

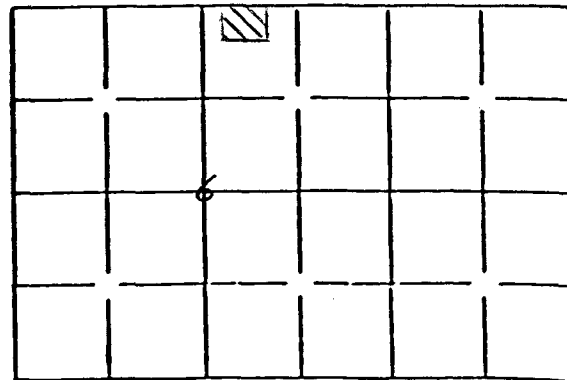
Considered: _____

WATER PERMIT NO. 5190-3MAP No. same 294-5885Name of Applicant Newport ColonyPost Office Address RRI, Box 41, Claremont SD 57432Amount of Water Claimed 0.167 cfs Total Acres NASource of Water Supply ground water 5 wellsWater to be used for domestic use County MarshallAbout 9 miles NW of Langford.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Apr. 14, 1988 Fee \$150.00 Remarks _____Corrected Application Received May 4, 1988 Period of Annual Use Jan 1 - Dec 31WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)WI-1 Description same as Application YES NO REMARKS _____Diversion Point 5 wells: NW 1/4 NE 1/4 section 6 -T125N-R59WLand to be Irrigated NAWell Log: Driller Lenius Drilling Licensed YES NODepth of Wells ± 48 feet REMARKS _____Type of Map aerial photo PREPARED BY Thomas J. Martin Reviewed and the Numberassigned on May 19, 1988 By Ron Duvall

No. 5190-3 Hydrologic Unit 10160005
 Map No. same Basin James River
 Newspaper Langford Bugle, Box 69, Britton
(wed)

DWNR, Foss Bldg.
 Pierre, SD 57501
 (605) 773-3352
 P.L. 4/4/88

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☒ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____



1. Name of Applicant NEWPORT COLONY Phone No. 294-5885

Post Office Address RR 1 Box 41 CLAREMONT State SD Zip Code 57432
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) 75 G.P.M. 0.167 cfs

3. Source of water supply 5 WELLS

4. Location of point of diversion 6^{*} - 125 - 59 NW 1/4 of NE 1/4 Sec 6
Newport Township

County Marshall

5. Counties where water will be used Marshall

6. Annual period during which water is to be used year around January 1 - December 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Drill five wells 1 1/2 miles from colony and pump through 4 in. line to colony. Each well will be designed to pump 15 G.P.M.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
 County of Brown) ss

NEWPORT COLONY
CLAREMONT, SD 57432

I, SAM J 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.

Signed Sam J Waldner

Subscribed and sworn to before me this 13th day of April 19 88

Joan Sprague
 Notary Public

8-18-94

**SOUTH DAKOTA
WATER PERMIT**

Date of first receipt of application April 14, 1988

Date of return to applicant for correction, amendments or changes required April 29, 1988

Date of receipt of corrected application May 4, 1988

The Water Management Board approved Water Permit Application No. 5190-3

on July 27, 1988 for the Newport Colony

(Applicant)

RR 1, Box 41 Claremont, South Dakota 57432
(Street, RR or Box) (City) (State) (Zip Code)

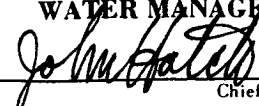
authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5190-3 appropriates 0.167 cubic feet of water per second from 5 wells approximately 48 feet deep located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T125N, R59W
2. The water appropriated shall be used for the purpose of supplying the Newport Colony
and may not exceed the amount of water needed for beneficial use for domestic purposes
3. The water is to be used during the following described annual period: January 1 - December 31
4. The date from which applicant may claim the right is April 14, 1988
5. One-fifth of the construction is ~~to be~~ completed ~~on or before~~
6. All construction is ~~to be~~ completed ~~on or before~~
7. Water is ~~to be~~ put to beneficial use ~~on or before~~
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

The wells approved under this Permit are located near domestic 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.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

