

Considered: _____

WATER PERMIT NO. 5485-3

Phone: 928-7430

Name of Applicant: Tschetter Colony

Post Office Address: RR 1, Box 72, Olivet SD 57052

Amount of Water Claimed: 2.0 cfs Total Acres: 178.4

Source of Water Supply: groundwater

Water to be used for: irrigation County: Hutchinson

About 8 miles N of Olivet

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 12-5-90 Fee: \$250.00 Remarks _____

Corrected Application Received 12/18/90 Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED 1/29/91 APPROVED/CONDITIONAL (Circle one)

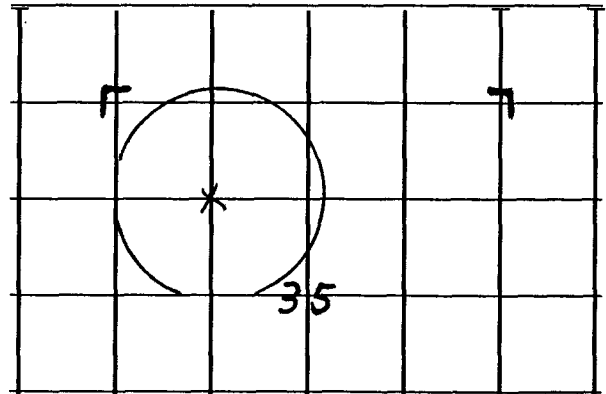
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: approximate center of

NW 1/4 Sec 35-99-58

Land to be Irrigated: NW 1/4 35-99-58,

W 1/2 NE 1/4 35-99-58, S 1/2 SW 1/4 26-99-58



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

Depth of Well: 240' REMARKS _____

Type of Map: Aerial PREPARED BY: J. Heuboldt, SCS Reviewed and the Number

Assigned on 12-19-90 By Karen Schlaak

(See instructions)

No.	5485-3	Hydrologic Unit	10160011
Basin	James River		
Newspaper	Parkston Advance, Box J, 57366		

(Wed)

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 _____
- Name of Applicant Tschetter Colony, by Herman Decker Phone No. 928-7430
- Post Office Address RR-1 Box 72 OLivet State S.D. 57052
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 2 cfs Total acres irrigated ~~170~~ 173.4
3. Source of Water supply NEW WELL
4. Location of point of diversion NEW WELL IS LOCATED 4200' NORTH AND 1400' EAST
OF THE SW CORNER OF 35-99-58 (approximate center NW $\frac{1}{4}$)
- County HUTCHINSON
5. Counties where water will be used HUTCHINSON
6. Annual period during which water is to be used JUNE 1 AUGUST 31
7. 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 $\frac{1}{4}$ 35-99-58	170 142
W $\frac{1}{2}$ NE $\frac{1}{4}$ 35-99-58	16.6
S $\frac{1}{2}$ SW $\frac{1}{4}$ 26-99-58	14.8

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____ (Specify)
9. Crops to be Irrigated: CORN AND SOYBEANS, ALFALFA
10. Give a description of proposed project. (Attach sheet if more space is needed)

CURRENTLY WATER IS BEING PUMPED FROM THE JAMES RIVER.
A NEW WELL WILL BE USED INSTEAD OF USING THE RIVER WATER.
NO NEW LAND WILL BE ADDED, ONLY THE WATER SOURCE WILL BE CHANGED.

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}

I, Herman 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 Tschetter Colony by Herman Decker

Subscribed and sworn to before me this 26th day of November 19 90

Mrs. J. Lee

Notary Public

My Commission expires 3/01/91

**SOUTH DAKOTA
WATER PERMIT No. 5485-3 FOR IRRIGATION**

Date of first receipt of application December 5, 1990.

Date Soil/Water Compatibility Permit received January 29, 1991.

Date of return to applicant for corrections, amendments or changes
December 11, 1990.

