

Considered: _____

WATER PERMIT NO. 5478-3

Phone: 925-7253

Name of Applicant: WOLF CREEK HUTTERIAN

Post Office Address: Box 129, Olivet SD 57052

Amount of Water Claimed: 1.1 Total Acres: 176

Source of Water Supply: groundwater

Water to be used for: irrigation County: Hutchinson

About 9 West, 3 North miles _____ of Freeman

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 10-¹⁰-90 Fee: 250.00 Remarks _____

Corrected Application Received 10-31-90 Period of Annual Use May 1 - August 31

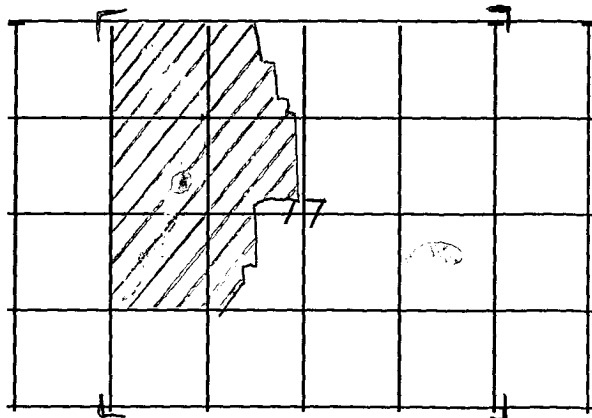
WATER QUALITY APPROVAL RECEIVED 11-30-90 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point: SW 1/4 NW 1/4 17-99-57

Land to be Irrigated: NW 1/4 17-99-57

N 1/2 SW 1/4 17-99-57



Well Log: Driller: Pullman Well Drilling Licensed YES x NO _____

Depth of Well: 235 REMARKS _____

Type of Map: aerial PREPARED BY: J. Herbolt, SCS Reviewed and the Number

Assigned on 12-3-90 By Karen Schlaak

(See instructions)

No. 5478-3 Hydrologic Unit 10160011
Basin James River
Newspaper Hutchinson Herald Box 537 Menno 57045

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Wolf Creek Hutterian Phone No. 925-7253
2. Address Box 129 Olivet SD State _____ Zip Code _____
(Street, RR or Box) (City)
3. Amount of water claimed (c.f.s) 500 gpm (1.1 cfs) Total acres irrigated 176
4. Source of Water supply New Well
5. Location of point of diversion Approximately 2000' South and 1000' East of the NW corner
of Section 17-T99N-R57W (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
6. _____ County Hutchinson
7. Counties where water will be used Hutchinson
8. Annual period during which water is to be used May 1 - August 31
9. 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.
NW $\frac{1}{4}$ (excluding rangeland)	
Section 17-T99N-R57W	176
N $\frac{1}{2}$ SW $\frac{1}{4}$	
	176

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
(Specify) _____
11. Crops to be Irrigated: Corns, Beans, Grain Sorghum
12. Give a description of proposed project. (Attach sheet if more-space is needed)
- A new well is to be drilled that will be used with a center pivot to irrigate the field listed above.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Hutchinson)^{ss}

Mike Decker, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Mike Decker

Subscribed and sworn to before me this 30th day of Oct. 19 90

Jane I. Lee
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5478-3 FOR IRRIGATION

Date of first receipt of application October 10, 1990.

Date Soil/Water Compatibility Permit received November 30, 1990.

Date of return to applicant for corrections, amendments or changes
October 16, 1990.

Date of receipt of corrected application October 31, 1990.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5478-3 to Wolf Creek Hutterian Brethren, Box 129, Olivet, SD 57052 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. 5478-3 appropriates 1.1 cubic feet of water per second from one well (Choteau - East Aquifer) 235 feet deep to be located in the SW1/4 NW1/4 Section 17-T99N-R57W to irrigate 176 acres to be located in the N1/2 SW1/4 and NW1/4 Section 17-T99N-R57W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - August 31.
3. The date from which applicant may claim right is October 10, 1990.
4. The date of approval of Permit No. 5478-3 is February 27, 1991.
5. One-fifth of the construction is to be completed on or before August 27, 1993.
6. All construction is to be completed on or before February 27, 1996.
7. Water is to be put to beneficial use on or before February 27, 2000.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

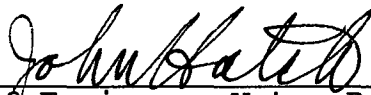
1. The well authorized by Permit No. 5478-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

Water Permit No. 5478-3
Page 2

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

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

APR 25 1991
(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 2.5 Depth 235
- b) Casing Type PVC Diameter 1.6" Thickness 1/4"
- c) Screen Type PVC Diameter 1.6" Thickness 1/4"
- d) Gravel Pack Thickness 4" Length of Gravel Pack 65'
- e) Depth to Top of Water Bearing Material 170
- f) Depth to Water (ground surface to water level) 119
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

