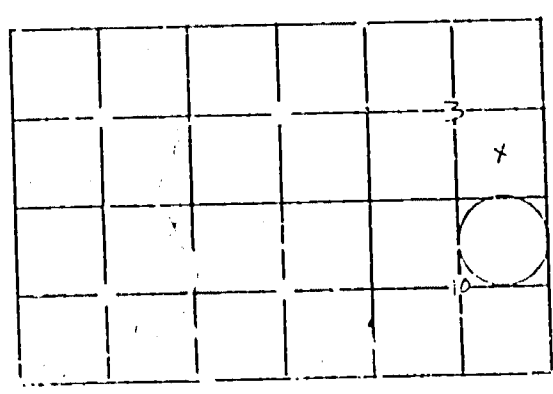


- 1. Considered MAY 1 1981
 - 2. Name of Applicant GRACEVALE COLONY
 - 3. Post Office Address WINFRED
 - 4. Amount of Water Claimed NO ADD'L
 - 5. Source of Water Supply 64' WELL (EXISTING ON # 3621-3)
 - 6. Water to be used for IRR maximum
 - 7. Acres to be irrigated 133 acre feet
 - 8. Water to be diverted and used in LAKE County
about 4E. 6 miles SOUTH of WINFRED
 - 9. PROOF OF PUBLICATION Received 4-23-81
Not Received _____
- APPLICATION Approved _____
Subject to _____
Not Approved _____
Action deferred _____

Priority Date Received 2-26-61 Application Complete yes _____ no _____ FEE 250⁰⁰
Remarks NEED 250 FEE (CALLED 4/3/81 TO SEND)

WATER QUALITY Date information and/or fee or corrected Application received 4-6-81
Period of Annual use _____
Received yes 2/13/81 no _____ APPROVED (CONDITIONAL) (Circle one)
WI-1 Description same as application (yes) no _____ Remarks _____

Disapproved _____ Returned _____



Diversion Point _____
APPROX. CENTER SE4
3-105-54
Lands to be irrigated _____
N. 10-105-54

WELL LOG Remarks _____
Driller Unknown - existing well Licensed yes _____ no _____
Depth 64'

*from permits 3671-3
approved 1977*

3

2819-3

Water Right No. _____

MAP

Map No. 2898-3 Map located in Water Right X Map file _____

Type of Map AERIAL Prepared by SCS

+++++

REVIEWED

This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 5/1/81

Betty Weeden
(Signed)

+++++

PROTESTS

Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS

Date

F.F. & C

Final Decision, including F.F. & C of Law were adopted _____

OF LAW,

Date

FINAL

Final Decision mailed to parties and/or parties notified that Final Decision

DECISIONS

ETC.

was adopted _____

Remarks _____

Map No. 2819-3 2898-3 Water Division No. 3 No. 4680-3 VERMILLION RIVER District
Above for Office Use 10170102

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New _____ Vesired Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage ☒1. Name of Applicant Gracevale Colony Phone No. _____Post Office Address _____ Win/fred State SD 57076
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Gracevale Addition4. Amount of water claimed (cubic feet per second) no additional5. Source of water supply groundwater existing well under Permit No. 3621-36. Location of point of diversion 400'W of the Center of the SE $\frac{1}{4}$, Section 3, T105N, R54W

County _____ Lake _____

7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, _____ Total number of acres to be irrigated 133

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.
133 acre circle in the NE $\frac{1}{4}$	
Section 10, T105N, R54W	

Land Description	No. Acres Irr.

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 2 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water MADISON DAILY LEADER

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
well & pump & motorThis application proposes to pump the existing well to a pivot system covering the NE $\frac{1}{4}$, Section 10, T105N, R54WB. Works proposed to transport water to place of use.
mainlineC. Works proposed to apply water to beneficial use.
center pivot sprinkler system

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 Hughes
Sam Hofer, Jr.

I, _____ 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 Gracevale Colony, Sam Hofer, Jr.Subscribed and sworn to before me this 26th day of February, 19. 81

Notary Public (or other qualified officer)

KAREN WERNSMANN, Administrative Secretary

WATER RIGHT APPLICATION APPROVAL.

The Water Management Board hereby approves Water Right Application No. 4680-3

GRACEYALE COLONY

(Applicant)

WINFRED

(Post Office Address)

SOUTH DAKOTA

(State)

With the following qualifications.