Date of receipt of corrected application December 18, 1990.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5485-3 to Tschetter Colony, RR 1, Box 72, 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. 5485-3 appropriates 2.0 cubic feet of water per second from one well (Lower James Missouri Aquifer) 240 feet deep to irrigate 173.4 acres. Water Permit No. 2381A-3 authorizes irrigation of the same acreage from the James River. The well is to be located in the approximate center of the NW1/4 Section 35 and the irrigated acreage is to be located in the NW1/4, W1/2 NE1/4 Section 35 and S1/2 SW1/4 Section 26; all in T99N-R58W.
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: June 1 - August 31.
3. The date from which applicant may claim right is December 5, 1990.
4. The date of approval of Permit No. 5485-3 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

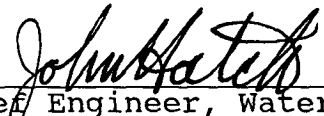
1. The well authorized by Permit No. 5485-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.

(continued)

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.
4. Combinations of diversions under Permit Nos. 2381A-3 and 5485-3 may not exceed 1.0 cfs for each 70 acres irrigated.

WATER MANAGEMENT BOARD

By:



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

APR 25 1991

(date)

Supplemental Information

35-99-58

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 240'
- b) Casing Type PLASTIC Diameter 3" Thickness SCHED 80
- c) Screen Type MFG. - PVC Diameter 3" Thickness SCHED 80
- d) Gravel Pack Thickness NONE Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) 110'
- g) Distance to nearest existing domestic well:
On applicants property 6600' On property owned by others 7000'

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) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

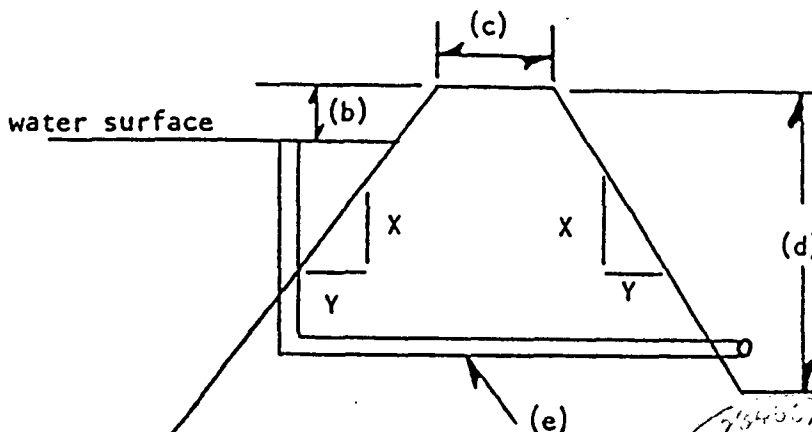
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

J. Humboldt
Soil Cons. Technician

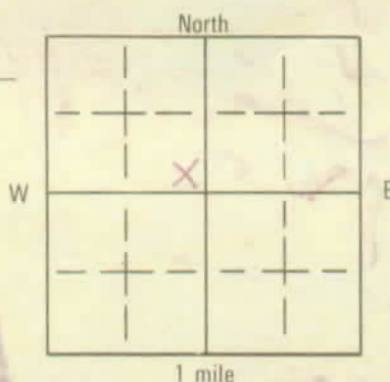
COPY

NOT TO SCALE 11-16-90



SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE 1/4 NW 1/4 Sec 35 Twp 99 N Rg 58 WCounty
HutchinsonPlease mark well
location with
an "X"Well Completion Date 8-17-90

PROPOSED USE:

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

Method of Drilling:

Forward Rotary

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>240</u> FT	<u>6</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? 20 FEETWhat is grouting material? 5 bags CementIf cement, number of sacks? 5

Describe grouting procedure

Benite to 160 ft with line

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 3 IN Length 30 FEETMaterial B.V.C.Slot Size .016 Set From 210 Feet To 240 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 Tschetter ColonyAddress Olivet, S.D. 57052

Well Log:

Depth

Formation

From

To

Yellow Clay	0	18
Blue Clay	18	20
Blue Clay w/ sand streak	20	40
Blue Clay	40	80
Blue Clay w/ sand streak	80	120
Blue Clay w/ open streak	120	140
Blue Clay	140	160
Tight Sand med-fine	160	200
Medium-Fine Sand	200	220
Pea Rock	220	240

TDSTATIC WATER LEVEL 110 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 45 gpm w/ air☐ Bailed Describe: _____☐ Other _____

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 Jean Pullman

Signature of Well Owner: _____

Date 11-6-90

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412455

Pierre, December 18, 1990

RECEIVED OF H. H. Schetter Hutterian Brethren, Inc., Olivet, SD 57052

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

Fee for Application for Permit No. <u>54853</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

