

WATER PERMIT NO. 5654-3

Phone: 778-6777

Name of Applicant: Grass Range Colony

Post Office Address: RR 1, Box 29, Kimball SD 57355

Amount of Water Claimed: 0.1 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: domestic & livestock watering County: Brule

About 6 miles S. 4E of Kimball

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F.& C/.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received: 3-26-92 Fee: \$50 Remarks \_\_\_\_\_

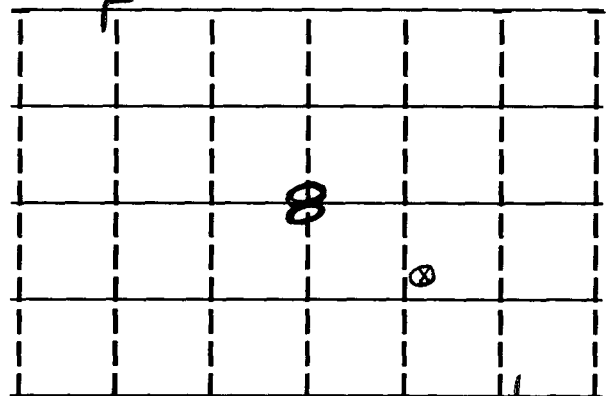
Corrected Application Received 4-9-92 Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point: NE 1/4 SE 1/4 Sec 8-T102N-R67W

Land to be Irrigated: \_\_\_\_\_



Well Log: Driller: Huron Drilling, Inc. Licensed YES X NO \_\_\_\_\_

Depth of Well: 885' REMARKS \_\_\_\_\_

Type of Map: aerial PREPARED BY: Jim L Anderson Reviewed and the Number

Assigned on 4-9-92 By Karen Schlaak

Mail to: Water Rights Div.  
523 E. Capitol  
Pierre, SD 57501  
(605) 773-3352



No. 5654-3 Hydrologic Unit 10140101  
Map No. \_\_\_\_\_ Basin Missouri River  
Newspaper Brule Co News, Box 46, Kimball

# Permit To Appropriate Water Within The State Of South Dakota

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

Type of Application: Check one or more of the following

- New ☒ Vested Right ☐ Future Use ☐ Change Use ☐  
☐ Amend Permit No. \_\_\_\_\_ with old priority date retained  
Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ \_\_\_\_\_  
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. \_\_\_\_\_  
☐ Construction to use water reserved by Future Use Permit No. \_\_\_\_\_

- Name of Applicant Grass Ranch Colony Phone No. 778-6777  
Post Office Address Kimball RR1 Box 29 State S.D. 57355  
(Street, RR or Box) (City) (Zip Code)
- Amount of water claimed (c.f.s.) 45 gal. per min. (0.1 cfs)
- Source of water supply Ground Water
- Location of point of diversion NE 1/4 SE 1/4 Sec 8-T102N-R167W  
\_\_\_\_\_  
\_\_\_\_\_  
County Brule
- Counties where water will be used ~~Drinking Waters~~ ~~Large~~ ~~Small~~ Brule
- Annual period during which water is to be used year round Jan 1-Dec 31
- Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

New Well in S.E. 8th - 102-67

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

STATE OF SOUTH DAKOTA)  
County of Brule)<sup>ss</sup>

I, Grass Ranch Hutt. Broth. by Reinhard J Stahl the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Reinhard J Stahl  
Subscribed and sworn to before me this 23rd day of March, 1992  
Mary Ann Konechne  
Comm. Expires 8-11-93  
Notary Public

**SOUTH DAKOTA  
WATER PERMIT No. 5654-3**

Date of first receipt of application March 26, 1992.

Date of return to applicant for corrections, amendments or changes March 27, 1992.

Date of receipt of corrected application April 9, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5654-3 to Grass Ranch Colony, RR 1, Box 29, Kimball SD 57355 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. 5654-3 appropriates 45 gallons per minute (0.10 cubic feet of water per second) from one well (Dakota Formation) 885 feet deep located in the NE 1/4 SE 1/4 Section 8-T102N-R67W.
2. The water appropriated shall be used for the purpose of supplying water for the Colony and may not exceed the amount of water needed for beneficial use for domestic and livestock watering purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5654-3 is July 8, 1992.
5. The date from which applicant may claim right is March 26, 1992.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATION**

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.

