

WATER PERMIT NO. 4622A-3

Name of Applicant: Riverside Hutterian Brethren

Address: 40161 200th St, Huron SD 57350 Phone: 605 350-5766

Amount of Water Claimed: 1.71 cfs (no add'l) Total Acres: 130 (no add'l)

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Beadle

Type of Waste Disposal System: NA

Location: 8 miles northeast of Huron

PRIORITY Date Received: 12-29-10 Application/License Fee: \$300

Corrected Application Received: 1-4-11 Period of Annual Use: XX

Remarks: Transfer irrigated acreage & diversion rate authority authorized by No. 4622-3 and a portion of No. 1523 to new land pursuant to SDCL 46-5-34

Diversion Point: SW ¼ SE ¼ Sec 21-T112N-R61W

Land to be Irrigated: SE ¼ Sec 21-T112N-R61W

Depth of Well: 80 feet deep

Well Driller: Riverside Drilling

Remarks:

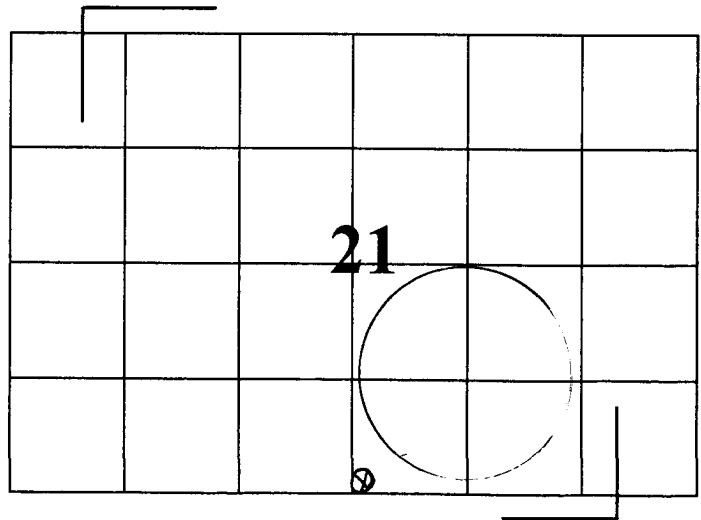
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 1-4-11

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

(office use only)
No. 4622A-3 Hydrologic Unit 1016006
Basin James River
Newspaper The Plainsman PO Box 1278
Huron 57350

RECEIVED
DEC 29 2010
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 4622-3 & 1523-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Transfer irrigated acreage and diversion rate authority authorized by Water Right No. 4622-3 and a portion of Water Right No. 1523-3 to new land pursuant to SDCL 46-5-34

1. Name of Applicant Riverside Hutterian Brethren Phone 605 350-5766
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 40361 200th Street Huron SD 57350
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 1.71 *CFS or 770 **GPM ***AF Total Acreage 130
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Tulare:Hitchcock Aquifer

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Beadle
SW 1/4 SE 1/4 Section 21, T112N, R61W

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used April 1 thru October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 SE 1/4 Section 21, T112N, R61W	32.5		
NE 1/4 SE 1/4 Section 21, T112N, R61W	32.5		
SW 1/4 SE 1/4 Section 21, T112N, R61W	32.5		
SE 1/4 SE 1/4 Section 21, T112N, R61W	32.5		

8. Give a description of the project. (Attach sheet if more space is needed)
See Attached Sheet

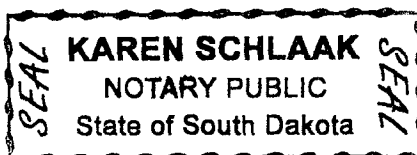
STATE OF SOUTH DAKOTA)
County of Hughes) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, Bennett Waldner, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Bennett Waldner

Subscribed and sworn to before me this 29th day of December 20 10



Karen Schlaack
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 4622A-3**

Date of first receipt of application December 29, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 4622A-3 to Riverside Hutterian Brethren, c/o Bennett Waldner, 40361 200th St, Huron SD 57350 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4622A-3 amends Water Right No. 4622-3 and a portion of Water Right No. 1523-3 by transferring irrigated acreage and diversion rate authority to a new location. Water Right No. 4622-3 appropriates 1.22 cubic feet of water per second (cfs) from one well (Tulare:Hitchcock) located in the SE 1/4 SW 1/4 Section 20 to irrigate 101 acres located in the SW 1/4, W 1/2 SE 1/4 Section 20-T112N-R61W. Water Right No. 1523-3 appropriates 2.2 cfs from one well near the center of the SW 1/4 Section 21 to irrigate 160 acres located in the SW 1/4 Section 21-T112N-R61W. This permit severs 101 acres and 1.22 cfs diversion authority authorized by Water Right No. 4622-3 and severs 29 acres and 0.49 cfs diversion authority authorized by Water Right No. 1523-3 to 130 acres located the SE 1/4 Section 21 utilizing an existing well located in the SW 1/4 SE 1/4 Section 21; all in T112N-R61W. The water source for this irrigation system is the Tulare:Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is March 1, 1977 (No. 4622-3 - 101 acres & 1.22 cfs) and February 20, 1968 (No. 1523-3 - 29 acres & 0.49 cfs).
4. The date of approval of Permit No. 4622A-3 is March 22, 2011.
5. One-fifth of the construction is to be completed on or before September 22, 2013.
6. All construction is to be completed on or before March 22, 2016.
7. Water is to be put to beneficial use on or before March 22, 2020.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The existing well located in the SE ¼ SW ¼ Section 20-T112N-R61W authorized by Water Right No. 4622-3 shall be plugged in accordance with South Dakota Well Construction Standards.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 18 2011
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

See Well Information in No. 4146-3

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

3. Dugout Information

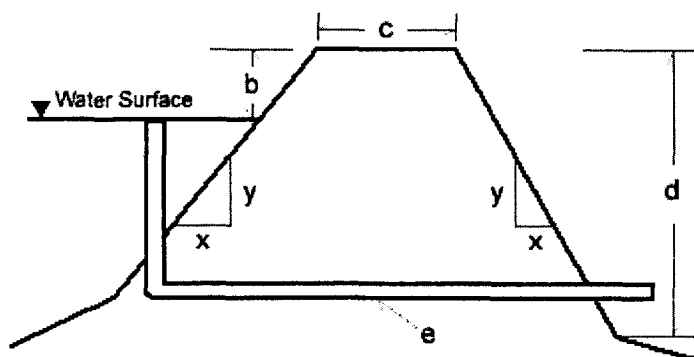
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



Utilize existing well once authorized to irrigate the SE 1/4 Section 21 under cancelled Water Right No. 4146-3. Application involves the transfer of Water Right No. 4622-3 and a portion of Water Right No. 1523-3 as follows:

Water Right No. 4622-3 - transfer the entire 101 acres and diversion rate authority of 1.22 cfs to the SE 1/4 Section 21, T112N, R61W. Irrigation will cease in the acres historically irrigated under No. 4622-3.

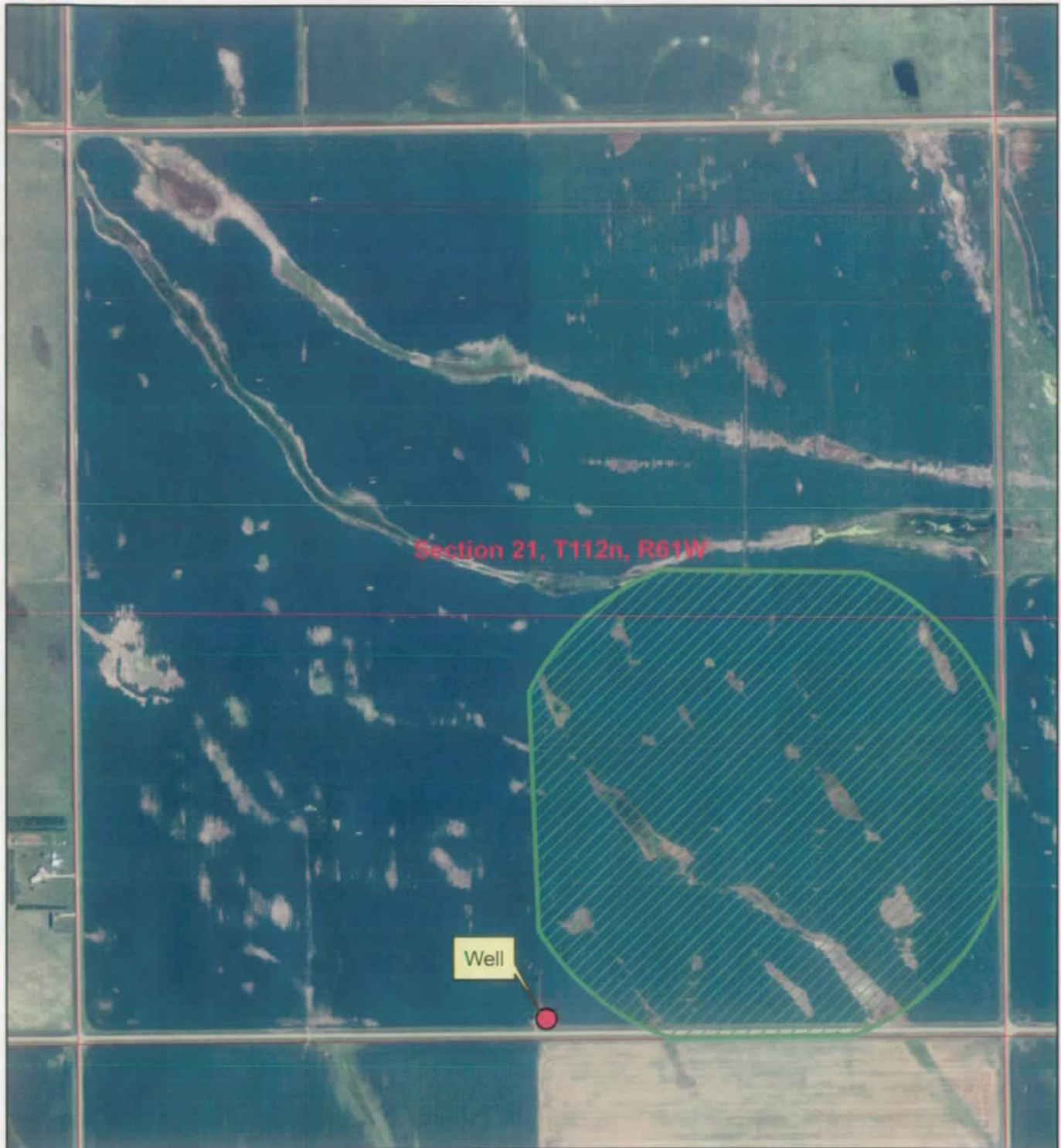
Water Right No. 1523-3 – transfer 29 acres associated with the corners and a portion of the diversion rate authority in the amount of 0.49 cfs (218 gpm) to the SE 1/4 Section 21, T112N, R61W. The diversion rate authority of 1.72 cfs (770 gpm) and irrigation of 131 acres will be retained under Water Right No. 1523-3 in the SW 1/4 of Section 21. Riverside will renozzle the pivot to limit the diversion rate to the authorized amount.

The objective is to have two pivot systems operating in the S 1/2 Section 21 each capable of diverting 1.72 cfs (770 gpm) irrigating 261 acres (130 acres in SE 1/4 and 131 acres in the SW 1/4).

The pivot corner portions of land authorized by Water Right No. 4622-3 have been irrigated on occasion although the submittal of the annual irrigation questionnaire does not necessarily reflect the application of water to these areas. Irrigation would take place by utilization of big guns.

The transfer will allow the irrigation to be in closer proximity to our primary operation and can be better incorporated into Riverside's nutrient management plan for our animal confinement facility

Riverside Hutterian Brethren's Water Permit Application



0 330 660 1,320 1,980 2,640 Feet



Well to be located in the SW 1/4 SE 1/4 Section 21, T112N, R61W for irrigation of SE 1/4 of Section 21
Application is an amendment to transfer Water Right No. 4622-3 and a portion of Water Right No. 1523-3.

Eric Gronlund
Eric Gronlund
Water Rights Program, DENR

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/4, 20 11

RECEIVED OF Riverside Butte Irrigation Brethren 40361 200th St Huron SD 57350

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No.

04702

By

Harold E. White
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4622A-3, Riverside Hutterian Brethren**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 4622A-3, Riverside Hutterian Brethren, c/o Bennett Waldner, 40161 200th Street, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 4622A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The existing well located in the SE ¼ SW ¼ Section 20, T112N, R61W authorized by Water Right No. 4622-3 shall be plugged in accordance with South Dakota Well Construction Standards.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 8, 2011

See note on next page

NOTE: Upon approval of Application No. 4622A-3 the Water Rights Program will schedule Water Right No. 4622-3 for cancellation and reissue Water Right No. 1523-3 to reflect that a portion was transferred.

If a new well is necessary to replace the existing well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21 T112N, R61W to supply water to the land authorized by this application, please contact Eric Gronlund at 605 773-3352 for what is necessary to change the diversion point.

REPORT ON WATER PERMIT APPLICATION NO. 4622A-3
For Riverside Hutterian Brethren
January 31, 2011

Application No. 4622A-3 proposes to amend Water Right No. 4622-3 and a portion of Water Right No. 1523-3 by transferring irrigated acreage and diversion rate authority to a new location. Water Right No. 4622-3 appropriates 1.22 cfs from one well located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 20 to irrigate 101 acres located in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of section 20, T112N R61W. Water Right No. 1523-3 appropriates 2.2 cfs from one well near the center of the SW $\frac{1}{4}$ of section 21 to irrigate 160 acres located in the SW $\frac{1}{4}$ of section 21, T112N R61W. This application proposes to sever 101 acres and 1.22 cfs diversion authority from Water Right No. 4622-3 and sever 29 acres and 0.49 cfs diversion authority from Water Right No. 1523-3 to be put to use on 130 acres located in the SE $\frac{1}{4}$ of section 21 utilizing an existing well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 21; all in T112N R61W in Beadle County. The water source is the Tulare Hitchcock aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

AQUIFER – TULARE HITCHCOCK (T-H)

The Tulare Hitchcock is a predominantly surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies portions of Spink County to the north and blends into the Tulare Western Spink aquifer to the west. The Water Management Board considers the Tulare Hitchcock and Tulare Western Spink aquifers the same for appropriation purposes. The Water Management Board concluded the Tulare Hitchcock along with the Tulare Western Spink aquifers to be fully appropriated based upon water use at the December 6, 2007 Water Management Board Hearing and adopted Findings of Fact and Conclusions of Law to that effect in “In the Matter of Water Permit Applications from the Tulare Aquifer, Findings of Fact, Conclusions of Law and Final Decisions”. Nothing factual has changed since that report (Goodman, 2007) to affect the water availability status of these aquifers. The Tulare Hitchcock aquifer is still considered fully appropriated.

Since the aquifer is fully appropriated additional irrigated acreage can not be authorized because that would involve an additional appropriation of water. There is no additional water available for appropriation. This application does not request any additional acreage for irrigation.

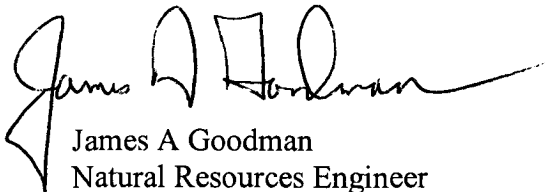
SDCL 46-5-34 does allow for transfer of irrigation rights. In part that statute states “all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other lands without losing priority of the right previously established”. The colony indicates that this transfer will allow irrigation to be in closer proximity to the colony’s primary operation and can be better incorporated into Riverside Colony’s nutrient management plan for their animal confinement facility.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Interference is not a concern. Water levels do not fluctuate significantly in response to pumping in this area. Also the nearest irrigation well to this well site is about one-quarter mile to the northwest (Water Right No. 1523-3) and operated by the applicant. The Water Rights Program does monitor an observation well BD-66A located about one mile southwest of this application. The water level record for this well clearly reflects climatic changes (recharge and discharge) and slight effects from pumping. A hydrograph for this observation well is included with this report (Water Rights, 2011).

CONCLUSIONS

1. The Tulare Hitchcock aquifer is fully appropriated as determined by Water Management Board action in December of 2007.
2. The source of water for this application is the Tulare Hitchcock aquifer.
3. This request amounts to a transfer of 130 acres of irrigation and 1.72 cfs diversion rate from two separate water rights to this proposed location. No increase in irrigated acres can be allowed from the Tulare Hitchcock aquifer because the aquifer is fully appropriated. There will be no increase in irrigated acreage with approval of this application.
4. The statutes do allow a transfer of irrigated acreage and the water necessary to go with the land. The transfer procedure could allow the applicant the flexibility of managing their irrigation crop rotation.
5. Water Right No. 4622-3 (1.22 cfs, 101 acres) is transferred in whole to Water Permit No. 4622A-3. Upon approval of this application Water Right No. 4622-3 would be considered abandoned and can be cancelled. The existing well under Water Right No. 4622-3 must be plugged pursuant to SD Well Construction Standards.
6. Water Right 1523-3 (2.20 cfs, 160 acres) is transferred in part (0.49 cfs, 29 acres) to Water Permit No. 4622A-3 in order to allow irrigation of a total of 130 acres and a diversion rate of 1.71 cfs. Water Right No. 1523-3 will retain 131 acres of irrigation and a diversion rate of 1.71 cfs.
7. The date of priority for Water Right Nos. 1523-3 and 4622-3 can be retained under Water Permit No. 4622A-3.
8. Water Right No. 1523-3 will need to be relicensed to reflect the changes made by this transfer request if approved.



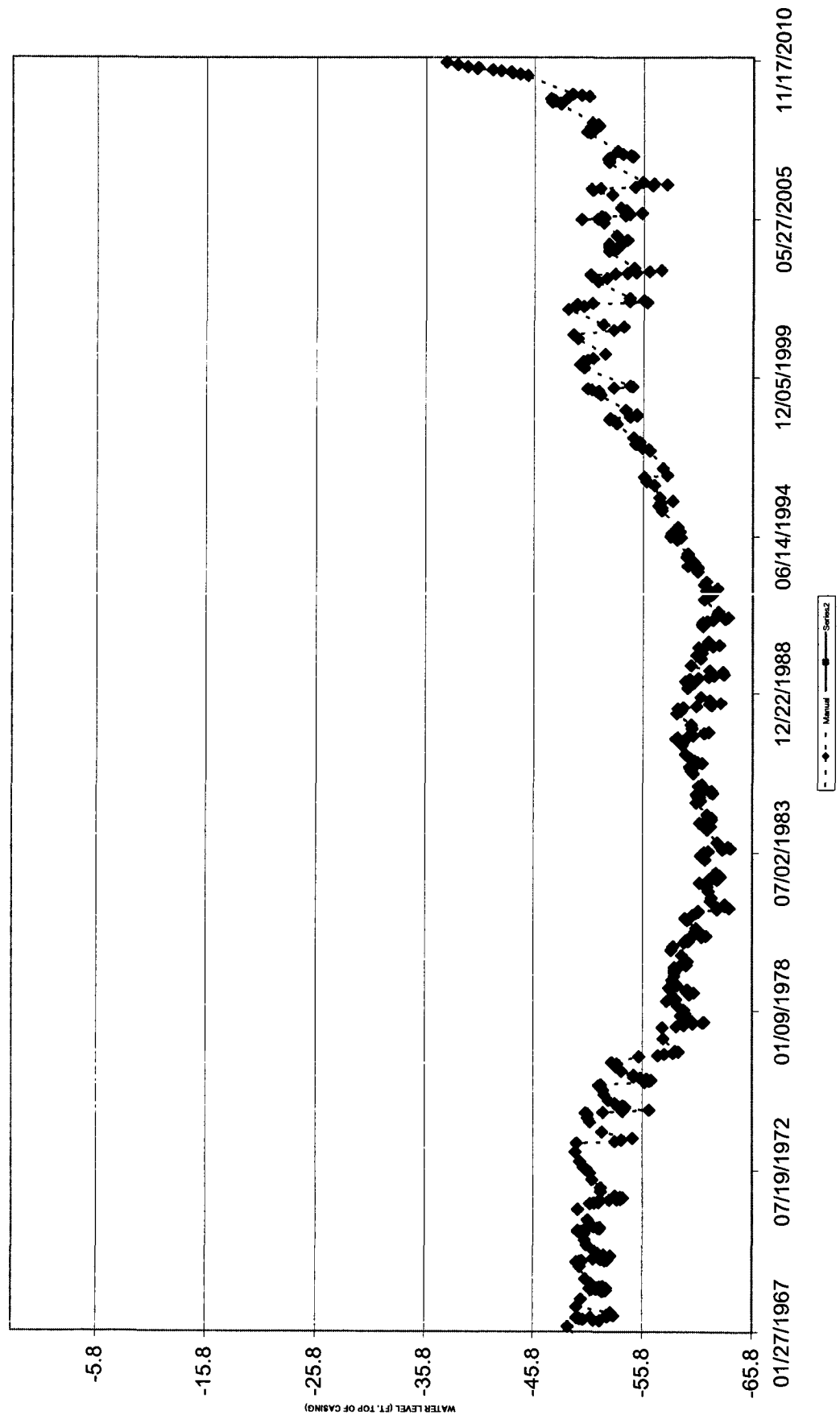
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Goodman, J.A., 2007, Report on Deferred Water Permit Applications from the Tulare Hitchcock and Tulare Western Spink Aquifers in Spink, Hand and Beadle Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Water Rights, 2011, Unpublished Observation Well Data for the Tulare Hitchcock Aquifer in Beadle County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
BD-66A



RECEIVED

MAR 24 2011

WATER RIGHTS PRINTER'S AFFIDAVIT
PROGRAM

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, Ashley Neuharth, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

RIVERSIDE COLONY – WATER RIGHTS

Was published for Two days, once each week, on the same day, in said newspaper, and not in any supplement of the said newspaper. The first publication being the 2nd day of MARCH, 2011 and the last publication was on the 9th day of MARCH, 2011. That the full amount of the fee charged for publishing is: EIGHTY SEVEN & 73/00 Dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person, whomsoever.

Ashley Neuharth

Subscribed and sworn to before me this 21st day of MARCH, 2011

LEA TAYLOR
Notary Public, South Dakota

My term expires 08/27/2016

Legal # 056

F.P. 03-02-11
L.P. 03-09-11

**NOTICE OF
APPLICATION
NO. 4622A-3
to Amend Water Right
No. 4622-3 and a
Portion of Water Right
No. 1523-3**

Notice is given that Riverside Colony, c/o Bennett Waldner, 40181 200th St, Huron SD 57350 has filed an application to amend Water Right No. 4622-3 and a portion of Water Right No. 1523-3 by transferring irrigated acreage and diversion rate authority to a new location. Water Right No. 4622-3 appropriates 1.22 cubic feet of water per second (cfs) from one well (Tulare: Hitchcock) located in the SE 1/4 SW 1/4 Section 20 to irrigate 101 acres located in the SW 1/4, W 1/2 SE 1/4 Section 20-T112N-R61W. Water Right No. 1523-3 appropriates 2.2 cfs from one well near the center of the SW 1/4 Section 21 to irrigate 160 acres located in the SW 1/4 Section 21-T112N-R61W. This application proposes sever 101 acres and 1.22 cfs diversion authority authorized by Water Right No. 4622-3 and sever 29 acres and 0.49 cfs diversion authority authorized by Water Right No. 1523-3 to 130 acres located the SE 1/4 Section 21 utilizing an existing well located in the SW 1/4 SE 1/4 Section 21; all in T112N-R61W. The water source for this irrigation system is the Tulare:Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from a parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Waldner indicates the transfer will allow irrigation to be in closer proximity to the colony's primary operation and can be better incorporated into Riverside's nutrient management plan for their animal confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends **APPROVAL** of Application No. 4622A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a

beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 22, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

No. 056 (adv.)

Published twice at the total approximate cost of \$92.12.



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 9, 2011

via email

The Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 4622A-3 to Appropriate Water to be published twice. Please publish the first notice on February 16, 2011 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Riverside Hutterian Brethren, c/o Bennett Waldner, 40161 200th St., Huron SD 57350 (Ph # 605-350-5766).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 4622A-3

Date _____

We are in receipt of your letter of February 9, 2011 enclosing Notice to Appropriate Water by Application No. 4622A-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

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

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

February 9, 2011

Riverside Hutterian Brethren
Bennett Waldner
40161 200th St
Huron SD 57350

Dear Mr. Waldner:

Water Permit Application No. 4622A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plainsman printed at Huron SD (Ph # 605-352-6401). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on February 16, 2011 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 4622A-3
to Amend Water Right No. 4622-3 and a Portion of Water Right No. 1523-3

Notice is given that Riverside Colony, c/o Bennett Waldner, 40161 200th St, Huron SD 57350 has filed an application to amend Water Right No. 4622-3 and a portion of Water Right No. 1523-3 by transferring irrigated acreage and diversion rate authority to a new location. Water Right No. 4622-3 appropriates 1.22 cubic feet of water per second (cfs) from one well (Tulare:Hitchcock) located in the SE 1/4 SW 1/4 Section 20 to irrigate 101 acres located in the SW 1/4, W 1/2 SE 1/4 Section 20-T112N-R61W. Water Right No. 1523-3 appropriates 2.2 cfs from one well near the center of the SW 1/4 Section 21 to irrigate 160 acres located in the SW 1/4 Section 21-T112N-R61W. This application proposes sever 101 acres and 1.22 cfs diversion authority authorized by Water Right No. 4622-3 and sever 29 acres and 0.49 cfs diversion authority authorized by Water Right No. 1523-3 to 130 acres located the SE 1/4 Section 21 utilizing an existing well located in the SW 1/4 SE 1/4 Section 21; all in T112N-R61W. The water source for this irrigation system is the Tulare:Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from a parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Waldner indicates the transfer will allow irrigation to be in closer proximity to the colony's primary operation and can be better incorporated into Riverside's nutrient management plan for their animal confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4622A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 7, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 18 2011

Riverside Hutterian Brethren
c/o Bennett Waldner
40361 200th St
Huron SD 57350

Dear Mr. Waldner:

Enclosed is Water Permit No. 4622A-3 and Reissued Water License No. 1523-3. Water Permit No. 4622A-3 authorizes construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit. Reissued Water License No. 1523-3 reflects a reduction in acreage and diversion authority based on approval of Permit No. 4622A-3.

A Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

enclosures

RECEIVED

JUN 29 2012

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

WATER RIGHTS
PROGRAM

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

Date June 29, 2012

FROM: Riverside Hutterian Brethren
(name)

40361 200th Street
(address)

Huron SD 57350 605 350-5766
(city) (state) (zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

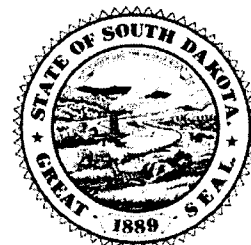
Water Permit No. 4622A-3 states that the water use system is to be constructed by
March 22, 2016, and water is to be put to beneficial use by March 22, 2020
(date) (date)

The water use system was completed on May 2012
(date)

Applying the water to beneficial use was completed on flushed pivot have not irrigated
(date)

You may schedule an investigation so that the water license may be issued.

Ben Walden





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

July 3, 2012

4622A-3

Ben Waldner
Riverside Hutterian Brethren
40361 200th St
Huron SD 57350

Dear Mr. Waldner:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system. The permit authorizes irrigation of the SE ¼ Section 21, T112N, R61W.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 17, 2015

Bennett Waldner & Sam Waldner
Riverside Hutterian Brethren
40361 200th Street
Huron SD 57350

Gentlemen:

On November 4, 2015, Whitney Kilts and I with the Water Rights Program conducted a licensing investigation of Water Permit No. 4622A-3 of the irrigation system in the SE ¼ Section 21, T112N, R61W. During our site visit we noticed white casing north of the production well that supplies the center pivot. Upon closer examination it was casing for a well that was not capped. A gentleman with the colony came out to check on us and informed us that this was a well that resulted in a dry hole. A map showing the location of the dry hole is attached.

This letter is to inform Riverside that this dry hole must be plugged in accordance with the South Dakota Well Construction Standards. Please take the necessary steps to have this well properly plugged and inform the Water Rights Program when it is completed by submitted a completed plugging report. The plugging report is attached.

If you have questions regarding plugging requirements, please contact Ken Buhler at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

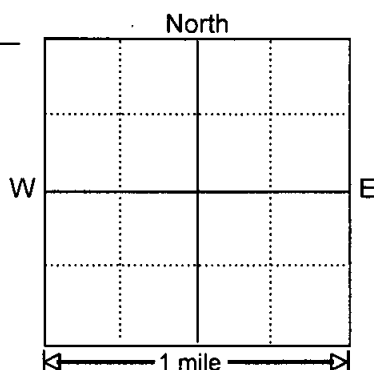
enclosures



SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT 11-02

Location _____ ¼ _____ ¼ Sec _____ Twp _____ Rg _____

County _____

Please mark well
location with an "X"

Plugging Completion Date _____

Well Owner:

Name: _____

Address: _____

City, State, Zip: _____

Comments: _____

CHECK APPROPRIATE BOXEXISTING WELL ☐TEST HOLE ☐

Well depth _____

Casing material _____

Casing size(s) _____

Casing condition _____

Hole depth _____

Hole size _____

Describe plugging procedure: _____

Describe grout or plugging material: _____

Type of non-slip plug: _____

This well or test hole was plugged under license # _____ and this report is true and accurate.

Drilling firm: _____

Signature of Licensed Representative: _____

Signature of Well Owner: _____

Date: _____

Permit No. 4622A-3

Contact Person & Address: **Samuel Waldner, Riverside Hutterian Brethren**

Report of Examination of Works

On, **July 26, 2018**, I made a thorough examination of the water use system constructed by **Riverside Hutterian Brethren, 40361 200th St., Huron, SD 57350** holder of Permit No. **4622A-3**, bearing priority dates of **March 1, 1977** and **February 20, 1968**, authorizing the diversion of **1.71** cu. ft. per second of the waters of **ground water (Tulare; Western Spink Hitchcock Aquifer)** for **irrigation** purposes, in **Beadle** County.

The system is in the following condition **good**. The point of diversion is located **from the SE corner of Section 21, T112N, R61W 2,595 feet West and 138 feet North** with latitude of **44.48659** and a longitude of **-98.16367** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **1.33** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows: All land is located in **Sec 21, T112N, R61W**

NW ¼ SE ¼ - 32.5 ac NE ¼ SE ¼ - 32.5 ac SE ¼ SE ¼ - 32.5 ac SW ¼ SE ¼ - 32.5 ac

comprising a total of **130** acres of land and the license should be issued for **1.33** cfs.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- 1) Well Drilling Firm: **Riverside Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **82** feet
- 4) Well log is available: **yes**

Casing:

- 1) Diameter **16** inches
- 2) Length **#** feet
- 3) Type **Stainless Steel**

Screen:

- 1) Type **Stainless Steel**
- 2) Length **#** feet
- 3) Static water level **48** feet

Pump:

- 1) Make **Turbine**
- 2) Capacity **600** GPM

page 2

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size 8 inches 3) Length 1300 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic 2) Overall length 1200 feet
3) Number of towers 7 4) End gun yes
5) High or low pressure low 6) Capacity 600 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes 2) Main line check valve yes
3) Inspection port/air relief yes 4) Low pressure drain yes
5) Discharge is 20' from source yes 6) Interlock type yes
7) Injection pump type yes 8) Injection check valve yes
9) Injection line check valve or positive displacement pump yes
10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes

Comments: none

Dated: September 13, 2018



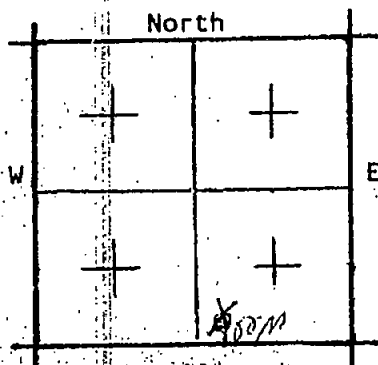
Terry D Helms

Water Rights Inspector

24 112 N 61 W 4622A-3

Well Owner: Buck Walter
Name
Address Union

Mark location
with an "X"



County Beauregard T-112-N
W 1/2 S 1/2 Sec. 2 Twp. 11-N Rg. R-61-W

☒ Domestic ☒ Municipal ☐ Test Holes
☒ Irrigation ☒ Industrial ☐ Stock

Method of Drilling: ☐ Forward Rotary ☐ Bored ☐ Jetted
☒ Reverse Rotary ☐ Cable ☐ Other

Diameter of Hole 28
Depth Planless
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____

Was casing end left open
Was a well screen installed
Describe Well Screen

Diameter 16" Material Steel
Slot size 80

Was well gravel packed
Was well grouted
Was water sample taken

Static water level 48' below land surface
If flowing: closed in pressure _____ PSI
rate of flow _____ GPM

☐ Valve ☐ Reducers ☐ Other

If other; specify

☒ Pumped

☒ Bailed

☐ Other

Describe:

Pumping Level Below Land Surface

Pumping Level below Land Surface
60 ft. After 24 Hrs. pumped 900 GPM
 " " " " " "
 " " " " " "

Well Log:

[illegible]

(Use Back if Necessary)

Date Completed:

Driller:

Driller's or Firm's Name

Address

Signed By

License NO.

Date _____

4622A-3



0 0.05 0.1 0.2 0.3 0.4 Miles



D. Ortle

Water Rights Inspector Dated 9-13-2018

4622A-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 4622A-3, Riverside Hutterian Brethren

ADDRESS: 40361 200th Street, Huron SD 57350 COUNTY: Beadle County

DATE: May 1, 2019

TELEPHONE: 605 350-5772

RE: Discussion with Samuel Waldner

A qualification to Water Permit No. 4622A-3 to allow the transfer of irrigation to another location required that the old well be plugged.

Qualification No. 3 on Permit No. 4622A-3 states "The existing well located in the SE ¼ SW ¼ Section 20-T112N-R61W authorized by Water Right No. 4622-3 shall be plugged in accordance with South Dakota Well Construction Standards."

I contacted Samuel Waldner to inquire whether the well was plugged. Mr. Waldner stated that the well has been plugged. The plugging was done by Riverside residences. I did not delve into whether the plugging method met with the well construction standards.

NAME: Eric Lundberg



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 22 2019

4622A-3

Samuel Waldner
Riverside Hutterian Brethren
40361 200th St
Huron SD 57350

Dear Mr. Waldner:

Enclosed is Water License No. 4622A-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license 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
WATER LICENSE NO. 4622A-3

(1) Riverside Hutterian Brethren, 40361 200th St, Huron SD 57350 made Application No. 4622A-3, December 29, 2010 for a water permit to divert 1.71 cubic feet of water per second (cfs) from ground water, one well (Tulare Western Spink Hitchcock Aquifer), Beadle County, South Dakota for irrigation purposes. Permit No. 4622A-3, with priority dates of March 1, 1977 (1.22 cfs) and February 20, 1968 (0.49) was approved March 22, 2011 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 22, 2016 and for the application to beneficial use of said water on or before March 22, 2020.

Water Permit No. 4622A-3 amended Water Right No. 4622-3 by transferring all 101 acres and 1.22 cfs diversion authority to another location. Based on the amendment, Water Right No. 4622-3 was cancelled by the Water Management Board on October 5, 2011. Water Permit No. 4622A-3 also severed 29 acres and 0.49 cfs diversion authority from Water Right No. 1523-3. Based on the amendment, Water Right No. 1523-3 was reissued April 18, 2011 to reflect the remaining acreage and diversion authority.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,595'W and 138'N of the SE corner of Section 21, T112N, R61W (SW ¼ SE ¼)
Latitude 44.48659, Longitude -98.16367

(3) The permit 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:

T112N, R61W Section 21	NW ¼ SE ¼	32.5 acres
	NE ¼ SE ¼	32.5 acres
	SE ¼ SE ¼	32.5 acres
	SW ¼ SE ¼	32.5 acres
Total		130.0 acres

The priority dates retained are as follows:

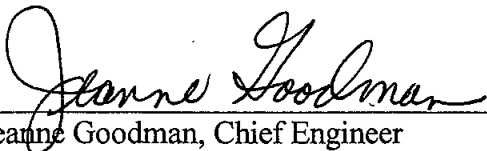
- 0.49 cfs and 29 acres: February 20, 1968 (as established under Water Right No. 1523-3)
- 0.84 cfs and 101 acres: March 1, 1977 (as established under Water Right No. 4622-3)

(4) Pursuant to South Dakota Water Law 46-5-30.1 Riverside Hutterian Brethren, 40361 200th St, Huron SD 57350 the holder and/or owner of Water Right No. 4622A-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from ground water, one well (Tulare Western Spink Hitchcock Aquifer) with priority dates of February 20, 1968 and March 1, 1977 (described above) from the location specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 4622A-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- The existing well located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, T112N, R61W authorized by Water Right No. 4622-3 shall be plugged in accordance with South Dakota Well Construction Standards. *The water right holder confirmed the well had been plugged.*



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

MAY 22 2019

date