145

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4554

WR#

OWNERS NAME: TSCHEITTER COLONY OWNERS ADDRESS: RR 1 BOX 72
OLIVET SD 57052

COUNTY LAND LOCATED IN: HUTCHINSON PHONE: 928-7430

LEGAL DESCRIPTION: ☒ Well ☐ Surface

1. LOCATION 4200' North and 1400' East of the SW Corner of 35-99-58.

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>NW$\frac{1}{4}$ 35-T99N-R58W</u>	<u>142</u>		
<u>W$\frac{1}{2}$ NE$\frac{1}{4}$ 35-T99N-R58W</u>	<u>16.6</u>		
<u>S$\frac{1}{2}$ SW$\frac{1}{4}$ 26-T99N-R58W</u>	<u>14.8</u>		

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

3. CROPS TO BE IRRIGATED: CORN, SOYBEANS, ALFALEA

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-1206 & 90-1207 7. ADJUSTED (SAR): 4.66 & 5.00
5. SALINITY (EC X 10⁶): 2300 & 2300 8. PERCENT SODIUM 21.83 & 23.40
6. SODIUM (SAR): 1.86 & 2.02

Requirements:

The requirements previously placed on these lands under Permit #4172 and #4255 shall be observed.

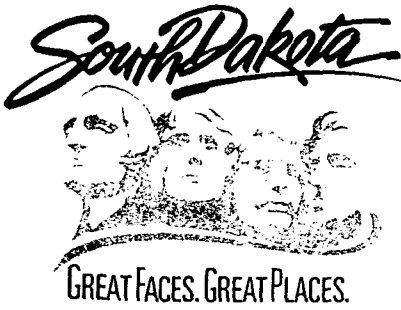


[Signature]
Director, Division of Conservation

January 28, 1991
Date

XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

GREAT FACES. GREAT PLACES.

December 11, 1990

Tschetter Colony
Herman Decker
RR 1, Box 72
Olivet SD 57052

Dear Mr. Decker:

In regard to your water permit applications received on December 5, 1990, we are returning the two checks in the amounts of \$200.00 and \$800.00. The proper filing fee for the application in Section 35 to irrigate 170 acres is \$250.00. The fee for the application in Sections 28 and 27 to irrigate 450 acres is \$375.00. You may submit one check for the total amount of \$625.00.

The water permit applications can not be considered until the fee has been submitted and soil/water permits are obtained from the Department of Agriculture. Upon receipt of the above, your applications will be processed.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

REPORT ON APPLICATION NO. 5485-3
FOR TSCHETTER COLONY
December 26, 1990

This application proposes to appropriate 2.0 cfs from one well approximately 240 feet deep to irrigate 173.4 acres. Water Permit No. 2381A-3 authorizes irrigation of the same acreage from the James River. The well is to be located in the approximate center of the NW 1/4 of section 35, T99N R58W and the irrigated acreage is to be located in the NW 1/4, W 1/2 NE 1/4 of section 35 and S 1/2 SW 1/4 of section 26 all in T99N R58W in Hutchinson County. The combinations of diversions authorized by Water Permit No. 2381A-3 and this application, if approved, may not exceed 1.0 cfs for each 70 acres irrigated or the diversion rate specified by Permit.

AQUIFER - LOWER JAMES MISSOURI (LJM)

The Lower James Missouri aquifer is a buried outwash (sand and gravel) and alluvium under predominantly water table conditions. The aquifer underlies 93,800 acres and contains an estimated 633,150 acre feet of recoverable water in Hutchinson County (Hedges, 1982). The LJM aquifer is hydraulically connected to the Choteau East aquifer to the north, the Lower James Missouri Scotland aquifer to the south and to the James River. The LJM aquifer may be found under artesian conditions at some locations in the area, but the aquifer behavior under pumping conditions is more like a water table situation. The test well log submitted with the application indicates sand from 160 to 240 feet below land surface with a static water level of 110 feet.