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 _____

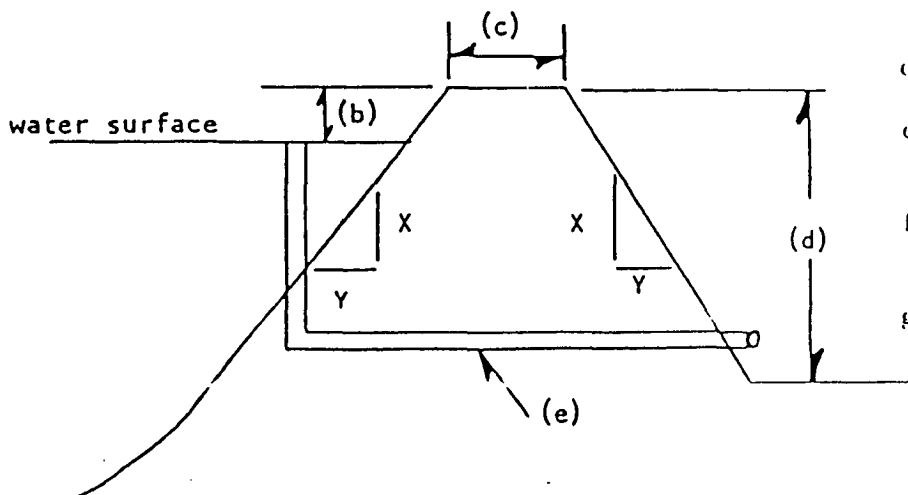
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

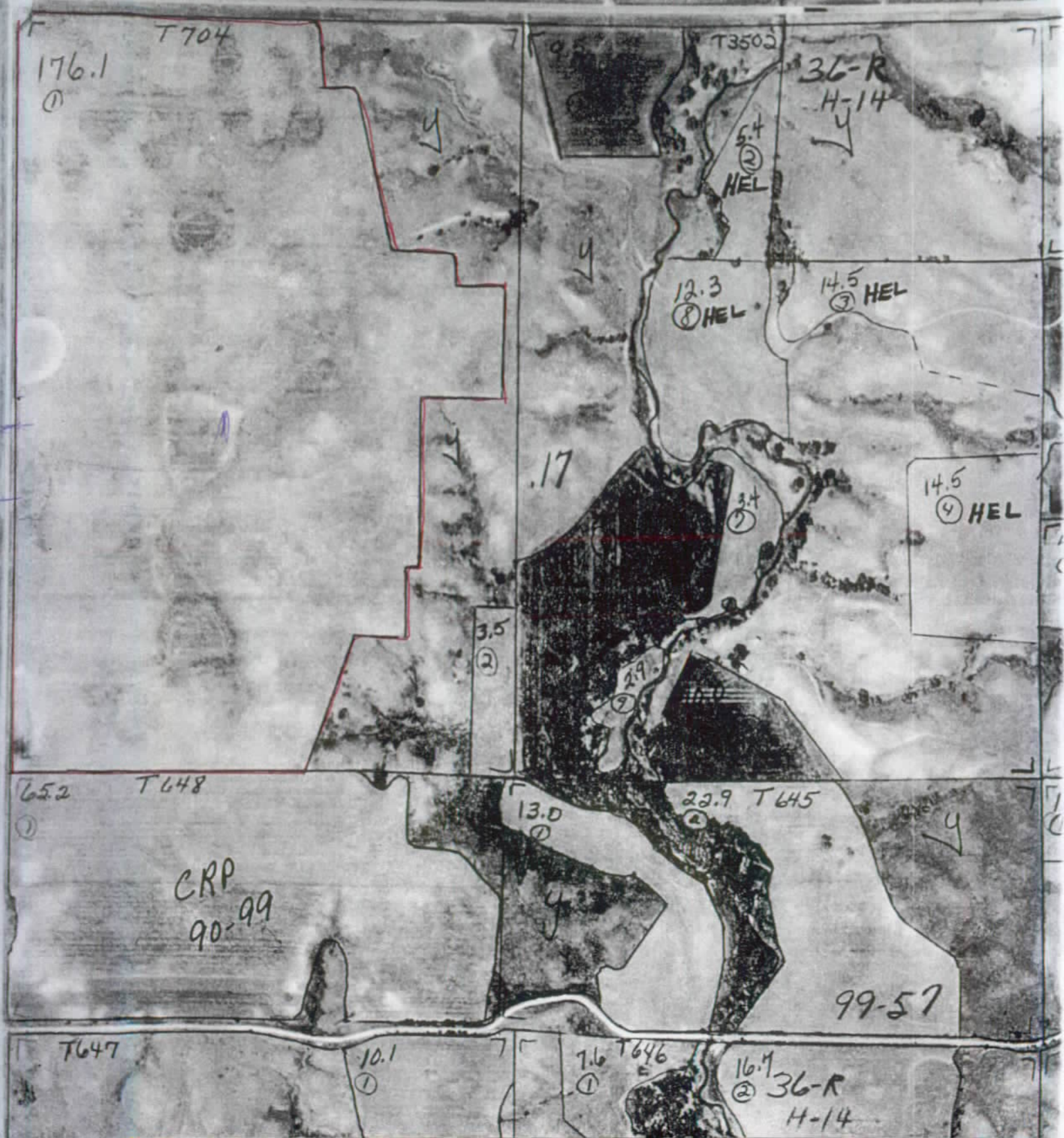
Storage _____ acre feet

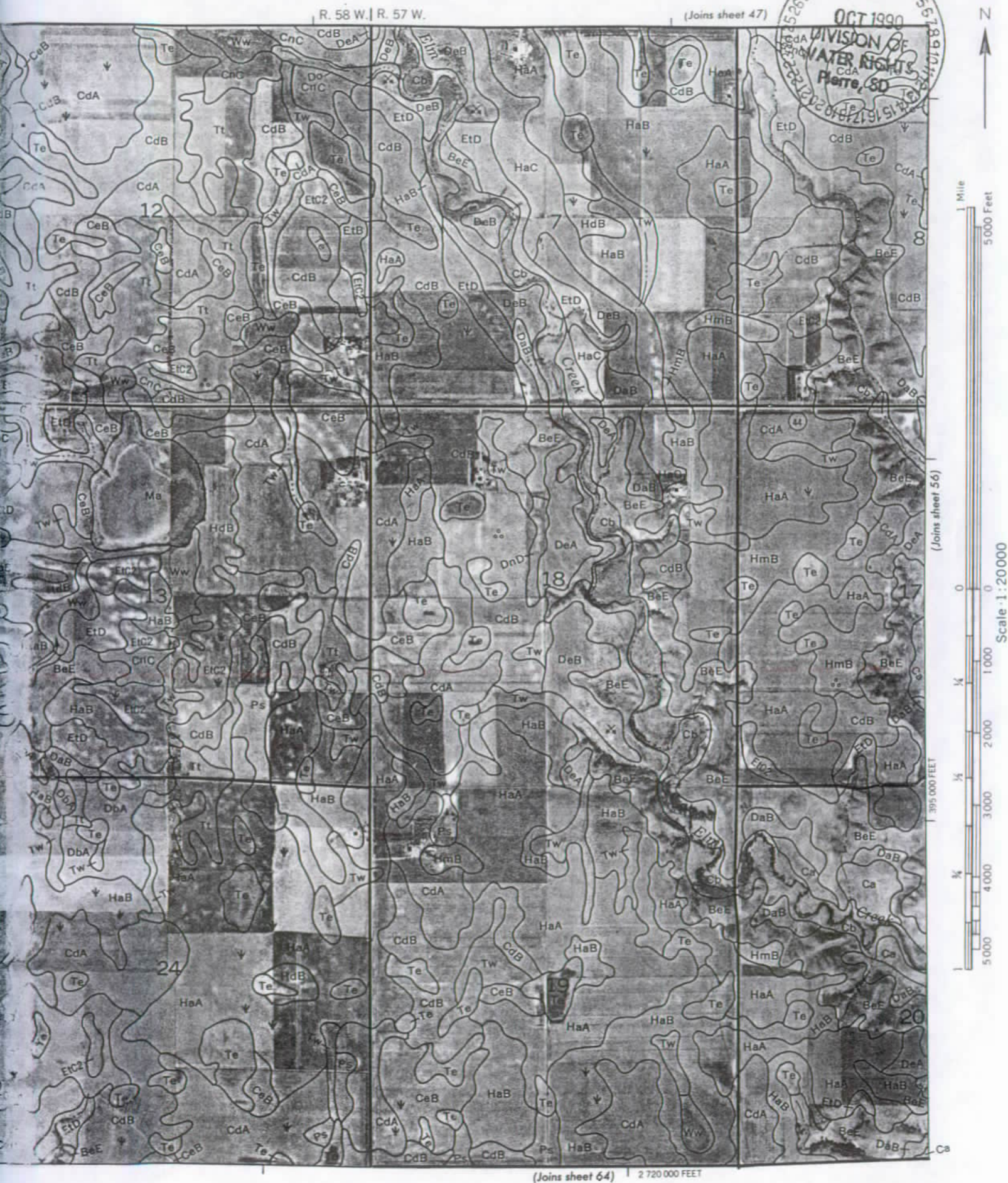
Drainage area above dam _____



Mike Decker
Signature of Applicant

NOT TO SCALE







REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

10-01-1990

Hutchinson

Name: Wolf Creek Colony
Address: RFD 1, Box 129
Olivet, SD 57052

Date Rec'd: SEP 24, 1990
Sample No.: 90-1412
Source: WELL
Legal ID:

WATER ANALYSIS

Calcium (Ca)	232	ppm*	11.58	me/l**
Magnesium (Mg)	82	ppm	6.74	me/l
Sodium (Na)	70	ppm	3.04	me/l
Potassium (K)	18	ppm	0.46	me/l
Sulfate (SO ₄)	750	ppm	15.62	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	5	ppm	0.14	me/l
Bicarbonate (HCO ₃)	376	ppm	6.16	me/l
Carbonate (CO ₃)	0	ppm	0.00	me/l
Iron (Fe)		ppm		me/l
Flouride (F)		ppm		me/l
Manganese (Mn)		ppm		
Boron (B)	0.34	ppm		
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Total solids		ppm		
Total Cations			21.82	me/l
Total Anions			21.92	me/l
Alkalinity (Methyl Orange)	308	ppm(as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm(as CaCO ₃)		
Electrical Conductivity	1950	micromhos per cm at 25 C		
Sodium Adsorption Ratio	1.01	Adjusted SAR	2.74	
Sodium	13.95	% of Cations		
Residual Sodium Carbonate	0.00	me/l		
pH	7.81			

Others:

*ppm=parts per million

***g.p.g.=grains per gallon

**me/l=millequivalents per liter

COMMENTS:

Joe Stern

Analysis By: Shirley Mittan

Service Performed:

Total Cost: \$ 35.00

Irrigation Analysis

Amount Received: 0.00

Balance Due: 35.00

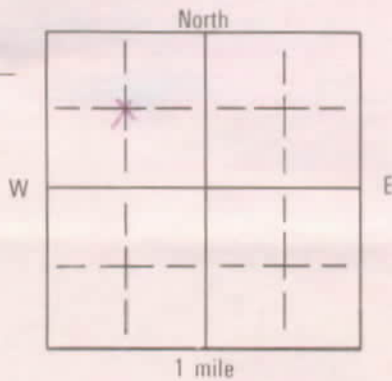
Make checks payable to: SDSU Water Quality Lab

Please write lab number on your check!

Lab No. 90-1412

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location N 1/4 Sec 17 Twp 99 N Rg 57 WCounty HutchinsonPlease mark well
location with
an "X"Well Completion Date 9-21-90

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>3</u> IN	<u>0</u> FT	<u>205</u> FT	<u>6 3/4</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? 165 FEETWhat is grouting material? Portland CementIf cement, number of sacks? 6Describe grouting procedure line

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 3 IN Length 30 FEETMaterial PVCSlot Size .016 Set From 205 Feet To 235 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 Welford K. CobyAddress Chicot S. Dak. 57052

Well Log:

Depth

Formation

From

To

<u>Yellow Clay</u>	<u>0</u>	<u>30</u>
<u>Blue Clay w/ Gravel</u>	<u>30</u>	<u>40</u>
<u>Blue Clay w/ Sand Streaks</u>	<u>40</u>	<u>93</u>
<u>Wide Open Sand</u>	<u>93</u>	<u>100</u>
<u>Sand</u>	<u>100</u>	<u>110</u>
<u>Blue Clay w/ Streaks</u>	<u>110</u>	<u>170</u>
<u>Fine Sand</u>	<u>170</u>	<u>180</u>
<u>Medium Sand</u>	<u>180</u>	<u>232</u>
<u>Shale</u>	<u>232</u>	<u>235</u>

STATIC WATER LEVEL 119 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: 30 gpm w/ air

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well DrillingSignature of License Representative: [Signature]

Signature of Well Owner: _____

Date 9-26-90

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412409

Pierre, October 31, 19 90

RECEIVED OF Wolf Creek Hutterian Brethren, Box 129, Olivet SD 57052

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

Fee for Application for Permit No. <u>5478-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	250	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	250 00

By John Hatch
Chief Engineer

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4542

WR#

OWNERS NAME: WOLF CREEK HUTTERIAN

OWNERS ADDRESS: BOX 129

OLIVET, SD 57052

COUNTY LAND LOCATED IN: HUTCHINSON PHONE: (605)925-7253

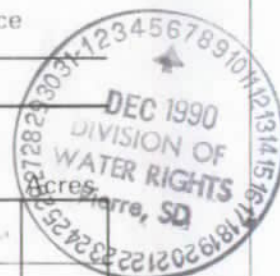
LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION Approximately 2000' South & 1000' East of NW Corner of

Depth Section 17-T99N-R57W (SW $\frac{1}{4}$ NW $\frac{1}{4}$)



Legal Description	Acres	Legal Description
NW $\frac{1}{4}$ 17-T99N-R57W (excluding rangeland)	176	
SW $\frac{1}{4}$ 17-T99N-R57W		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XXX GUN: _____ OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: CORNS, BEANS, GRAIN SORGHUM

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-1412

7. ADJUSTED (SAR): 2.74

5. SALINITY (EC X 10⁶): 1950

8. PERCENT SODIUM 13.95

6. SODIUM (SAR): 1.01

Requirements:

The areas mapped as Betts and Ethan loams (15 to 40 percent slopes) (BeE) is excessively steep and subject to a severe erosional hazard. This area shall not be irrigated.

The areas mapped as Tetonka silty clay loam (Te) and Tetonka-Harps complex (Tt) are subject to wetness and ponding. These areas shall remain in permanent vegetation.


Director, Division of Conservation

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

November 15, 1990
Date

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4542

WR#

OWNERS NAME: WOLF CREEK HUTTERIAN OWNERS ADDRESS: BOX 129
OLIVET, SD 57052

COUNTY LAND LOCATED IN: HUTCHINSON PHONE: (605)925-7253

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION Approximately 2000' South & 1000' East of NW Corner of
Depth Section 17-T99N-R57W (SW $\frac{1}{4}$ NW $\frac{1}{4}$)

Legal Description	Acres	Legal Description	Acres
<u>W$\frac{1}{2}$</u> <u>17-T99N-R57W (excluding rangeland)</u>	<u>176</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XXX GUN: _____ OTHER: _____
(Specify)

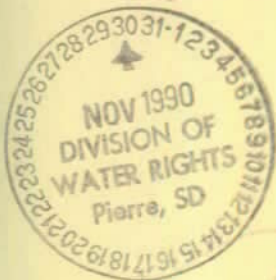
3. CROPS TO BE IRRIGATED: CORN, BEANS, GRAIN SORGHUM

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>90-1412</u>	7. ADJUSTED (SAR): <u>2.74</u>
5. SALINITY (EC X 10 ⁶): <u>1950</u>	8. PERCENT SODIUM: <u>13.95</u>
6. SODIUM (SAR): <u>1.01</u>	

Requirements:

The areas mapped as Betts and Ethan loams (15 to 40 percent slopes) (BeE) is excessively steep and subject to a severe erosional hazard. This area shall not be irrigated.

The areas mapped as Tetonka silty clay loam (Te) and Tetonka-Harps complex (Tt) are subject to wetness and ponding. These areas shall remain in permanent vegetation.



John Quick
Director, Division of Conservation

November 15, 1990

Date

XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

October 16, 1990

Mike Decker
Wolf Creek Hutterian Brethren
Box 129
Olivet, SD 57052

Dear Mr. Decker:

This letter is in regards the water permit applications received October 10, 1990.