DEC 1 1988

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 10 in Depth 48 ft
- b) Casing Type plastic Diameter 5 in Thickness _____
- c) Screen Type plastic Diameter 5 in Thickness _____
- d) Gravel Pack Thickness 3 in Length of Gravel Pack 15 ft
- e) Depth to Top of Water Bearing Material 21
- f) Depth to Water (ground surface to water level) 23
- g) Distance to nearest existing domestic well: 1 1/2 miles
- On applicants property _____ On property owned by others X

2. Dugout Information Estimates

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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 _____

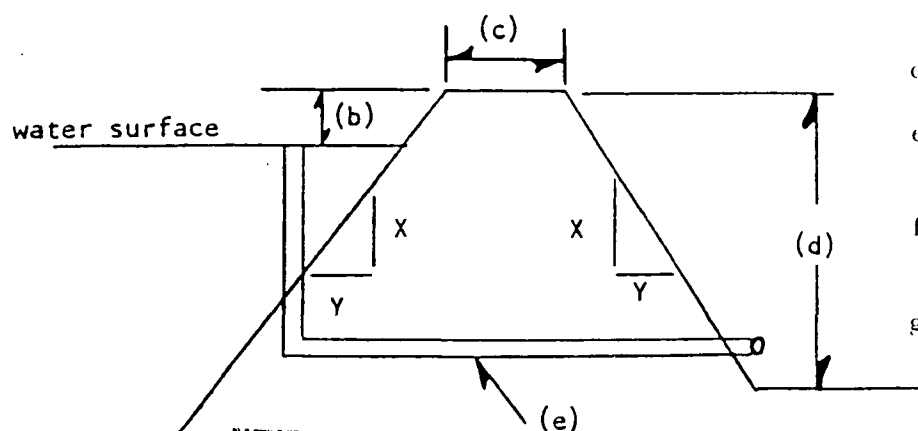
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



NEWPORT COLONY
CLAREMONT, SD 57432

Sam Waldner
Signature of Applicant

SOUTH DAKOTA WATER WELL COMPLETION REPORT

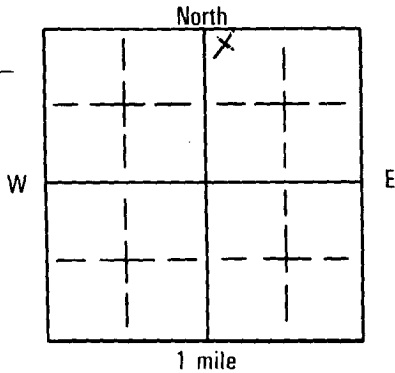
10-85

Location NW 1/4 NE 1/4 Sec 6 Twp 125 Rg 59

County

Marshall

Please mark well location with an "X"

Well Completion Date 4-1-88

PROPOSED USE:

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

Method of Drilling:

forward

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>5</u> IN	<u>+1</u> FT	<u>38</u> FT	<u>10 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☐ YES ☒ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 10 FEETMaterial plasticSlot Size 015 Set From 38 Feet To 48 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☒ NOExplain Test wellBacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Newport ColonieAddress Claremont, 59

Well Log:

Depth

Formation

From

To

<u>topsoil</u>	<u>0</u>	<u>2</u>
<u>yellow clay</u>	<u>2</u>	<u>16</u>
<u>yellow sand</u>	<u>16</u>	<u>21</u>
<u>fine sand</u>	<u>21</u>	<u>48</u>
<u>TID</u>	<u>48</u>	

STATIC WATER LEVEL 23 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: well pump
35 G.P.M.

Pumping Level Below Land Surface

23 ft. After 10 Hrs. pumped 20 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

fine sand packed with 20-40 sandThis well was drilled under license # 209

And this report is true and accurate.