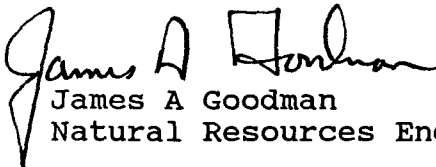
The Division of Water Rights monitors an observation well HT-82B which is located approximately 3/4 mile southeast of this proposed diversion. Water levels for this well do not fluctuate significantly. However, the well does appear to respond to recharge (wet years) and to pumping of a nearby irrigation well. The total maximum annual change observed is 2.7 feet of decline in 1990 with nearly a complete recovery the same year. Under normal conditions the water levels for this observation well do not fluctuate more than one foot per year (Water Rights, 1990).

REVIEW OF WATER PERMITS/RIGHTS

There is one existing Water Right No. 4996-3 authorizing 1.78 cfs for irrigation of 130 acres which is located approximately 1/2 mile from this proposed diversion. Interference is not expected to be a problem. Drawdowns caused by pumping are not significant and should not affect water availability from the aquifer. This is shown by the observation well record for HT-82B.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. Interference is not expected to be a problem. Drawdowns should not be significant and will not affect water availability from the aquifer.
3. Any well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The lands to irrigated for this application are already covered by Water Permit No. 2381A-3 for water from the James River. The combined rate from the James River or the LJM aquifer cannot exceed 1.0 cfs for each 70 acres irrigated or the rate authorized by Permit. The annual diversion from both sources cannot exceed 2 acre feet per acre.


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 DWR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1990, OBSERVATION WELL RECORDS FOR HUTCHINSON COUNTY , SD DWR, Division of Water Rights, Pierre, SD.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5485-3, Tschetter 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. 5485-3, Tschetter Colony, c/o Herman Decker, RR 1 Box 72, Olivet, SD.

The Chief Engineer is recommending APPROVAL of Application No. 5485-3 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. 5485-3 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.
4. Combinations of diversions under Permit Nos. 2381A-3 and 5485-3 may not exceed 1.0 cfs for each 70 acres irrigated.

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

Parkston Advance
Box J
Parkston, SD 57366

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5485-3 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 Tschetter Colony, c/o Herman Decker, RR 1, Box 72, 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 _____



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 31, 1991

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

Herman Decker
Tschetter Colony
RR 1 Box 72
Olivet, SD 57052

Dear Mr. Decker:

Water Permit Application No. 5485-3 for irrigation use has 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 Parkston Advance printed at Parkston, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice 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 the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

NOTICE OF HEARING on Application No. 5485-3 to Appropriate Water

Notice is given that Tschetter Colony, c/o Herman Decker, RR 1, Box 72, Olivet, SD 57052 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well (Lower James Missouri Aquifer) 240 feet deep to irrigate 173.4 acres. Water Permit No. 2381A-3 authorizes irrigation of the same acreage from the James River. The well is to be located in the approximate center of the NW 1/4 Section 35-T99N-R58W and the irrigated acreage is to be located in the NW 1/4, W 1/2 NE 1/4 Section 35 and S 1/2 SW 1/4 Section 26 all in T99N, R58W. Combinations of diversions authorized by No. 2381A-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 No. 5485-3 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 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 recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application 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 recommendation. 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 application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5485-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for February 27, 1991, at 10:00 am, Meeting Room, Governors Inn, 700 W Sioux, Pierre, SD. If this application is opposed or the recommendation is 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 application. The request for an automatic delay must be filed by February 19, 1991.

If a hearing is held, 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 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 this application or to assure access to the hearing by the handicapped.

This application is 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 HEREINAFTER 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 \$ 62.91, INURES SOLELY TO THE BENEFIT OF THE PUBLISHER OF SAID NEWSPAPER; THAT NO AGREEMENT OR UNDERSTANDING 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 HEARING ON APPLICATION NO. 5485-3 TO APPROPRIATE WATER

Notice is given that Tschetter Company, c/o Herman Decker, RR 1, Box 72, Olivet, S.D. 57052 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well (Lower James Missouri Aquifer) 240 feet deep to irrigate 173.4 acres. Water Permit No. 2381A-3 authorizes irrigation of the same acreage from the James River. The well is to be located in the approximate center of the NW¼ Section 35-T99N-R58W and the irrigated acreage is to be located in the NW¼, W½NE¼ Section 35 and S½ SW¼ Section 26 all in T99N, R58W. Combinations of diversions authorized by No. 2381A-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 Engineering recommends APPROVAL of Application No. 5485-3 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 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 recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineering. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S.D. 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 application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5485-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for February 27, 1991, at 10:00 a.m., Meeting Room, Governors Inn, 700 W. Sioux, Pierre, S.D. If this application is opposed or the recommendation is 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 in-

terested 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 application. The request for an automatic delay must be filed by February 19, 1991.