The applications are incomplete for the following reasons:

1. An application filing fee is required for each of the 4 applications. The fees are as follows:

a. 176 acres in the NW1/4, N1/2 SW1/4 Sec. 17 T99N-R57W	= \$ 250
b. 270 acres in the SE1/4, SW1/4 Sec. 23 T98N-R58W	= \$ 300
c. 314 acres in the SW1/4, S1/2 NW1/4, NE1/4 Sec. 19	= \$ 325
d. 387 acres in portions of Section 34 & 35 T99N- R58W and NE1/4 Section 3 T98N-R58W	= \$ 350
TOTAL	= \$1,225
2. The application forms must be signed by the applicant and notarized by a notary public.
3. A water sample must be sent to the Water Quality Laboratory, Water Resources Institute in Brookings from each well for a water quality analysis. I have enclosed a instruction sheet for taking the water sample and labels for sending the sample to the laboratory.
4. A soils map for each of the irrigated areas.

I have transposed the information from your application forms to new application forms. Please review them to ensure they are correct and then sign the application forms and have them properly notarized.



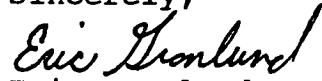
October 16, 1990

Page 2

The Water Management Board cannot consider a water permit application until it is complete. Please return 1) the application forms signed and notarized, 2) the \$1,225 application filing fee, 3) soils maps, and 4) send water samples to the Laboratory if you have not already done so. Upon receipt of this information, I will begin processing of your water permit application.

Feel free to contact me if you have any questions.

Sincerely,



Eric Gronlund
Water Rights Division
605 773-3352

enc.

REPORT ON APPLICATION NO. 5478-3
for Wolf Creek Hutterian
December 24, 1990

This application proposes to appropriate 1.1 cfs from one well approximately 232 feet deep located in the SW 1/4 NW 1/4 of section 17, T99N R57W to irrigate 176 acres located in the N 1/2 SW 1/4 and the NW 1/4 of section 17, T99N R57W all in Hutchinson County.

AQUIFER - CHOTEAU EAST (CH-E)

The Choteau East (CH-E) is a buried glacial outwash (sand and gravel) and alluvium under predominantly water table conditions but in the area of this application is under artesian conditions. The Choteau East is hydraulically connected to the Lower James Missouri and to the James River. The Choteau East underlies 33,700 acres and contains approximately 126,380 acre feet of recoverable water in Hutchinson County (Hedges, 1982). These estimates are conservative and the recently completed field work for the Hutchinson County Study should provide further delineation of the aquifer.

The Division of Water Rights monitor two observation wells (HT-81D and HT-82C) which are located 3/4 mile southeast and 2 miles west respectively. Water level records for these wells do fluctuate in response to pumping and to recharge. However, this response is small and amounts to only a few feet per year. In general, the ground water levels have not changed significantly for the period of record (Water Rights, 1990). Even though the well log submitted with this application would indicate the aquifer is under artesian conditions at this site, the water levels in the observation wells in the area behave as if the aquifer is under water table conditions. This also corresponds with the geologic and hydrologic information available for the area.

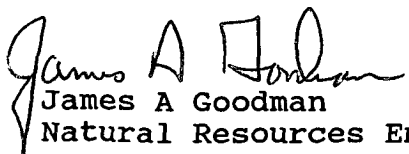
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing ground water permits Nos. 4706-3 and 5020-3 which are located within 2 miles of this application. One well for these permits is located approximately one mile southeast of the proposed diversion for this application. Interference is not expected to be a problem. The observation well records indicate drawdowns are not significant under present pumping conditions. The distance between wells will minimize any potential effect of pumping.

CONCLUSIONS

1. Water is available from the Choteau East aquifer.
2. The aquifer behaves as if it is under water table conditions. Interference is not expected to be a problem because of the distance between wells and the fact that the observation well record indicates significant fluctuations in water levels do not occur under present pumping conditions.

3. Any well authorized by this permit application must be constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., 1982, EVALUATION OF GROUND WATER RESOURCES EASTERN SD AND UPPER BIG SIOUX RIVER, SD AND IOWA, for US Army Corps of Engineers, SD DWRN, SDGS, Vermillion, SD, 57069.
Water Rights, 1990, OBSERVATION WELL RECORDS FOR HUTCHINSON COUNTY, SD DWRN, Div. of Water Rights, Pierre, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5478-3, Wolf Creek Hutterian

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. 5478-3, Wolf Creek Hutterian, Box 129, Olivet, SD.

The Chief Engineer is recommending APPROVAL of Application No. 5478-3 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:

1. The well authorized by Permit No. 5478-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
January 18, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 23, 1991

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

Mike Decker
Wolf Creek Hutterian
Box 129
Olivet, SD 57052

Dear Mr. Decker:

Water Permit Application Nos. 5478-3, 5481-3, 5492-3, and 5493-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Hutchinson Herald printed at Menno, SD. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on these applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 23, 1991

Parkston Advance
Box J
Parkston, SD 57366

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5478-3, 5481-3, 5492-3, and 5493-3 to be published twice. Please publish the first notice on January 30, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Wolf Creek Hutterian, Box 129, Olivet, SD 57052.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on January 30, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application Nos. 5478-3, 5481-3,
5492-3, and 5493-3 to Appropriate Water

Notice is given that Wolf Creek Hutterian, Box 129, Olivet SD 57052 has filed applications for water permits.