**WATER MANAGEMENT BOARD**

By: \_\_\_\_\_

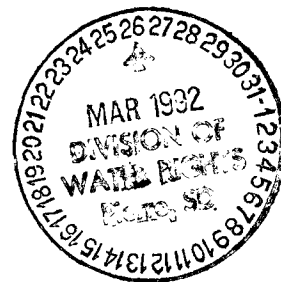
Chief Engineer, Water Rights Division  
Department of Environment and Natural Resources

NOV 17 1992

date

# Supplemental Information

(type or print in ink)



## 1. Well Information - Proposed construction

- a) Drill Hole Diameter \_\_\_\_\_ Depth \_\_\_\_\_
- b) Casing Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- c) Screen Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- d) Gravel Pack Thickness \_\_\_\_\_ Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material \_\_\_\_\_
- f) Depth to Water (ground surface to water level) \_\_\_\_\_
- g) Distance to nearest existing domestic well:
- On applicants property 1/2 mile On property owned by others 3 miles

## 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 \_\_\_\_\_

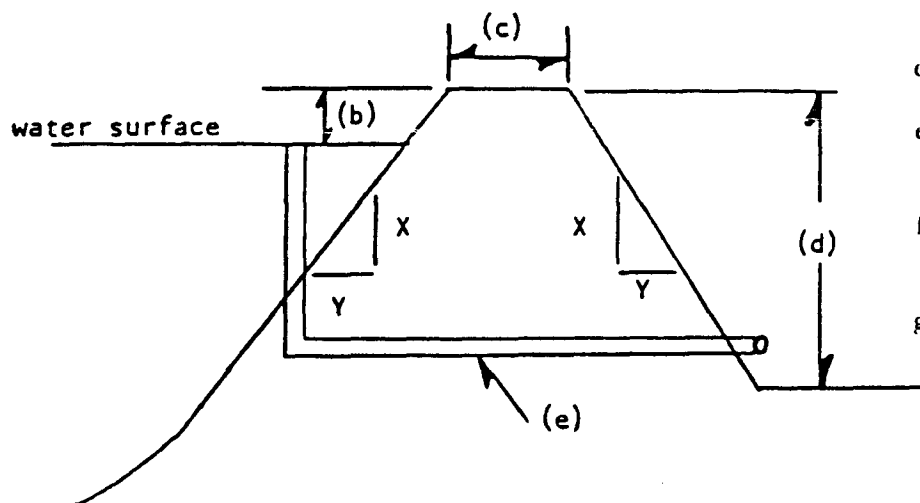
g) X & Y Slope  
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



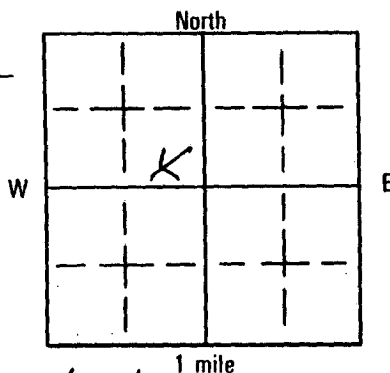
Signature of Applicant \_\_\_\_\_

## SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NW 1/4 NW 1/4 Sec 8 Twp 102 Rg 67County Brule

Please mark well location with an "X"

Well Completion Date 12/31/91

## PROPOSED USE:

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

Method of Drilling:

Rotary

## CASING DATA:

- ☐ Steel    ☒ Plastic    ☐ Other

If other describe \_\_\_\_\_

| PIPEWEIGHT       | DIAMETER      | FROM          | TO            | HOLE DIAMETER   |
|------------------|---------------|---------------|---------------|-----------------|
| <u>250</u> LB/FT | <u>3.5</u> IN | <u>0</u> FT   | <u>350</u> FT | <u>7 1/8</u> IN |
| <u>180</u> LB/FT | <u>2</u> IN   | <u>350</u> FT | <u>765</u> FT | <u>4 1/4</u> IN |
| <u>180</u> LB/FT | <u>2.5</u> IN | <u>765</u> FT | <u>885</u> FT | <u>4 1/4</u> IN |
| _____ LB/FT      | _____ IN      | _____ FT      | _____ FT      | _____ IN        |