57076

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.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application FEBRUARY 26, 1981

Date of return to applicant for correction, amendments or changes required MARCH 20, 1981

Date of receipt of corrected application APRIL 6, 1981

Approved MAY 1, 1981, Recorded in Book 22 Page 126

WATER RIGHT PERMIT NO. 4680-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4680-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 26, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 1, 1982
3. The whole of said work is to be completed on or before MAY 1, 1983
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 1, 1985
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 APPL 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 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 MAY 1, 1985; said water to be used during the following described

annual period: APRIL THRU OCTOBER

Witness my hand this 13TH day of MAY, 1981

THE WATER MANAGEMENT BOARD

By:

John H. C. B.
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

D. Well Information

- (1) Drill Hole, Diameter 30", Depth 64'
- (2) Casing, Type PUC, Diameter 16", Thickness 7/16 (estimated)
(wood, concrete, steel, etc)
- (3) Screen, Type Johnson Stainless, Diameter 16", Length 35'
- (4) Gravel Pack, Thickness 7", Length of gravel pack 64'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 29'

Depth to bottom of water bearing material 64'

Depth to water (ground surface to water level) 29'

PEA SIZED SANDS IN
LOWER 40' w/FINER
SANDS ABOVE

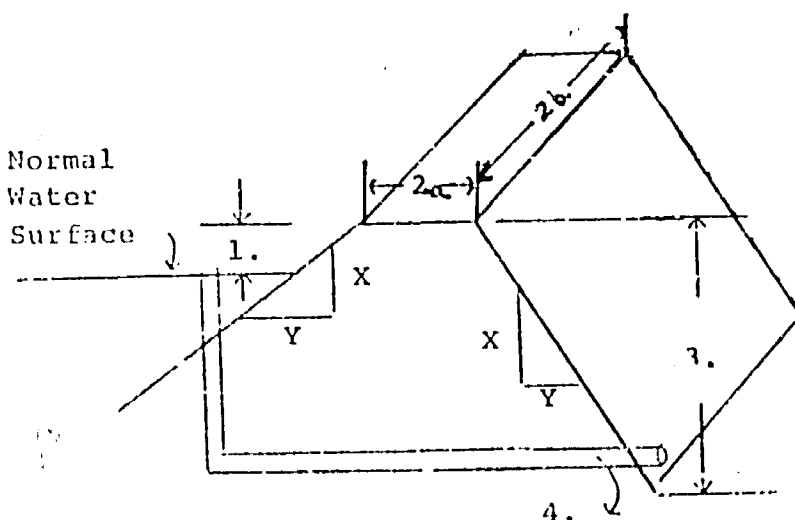
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property 80 rds.

On property owned by others 640 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
 - Pipe diameter _____
 - Spillway width _____
- X & Y slope:
 - Upstream _____
 - Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

2703-LA

OWNERS NAME: Graceville Colony OWNERS ADDRESS: Highway 1, S.D. 57076

COUNTY LAND LOCATED IN: Lake PHONE: 105-256-6948

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: NE 1/4 of 3 - 105 N - 54 W
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SO'LS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>NE 1/4 Sec 10</u>			
<u>105 N 54 W</u>	<u>160</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: Cotton, Barley, Alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
- LEGAL DESCRIPTION: _____
- IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 177-144
8. SALINITY (EC X 10⁶): _____
9. SODIUM (SAR): _____
10. ADJUSTED (SAR): _____

RECEIVED

FEB 06 1981

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: N/A by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

1 DAY OF January, 1981.

[Signature]
(NOTARY PUBLIC)

[Signature]
APPLICANT'S SIGNATURE

[Signature]
Director, Division of Conservation

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

- ____ APPROVED
- ____ DISAPPROVED
- X CONDITIONALLY APPROVED



REC. MGMT/FORM
7/80

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Graverville Colony

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

RECOMMENDED MANAGEMENT:

Special attention should be given to application rate and maintaining
good soil cover to prevent erosion and some of the steeper slopes

The Whitewood soil should be left in grass to prevent traction problems.

Publish first publication, on or before April 17, 1981NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 8, 1981

Notice is hereby given that the Gracevale Colony whose post office address is Winfred, 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 Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from groundwater (1 existing well) through the Gracevale #2 the point (x) of diversion of which is (see) to be located in the approximate center of the SE 1/4

of Section 3, Twp. 105N, Range 54W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 10, T105N, R54W

This Application No. 4680-3 will be considered by the Water Management Board at Civil Defence Room, Capitol Building, Pierre SD upon the 1st day of May, 1981

at 10 A.M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board 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 Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialistcc: SAM Hufer
Gracevale Colony
Winfred SD 57076WNR-806/-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lake) ss.

I, Merrill D. Hunter hereby
certify that the annexed prior copy of Notice of Intent to Appropriate
Water was taken from the Madison Daily Leader

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 Madison

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

Tuesday	April 14th	1981
Tuesday	April 21st	1981

Merrill D. Hunter
(Signature)

Publisher
(Title)

4/21/81
(Date Signed)

Tuesday, April 14 & 21

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

April 8, 1981

Notice is hereby given that the Gracevale Colony whose post office address is Winfred, 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 Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from groundwater (1 existing well) through the Gracevale No. 2, the point of diversion of which is to be located in the approximate center of the SE 1/4 of Section 5, Twp. 105N, Range 54W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4, Section 10, T105N, R54W.