Drilling firm Lenius Well Drilling

Signature of License Representative:

Walter Lenius

Signature of Well Owner:

Joe Wurtz, Newport Colonie

Date

4-6-88

5-5-88

5-5-88

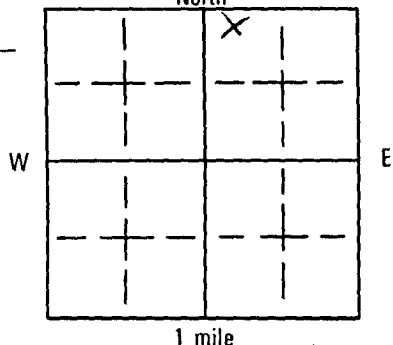
Well #4

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NW 1/4 NE 1/4 Sec 6 Twp 125 Rg 59County
Marshall

North

Please mark well
location with
an "X"Well Completion Date 4-15-88

PROPOSED USE:

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

Method of Drilling:

forward

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>1</u> FT	<u>49</u> FT	<u>10 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 27 ft FEET

What is grouting material? _____

If cement, number of sacks? 2

Describe grouting procedure _____

What was grout weight? 6/100 LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 10 FEETMaterial plasticSlot Size 015 Set From 49 Feet To 59 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Newport ColonyAddress Claremont, S. D.

Well Log:

Depth

Formation

From

To

<u>Top soil</u>	<u>0</u>	<u>2</u>
<u>yellow clay</u>	<u>2</u>	<u>13</u>
<u>yellow sand</u>	<u>13</u>	<u>24</u>
<u>fine sand</u>	<u>24</u>	<u>59</u>
<u>blue clay</u>	<u>59</u>	

STATIC WATER LEVEL 24 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumpedair pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

<u>25</u> ft.	After <u>2</u> Hrs.	pumped <u>35</u> GPM
_____ ft.	After _____ Hrs.	pumped _____ GPM
_____ ft.	After _____ Hrs.	pumped _____ GPM

REMARKS:

This well was drilled under license # 209

And this report is true and accurate.

Drilling firm Lerius Well Drilling

Signature of License Representative:

Walter Lerius

Signature of Well Owner:

Newport Colony by Joe VantzDate 5-2-88

5-5-88

5-5-88

NOT TO SCALE

*This is the quarter that
Clarence (Vetmeyer) owned
↓ Harold Pettersen*

75.0
T1075

74.0

T1076
132.0

119L-D1

*All 5 WELL SITES
ARE TO BE
CONSTRUCTED IN THIS
AREA, AS PROPOSED
BY MR SAM WALDNER
on 5/1/88.*

*Thomas J. Martin
District Conservationist
Marshall Co. Soil Conservation Service*