If hearing is held, 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 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 this application or to assure access to the hearing

by the handicapped.

This application is 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. 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

Herman Decker
Tschetter Colony
RR 1 Box 72
Olivet, SD 57052

Dear Mr. Decker:

Enclosed is Water Permit No. 5485-3 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 July 29 - 1991

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: Tackett Colony, R.R. 1 Box 72, Olmitz, S.D. 57059
name address city

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. 5485-3.

Water Permit No. 5485-3 states that the diversion system is to be constructed by Feb - 27 - 1996, and that the water it put to beneficial use by Feb - 27 - 2000.

The diversion system was completed on June - 9 - 1991.
Applying the water to beneficial use was completed on July 9 - 1991.

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

Norman Decker
signature

Permit No. 5485-3
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, Joe Foss Bldg., Pierre, SD 57501

On this day, April 20, 1994, I made a thorough examination of the water use system constructed by Tschetter Colony of RR1 Box 72, Olivet, SD 57052 holder of Permit No. 5485-3, bearing the priority of December 5, 1990 authorizing the diversion of 2.00 cu. ft. of water per second from groundwater for irrigation purposes, in Hutchinson County.

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

- A. Works used to divert the water:
A 100 HP General Electric Motor with an 800 GPM Western Land Roller Pump
- B. Works used to transport water to place of use:
15 feet of 10" Aluminum pipe
- C. Works used to apply water to beneficial use:
An 800 GPM Zimmatic 8 tower center pivot

The system is in the following condition: good. The point of diversion is located 1520 feet E and 1100 feet S from the NW corner of Section 35; T99N R58W (NE1/4 NW1/4). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>T99N R58W</u>	<u>SECTION 26</u>	<u>SW1/4 SW1/4</u>	<u>05 acres</u>
		<u>SE1/4 SW1/4</u>	<u>10 acres</u>
	<u>SECTION 35</u>	<u>NW1/4 NW1/4</u>	<u>36 acres</u>
		<u>NE1/4 NW1/4</u>	<u>40 acres</u>
		<u>NW1/4 NE1/4</u>	<u>10 acres</u>
		<u>SW1/4 NW1/4</u>	<u>30 acres</u>
		<u>SE1/4 NW1/4</u>	<u>37 acres</u>
		<u>SW1/4 NE1/4</u>	<u>05 acres</u>

comprising a total of 173 acres of land and the license should be issued for 1.78 cfs.

Permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date: April 19, 1994



Barry A. McLaury
Environmental Scientist
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5485-3

DATE OF INSPECTION: April 20, 1994

Other permit(s) associated with the project: None

Name of inspection contact: Herman Decker

Contact relationship to permit holder: Farm Manager

Name/address of permit holder: Tschetter Colony, RR1 Box 72, Olivet, SD 57052

DIVERSION POINT LEGAL LOCATION: 1520 feet E and 1100 feet S from the NW corner of Section 35; T99N R58W (NE1/4 NW1/4).

WELL INFORMATION:

1) Well Drilling Firm: Pullman Well Drilling

3) Depth(s) 240 feet

2) No. of Wells 1

4) Well log is available N

Casing:

1) Diameter 16 inches

2) Length 210 feet

3) Type PVC

Screen:

1) Type PVC

2) Length 30 feet

3) Static water level 110 feet

Pump:

1) Make Western Land Roller

2) Serial No. 9106551

3) Capacity 800 GPM

Motor:

1) Make General Electric

2) Model No. C404TP16

3) Horsepower rating 100 hp

DISTRIBUTION LINES OR CANALS:

1) Type ALU 2) Size 10 inches 3) Length 15 feet

CHEMIGATION EQUIPMENT:

1) Does chemigate N

SYSTEM TYPE:

Center pivot:

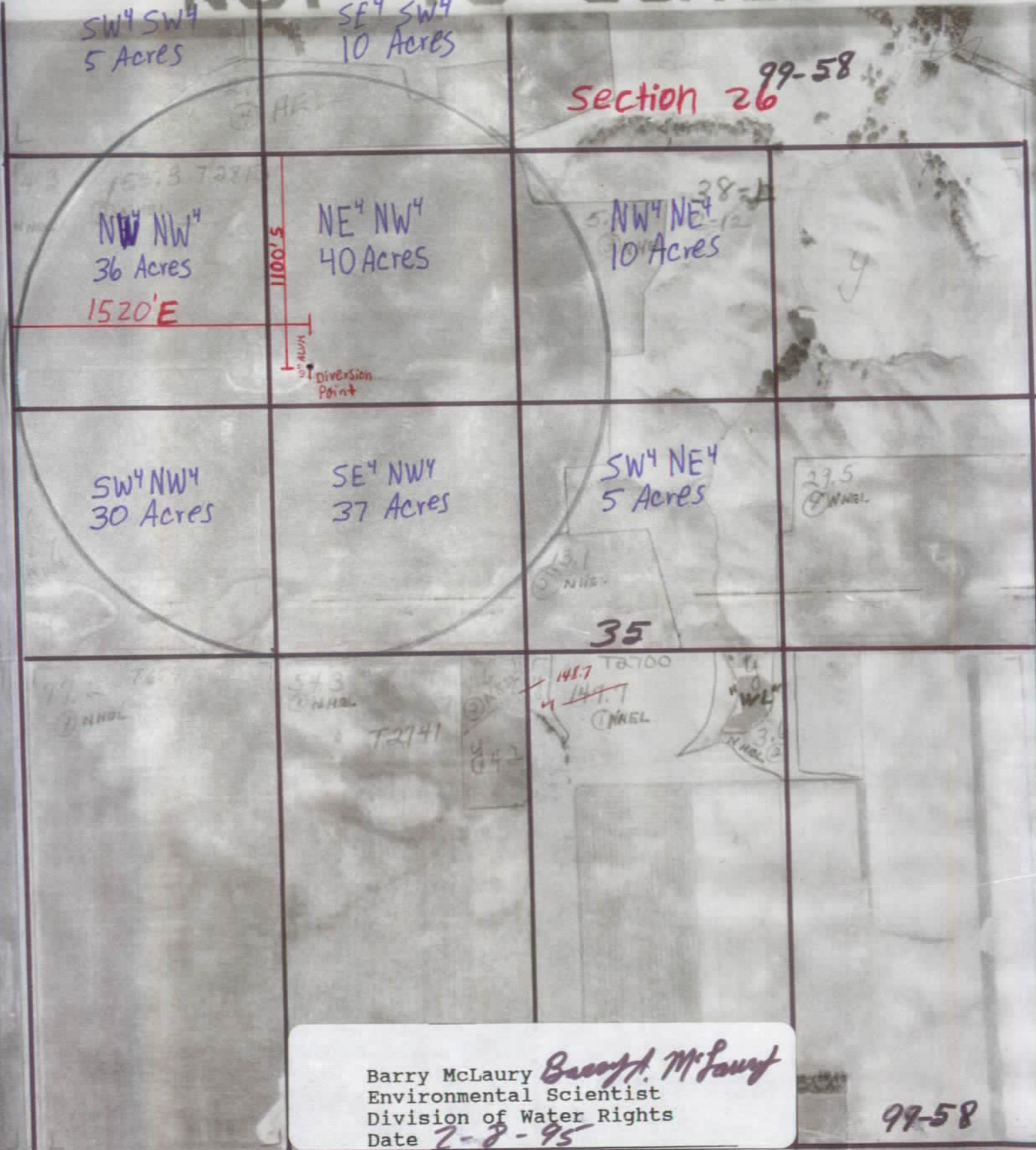
- | | |
|------------------------------------|-------------------------------------|
| 1) Make <u>Zimmatic</u> | 4) End gun <u>Y</u> |
| 2) Overall length <u>1520</u> feet | 5) High or low pressure <u>High</u> |
| 3) Number of towers <u>8</u> | 6) Capacity <u>800</u> GPM |

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

7-20-74 Jdr

NOT TO SCALE



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5485-3

(1) Tschetter Colony of RR 1, Box 72, Olivet SD 57052 made Application No. 5485-3, December 5, 1990 for a water permit to appropriate 2.00 cubic feet of water per second from groundwater (one well), Hutchinson County, South Dakota for irrigation purposes. Permit No. 5485-3, with a priority date of December 5, 1990 was approved February 27, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 27, 1996 and for the application to beneficial use of said water on or before February 27, 2000.