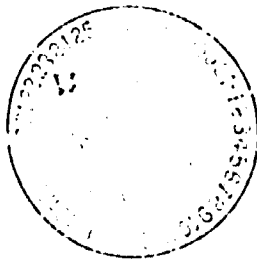
This Application No. 4680-3 will be considered by the Water Management Board at Civil Defense Room, Capitol Building, Pierre, S.D. upon the 1st day of May, 1981 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board 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 Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre, S.D., prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD
BETTY WESTLUND
Water Rights Specialist



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8130

RECEIVED OF Paul Hofer, Gracevale Farmers' Cooperative, Winfred, SD 57076 PIERRE, April 6, 19 81
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. <u>4690-3</u> (examination, processing, recording and filing) _____	250.00
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 filling _____	
Fee for certified copy of _____	
Fee for Print copy of map _____	
Fee for Certifying _____	
Fee for _____ (any other work as provided by law)	
TOTAL	250.00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH / (Ct)

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office Winifred, S. Dak.
Date 8, 25, 81TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

4680-3.

Water Right Permit No. 4680-3 states that the diversion system is to be constructed by 2, 24, 81, and that the water is put to beneficial use by 5, 1, 81.

The diversion system was completed on 2, 24, 81. Applying the water to beneficial use was completed on 5, 1, 81.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Emmanuel E. H. Paul H. H. H.
(Signature)

3621-3
41680-3

**South Dakota Department of
Water & Natural Resources**

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

February 17, 1989

Gracevale Colony
RR 1, Box 170
Winfred, SD 57076

Dear Sirs:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

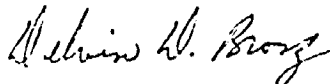


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



John JOHN HATCH, Chief Engineer
Water Rights Division

Permit No. 3621-3 and 4680-3Vermillion River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Gracevale Colony of Winfred, SD 57076 holder of Permit(s) No. 3621-3 and 4680-3, bearing the priority of February 8, 1977 and February 26, 1981, respectively authorizing the diversion of 3.0 (total for both) cu. ft. per second and/or the storage of acre-feet of the waters of the East Fork Vermillion Aquifer for irrigation purposes, in Lake County.

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

A. Works used to divert the water:

One Well (used for both 3621-3 and 4680-3) 64' deep with 3/4' of 16" Plastic Casing and 30' of 16" Stainless Steel 50 Slot screen; 3 Stage Byron Pump, Model No. Unknown, 8" 950 GPM @ 80 PSI; GE Motor Model No. 5K6254XM501A, Serial No. BNJ216402, 60HP

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

10' of 6" Aluminum (for system on No. 3621-3) and 2640' of 8" Aluminum (for system on No. 4680-3)

C. Works used to apply water to beneficial use:

Both are 9 Tower Lockwood Center Pivot Systems, Model No. 2200 (used on 3621-3) and Model No. 2265 (used on 4680-3), both 1320' long with End Gun, High Pressure (80 PSI), Rain Bird Nozzles, 800 GPM each

The system(s) are in the following condition Good. The point of diversion is located 1350'N and 1848'W of the SE corner of Section 3-T105N-R54W, Lake County, South Dakota.

The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water and/or storing acre-feet of water which is to be used for irrigation.

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

No. 3621-3 in Section 3-T105N-R54W:NW1/4 SE1/4 = 39 acresSW1/4 SE1/4 = 38 acresNE1/4 SE1/4 = 19 acresSE1/4 SE1/4 = 18 acresNo. 4680-3 in Section 10-T105N-R54W:NW1/4 NE1/4 = 33 acresSW1/4 NE1/4 = 33 acresNE1/4 NE1/4 = 33 acresSE1/4 NE1/4 = 33 acres

NE1/4 SW1/4 = 9 acres

Total No. 4680 = 132 acres

SE1/4 SW1/4 = 9 acres

Total No. 3621 = 132 acres

comprising a total of 264 acres of land and the license should be issued for 1.78 cfs and/or acre-feet of storage.

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: None

Date 9/5/91



Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 3621 3 and 4680-3

1. Legal location of wells: 1350' North and 1848' West of the SE corner of Section 3-T105N-R54W, Lake County, South Dakota

Dams and Structures None

2. Well Information: Well Drilling Firm Huron Drilling

Completion Report? Yes X No. of Wells 1 Depth(s) 64 feet

Casing a) diameter 16 inches Screen a) type Stainless Steel (50 Slot)

b) length 34 feet b) length 30 feet

c) type Plastic Static Water Level 30 feet

Pump a) make Byron

Motor a) make GE

b) model Unknown

b) model no. 5K6254XM501A

c) size 8"

c) horsepower rating 60

d) capacity 950 GPM

d) serial no. BNJ216402

e) turbine pump - no. of stages 3

f) operating PSI 30

3. Distribution lines or canals

a) size 8 inches

b) type Aluminum/PVC

c) length 10'/2640 feet

4. System Type

a) gun:

b) center pivots:

1) make

1) make Lockwood, Models 2200 and 2267

2) nozzle size

2) number of towers 9 each

3) capacity (GPM)

3) distance between towers

- | | |
|---------------------------------|--|
| 4) hose size inches | 4) overall length <u>1320 each</u> feet |
| 5) hose length feet | 5) end gun (Y/N) <u>Y (both)</u> |
| e) gated pipe: | 6) high or low pressure <u>High (70-80 PSI) each</u> |
| 1) length feet | 7) make and size of nozzles: |
| 2) diameter inches | <u>Rain Bird</u> |
| 3) spacing of gates inches | 8) capacity (GPM) <u>800 each</u> |

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project Existing Well under 3521-3 will be used as source of water for Permit No. 4680-3. Will incorporate the two permits into one license.

- | Yes | No | Check Items |
|------------|----------|---|
| <u>X</u> | | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit? |
| <u>X</u> | | 2. Special qualifications to permit being abided by? |
| <u>X</u> | | 3. All structures, wells and lands on map? |
| <u>X</u> | | 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period? |
| | <u>X</u> | 5. Is chemigation used? |
| <u>N/A</u> | | 6. If yes, does equipment comply with chemigation rules? |

REMARKS:



4680-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 23, 1992

Permit No. 4680-3

Gracevale Colony
RR 1, Box 170
Winfred, SD 57576

Dear Sirs:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 3621-3 and 4680-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 3621-3 will be incorporated into 4680-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



4680-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

GREAT FACES. GREAT PLACES.

August 26, 1992

SECOND NOTICE

PERMIT NO: 4680-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Paul Hofer
Graceville Colony
RR 1, Box 170
Winfred, SD 57076

Dear Mr. Hofer:

On June 23, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 4680-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

Gracevale Colony
RR 1, Box 170
Winfred, SD 57076

Carol Harper

5. Signature (Addressee)

6. Signature (Agent)

4680-3

4. Article Number

P 906 559 922

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8/26/92

8. Addressee's Address (Only if requested and fee is paid)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 • US G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

RECEIPT

413398

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, August 31, 1992

RECEIVED OF Paul Hofer, Gracevale Colony, RR 1 Box 170, Winfred, SD 57076
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 _____		
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. <u>4680-5</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *Clarence Hatch*
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4680-3

(1) Gracevale Colony of RR 1, Box 170, Winfred, SD 57076 made Application No. 4680-3, February 26, 1981 for a water permit to appropriate no additional cubic feet of water per second from groundwater (one well), Lake County, South Dakota for irrigation purposes. Permit No. 4680-3 with a priority date of February 26, 1981 was approved May 1, 1981 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 1, 1983 and for the application to beneficial use of said water on or before May 1, 1985.

Water Permit No. 4680-3 authorized irrigation of the NE 1/4 Section 10, T105N, R54W from an existing irrigation well covered under Water Permit No. 3621-3. No. 4680-3 did not allow for an increase in the developed diversion rate.

The applicable portions of Water Permit No. 3621-3 have been incorporated into Water License No. 4680-3. Priority dates, as they pertain to the acres irrigated, are described in (3) of this License.

(2) It is certified that the applicant 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is: 1350'N and 1848'W of the SE corner of Section 3, T105N, R54W (NW 1/4 SE 1/4).

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

T105N, R54W Section 3	NW 1/4 SE 1/4	39 Acres
	SW 1/4 SE 1/4	38 Acres
	NE 1/4 SE 1/4	19 Acres
	SE 1/4 SE 1/4	18 Acres
	NE 1/4 SW 1/4	9 Acres
	SE 1/4 SW 1/4	9 Acres
Section 10	NW 1/4 NE 1/4	33 Acres
	SW 1/4 NE 1/4	33 Acres
	NE 1/4 NE 1/4	33 Acres
	SE 1/4 NE 1/4	33 Acres
	Total-----	264 Acres

The land in Section 3 retains a February 8, 1977 priority date as established under Permit No. 3621-3.

The land in Section 10 retains a February 26, 1981 priority date as established under Permit No. 4680-3.

(4) Pursuant to Section 46-5-30.1 Gracevale Colony of RR 1, Box 170, Winfred, SD 57076 the holder(s) and/or owner(s) of Incorporated Water Permit No. 4680-3 is/issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with priority dates of February 8, 1977 and February 26, 1981 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 4680-3 and subject to South Dakota State Law.



NOV 24 1992

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

South Dakota

4680-3

GREAT FACES. GREAT PLACES.

NOV 24 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

4680-3

Sam Hofer, Jr.
Gracevale Colony
RR 1, Box 170
Winfred, SD 57076

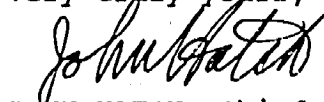
Dear Mr. Hofer:

Enclosed is Water License No. 4680-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413398 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4680-3, 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.