T1076

14-71

*Clarence
Vetmeyer
(Burton)
Rademacher*

T1075

149.0

153.5
T1077

T1075

14-18

Kay Luther

3 125-59

T1075

309.4

152.8
T1078

119L-D1

T1077

14-42

*Howard Johnson
(Kenneth & Susan Hanson
SR)*

Appl No. 5190-3



All the wells
are complete
on this site.
Thank you
Sam J. Waldner

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411197

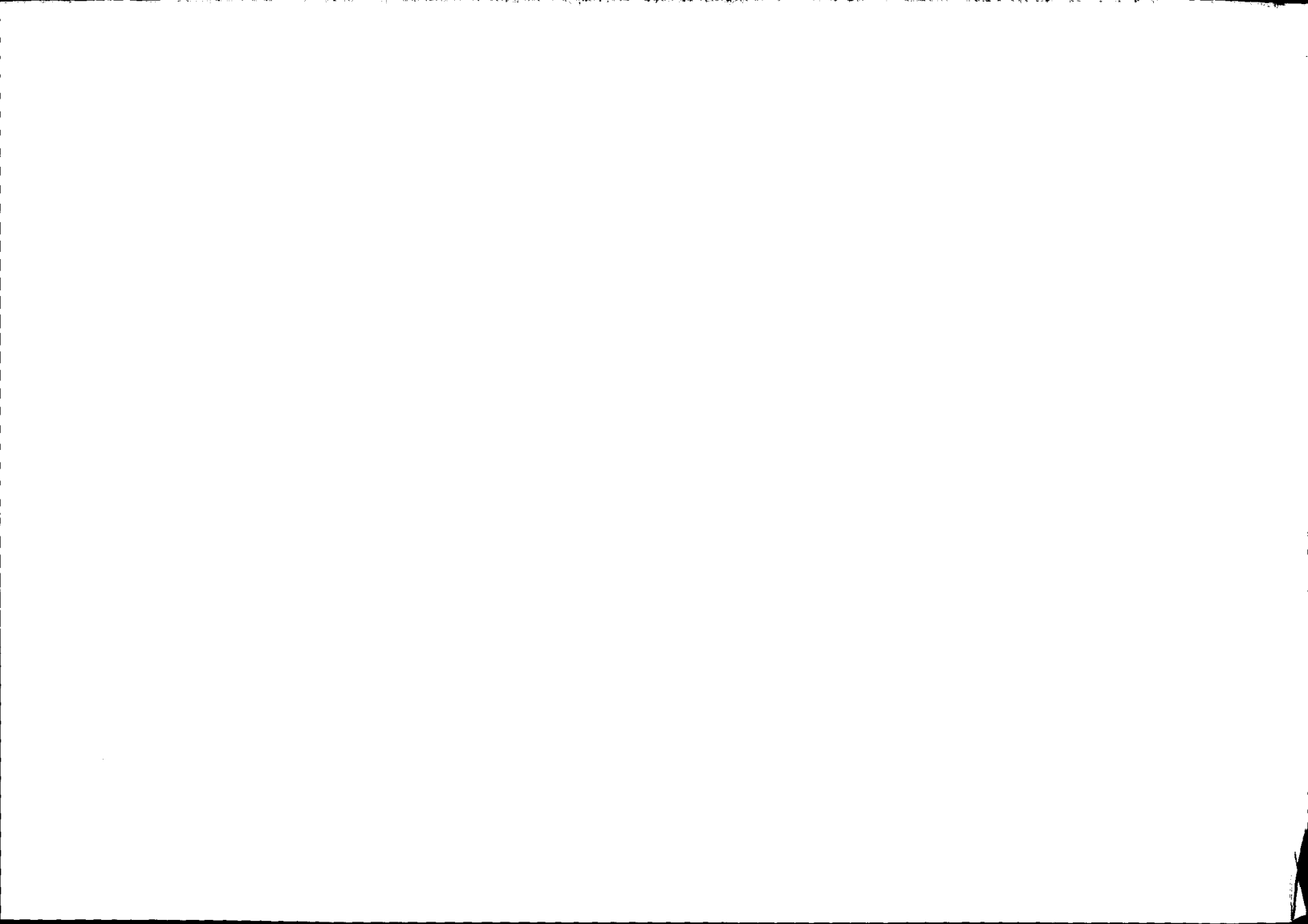
Pierre, April 14, 1988

RECEIVED OF Newport Hutterian, RR 1, Box 41, Claremont SD 57432

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

Fee for Application for Permit No. <u>5190-3</u> to Appropriate Water, to construct works and to put water to beneficial use	150	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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00

By John Hatch
Chief Engineer JOHN HATCH (ks)





Department of Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

April 29, 1988

Sam J Waldner
Newport Colony
RR 1, Box 41
Claremont SD 57432

Dear Mr. Waldner:

This letter is in response to the water permit application received on April 14, 1988 for 5 wells for the colony. The following information is needed to complete the application:

- 1) The enclosed map has one "X" marked on the map in the NW1/4 NE1/4 section 6-T125N-R59W. The NW1/4 NE1/4 of section 6 is outlined in red. I need to know if you intend to drill all 5 wells in this location or if you intend to drill some wells at other locations. Please have all 5 well sites marked on the map if the wells have been constructed.
- 2) The map also needs to be signed by one of the following persons according to the general rules: A South Dakota licensed land surveyor, A South Dakota registered professional engineer or a government employee that regularly prepares maps as part of his or her employment. I do not know if Harland Peterson is a government employee or otherwise because no title is listed below the name.

The water permit application can not be processed for consideration by the Water Management Board until the application is complete. Please complete the above information and return the signed map to complete the application. Contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

REPORT ON APPLICATION NO. 5190-3
NEWPORT COLONY
June 5, 1988

This application proposes to appropriate 0.167 cfs from 5 wells approximately 48 feet deep. The wells are located in the NW 1/4 NE 1/4 of Section 6, T125N, R59W in Marshall County. The water is pumped about 1 1/2 miles to the Newport Colony and used for domestic purposes.