Water Permit Application No. 5478-3 is to appropriate 1.1 cubic feet of water per second (cfs) from one well (Choteau - East Aquifer) 235 feet deep to be located in the SW 1/4 NW 1/4 Section 17-T99N-R57W to irrigate 176 acres to be located in the N 1/2 SW 1/4 and NW 1/4 Section 17-T99N-R57W.

Water Permit Application No. 5481-3 is to appropriate 1.1 cfs from one well (Lower James Missouri Aquifer) 260 feet deep to be located in the SE 1/4 SE 1/4 Section 23-T98N-R58W to irrigate 270 acres to be located in the SE 1/4 and SW 1/4 Section 23-T98N-R58W.

Water Permit Application No. 5492-3 is to appropriate 1.1 cubic feet of water per second (cfs) from one well (Lower James Missouri Aquifer) 257 feet deep to be located in the SE 1/4 SE 1/4 Section 34-T99N-R58W to irrigate 153 acres. The land to be irrigated is located in the SE 1/4 Section 34-T99N-R58W.

Water Permit Application No. 5493-3 is to appropriate 1.1 cfs from one well (Choteau East Aquifer) 220 feet deep to irrigate 270 acres. Water Permit No. 4074-3 authorizes irrigation of the same acreage from the James River. This application is to supplement irrigation of 270 acres from a groundwater source. The well is to be located in the NW 1/4 SW 1/4 Section 19-T99N-R57W and the irrigated acreage is to be located in SW 1/4 and NE 1/4 Section 19-T99N-R57W. Combinations of diversions authorized by Nos. 4074-3, and this application, if approved, may not exceed 1.0 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5478-3, 5481-3, 5492-3, and 5493-3 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. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 19, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application Nos. 5478-3, 5481-3, 5492-3, and 5493-3 and 2) the chief engineer's recommendations, a Board meeting is scheduled for February 27, 1991, at 10:00 am in Meeting Room, Governors Inn, 700 W Sioux Ave, Pierre SD. If these applications are opposed or the recommendations contested, the February 27, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location.

The February 27, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by February 19, 1991.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to these applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF HUTCHINSON

EDWARD J. EHLE, BEING DULY SWORN,
SAYS: THAT THE PARKSTON ADVANCE
IS, AND DURING ALL THE TIMES HERE-
INAFTER MENTIONED WAS, A WEEKLY
LEGAL NEWSPAPER AS DEFINED IN SDCL
17-2-2, AS AMENDED, PUBLISHED AT
PARKSTON, HUTCHINSON COUNTY,
SOUTH DAKOTA BY THE PARKSTON
ADVANCE, INC.; THAT AFFIANT IS
AND DURING ALL OF SAID TIMES WAS,
AN EMPLOYEE OF THE PUBLISHER OF
SUCH NEWSPAPER AND HAS PERSONAL
KNOWLEDGE OF THE FACTS STATED IN
THIS AFFIDAVIT; THAT THE NOTICE,
ORDER OR ADVERTISEMENT, A PRINTED
COPY OF WHICH IS ATTACHED, WAS
PUBLISHED IN SAID NEWSPAPER FOR
2 SUCCESSIVE ISSUES, BEARING THE
FOLLOWING DATES:

JANUARY 30, 1991

FEBRUARY 6, 1991

THAT THE FULL AMOUNT OF THE FEE
CHARGED FOR PUBLISHING THE SAME,
TO-WIT, THE SUM OF \$ 75.90,
INURES SOLELY TO THE BENEFIT OF
THE PUBLISHER OF SAID NEWSPAPER;
THAT NO AGREEMENT OR UNDERSTAND-
ING FOR THE DIVISION OF THE FEE
HAS BEEN MADE WITH ANY PERSON,
AND THAT NO PART OF THE FEE HAS
BEEN AGREED TO BE PAID TO ANY
OTHER PERSON.

Edward J. Ehler

SUBSCRIBED AND SWORN TO BEFORE
ME THIS 6TH DAY OF FEBRUARY
A.D., 1991

Kim Ehler
NOTARY PUBLIC, COUNTY OF
HUTCHINSON, SOUTH DAKOTA



MY COMMISSION EXPIRES
JANUARY 12, 1998

NOTICE OF HEARINGS
ON APPLICATION NOS. 5478-3,
5481-3, 5492-3, and 5493-3
TO APPROPRIATE WATER

Notice is given that Wolf Creek Hut-
terian, Box 129, Olivet, S.D. 57052 has
filed applications for water permits.

Water Permit Application No. 5478-3
is to appropriate 1.1 cubic feet of water
per second (cfs) from one well
(Choteau - East Aquifer) 235 feet deep
to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section
17-T99N-R57W to irrigate 176 acres to
be located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$
Section 17-T99N-R57W.

Water Permit Application No. 5481-3
is to appropriate 1.1 cfs from one well
(Lower James Missouri Aquifer) 260
feet deep to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 23-T98N-R58W to irrigate 270
acres to be located in the SE $\frac{1}{4}$ and
SW $\frac{1}{4}$ Section 23-T98N-R58W.

Water Permit Application No. 5492-3
is to appropriate 1.1 cubic feet of water
per second (cfs) from one well (Lower
James Missouri Aquifer) 257 feet deep
to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section
34-T99N-R58W to irrigate 153 acres.
The land to be irrigated is located in
the SE $\frac{1}{4}$ Section 34-T99N-R58W.

Water Permit Application No. 5493-3
is to appropriate 1.1 cfs from one well
(Choteau East Aquifer) 220 feet deep
to irrigate 270 acres. Water Permit No.
4074-3 authorizes irrigation of the same
acreage from the James River. This
application is to supplement irrigation
of 270 acres from a groundwater
source. The well is to be located in the
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19-T99N-R57W and
the irrigated acreage is to be located
in SW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 19-T99N-
R57W. Combinations of diversions
authorized by Nos. 4074-3, and this ap-
plication, if approved, may not exceed
1.0 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief
Engineering recommends AP-
PROVAL of Application Nos. 5478-3,
5481-3, 5492-3, and 5493-3 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 in-
terest. Unless a petition is filed oppos-
ing the application or the applicant
files a petition contesting the chief
engineer's recommendation, the
Water Management Board will NOT
CONDUCT a HEARING to consider
this application and the chief engineer
will issue the permit as recommend-
ed. Petitions filed in support of the ap-
plication will NOT require the Board
to hear the application.

Any person interested in opposing or
supporting these applications must file
a written petition with BOTH the ap-
plicant and Chief Engineering. The ap-
plicant must also file a petition if op-
posed to the Chief Engineer's recom-
mendations. The Chief Engineer's ad-
dress is "Water Rights Division, Foss
Building, 523 E. Capitol, Pierre, S.D.
(505) 773-3352" and the appli-

South Dakota Air Pollution Control
Regulations. The Department, there-
fore, recommends that the Board of
Minerals and Environment condi-
tionally grant this operating permit.
Copies of the recommended conditions
may be obtained from the Department
at the address below.

Any person desiring to contest the
Department's recommendation for the
conditional issuance of this permit
must file a petition which complies
with ARSD 74:09:01:01 within thirty
days, with the Department of Water
and Natural Resources, Division of
Environmental Regulation, Joe Foss
Building, Pierre, South Dakota 57501.
Upon receipt of a petition, the Depart-
ment will schedule this matter for a
contested case hearing before the
Board of Minerals and Environment.
Copies of the Department's recom-
mendation and other information may
be obtained at this same address or
telephone (605) 773-3351.

hearing is rescheduled, notice of the
time and place will be given by First
Class Mail to the applicant and per-
sons filing petitions. Anyone not filing
a petition, but interested in attending
the hearing, may contact the Division
of Water rights to confirm a hearing
date and location. The February 27,
1991, hearing date will be automatic-
ally delayed for at least 20 days upon
written request to the Chief Engineer
from the applicant or any interest per-
son opposing the application. The re-
quest for an automatic delay must be
filed by February 19, 1991.

If a hearing is held, the Chief
Engineer's recommendations are not
final or binding upon the Board. The
Board is authorized to 1) approve, 2)
approve with qualifications, 3) defer,
or 4) deny these applications based on
the facts presented at the public hear-
ing. Any hearing will be an adversary
proceeding. Any person filing a peti-
tion and/or the applicant have the
right to be represented by a lawyer
and may present evidence or cross-
examine witnesses according to SDCL
1-26. These and other due process
rights will be forfeited if not exercis-
ed. Decisions of the Board may be ap-
pealed to the Circuit Court and State
Supreme Court as provide by law. Con-
tact the Water Rights Division to re-
quest copies of information pertaining
to these applications or to assure ac-
cess to the hearing by the
handicapped.

These applications are made pur-
suant to SDCL 46-1-1 thru 46-1-9, 46-1-12
thru 46-1-16; 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, 46-6-26; and Board Rules ARSD
74:02:01:01 thru 74:02:01:15. 5-6c



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

APR 25 1991

Mike Decker
Wolf Creek Hutterian Brethren
Box 129
Olivet, SD 57052

Dear Mr. Decker:

Enclosed is Water Permit No. 5478-3 authorizing construction of your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

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

Date 6-13-95

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Wolf Creek Hutterian RR 1 Box 129
(name) (address)
Olivet, SD 57052 925-7253
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5478-3.

Water Permit No. 5478-3 states that the diversion system is to be constructed by February 27, 1996, and that the water is put to beneficial use by February 27, 2000.
(date) (date)

The diversion system was completed on 5-92.
(date)

Applying the water to beneficial use was completed on 6-92.
(date)

You may schedule an inspection so that the Water License may be issued.

Paul Dickert III
(signature)

Chemigation add to database?

CHECK LIST FOR FIELD INSPECTION

Permit Number 5478-3 Date 6-13-95

Other permit(s) associated with the project _____

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.

100 acre plot

1. Diversion point legal location: _____

2. Well Information: Well Drilling Firm Pullman Drilling

No. of Wells _____ Depth(s) _____

- | | |
|------------------------------------|---------------------------------------|
| a) Casing 1) diameter _____ inches | b) Screen 1) type _____ |
| 2) length _____ feet | 2) length _____ feet |
| 3) type _____ | c) Pump 1) make <u>Amavillo</u> |
| d) Static Water Level _____ feet | 2) model <u>SN 5100A</u> |
| e) Motor: | 3) size _____ inches |
| 1) make <u>John Deere Diesel</u> | 4) capacity <u>600 ?</u> GPM |
| 2) model No. <u>T06039T345166</u> | 5) turbine pump - No. of stages _____ |
| 3) horsepower rating <u>190 HP</u> | 6) operating pressure _____ PSI |

3. Distribution lines or canals:
a) type _____ b) size _____ c) length _____

4. System Type:

a) Sideroll:	b) Towline:
1) length _____ feet	1) length _____ feet
2) diameter of pipe _____ inches	2) sprinkler spacing _____ feet
3) sprinkler spacing _____ feet	

4. System Type (continued):

c) Siphons:

- 1) size _____ inches
- 2) number _____

e) Center pivot:

- 1) make Valley
- 2) overall length 1/4 1200 ^{standard} feet
- 3) number of towers 7
- 4) distance between towers 170 feet
- 5) end gun (Y/N)
- 6) high or low pressure low
- 7) capacity 600? GPM

d) Gated pipe:

- 1) length _____ feet
- 2) diameter _____ inches
- 3) spacing of gates _____ inches

f) Gun:

- 1) make _____
- 2) nozzle size _____ inches
- 3) capacity _____ GPM
- 4) hose size _____ inches
- 5) hose length _____ feet

5. Dam Information:

- a) height to crest _____ feet
- b) height to primary spillway _____ feet
- c) height to secondary spillway _____ feet
- d) crest width _____ feet
- e) crest length _____ feet
- f) spillway length _____ feet
- g) spillway width _____ feet
- h) approx. storage _____ ac-ft
- i) approx. storage to crest _____ ac-ft
- j) date constructed _____

k) outlet tubes:

- 1) diameter _____ inches
- 2) type _____
- 3) valved _____ (Y/N)
- 4) valve type _____
- 5) location on structure _____

l) category of dam _____ (I, II, III)

m) inspection sheet completed _____ (Y/N)

n) name of contractor _____

6. Chemigation Equipment:

- b) main line check valve _____ (Y/N)
- d) low pressure drain (Y/N)
- f) interlock type Electrical

a) does chemigate (Y/N)

c) inspection port/air relief (Y/N)

e) discharge is 20' from source (Y/N)

g) injection pump type Single piston

h) injection check valve (Y/N)

i) injection line check valve or positive displacement pump (Y/N)

j) all chemigation equipment appears to be installed in proper position and comply with chemigation laws and rules (Y/N)

k) comments : Hose not at site for discharge



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 11, 1996

Tim Hofer
Wolf Creek Hutterian
RR 1 Box 129
Olivet, SD 57052

Dear Mr. Hofer:

Thank you for the prompt return of your 1996 irrigation questionnaires. Upon reviewing the forms, I noticed that only three of the seven forms are completed. The purpose of this letter is to find out if you irrigated under the other four water permits. Please review the following table showing the Colony's water permits and compare the diversion point and acreage authorized for irrigation.

Permit No.	Diversion point	Acreage	Source
4074A-3	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 31, T99N, R57W	42.5 acres, E $\frac{1}{2}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 31, T99N, R57W	James River
5478-3 **	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 17, T99N, R57W	176 acres, N $\frac{1}{2}$ SW $\frac{1}{4}$ & NW $\frac{1}{4}$ Sec 17, T99N, R57W	235' well
5481-3	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 23, T98N, R58W	270 acres, S $\frac{1}{2}$ Sec 23, T98N, R58W	260' well
5492-3	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 34, T99N, R58W	153 acres, SE $\frac{1}{4}$ Sec 34, T99N, R58W	260' well
5493-3	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 19, T99N, R57W	270 acres, SW $\frac{1}{4}$ & NE $\frac{1}{4}$ Sec 19, T99N, R57W	220' well
5826-3 **	same well as No. 5493-3	190 acres, S $\frac{1}{2}$ NW $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec 19, T99N, R57W	220' well
5919-3 **	this permit increased the diversion rate under No. 5478-3 (both permits are in the process of being incorporated together and licensed - upon receipt of the \$50.00 licensing fee)		

** Forms were submitted for Nos. 5478-3, 5826-3 and 5919-3

Enclosed are the blank irrigation questionnaires you submitted for Nos. 4074A-3, 5481-3, 5492-3 & 5493-3. Please review the above listing and complete the questionnaires accordingly. If you did not irrigate under those systems, please mark "did not irrigate in 1996" on each form and return them to our office. I have included a postage paid envelope for your reply.

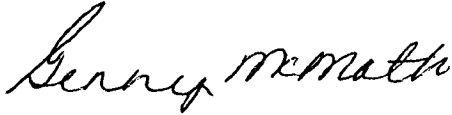
The irrigation questionnaire submitted for Water Permit No. 5826-3 states the source of water is the hog lagoon. I am assuming that water from the irrigation well is pumped into the lagoon as dilution water. Water is then pumped through the irrigation system in S $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 19, T99N, R57W. If this is not how the system operates, please let me know.

I also want to make you aware of the possible need for a water permit for the livestock confinement facility. A water right permit is needed to supply a livestock confinement feeding operation if the amount of water for all uses at the site exceeds "reasonable domestic use". Reasonable domestic use is defined as water use not exceeding either 25,920 gallons of water per day or a maximum pump capacity of 25 gallons per minute.

December 11, 1996
Wolf Creek Colony
page 2

If you have questions concerning the water right permitting requirements for the colony's hog confinement facility, please contact Eric Gronlund at (605) 773-3352. Questions concerning the irrigation questionnaires can be directed to my attention. Thank you for taking the time to review your water permits and irrigation questionnaires. Please return the questionnaires in the enclosed envelope by December 31, 1996.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath". The signature is written in dark ink and is positioned above the printed name and title.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

5919-3

Wolf Creek Hutterian
%Tim Hofer
RR 1, Box 129
Olivet, SD 57052

Dear Mr. Hofer:

Enclosed is Water License No. 5919-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415179 in the amount of \$50.00 which you paid for the investigation 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. 5919-3, 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 Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of Water Permit No. 5478-3 have been incorporated into this Water License No. 5919-3.