Very truly yours,



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

enclosures

NOTE: The applicable portions of Water Permit No. 3621-3 have been incorporated into Water License No. 4680-3.

BRUCEMAN INC. DRILLERS LOG

PAGE NO.

WELL NAME		LOCATION	DATE	RIG NO.	FOREMAN
Gracvale Colony		3-105-54, Lake co.	2-4-77	18	Bernard Schleder
DEPTH	TIME	REMARKS			
0-10	11:30	0-9 Topsoil			
10-20	12:00	9-16 Yellow clay and gravel			
20-30	1:10	16-19 Dark Sand			
30-40	1:30	19-20 Gravel mixed			
40-50	2:30	20-32 Dark sand and gravel			
50-60	7:00	32-40 fine yellow sand			
		40-50 coal and fine grey sand			
		50-55 Good gravel and sand and coal, water loss			
		55-64 Water loss, rocks and large gravel			
		64-65 blue clay			
		30 Ft. Perf. 16" Stainless Steel Screen 50 Slot			
		1-20 ft. length			
		1-10 ft. length			
		34 Ft. Solid Plastic 15"			
	TD 64'	Buckshot furnished by farmer			

189.

WELL REPORT

Gracvale Colony 3-105-54, Lake Co. February 4, 1977

OWNER DESCRIPTION DATE

CASING LOG

Depth	64	ft.			
Flow	gpm	34	ft. 16" Plastic	pipe to	34
Pumps	gpm	30	ft. 16" Stainless	pipe to	64
Flood	ft.		Steel Screen 50 Slot	pipe to	ft.
30 Ft. 16" Stainless Steel Screen 50 Slot				pipe to	ft.

REMARKS

1-20 Ft. length of 16" Stainless Steel Screen 50 Slot

1-10 Ft. length of 16" Stainless Steel Screen 50 Slot

Rig No. 18

Bernard Schleder Foreman

4680-3

FIELD PUMPING TEST Water Level Measurements

Well No. 1

Location: Gracevale Colony
Winifred, So. Dak.

Date: 2/9/77

8" Pipe 6" Orifice

By Bruce Engel

Time of Measurement	Elapsed Time - Minutes	Tape Measurement		Elec. Elev. of Marker Inches	Depth of Water Feet Static	Draw-down Feet	Pumping Rate GPM	REMARKS
		Mark Held Ft	Weighted Port. Inches					
							32"	Dirty
9:20	5 Min.				31' 2"		949	Cloudy
9:25	"				44' 11"		949	Cloudy
9:30	"				45' 3"		949	Clear
9:35	"				45'		949	Clear
9:40	"				45'		949	Clear
9:45	"				45' 3"		949	Clear
9:50	"				45' 4"		949	Clear
9:55	"				45' 5"		949	Clear
10:00	"				45' 5"		949	Clear
10:05	"				45' 5"		949	Clear
10:10	"				45' 5"		949	Clear
10:15	"				45' 6 1/2"		949	Clear
10:20	10 Min.				45' 7"		949	Clear
10:30	"				45' 7"		949	Clear
10:40	"				45' 9"		949	Clear
10:50	"				45' 10"		949	Clear
11:00	"				45' 10"		949	Clear
11:10	"				45' 11"		949	Clear
11:20	15 Min.				45' 11"		949	Clear
11:30	"				46'		949	Clear
11:40	"				46'		949	Clear
11:50	"				46' 1"		949	Clear
12:00	30 Min.				46' 1"		949	Clear



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 4, 2017

NOTICE OF CANCELLATION

TO: Paul Hofer, Jr., Gracevale Hutterian Brethren, 28843 446th Ave, Winfred SD 57076

FROM: Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of portions of Water Right No. 4680-3

Water Right No. 4680-3 authorizes diversion of 1.78 cfs from one well to irrigate 264 acres located in the S ½ Section 3 and NE ¼ Section 10, T105N, R54W. The pivot in the NE ¼ Section 10 was damaged and became inoperable many years ago. In January, 2017, Water Permit No. 8245-3 was obtained by the colony to ensure irrigation could be re-established in the NE ¼ Section 10, T105N, R54W. The Chief Engineer of the Water Rights Program is recommending cancellation of 132 acres of Water Right No. 4680-3 located in the NE ¼ Section 10, T105N, R54W.

The Water Management Board will consider cancellation of the NE ¼ Section 10, T105N, R54W described in Water Right No. 4680-3 at 11:00 am, Thursday, May 11, 2017 (Central Time) in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on the 132 acres of Water Right No. 4680-3 described in the NE ¼ Section 10, T105N, R54W based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by May 1, 2017. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by May 1, 2017.

Prior to May 1, 2017, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by April 14, 2017.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

**RECOMMENDATION OF CHIEF ENGINEER
FOR PORTIONS OF WATER RIGHT NO. 4680-3
GRACEVALE HUTTERIAN BRETHREN**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 4680-3.

The Chief Engineer is recommending cancellation of 132 acres described in the NE ¼ Section 10, T105N, R54W authorized under Water Right No. 4680-3 due to abandonment and/or forfeiture.

Gracevale Hutterian Brethren has acknowledged the pivot in the NE ¼ Section 10, T105N, R54W was damaged and became inoperable many years ago. They filed an application for the quarter to ensure irrigation could be re-established within that quarter. Water Permit No. 8245-3 was subsequently approved authorizing irrigation of the quarter. No. 8245-3 did not allow for an increase in diversion authority from the existing well.

RON DUVALL, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
April 4, 2017

Note:

Cancellation of the portion of Water Right No. 4680-3 located in the NE ¼ Section 10, T105N, R54W does not pertain to the existing well, 1.78 cfs diversion rate or the 132 acres still being irrigated in the S ½ Section 3, T105N, R54W

If the Board takes action to cancel the NE ¼ Section 10, T105N, R54W from Water Right No. 4680-3, the water right will be reissued for the well, 1.78 cfs and the remaining acreage located in Section 3.

CERTIFICATION

I hereby certify that on April 4, 2017, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated April 4, 2017 regarding cancellations addressed as stated below:

Water Right No. 4563-3:

Ralph Dertien, PO Box 123, Platte SD 57369-0123

Water Right No. 1016-2:

Jim & Sheryl Birdsall, 28086 Angostura Rd, Hot Springs SD 57747

Jay Leisure, US Bureau of Reclamation, 515 9th St Room 101, Rapid City SD 57701

Water Right No. 1107-1

Taz & Casey Olson, 11921 SD Hwy 79, Prairie City SD 57649-4502

Betty Olson, 11919 SD Hwy 79, Prairie City SD 57649

Water Permit No. 1140-2

Cleve Prichard, 21895 White River Rd, Kadoka SD 57543

Water Right No. 4680-3

Paul Hofer, Jr., Gracevale Hutterian Brethren, 28843 446th Ave, Winfred SD 57076



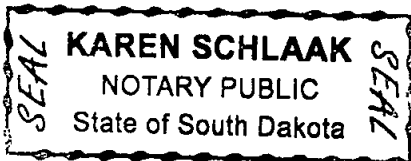
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of April, 2017.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

MAY 15 2017

4680-3

Paul Hofer, Jr
Gracevale Hutterian Brethren
28843 446th Ave
Winfred SD 57076

Dear Mr. Hofer:

Enclosed is Reissued Water License No. 4680-3.

On May 11, 2017, the Water Management Board took action to cancel the abandoned and/or forfeited portions of Water Right No. 4680-3 located in the NE ¼ Section 10, T105N, R54W. The enclosed water license was reissued to authorize continued irrigation of the land in the SE ¼ and E ½ SW ¼ Section 3, T105N, R54W.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions concerning the Board action or the enclosed water license, please contact Eric Gronlund with our Program at 605 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

NOTE: Prior to cancellation consideration of the NE ¼ Section 10, T105N, R54W authorized under Water Right No. 4680-3, the colony obtained Water Permit No. 8245-3 to ensure irrigation could be re-established in the NE ¼ Section 10. The Board's action to cancel the abandoned and/or forfeited portions of Water Right No. 4680-3 **did not** pertain to Water Permit No. 8245-3 (approved in January, 2017).

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 4680-3

(1) Gracevale Hutterian Brethren, 28843 446th Ave, Winfred SD 57076 was issued Water License No. 4680-3, November 24, 1992 for a water right to divert 1.78 cubic feet of water per second from ground water (one well, Vermillion East Fork Montrose Aquifer), Lake County, South Dakota for irrigation purposes. Water License No. 4680-3, with priority dates of February 8, 1977 and February 26, 1981 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

The original water license was issued for irrigation of 264 acres in the S ½ Section 3 and the NE ¼ Section 10, T105N, R54W. The land in Section 3 retained a priority date of February 8, 1977 as established under Water Permit No. 3621-3. The land in Section 10 retained a priority date of February 26, 1981 as established under Water Permit No. 4680-3.

The pivot located in the NE ¼ Section 10, T105N, R54W was damaged and became inoperable. On May 11, 2017, the Water Management Board cancelled the abandoned portions located in the NE ¼ Section 10. Water License No. 4680-3 is being reissued for the remaining portions located in Section 3, T105N, R54W.

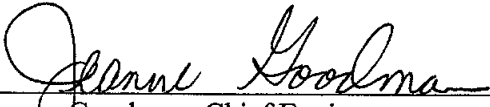
(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,350 feet N and 1,848 feet west of the SE corner of Section 3, T105N, R54W (NW 1/4 SE ¼).

(3) The water 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:

T105N, R54W Section 3	NW ¼ SE ¼	39 acres
	SW ¼ SE ¼	38 acres
	NE ¼ SE ¼	19 acres
	SE ¼ SE ¼	18 acres
	NE ¼ SW ¼	9 acres
	SE ¼ SW ¼	9 acres
	Total	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gracevale Hutterian Brethren, 28843 446th Ave, Winfred SD 57076 the holder and/or owner of Water Right No. 4680-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well, Vermillion East Fork Montrose Aquifer) with a priority date of February 8, 1977 from the location specified in (2) of this license for irrigation purposes.

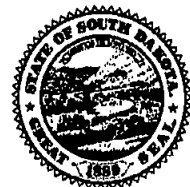
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 4680-3.



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

MAY 15 2017

date



**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 8245-3**

I have this day, November 2, 2023, made a thorough examination of the water use system constructed by Gracevale Hutterian Brethren, 23843 446th Ave, Winfred, SD 57076 of Permit No. 8245-3, bearing the priority of October 31, 2016 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Montrose Unit: Vermillion East Fork Aquifer for irrigation purposes, in Lake County.

A. Works used to divert the water:

Well Information: (SEE LICENSE 4680-3 for details)

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

- 1) Type PVC 2) Size 8 inches 3) Length 2700 feet

Comments:

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Reinke (older unit)
- 2) Overall length 1300 feet
- 3) Number of towers 9
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: 1295 ft N & 1820 ft W of SE corner Sec 3, T105N-R54W Lat 43.92446 Long -97.29588

2. The works are capable of diverting and conveying to the place of use 1.78 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:

legal description/acreage

All land in Sec 10 T105N R54W

NW NE – 30 acres

NE NE – 30 acres

SE NE – 31 acres

SW NE – 31 acres

comprising a total of 132 acres of land and the license should be issued for 1.78 cfs

3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

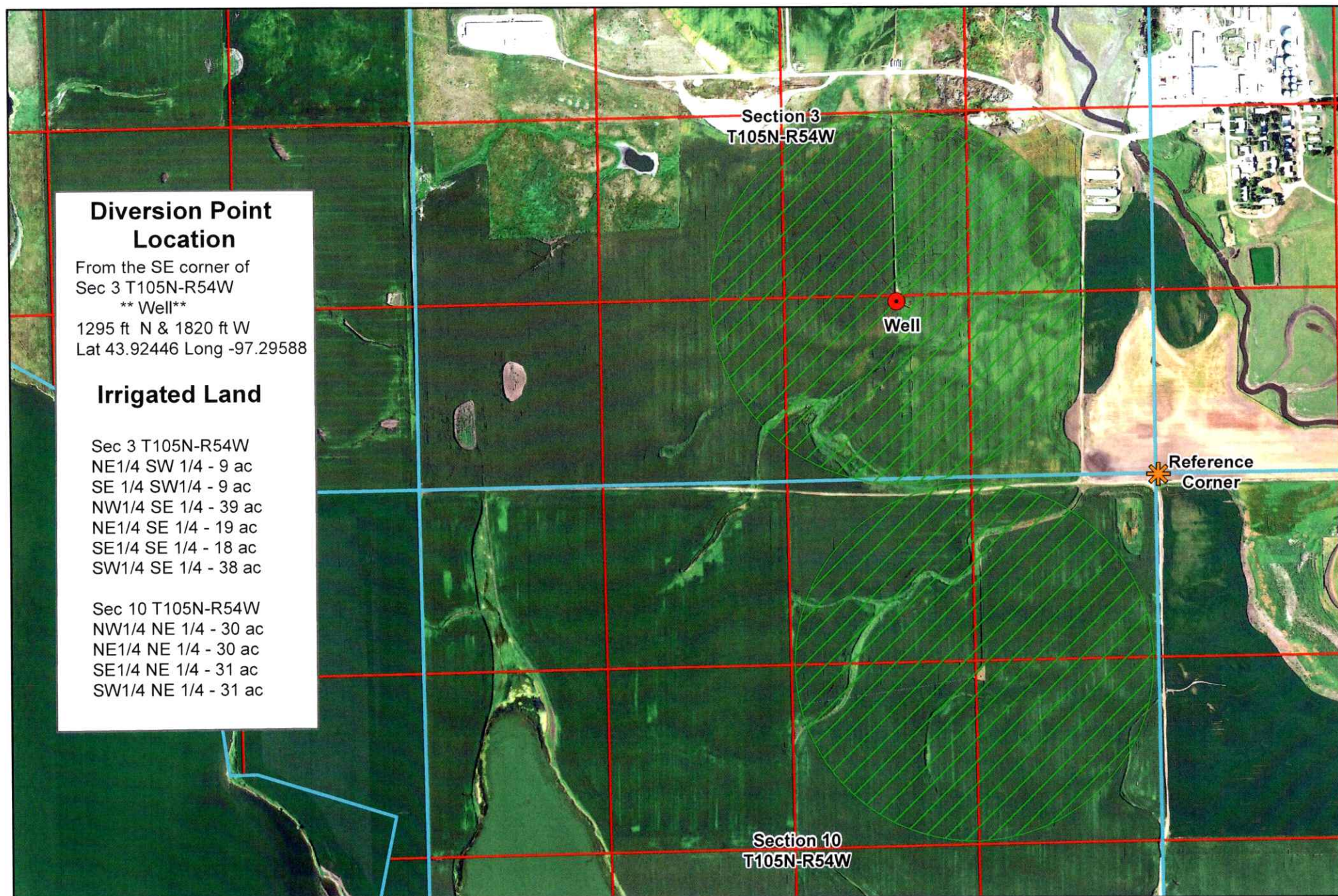
The mailing address should be corrected to 23843 446th Ave. The telephone number in the permit materials is current for Peter Wipf, Farm Manager.

I talked to a few colony workers during the field inspection visit to verify telephone number, etc.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 4, 2023



0 700 1,400 2,800 4,200 5,600 Feet

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Gracevale Hutt. Brethren

ADDRESS: 23843 446th Ave, Winfred SD 57076

DATE: November 27, 2023

COUNTY: Lake

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The holder of Permit No. 8245-3 is authorized to divert water from one pre-existing well (64 ft deep - Vermillion East Fork: Montrose Aquifer), authorized by WR No. 4680-3, located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 10 to irrigate 132 acres NE $\frac{1}{4}$ Section 10; all in T105N-R54W and 132 acres in the E $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ Section 3 (authorized by WP No. 4680-3).

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 source of water is one pre-existing well (64 ft deep - Vermillion East Fork: Montrose Aquifer). Newer and more accurate GPS technology has allowed us to better pinpoint locations. It has subsequently been found in the licensing of Permit No. 8245-3 that the point of diversion is located SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 3, T105N-R54W (Lat 43.92446/Long -97.29588)

- **If irrigation, no new land is irrigated.**

The permit holder of Nos. 4680-3 and 8245-3 developed 264 acres E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 3, and NE $\frac{1}{4}$ Section 10; all in T105N-R54W

- **Review of Existing Diversions**

There are no existing water right within 2 miles of this diversion point.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Natural Resources Engineer
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 location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

NOV 28 2023

Gracevale Hutterian Brethren
c/o Peter Wipf, Farm Manager
23843 446th Ave
Winfred SD 57076

Dear Mr. Wipf:

Enclosed is Water License No. 8245-3. 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.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of Water Right No. 4680-3 have been incorporated into Water Right No. 8245-3.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8245-3**

(1) Gracevale Hutterian Brethren; 23843 446th Ave, Winfred SD 57076 made Application No. 8245-3, October 31, 2016, for a water permit to re-establish the irrigation of 132 acres previously covered under Water Right No. 4680-3, with no increase to the rate of diversion, from groundwater, one well (Vermillion East Fork: Montrose Aquifer), Lake County, South Dakota. Permit No. 8245-3, with a priority date of October 31, 2016, was approved January 16, 2017, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 16, 2022, and for the application to beneficial use of water on or before January 16, 2026.

Water Right No. 4680-3 was re-issued on May 15, 2017, after the Water Management Board cancelled the abandoned portions located in the NE ¼ Section 10, T105N, R54W. Water Permit No. 8245-3 re-established the previously abandoned acres. The applicable portions of Water Right No. 4680-3 have been incorporated into this Water Right.

The investigation conducted for licensing purposes found the diversion point to be slightly South of where it was previously thought to be. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in the diversion point location did not increase the potential for adverse effects to existing diversions.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,295 ft N & 1,820 ft W of the SE corner of Section 3, T105N, R54W (SW ¼ SE ¼)
(Latitude 43.92446 & Longitude -97.29588)

(3) The amount of 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.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land: All in T105N-R54W

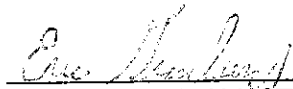
Section 3		Section 10	
NE ¼ SW ¼	9 acres	NE ¼ NE ¼	30 acres
SE ¼ SW ¼	9 acres	NW ¼ NE ¼	30 acres
NE ¼ SE ¼	19 acres	SW ¼ NE ¼	31 acres
NW ¼ SE ¼	39 acres	SE ¼ NE ¼	31 acres
SW ¼ SE ¼	38 acres		
SE ¼ SE ¼	18 acres		
		TOTAL:	264 acres

continued

(5) Pursuant to South Dakota Water Law 46-5-30.1 Gracevale Hutterian Brethren, the holder and/or owner of Water Right No. 8245-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Vermillion East Fork: Montrose Aquifer), with a priority date of February 8, 1977 for all lands in Section 3 and October 31, 2016 for all lands in Section 10; all in T105N-R54W, 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. 8245-3 and subject to the following qualifications:

1. The well approved under Water Right No. 4680-3 and Water Permit No. 8245-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Water Right shall control their 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 Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

NOV 28 2023
date