Aquifer - Pliestocene Unnamed (PS-S)

The Pliestocene Unnamed Aquifer is made up of deposits of silt, fine sand and clay and were laid down by glacial meltwaters on the bed of ancient Lake Dakota (Koch, 1976). Koch also called these deposits the Lake Dakota Plain Deposits. The thickness of the deposit averages about 75 feet, but is quite variable and in this area overlies the Pierre shale. Locally this aquifer will produce enough water to supply domestic wells (5-20 gpm).

The 5 completions reports accompanying this application indicate there is 25 feet to 35 feet of saturated sand at this location and the wells were capable of producing 20 to 35 gpm using an air lift. The aquifer is under water table conditions.

The Division of Water Rights monitors an observation well ML-70R (Water Rights, 1988) which is located about 4 miles north of this application. Water levels in this well respond to climatic conditions and show about 10 feet of fluctuation between extreme wet and dry periods.

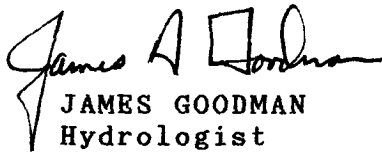
Review of Existing Water Permits

There are not existing water permits in this area from this aquifer. Because the aquifer is under water table conditions and the diversion rate is relatively small, interference will not be a problem.

Conclusions

1. Groundwater is available from these Pliestocene deposits.
2. Interference is not a problem. The diversion rate is small and the aquifer is under water table conditions.
3. Any wells constructed under this application must be completed in accordance with the SD Well Construction Standards. The driller indicated grouting with cement from 23 feet below the ground surface and that 2 sacks of cement were used. Although the hole geometry would require more cement this should be acceptable for the conditions at this site. The well completion meets minimum well construction standards.

4. This water should be tested for chemical and bacteriological properties, prior to use.


JAMES GOODMAN
Hydrologist

Bibliography

Koch, N.C., W. Bradford, 1976, Geology and Water Resources of Brown County, South Dakota, Part II Water Resources, USGS, Huron SD 57350.

Water Rights, 1988, Observation Well Records for ML-70R, DWNR, Division of Water Rights, Joe Foss Bldg, Pierre SD 57501.

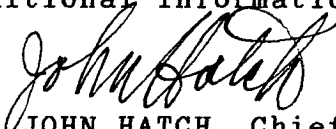
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5190-3, Newport Colony

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5190-3, Newport Colony, RR 1, Box 41, Claremont SD.

The Chief Engineer is recommending APPROVAL of Application No. 5190-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The wells approved under this Permit are located near domestic 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 inadequate domestic wells.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
June 7, 1988

Instruction to Newspaper - Publish first Notice on or before June 15, 1988
with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5190-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is given that the Newport Colony,
RR 1, Box 41, Claremont, South Dakota has filed an application for a water permit

to appropriate 0.167 cubic feet of water per second from 5 wells approximately 48 feet deep. The wells are to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6-T125N-R59W. Water is to be pumped about 1 1/2 miles to the Newport Colony for domestic uses.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5190-3 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. This application will be considered by the Water Management Board in room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on July 27, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 15, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if 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 also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 15, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40; ~~(transfer lands)~~ 46-5-33 thru 46-5-35; ~~(10,000 AF)~~ 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; ~~(10,000 AF)~~ 74:02:01:15:02 thru 74:02:01:15:05.

No. 5190-3

PROOF OF PUBLICATION

27 (June 15-88)

STATE OF SOUTH DAKOTA)
County Marshall) ss.

NOTICE OF HANDICAPING
On Application No. 5190-3
To Appropriate Water

I, Charles L Card hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Langford Bugle

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

Town of Langford

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

June 15, 1988

June 22, 1988

Charles L Card
(Signature)

Publisher
(Title)

June 22, 1988
(Date Signed)

Cost of Printing: \$33.54

It is given that the Newport
RR 1, Box 41, Claremont,
South Dakota, has filed an ap-
plication for a water permit to ap-
propriate 0.167 cubic feet of water
per second from 5 wells ap-
proximately 48 feet deep. The wells
are to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 6-T125N-R59W. Water is to be
pumped about 1 $\frac{1}{2}$ miles to the
Newport Colony for domestic uses.

