

Beadle

COUNTY



Prepared By _____

X — PROPOSED LOCATION

Beadle County Agent



**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
www.state.sd.us/denr

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

4114-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUN 03 2019

4114-3
7584-3

Matt Waldner
Pearl Creek Colony
21085 415th Ave
Iroquois SD 57353

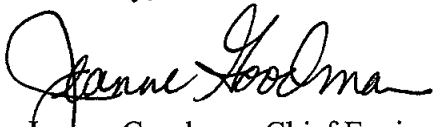
Dear Mr. Waldner:

Enclosed are Water License No. 7584-3 and Reissued Water License No. 4114-3. The licenses are the final documents completing your process of obtaining a Water Right. Included with the licenses is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 4114-3

(1) Pearl Creek Colony, 21085 415th Ave., Iroquois SD 57353 was issued Water License No. 4114-3, April 5, 1979 for a water right to divert 1.78 cubic feet of water per second (cfs) from ground water (one well, Floyd Pearl Creek Aquifer), located in Beadle County, South Dakota for irrigation purposes. Water License No. 4114-3, with priority dates of March 29, 1976 and September 6, 1977 was issued to the permit holder for diversion of water with construction of the described water supply system and the application of water to beneficial use completed.

Water Right No. 4114-3, with priority dates of March 29, 1976 (NW ¼) and September 6, 1977 (NE ¼), authorizes diversion of 1.78 cfs for irrigation of 264 acres in the N ½ Section 16 from one well located in the NW ¼ Section 16, all in T110N, R59W. Water Permit No. 7584-3 was obtained to add a well and an additional 1.78 cfs diversion rate to the irrigation system allowing the two pivots to run independently.

The additional well was constructed resulting in the pivots located in the NW ¼ and NE ¼ Section 16, T110N, R59W being able to run simultaneously. Upon licensing, No. 7584-3 will authorize one well and irrigation of the NE ¼ Section 16. No. 4114-3 is being reissued to authorize one well and irrigation of the NW ¼ Section 16, all located in T110N, R59W.

If it becomes necessary, the pivots can run from either well however the priority dates will differ if that occurs. A priority date of December 26, 2012 is retained for irrigation from the newer well located in the E ½ NW ¼ Section 16, T110N, R59W to irrigate the NE ¼ Section 16 (No. 7584-3). A priority date of September 6, 1977 is retained for irrigation of the NE ¼ from the well located in the center of the NW ¼ Section 16 (No. 4114-3).

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion 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 point is:

- 1,360'S & 1,330'E of the NW corner of Section 16, T110, R59W (near center of the NW ¼)
Latitude 44.33589, Longitude -97.92876

(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

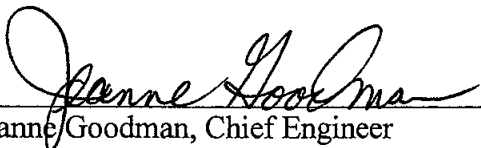
T110N, R59W Section 16	NW ¼ NW ¼	33 acres
	NE ¼ NW ¼	33 acres
	SW ¼ NW ¼	33 acres
	SE ¼ NW ¼	33 acres
Total		132 acres

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Pearl Creek Colony, 21085 415th Ave., Iroquois SD 57353 the holder and/or owner of Water Right No. 4114-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well, Floyd Pearl Creek Aquifer) with a priority date of March 29, 1976 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 4114-3 and subject to the following qualifications:

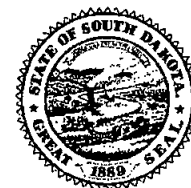
- The irrigation well approved under this Water Right will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year. *The Water Management Board amended Water Right No. 4114-3 on May 6, 1987 to include this qualification.*

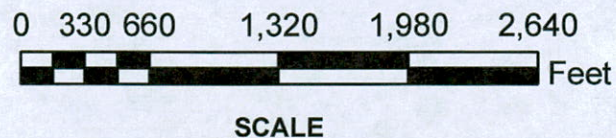
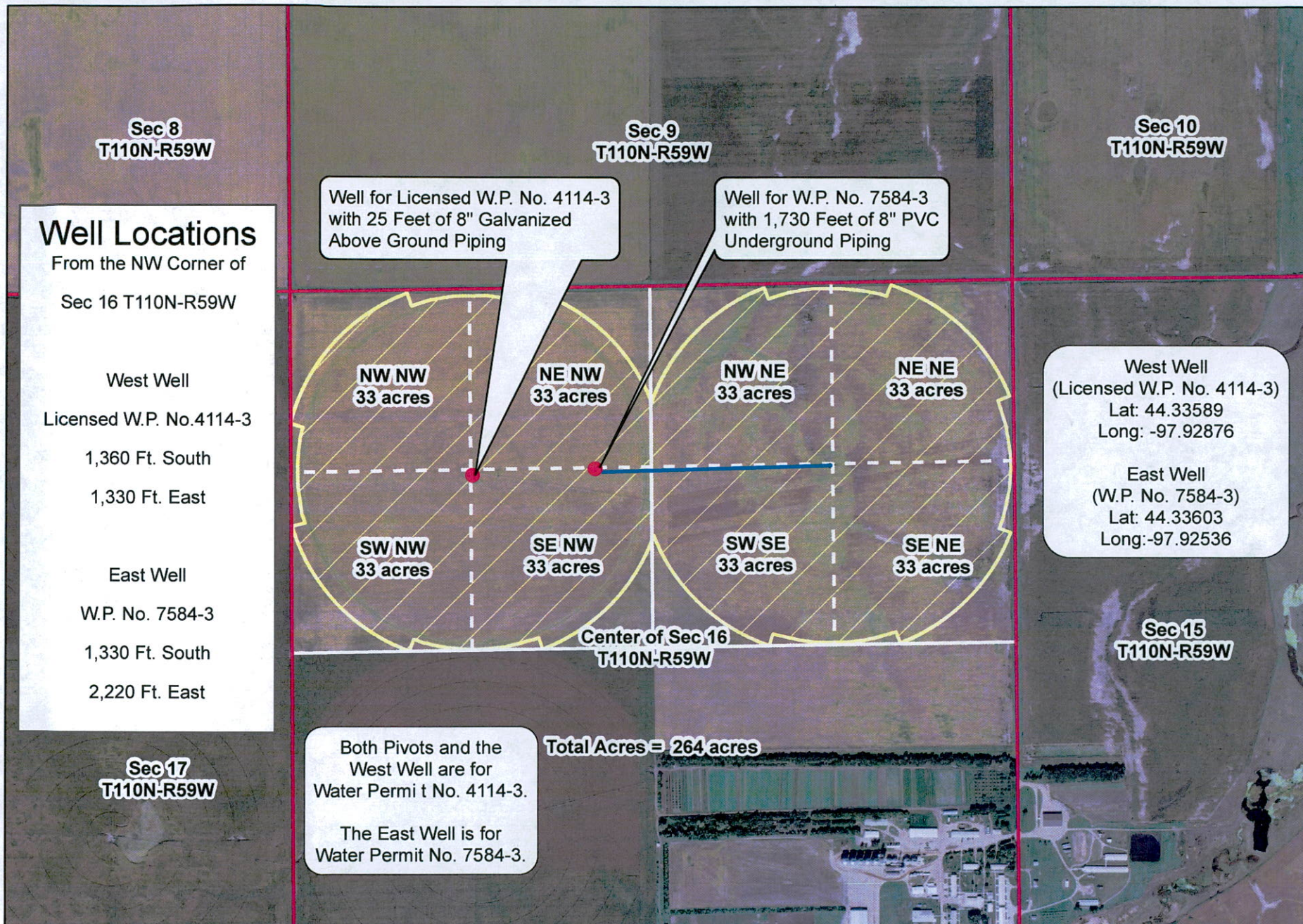


Jeanne Goodman, Chief Engineer
Water Rights Program
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JUN 03 2019

date





Keith DeJong
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Staff Engineer
December 12, 2018