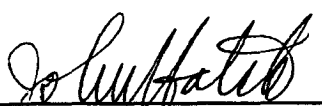
The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on July 31, 1991. The "Notice" stated the diversion system was completed on June 9, 1991 and the water applied to beneficial use on July 9, 1991.

(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 1520 feet east and 1100 feet south from the northwest corner of Section 35-T99N-R58W (NE 1/4 NW 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:

Section 26-T99N-R58W	SW 1/4 SW 1/4	5 acres
	SE 1/4 SW 1/4	10 acres
Section 35-T99N-R58W	NW 1/4 NW 1/4	36 acres
	NE 1/4 NW 1/4	40 acres
	SW 1/4 NW 1/4	30 acres
	SE 1/4 NW 1/4	37 acres
	SW 1/4 NE 1/4	5 acres
	NW 1/4 NE 1/4	10 acres
Total		173 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Tschetter Colony of RR 1, Box 72, Olivet SD 57052 the holder and/or owner of Water Permit No. 5485-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with a priority date of December 5, 1990 from the location specified in (2) of this license. The water 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 Water Permit No. 5485-3 and subject to South Dakota State Law.



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

SEP 6 1995

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 1995

5485-3

Herman Decker
Tschetter Colony
RR 1, Box 72
Olivet, SD 57052

Dear Mr. Decker:

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. , 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.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

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.



Pullman Well Drilling

P.O. Box 188
(605) 883-4532

Wolsey, SD 57384
1-800-451-4884



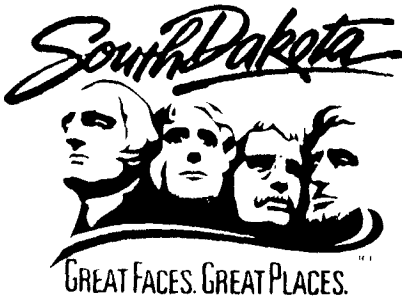
State Of South Dakota
Dept of Water & Natural resources
Joe Foss Building 523 E Capital
Pierre SD 57501
Ken Buhler

There Was A Clerical error on our liscence renewal form in the space where it wants how many wells we drilled it should read 52.

We Also Lost the log for Tschetter Colony irrigation well
the legal is: sec 35 rg 99 twp 58

Sorry For the mix up

Helen J Pullman



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 16, 1995

SECOND NOTICE
Permit No: 5485-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

~~Herman Decker~~ *Change - Agron Hofer*
Tschetter Colony
RR 1, Box 72
Olivet, SD 57052
*RR-1 Box 72
Tschetter Colony
Olivet SD 57052
Sec. Treas.*

Dear Mr. Decker:

On February 9, 1995, you were notified the final inspection fee of \$50.00 is due before Water License No. 5485-3 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.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

PD
CK# 11069
6-17-95
Amount 50.⁰⁰

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.

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

5485-3

Herman Decker
Tschetter Colony
RR 1, Box 72
Olivet, SD 57052

4a. Article Number

P 318 052 712

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

17 Jan 95

5. Signature (Addressee)

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

6. Signature (Agent)

Choron Hofu

RECEIPT

414526

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, June 20, 19 95

RECEIVED OF Aaron Hofer, Tschetter Colony, RR 1 Box 72, Olivet, SD 57052

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>5485-3</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 John H. H. H.
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 6 1995

5485-3

Aaron Hofer, Secretary-Treasurer
Tschetter Colony
RR 1, Box 72
Olivet, SD 57052

Dear Mr. Hofer:

Enclosed is Water License No. 5485-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414526 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. 5485-3, 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

rd
enclosures

5485-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 19 2015

5485-3
6700-3

Herman Decker, Sr
Tschetter Colony
27709 Tschetter Ave
Olivet SD 57052

Dear Mr. Hofer:

Enclosed is Water License No. 6700-3. 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 the owner of an existing well, such as the well authorized by Water Right No. 6700-3, 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.

The applicable portions of Water Right No. 5485-3 were incorporated into Water License No. 6700-3. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures