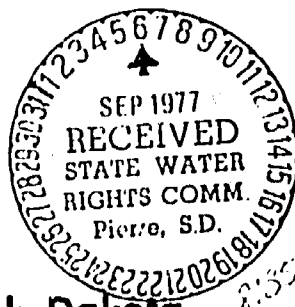


Water Right Number 4115-3

1. Considered 10-6, 19 77
2. Name of Applicant PEARL CREEK COLONY
3. Post Office Address CAVOUR
4. Amount of water claimed NO ADDITIONAL
5. Source of water supply 67' 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 Miles of CAVOUR
8. Proof of Publication
Received 9.27.77
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

Map No. 3349-2 Water Division No. 3 JAMES RIVER District
 (Blank to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Pearl Creek Hutterian Brothern Inc.
 Postoffice address R.R. #2, Iroquois, State South Dakota 57353
 If a corporation show date and place of incorporation March 1, 1950, Iroquois, South Dakota
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
 3. Name of diversion work Pearl Creek Colony-Unit #3, additional acreage
 4. Amount of water claimed (cubic feet per second) NO ADDITIONAL
 5. Source of water supply Ground Water
 6. Location of point of diversion Center of NW 1/4 of 4-110-59

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.
NE 1/4 of 4-110-59	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 Appropriate Water publication: Daily Plainsman, Huron, SD
 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) ss.

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 2nd day of September 1977

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4115-3

PEARL CREEK HUTTERIAN BRETHREN, INC., R.R.#2, IROQUOIS
(Applicant) (Post Office Address)

SOUTH DAKOTA 57353 With the following modifications:
(State)

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.

~~APPROVED~~
~~PERMIT~~
~~NOVEMBER 6, 1977~~

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 128

WATER RIGHT PERMIT NO. 4115-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4115-3 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

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

Pearl Creek Colony

NW $\frac{1}{4}$ of 4-110-59

12-20-76

19

Steve Kuehl

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 960 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.

Paul Waldner
Signature of Applicant

Form 15.

Permit No. 4115-3

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. 4115-3, issued upon Application No. 4115-3, bearing date of priority of January 27, 1977 &
September 6, 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'S and 1300'E of the NW Corner, Section 4, T110N, R59W
_____, for irrigation

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

Date April 5, 1979

The applicable portions of
Permit No. 3605-3 have been
incorporated into this
certificate.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Commission

WATER LICENSE NO. 4115-3

(1) WHEREAS, On the 6th day of September A. D. 1977
Pearl Creek Hutterian Brethern, Inc.
made Water Right Application No. 4115-3 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 2nd day of November A. D. 1977
Permit No. 4115-3, with a date of priority of January 27, 1977 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. 1979 and for the
application to beneficial use of said water on or before the 7th day of October A. D. 1982

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 2.0 * 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 4, T110N, R59W *

<u>NW$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>31</u>	<u>acres</u>
<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>31</u>	<u>"</u>
<u>SW$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>32</u>	<u>"</u>
<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>32</u>	<u>"</u>
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>31</u>	<u>"</u>
<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>31</u>	<u>"</u>
<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>32</u>	<u>"</u>
<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>32</u>	<u>"</u>
<u>TOTAL</u>	<u>252</u>	<u>acres *</u>

(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. 4115-3 a water right, dating from January 27, 1977 and September 6, 1977 * to use of 2.0* 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'S and 1300'E of the NW Corner, Section 4, T110N, R59W

and conduct to and upon portions of Section 4, T110N, R59W, described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4115-3 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

* The applicable portions of
Water License No. 3605-3 have
been incorporated into this
License, and Water License
No. 3605-3 is cancelled.

SEE PERMIT N° 3605-3

FOR WATER QUALITY DATA

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 ~~no additional~~ ground water through the Pearl Creek Colony-Unit #3 the point of diversion of which is to be located in the center of the NW $\frac{1}{4}$

of Section 4, 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 4, T110N, R59W.

This Application No. 4115-3 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 according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERGON
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.

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 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:

9-15-77

9-22-77

Brenda Haskett
(Signature)

Bookkeeper
(Title)

9-22-77
(Date Signed)

F.P. 9-15-77 L.P. 9-22-77
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre South Dakota 57501
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-
8; 46-2-1 thru 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, 46-4-10, 46-
6-14 and Commission Rules ARSD
52:01:01 thru 52:01:01:13, 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. 3, the point of
diversion of which is to be located
in the center of the NW 1/4 of Section
4, 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 4, T110N, R59W.
This Application No. 4115-3 will
be considered by the Water Rights
Commission at the Holiday Inn,
Spearfish, SD upon the 6th 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. 523 (adv.)



#115-3 Pearl Creek Colony

11-2-78 This permit obtains its water from
the well on permit # 3605-3 in NW $\frac{1}{4}$
Q of section 4 -

Well depth 75 ft.

Pumping 900 gpm Capacity 900 gpm

W.S. Elec Motor 75 HP - 1770 RPM

LD # R-6327-02-076 RZA 074955

Pump Byron Jackson

Per # 771H7404,

NE $\frac{1}{4}$ Lockwood C.P. No tag

~~short~~ short system due to short quarter

NW $\frac{1}{4}$ Lockwood C.P. Model 7799.

Per # 771H7404

Permit No. 4115-3Water 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 Irrigation
Brethern, Inc of RR #2 Irroquois, South Dakota 57353 holder
2.0 cfs - January 27, 1977
of Permit No. 4115-3, bearing date of priority of 0.0 cfs October 6, 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 26.5 Elec. ID# R-6327-02-076 R21074955
75 HP 1770 RPM
Pump - Byron Jackson Ser # 771H 7404
Pumping - 900 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 1/4 = Lockwood Center Pivot Model 2290
Ser # 623078
In NE 1/4 = Lockwood Center Pivot.

The system is in the following condition: GOODThe point of diversion is located 1340' South and 1300 ft E of the NW
corner of Section 4, T110N R59WThe works are capable of diverting and conveying to the place of use 2.0cu. 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 Section 4, T110N R59W

NW 1/4 NW 1/4 - 31 Ac. NE 1/4 NW 1/4 - 31 Ac. SW 1/4 NW 1/4 - 32 Ac.
SE 1/4 NW 1/4 - 32 Ac. NE 1/4 NE 1/4 - 31 Ac. NW 1/4 NE 1/4 - 31 Ac.
SW 1/4 NE 1/4 - 32 Ac. SE 1/4 NE 1/4 - 32 Ac.

comprising a total of 252 acres of land.

Well depth 75 ft
Pumping 900 gpm
Capacity 900 gpm

Note: This examination of works combines
Permits No. 3605-3 and 4115-3.
All pertinent information of both
Permits is included herein for
licensing under Permit # 4115-3
Permit 3605-3 may be cancelled

License for 2.0 cfs.

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

RECEIPT

WATER RIGHTS COMMISSION

No 4 6828

State of South Dakota

March 5, 1979

PIERRE, _____, 1979

RECEIVED OF Pearl Creek Hutterian Brethern, Inc., Iroquois, SD 57353

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. 4115-3	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 4115-3		
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 84



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, 46-2-5, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

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

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

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

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

SOUTH Dakota Department of
Water & Natural Resources

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

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: Moses Waldner
PEARL CREEK HUTTERIAN BRETHREN
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. 4115-3

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. 4115-3 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 Co WY

DATE January 21 19 77

WELL NO. #3

NW

QUARTER, SECTION 4

TWP. 110 RANGE 59 IN Beadle COUNTY

THIS 1/4 UNDER
PERMIT NO 3605-3



THIS 1/4 TO BE
IRRIGATED FROM
WELL UNDER
PERMIT NO 3605-3

see map in folder.

X — PROPOSED LOCATION

Prepared By

Dick Fadgen

Dick Fadgen

Beadle County Extension Agent

MAP NO 3349-3 APPN NO 4115-3



**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
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

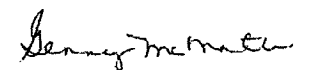
Dear Mr. Waldner:

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

4115-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 2, 2016

Matt Waldner
Pearl Creek Hutterian Brethren
21085 415th Avenue
Iroquois SD 57353

RECEIVED

AUG 16 2016

WATER RIGHTS
PROGRAM

Dear Mr. Waldner:

Pearl Creek Hutterian Brethren holds Water Right No. 4115-3 appropriating 2.0 cubic feet of water per second from one well located near the center of the NW $\frac{1}{4}$ Section 4, T110N, R59W for irrigation of 252 acres in the N $\frac{1}{2}$ Section 4, T110N, R59W. In 2013, Water Permit No. 7585-3 was approved appropriating 1.78 cfs from a well in the center of the NE $\frac{1}{4}$ of this section. Approval of Permit No. 7585-3 authorized a new well and appropriated diversion rate authority so that the two center pivots can run independently.

In June, DENR received a well completion report for a new well located in the NW $\frac{1}{4}$ Section 4, T110N, R59W drilled by Stretch's Well Service which lists Pearl Creek Colony as the owner. The completion report indicates the well was pumped at 800 gallons per minute (1.78 cfs) for irrigation use. The well completion report is enclosed.

This letter is to inquire whether the new well is a replacement well or additional well to supply the water to the center pivot in the NW $\frac{1}{4}$ Section 4 or serves irrigation in another location. Water Rights law provides a process by which the Chief Engineer of the Water Rights Program is to be contacted when a change in the location of a well or an additional well is constructed. Authorization may be granted if the diversion is from the same source, no additional water is appropriated and no new land is to be irrigated if the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Please respond back whether this is a replacement well or an additional well. Also confirm whether any more acres are being irrigated. Finally, mark the location of the new well on the attached map and return with your response.

Please contact me if you have any questions.

Sincerely,

Eric Gronlund

Water Rights Program, DENR

605 773-3352

eric.gronlund@state.sd.us

enclosure

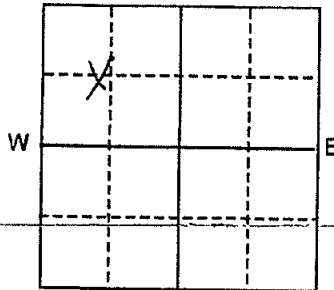
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 1/4 Sec 4 Twp 110 Rg 59County Beadle

North

Please mark well location with an "X"



Well Completion Date

5/26/2016

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
None ft. from (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse circulation

CASING DATA:

☐ Steel ☒ Plastic ☒ Other
 If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
SDR26 LB/FT	16 IN	0 FT	40 FT	26 IN
SS LB/FT	16 IN	40 FT	70 FT	26 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
#20	12	Lb/gal	0 Ft	40 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16 Inches Length 30 Feet
Material Stainless SteelSlot Size .050 Set From 40 Feet to 70 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ NoIf so, what material? Enviro Plug

Describe packer(s) and location

Above Screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: Pearl Creek Colony

Business Name:

Address: 21085 415th AveCity, State, Zip: Iroquois SD 57353

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Yellow Clay	2	10
Sand & Pea rock	10	70

STATIC WATER LEVEL 13' 6" FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Submersible
☐ Balled
☐ Other

Pumping Level Below Land Surface

34' 9" Ft. After 6 Hrs. pumped 800 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Replacement Well

RECEIVED

JUN 20 2016

WATER RIGHTS PROGRAM

FLOYD: PEARL CREEK FB

This well was drilled under license # 722 and this report is true and accurate.Drilling firm: Stretch's Well Service Inc.

Signature of License Representative:

Tom Rathen

Signature of Well Owner or Equitable Property Holder:

*Matt Walker*Date: 6-8-16



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 22, 2016

Matt Waldner
Pearl Creek Hutterian Brethren
21085 415th Avenue
Iroquois SD 57353

Dear Mr. Walder:

I am writing in regard to Pearl Creek Hutterian Brethren drilling a replacement well for Water Right No. 4115-3.

Water Right No. 4115-3 appropriates 2.0 cfs from one well completed into the Floyd:Pearl Creek aquifer located 1,340 feet south and 1,300 feet east of the NW corner of Section 4, T110N, R59W to irrigate 252 acres in the N $\frac{1}{2}$ of this section. In 2013, Pearl Creek Colony obtained Water Permit No. 7585-3 which appropriates 1.78 cfs from a new well to be completed in the Floyd:Pearl Creek aquifer located in the center of the NE $\frac{1}{4}$ of Section 4 to irrigate 126 acres authorized by Water Right No. 4115-3 located in the NE $\frac{1}{4}$ of this section. Permit No. 7585-3 provides diversion rate authority so that the two pivots located in the NW $\frac{1}{4}$ and NE $\frac{1}{4}$ can operate at the same time.

A well completion report was received on June 20, 2016, for a well drilled for Pearl Creek Colony and located in the NW $\frac{1}{4}$ Section 4, T110N, R59W. It appeared to be associated with the irrigation system authorized by Water Right No. 4115-3. You indicated this is a replacement well for the well in the NW $\frac{1}{4}$ Section 4, T110N, R59W and that no additional acres are being irrigated. The replacement well is a few hundred feet west of the original well.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in well location to the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T110N, R59W is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate of 2.0 cfs from the well is authorized. If the total diversion rate increases, a new water right permit will need to be obtained.

The old well located in the NW $\frac{1}{4}$ Section 4, T110N, R59W shall be plugged in accordance with well construction standards. If the well is not to be permanently abandoned it must be sealed with a water tight cap.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

Request for Change of Diversion Point

NAME: Pearl Creek Hutterian Brethren, c/o Matt Waldner.

ADDRESS: 21085 415th Avenue, Iroquois SD 57353

DATE: August 16, 2016 **COUNTY:** Beadle **TELEPHONE:**

BACKGROUND:

A well completion report was received on June 20, 2016, for a well drilled for Pearl Creek Colony and located in the NW ¼ Section 4, T110N, R59W. It appeared to be associated with the irrigation system authorized by Water Right No. 4115-3. A letter was sent to Matt Waldner with the colony who responded that this is a replacement well for the well in the NW ¼ Section 4, T110N, R59W and that no additional acres are being irrigated.

Water Right No. 4115-3 appropriates 2.0 cfs from one well completed into the Floyd:Pearl Creek aquifer located 1,340 feet south and 1,300 feet east of the NW corner of Section 4, T110N, R59W to irrigate 252 acres in the N ½ of this section. In 2013, Pearl Creek Colony obtained Water Permit No. 7585-3 which appropriates 1.78 cfs from a new well to be completed in the Floyd:Pearl Creek aquifer located in the center of the NE ¼ of Section 4 to irrigate 126 acres authorized by Water Right No. 4115-3 located in the NE ¼ of this section. Permit No. 7585-3 provides diversion rate authority so that the two pivots located in the NW ¼ and NE ¼ can operate at the same time.

The map marked by Mr. Waldner indicates the new well location approximately 250 feet west of the original well.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source authorized by Water Right No. 4115-3 is the Pearl Creek management unit of the Floyd aquifer. The new well is to be completed to a depth of 70 feet which will be the Pearl Creek management unit of the Floyd aquifer.

No additional appropriation of water is requested. This request is to change the well location by replacing the original well in the NW ¼ of Section 4, T110N, R59W.

- **Existing Diversions**

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights/permit on file. The nearest domestic well on file completed into this aquifer is over three miles to the northwest of the well site. The nearest water rights for irrigation are located in the quarter section to the north (Water Right No. 1883-3, Betty/Victor Gravel), and just to the south in the center of the S ½ of Section 4 (Water Right No. 5657-3, Wayne Fast). The change in the well location does not move this new

well closer to these existing wells. The nearest water right for non-irrigation is Water Right No. 5623-3 located approximately ¼ mile to the west of the well site. This water right appropriates 0.1 cfs from the Floyd:Pearl Creek aquifer. In 1998, DENR was informed that Iroquois is connected to Kingbrook Rural Water System. When informed of the possibility of forfeiture and/or abandonment, the city indicated their intention to maintain the well as a standby water source with the possible intention of connecting the well to the proposed new fire hall. The change in the well location likely moves the irrigation well for Water Right No. 4115-3 from 1,310 feet to 1,160 feet from the Iroquois well.

- **Observation Well Data**

The Water Rights Program monitors observation wells completed into the Floyd:Pearl Creek aquifer. The two nearest observation well completed into this aquifer are BD-77E and BD-76R located approximately one mile north and one mile south of the colony's new well. The hydrographs are shown in Figures 1 and 2. The hydrograph shows that the aquifer level is primarily controlled by climatic conditions with a upward trend over the period of record. The observation wells do show minor fluctuations of less than five feet due to seasonal irrigation pumping.

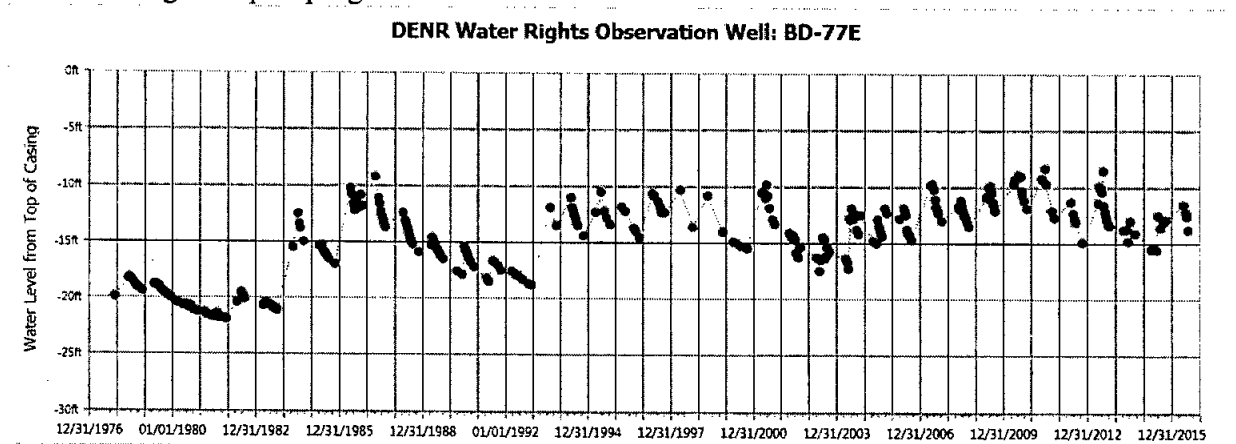


Figure 1 Hydrograph for Observation Well No. BD-77E located approximately one mile north

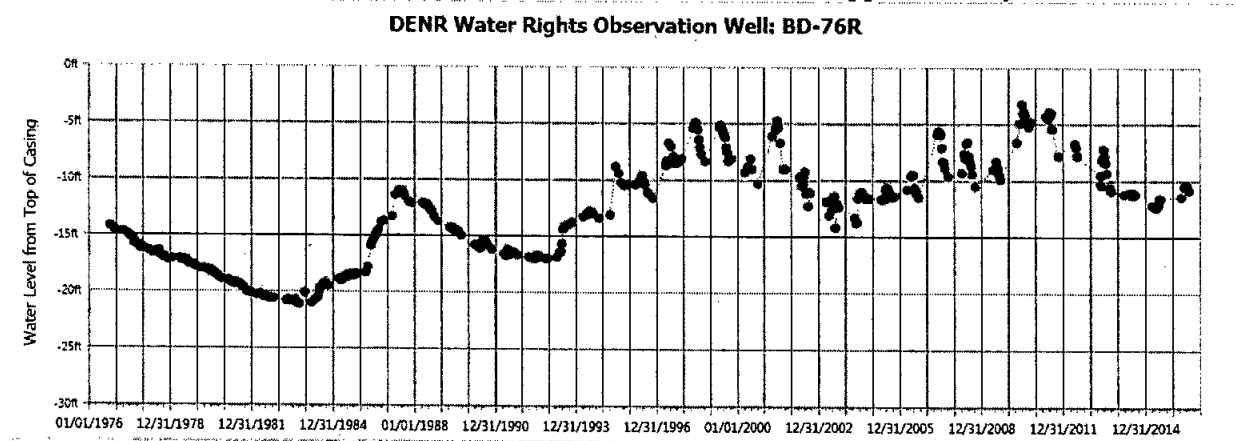


Figure 1 Hydrograph for Observation Well No. BD-76R located approximately one mile south

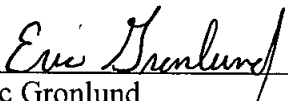
Given the observation well water levels and the distance between the new well location and existing known diversions, unlawful impairment is not expected to occur.

CONCLUSION

- The change in well location does not appropriate additional water.
- The water source continues to be Pearl Creek management unit of the Floyd aquifer.
- Interference resulting in unlawful impairment is not expected to occur.
- The old well located in the NW ¼ Section 4, T110N, R59W shall be plugged in accordance with well construction standards. If the well is not to be permanently abandoned it must be sealed with a water tight cap.

RECOMMENDED ACTION

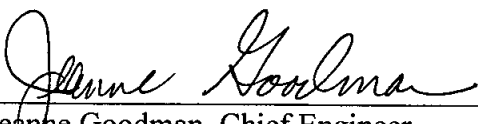
Based on the above criteria, it is recommended that the change in well location under Water Right No. 4115-3 should be authorized.



Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in diversion point location does not increase the potential for adverse effects to existing diversions.



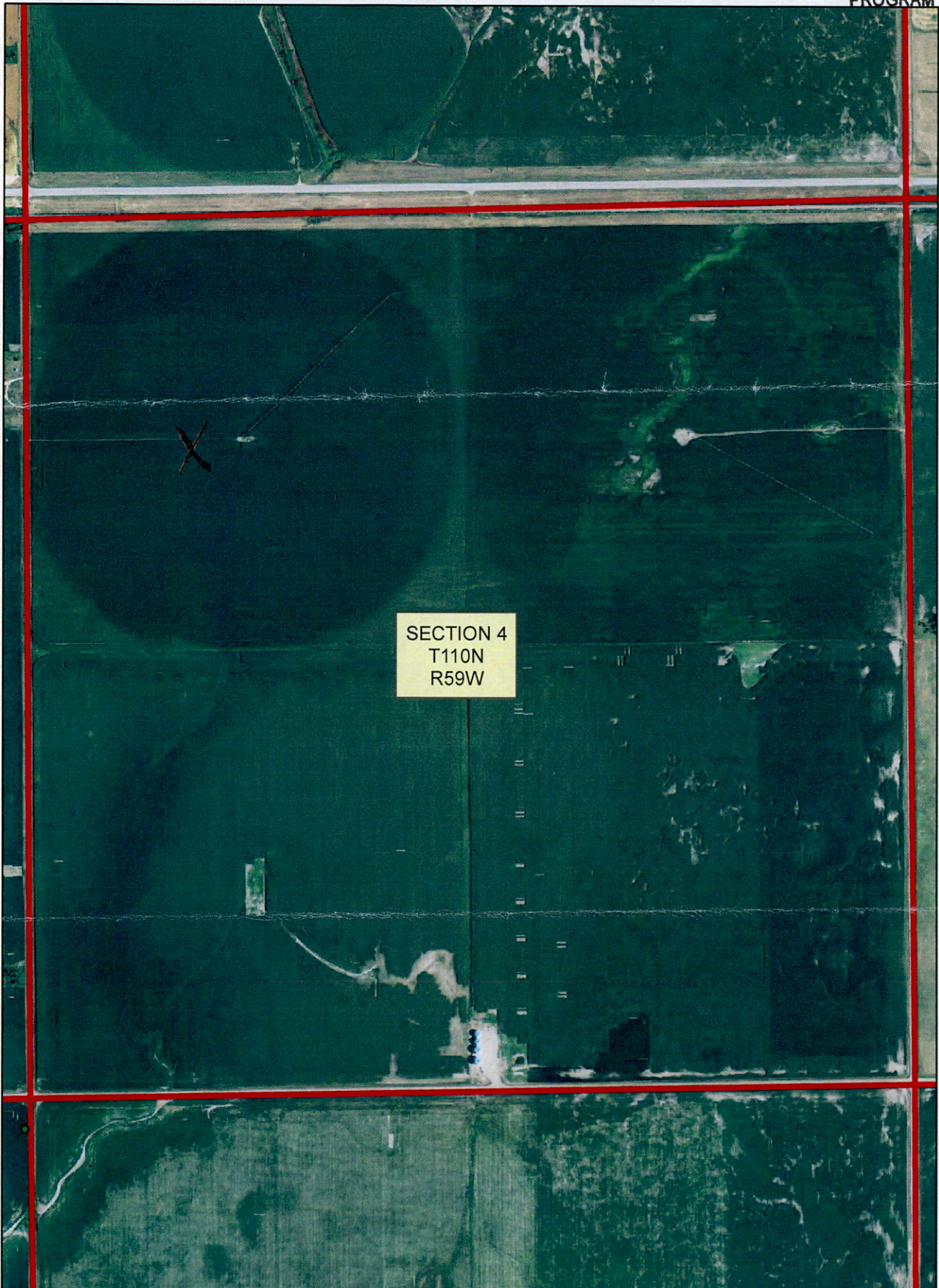
Jeanne Goodman, Chief Engineer
Water Rights Program

RECEIVED

AUG 16 2016

WATER RIGHTS
PROGRAM

PEARL CREEK HUTTERIAN BRETHREN - WATER RIGHT NO. 4115-3



This is a replacement well, same acres are being irrigated.

8-10-16

Thank You, Matt Walker

4115-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 27 2019

4115-3
7585-3

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

Dear Mr. Waldner:

Enclosed are Water License No. 7585-3 and Reissued Water License No. 4115-3. 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. 4115-3

(1) Pearl Creek Colony, 21085 415th Ave., Iroquois SD 57353 was issued Water License No. 4115-3, April 5, 1979 for a water right to divert 2.00 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. 4115-3, with priority dates of January 27, 1977 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. 4115-3, with priority dates of January 27, 1977 (NW ¼) and September 6, 1977 (NE ¼), authorizes diversion of 2.00 cfs for irrigation of 252 acres in the N ½ Section 4 from one well located in the NW ¼ Section 4 all in T110N, R59W. Water Permit No. 7585-3 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 4, T110N, R59W being able to run simultaneously. Upon licensing, No. 7585-3 will authorize one well and irrigation of the NE ¼ Section 4. No. 4115-3 is being reissued to authorize one well and irrigation of the NW ¼ Section 4, 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 near the center of the NW ¼ Section 4, T110N, R59W to irrigate the NE ¼ Section 4 (No. 7585-3). A priority date of September 6, 1977 will be retained for irrigation of the NE ¼ from the well located in the SW ¼ NW ¼ Section 4, all in T110N, R59W (No. 4115-3).

(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:

- 1,030 feet east and 1,500 feet south of the northwest corner of Section 4-T110N-R59W (SW ¼ NW ¼)
Latitude 44.36473, Longitude -97.92977

(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 4	NW ¼ NW ¼	31 acres
	NE ¼ NW ¼	31 acres
	SW ¼ NW ¼	32 acres
	SE ¼ NW ¼	32 acres
Total		126 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. 4115-3 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 January 27, 1977 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. 4115-3 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. 4115-3 on May 6, 1987 to include this qualification.*

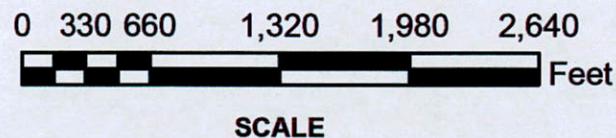
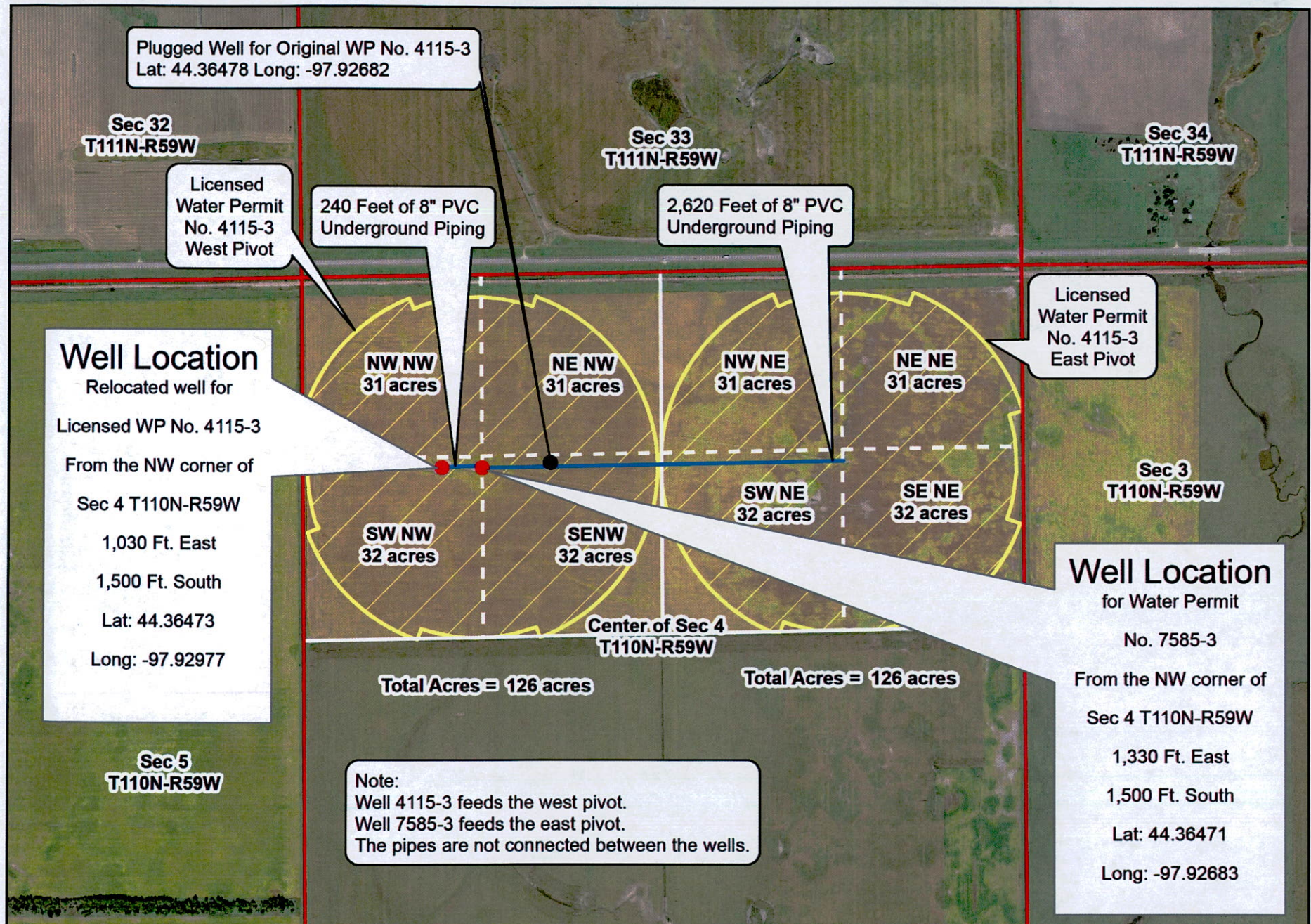


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 27 2019

date





Keith DeJong
Keith DeJong, PE
Staff Engineer
December 17, 2018