

Water Right Number 4356-3

1. Considered JANUARY 31, 19 79
2. Name of Applicant PEARL CREEK HUTTERIAN BRETHERN, INC.
3. Post Office Address IROQUOIS
4. Amount of water claimed .50 21-110-59
5. Source of water supply 72' EXISTING WELL #3608-3
6. Water to be used for IRRIGATION

Acres to be irrigated 32

7. Water to be diverted and used in BEADLE County
about S 1/2 E 35 Miles of CAVOUR

8. Proof of publication

Received 1-22-79

Not received

9. Application

Approved

Subject to

Not approved

Action deferred 2-1-79

10. Remarks:

*add 1/2 E 35
existing Permit # 3608-3
larger SP*

Map No. 2885-3 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)

- Name of Applicant Pearl Creek Hutterian Brethern, Inc.
 Postoffice address RR #2, Iroquois, State South Dakota 57353
 If a corporation show date and place of incorporation March 1, 1950, Iroquois, SD
- Method of accomplishing work (contract, employment of others, or by direct labor) direct labor
- Name of diversion work Pearl Creek Colony - Unit #6
- Amount of water claimed (cubic feet per second) .50
- Source of water supply well (same as Permit No. 3608-?)
- Location of point of diversion 1840' N and 2620' W of the SE corner of Section 21,
T110N, R59W

- County Beadle
- Annual period or periods during which water is to be used March to November
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.)
- For irrigation use, Total number of acres to be irrigated 32

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.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 21-T110N, R59W	10
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 21-T110N, R59W	6
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 21-T110N, R59W	10
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 21-T110N, R59W	6

Attach sheet if more space is needed

- Time required to complete construction of water supply system (now in use) years. Additional time required to complete application of water to the proposed beneficial use _____ 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.

one well

B. Works proposed to transport water to place of use

8" PVC underground pipe

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)
) ss.

County of Beadle

I, Paul W. Anderson, 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

Subscribed and sworn to before me this _____ day of _____ 1979

Signed Paul W. Anderson
Paul W. Anderson
 Notary Public (or other qualified officer)
Paul W. Anderson March 14, 1979

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4356-3
PEARL CREEK HUTTERIAN BRETHREN, INC. ERRIGUALS
 (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.

Date of first receipt of application JANUARY 10, 19 79
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved MARCH 28, 19 79, Recorded in Book 20 Page 283

WATER RIGHT PERMIT NO. 4356-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4356-3 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 10, 19 79
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ _____ 19 ____
3. The whole of said work is ~~to be~~ completed ~~on or before~~ _____ 19 ____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
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 .50 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 2 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 THIS DATE and said water to be used during the following described annual period: MARCH - NOVEMBER

Witness my hand this 10th day of APRIL, 19 79

WATER RIGHTS COMMISSION

By:

John H. H. H.
 Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 27, 19 79

Water License Issued DECEMBER 27, 19 79

Permit No. 4356-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

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

_____ the holder S of
Permit No. 4356-3, issued upon Application No. 4356-3, bearing date of priority of January 27, 1977
and January 10, 1979 authorizing the diversion of 2.50 cu. ft. per second of the waters of
ground water (one well) County of Beadle, State of South Dakota at
a point 1840'N and 2620'W of the SE corner of Section 21, T110N, R59W

_____ for Irrigation

_____ purposes, have ve 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 2.67 cu. ft. per second of water

Date December 27, 1979


JOHN HATCH, Chief Engineer
Water Rights, WMD

WATER LICENSE NO. 4356-3

(1) WHEREAS, On the 10th day of January, A. D. 1979
Pea ' Creek Hutterian Brethern Inc.

made Water Right Application No. 4356-3 for a permit to use .50 cubic feet per second of the waters
 of ground water (one well)
 County of Beadle State of South Dakota, for Irrigation

_____ purposes; and

(2) WHEREAS, On the 28th day of March, A. D. 1979
 Permit No. 4356-3, with a date of priority of January 10, 1979
 was issued to said applicant s for the diversion of said water, and recognizing the completion of construction of the water
 supply system therein described ~~xxxxxxx~~ ~~xxxxx~~ ~~xxxxx~~ and for the
 application to beneficial use of said water ~~xxxxxxxxxx~~ ~~xxxxx~~ ~~xxxxx~~

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 2.50 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.

to irrigate the following lands all in Section 21, T110N, R59W

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 6 "

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10 "

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6 "

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 "

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 37 "

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 37 "

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 30 "

TOTAL 176 acres

NOTE: The applicable portions of Permit No. 3608-3 have been incorporated
 into this Water License No. 4356-3 and Permit No. 3603-3 has been placed in a
 a cancelled status.