Pursuant to SDCL 46-2A-2, the
Chief Engineer of the Water Rights
Division recommends APPROVAL
of Application No. 5190-3 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. This application
will be considered by the Water
Management Board in room 216, Joe
Foss Building, 523 E. Capitol, Pierre,
SD on July 27, 1988 at 10:00 a.m. The
Chief Engineer's recommendation is
not final or binding upon the Board.
The Board is authorized to 1) ap-
prove, 2) approve with
qualifications, 3) defer or 4) deny
this application based on the facts
presented at the public hearing.

Any interested person that intends
to participate in the hearing before
the Board by presenting evidence or
cross-examining witnesses ac-
cording to SDCL 1-26, must file a
written petition with BOTH the
applicant and Chief Engineer by
July 15, 1988. The Chief Engineer's
address is "Water Rights Division,
Foss Building, 523 E. Capitol, Pierre,
SD (605 773-3352)". 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 legal counsel if legal
counsel is obtained. The applicant
need not file a petition. Contact the
Water Rights Division to request
information on this application or to
assure access to the hearing by the
handicapped.



This hearing is an adversary proceeding. Any person filing a petition and-or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if 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 also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 15, 1988.

This application is made pursuant to SDCL 46-1-1- thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

SOUTH Dakota Department of
Water & Natural Resources

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

DEC 1 1988

Sam J. Waldner
Newport Colony
RR 1, Box 41
Claremont, South Dakota 57432

Dear Mr. Waldner:

Enclosed is your Water Permit No. 5190-3 as approved by the Water Management Board authorizing construction of the water system and the application of water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,



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

JH:ms

enclosure

Permit No. 5190-3

JAMES 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 NEWPORT COLONY of RR 1, BOX 41 CLAREMONT, SD holder of Permit No. 5190-3, bearing the priority of APRIL 14, 1988 authorizing the diversion of 0.167 cu. ft. per second of the waters of GROUNDWATER for DOMESTIC purposes, in MARSHALL County.

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

A. Works used to divert the water:

FIVE MONITOR SUBMERSIBLE PUMPS EACH WITH A 18 GPM CAPACITY

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

7920 FEET OF 6 INCH PVC PIPE

The system is in the following condition GOOD. The point of diversion is located NW1/4 NE1/4 OF SECTION 6 T125N-R59W. The works are capable of diverting and conveying to the place of use 0.20 cu. ft. per second of water which is to be used for DOMESTIC PURPOSES. The license should be issued for 0.167 cfs.

Applicable permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: NONE Date 6/2/1992



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 5190-3

DATE 6/2/92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: FIVE WELL LOCATED IN THE NW1/4 NE1/4 OF SECTION 6 T125N-R59W

WELL INFORMATION: Well Drilling Firm LENIUS WELL DRILLING

No. of Wells 5 Depth(s) 48, 56, 55, 59, 55 FEET

WELL #1

- a) **Casing:** 1) diameter 5 inches 2) length 38 feet 3) type PLASTIC
- b) **Screen:** 1) type PLASTIC 2) length 10 feet
- c) **Pump** 1) make MONITOR 2) model SUBMERSIBLE 3) size 4 inches
- d) **Static Water Level** 23 feet
- e) **Motor:** 1) make MONITOR 2) model No. - 3) horsepower rating - hp 4) capacity 18 GPM 5) turbine pump - No. of stages - 6) operating pressure - PSI

WELL #2

- a) **Casing:** 1) diameter 5 inches 2) length 46 feet 3) type PLASTIC
- b) **Screen:** 1) type PLASTIC 2) length 10 feet
- c) **Pump** 1) make MONITOR 2) model SUBMERSIBLE 3) size 4 inches
- d) **Static Water Level** 23 feet
- e) **Motor:** 1) make MONITOR 2) model No. - 3) horsepower rating - hp 4) capacity 18 GPM 5) turbine pump - No. of stages - 6) operating pressure - PSI

WELL #3

- a) **Casing:** 1) diameter 5 inches 2) length 45 feet 3) type PLASTIC
- b) **Screen:** 1) type PLASTIC 2) length 10 feet
- c) **Pump** 1) make MONITOR 2) model SUBMERSIBLE 3) size 4 inches
- d) **Static Water Level** 23 feet
- e) **Motor:** 1) make MONITOR 2) model No. - 3) horsepower rating - hp 4) capacity 18 GPM 5) turbine pump - No. of stages - 6) operating pressure - PSI

WELL #4

- a) **Casing:** 1) diameter 5 inches 2) length 49 feet 3) type PLASTIC
- b) **Screen:** 1) type PLASTIC 2) length 10 feet
- c) **Pump** 1) make MONITOR 2) model SUBMERSIBLE 3) size 4 inches 4) capacity 18 GPM 5) turbine pump - No. of stages 6) operating pressure PSI
- d) **Static Water Level** 24 feet
- e) **Motor:** 1) make MONITOR 2) model No. 3) horsepower rating hp

WELL #5

- a) **Casing:** 1) diameter 5 inches 2) length 45 feet 3) type PLASTIC
- b) **Screen:** 1) type PLASTIC 2) length 10 feet
- c) **Pump** 1) make MONITOR 2) model SUBMERSIBLE 3) size 4 inches 4) capacity 18 GPM 5) turbine pump - No. of stages 6) operating pressure PSI
- d) **Static Water Level** 23 feet
- e) **Motor:** 1) make MONITOR 2) model No. 3) horsepower rating hp

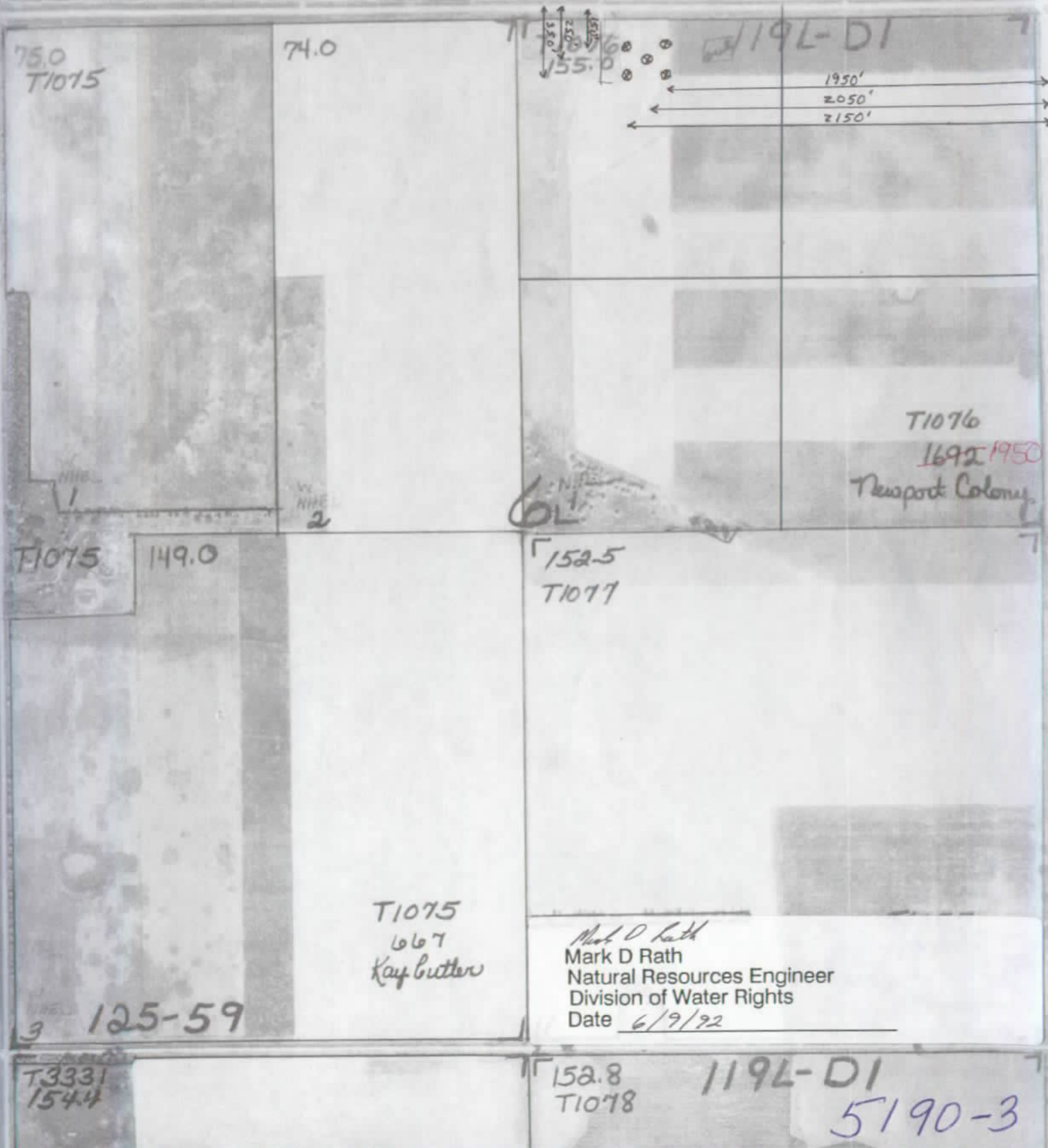
DISTRIBUTION LINES OR CANALS:

- a) type PVC b) size 6 inches c) length 7920 feet

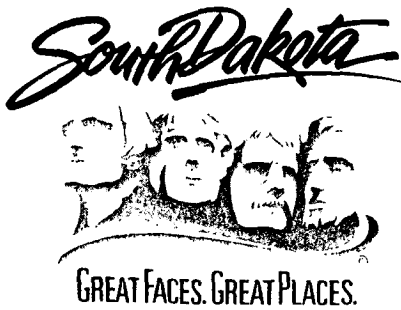
PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA (Y/N)

NOT TO SCALE



Mark D Rath
Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 6/9/92



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 20, 1992

5190-3

Sam Waldner
Newport Colony
RR 1, Box 41
Claremont, SD 57432

Dear Mr. Waldner:

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 No. 5190-3, has been completed. Your final water right document, the Water License, can now be issued.

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.

RECEIPT

413396

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 28 _____, 19 92

RECEIVED OF Newport Hutterian Brethern, Inc, RR 1 Box 41, Claremont, SD 57432

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>5190-3</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

Chief Engineer

John Hatch
[Signature]

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5190-3

(1) Newport Colony of RR 1, Box 41, Claremont, SD 57432 made Application No. 5190-3, April 14, 1988 for a water permit to appropriate 0.167 cubic feet of water per second from groundwater (five wells), Marshall County, South Dakota for domestic purposes. Permit No. 5190-3 with a priority date of April 14, 1988 was approved July 27, 1988 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.167 cubic feet of water per second for beneficial use. The location of the diversion points are: 150'S and 2150'W of the NE corner; 150'S and 1950'W of the NE corner; 250'S and 2050'W of the NE corner; 350'S and 2150'W of the NE corner; 350'S and 1950'W of the NE corner; all in the NW 1/4 NE 1/4 Section 6, T125N, R59W.

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

(4) Pursuant to Section 46-5-30.1 Newport Colony of RR 1, Box 41, Claremont, SD 57432 the holder(s) and/or owner(s) of Water Permit No. 5190-3 is issued a license to appropriate water, the right to use 0.167 cubic feet of water per second from groundwater (five wells) with a priority date of April 14, 1988 from the location specified in (2) of this license. The water is utilized for domestic purposes by the Newport Colony. This license is subject to any limitations or qualifications listed in Water Permit No. 5190-3 and subject to South Dakota State Law.



NOV 24 1992

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



GREAT FACES. GREAT PLACES.

NOV 24 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5190-3

Sam J. Waldner
Newport Colony
RR 1, Box 41
Claremont, SD 57432

Dear Mr. Waldner:

Enclosed is Water License No. 5190-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413396 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. 5190-3, 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