(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 Brothers, Inc.

_____ of Iroquois, SD

the holder S and owner S of said permit No. 4356-3 a water right, dating from January 27, 1977 for 2.0

cfs and January 10, 1979 for .50/cfs to use of 2.50 cubic feet per second of the waters

of ground water (one well)

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 1840'N and 2620'W of the SE corner

of Section 21, T110N, R59W

and conducted to and upon portions of land in Section 21, T110N, R59W more fully described on

the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 4356-3 and subject to the laws of the State of South Dakota.

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

this 27th day of December A. D.

Nineteen Hundred and seventy-nine

Board of Water Management

By: John Hatch
Chief Engineer JOHN HATCH

No. 4356-3

Publish first publication, on or before January 12, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 10, 1979

Notice is hereby given that Pearl Creek Hutterian Brethern Inc. whose post office

address is Iroquois, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 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, 46-6-3.1, 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 .50 cubic feet of water per second of time from groundwater

(existing well) through the Pearl Creek Colony-Unit #6, the point(X) of diversion of which is (XXX) to be located in the 1/4 SE 1/4

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

S 1/2 S 1/2 NE 1/4 and E 1/2 E 1/2 SW 1/4, Section 21-T110N-R59W.

This Application No. 4356-3 will be considered by the Water Rights Commission at SD

the SDEA Auditorium, 411 E. Capitol, Pierre, upon the 31st day of January, 1979

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.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

Betty Westlund,
Water Rights Specialist

BWiplh

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

FORM 6 - Notice of Intent to Appropriate Water
GROUNDWATER

No. 4356-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss.

I, Linda Schlotter 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:

January 12, 1979
January 19, 1979

Linda Schlotter
(Signature)

bookkeeper
(Title)

1-19-79
(Date Signed)

F.P. 1-1279 ALK L.P. 1-1979
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
January 16, 1979

Notice is hereby given that Pearl
Creek Hutterian Brethren Inc.
whose post office address is
Iroquois, South Dakota, has made
an application in accordance with
the provisions of SDCL 46-1-1 thru
46-1-9, 46-1-14, 46-2-1 thru 46-2-11,
46-2-13, 46-5-1 thru 46-5-10
thru 46-5-22, 46-5-41, 46-5-43, 46-6-3.1,
46-5-5, 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 .50 cubic feet of
water per second of time from
groundwater (existing well)
through the Pearl Creek Colony
Unit No. 6, the point of diversion of
which is to be located in the NW1/4
SE1/4 of Section 21, Twp. 110N,
Range 59W. Said water to be used
for the purpose of 5 1/2 SV NE 1/4 and
E 1/2 E 1/2 SW 1/4, Section 21-T110N-
R59W.

This Application No. 4356-3 will
be considered by the Water Rights
Commission at the SDEA
Auditorium, 411 E. Capitol, Pierre,
upon the 31st day of January, 1979
at 10 A.M. The Commission is
authorized to make a deter-
mination 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 Com-
mission in writing prior to the
hearing or orally at the hearing.

This hearing is an adversary
proceeding. Any person 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 exer-
cised at the hearing. Decisions of
the Commission may be appealed
to the Courts as provided by law.

WATER RIGHTS COMMISSION
Betty Westlund
Water Rights Specialist
Ho. 14 (adv.)



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6689

PIERRE, January 10, 1979

RECEIVED OF Pearl Creek Hutterian Beethern, Inc. Rt #2, Iroquois SD

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

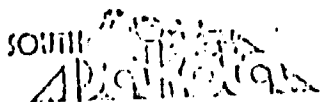
Fee for Application for Permit to Appropriate Water No. 4556-3 (examination, processing, recording and filing)	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, 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	150	00

WATER RIGHTS COMMISSION

By John HATHG
Chief Engineer, Executive Officer

JOHN HATHG klw

4356-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

March 14, 1979

TO: Holder of Deferred Applications in Beadle County
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred water right applications in Beadle County at 4:15 p.m., March 28, 1979, at the Community Room, Pierre City Hall, 222 East Dakota, Pierre South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-3; 46-1-14; 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; 46-6-3.1; 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

These applications were previously deferred by the Water Rights Commission, pending Staff investigation.

After reconsideration of the deferred applications the Commission can approve, conditionally approve, defer, or deny all or part of the Application.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

3608-3

Pearl Creek Colony

11-2-78

Well depth 85 ft. Static 30 ft. in

Pumping 1200 Capacity 1700

C.P. Laidwood Model 2200

Lot # 424577

Cover 175 Ac, East. Cr. 74 to 6
1500 ft. Tower 54 E. Road

Miller G.E. 12.5 HP 1772 RPM

Model 5K6268 XH I.A.

Lot # FNS 615137

Pump on by on Jackson

No Info on Log

Well 20' E of NW 1/4 mile line

at 800 ft 54' C.R. of section

8" PVC Pipe to C.P.

C.P. Center 176 = 1562.2 Radius

Permit No. 4356-3Water 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, Trochu, S. Dak. 57353 holder 12.0 cfs - January 27, 1977 - permit # 3608
 of Permit No. 4356-3, bearing date of priority of 1.5 cfs - January 10, 1979,
 authorizing the diversion of 2.5 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 G.E. 125 HP, 1770 R.P.M.; Model 5K6268 X HIA.
Ser. # FN J615137
Pump - Byron Jackson. Pumping 1200 gpm.

B. Works used to transport water to place of use,
1150 ft. 8" P.V.C. underground Pipe

C. Works used to apply water to beneficial use.
Lockwood Center Pivot Model 2200
Ser # 424577

The system is in the following condition: Good

The point of diversion is located 1840' N and 2620' W of the SE corner of
Section 21, T110N R59W.

The works are capable of diverting and conveying to the place of use 2.67
 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 21, T110N R59W
SW 1/4 NE 1/4 - 10 Ac., SE 1/4 NE 1/4 - 6 Ac., NE 1/4 SW 1/4 - 10 Ac.
SE 1/4 SW 1/4 - 6 Ac., NW 1/4 SE 1/4 - 40 Ac., NE 1/4 SE 1/4 - 37 Ac.
SW 1/4 SE 1/4 - 37 Ac., SE 1/4 SE 1/4 - 30 Ac.

comprising a total of 176 acres of land.

Well

Depth - 85 ft.Static - 30 ft.Pumping - 1200 gpmCapacity - 1200 gpm

This Permit Includes pertinent
 data of Permits # 3608 & 4356-3

Date November 2, 1978
Leroy J. McLaughlin
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7181

December 21 1979

PIERRE, _____, 19

RECEIVED OF Pearl Creek Hutterian Brethern Co., Inc., (Paul Waudner) Iroquois 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. 4356-3)	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 4356-3)		
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 kw

No. 4356-3

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

January 3, 1980

Pearl Creek Hutterian Brethern Inc.
Iroquois, SD 57353

Gentlemen:

Enclosed herewith are, Water License No. 4356-3 and Certificate of Construction.

Water License No. 4356-3 is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:gy

enclosures

NOTE: The applicable portions of Permit No. 3608-3 have been incorporated into this Water License No. 4356-3 and Permit No. 3608-3 has been placed in a cancelled status.



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
TNOQUOIS, 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. 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. 4356-3 to add the following qualification:

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



December 13, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

4356-3

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

Dear Mr. Waldner:

I am writing to acknowledge receipt of the irrigation questionnaires for Pearl Creek Colony.

The irrigation questionnaire for Water Right No. 4356-3 is being returned to you for completion. The form was marked "yes" for irrigation but nothing was written on the back of the form. Please complete the questionnaire and return it to us by December 29th.

Enclosed is a postage paid envelope for your convenience in returning the completed questionnaire. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



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