## GROUT:

Was the well grouted? ☐ YES ☒ NO

To what depth? \_\_\_\_\_ FEET

What is grouting material? \_\_\_\_\_

If cement, number of sacks? \_\_\_\_\_

Describe grouting procedure \_\_\_\_\_

What was grout weight? \_\_\_\_\_ LB/GAL

SCREEN: ☒ Perforated pipe    ☐ ManufacturedDiameter 2.5 IN    Length 120 FEETMaterial PVCSlot Size 18 Set From 765 Feet To 885 Feet

Slot Size \_\_\_\_\_ Set From \_\_\_\_\_ Feet To \_\_\_\_\_ Feet

Slot Size \_\_\_\_\_ Set From \_\_\_\_\_ Feet To \_\_\_\_\_ Feet

Other information \_\_\_\_\_

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? RUBBERDescribe packer(s) and location? Above PortWas well disinfected upon completion? ☒ YES ☐ NOExplain HTHBacteriological analysis ☒ YES ☐ NOLaboratory sent to Pierre, S.D.A.K.

Well Owner:

Name

Address

Well Log:

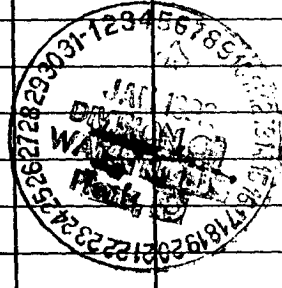
Kimball, S.D.A.K. Depth

Formation

From

To

|                    |            |            |
|--------------------|------------|------------|
| <u>Top Soil</u>    | <u>0</u>   | <u>5</u>   |
| <u>Yellow Clay</u> | <u>5</u>   | <u>20</u>  |
| <u>Blue Clay</u>   | <u>20</u>  | <u>90</u>  |
| <u>Shale</u>       | <u>90</u>  | <u>545</u> |
| <u>Greenhorn</u>   | <u>545</u> | <u>560</u> |
| <u>Shale</u>       | <u>560</u> | <u>750</u> |
| <u>Dakota Sand</u> | <u>750</u> | <u>885</u> |

STATIC WATER LEVEL 42 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: Compressed Air

Pumping Level Below Land Surface

60 ft. After 12 Hrs. pumped 40 GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

\_\_\_\_\_ ft. After \_\_\_\_\_ Hrs. pumped \_\_\_\_\_ GPM

## REMARKS:

This well was drilled under license # 94

And this report is true and accurate.

Drilling firm Clear Drilling Inc.Signature of License Representative: [Signature]

Signature of Well Owner: \_\_\_\_\_

Date 12/31/91

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413151

Pierre, March 26, 1992

RECEIVED OF Grass Ranch Hutterian Brethren, RR 1, Box 29, Kimball, SD 57355

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

|                                                                                                                                    |       |       |
|------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. <u>5654-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____ | 50    | 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 | 50 00 |

By

John Hatch (CF)

Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 15, 1992

Reinhold Stahl  
Grass Ranch Colony  
Kimball SD 57355

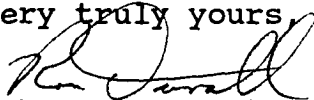
Dear Mr. Stahl:

A well driller's report filed by Huron Drilling, Inc. shows that they completed a new well for you which produced 40 Gallons Per Minute (GPM). Based on the information in the report, you may need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable use is defined as use of 18 GPM or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Water distribution systems (i.e. suburban housing; manufactured and mobile home developments; rural water systems; municipalities; etc.) may not exceed 18 GPM without a water permit. Examples of commercial use that require permits for private water supplies are: truckstops; motels; restaurants; bars; clubs; tourist attractions; commercial campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 GPM or use water outside of the school building.
2. As a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by February 14, 1992, or contact Don Frye (605-773-3352) if you don't believe your water use requires a permit or if you need assistance.

Very truly yours,

  
RON DUVALL, Natural Resources Engineer  
for JOHN HATCH, Chief Engineer  
Water Rights Division  
enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 28, 1992

Reinhold Stahl  
Grass Ranch Colony  
Kimball SD 57355

Dear Mr. Stahl:

As you requested, I am enclosing two blank copies of the Form 2, Application to Appropriate Water Within the State of South Dakota. If I can be of further assistance, please let me know.

Yours truly,

DON FRYE, Natural Resources Analyst  
Water Rights Division

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

March 27, 1992

Grass Ranch Colony  
Reinhart J Stahl  
RR 1, Box 29  
Kimball SD 57355

Dear Mr. Stahl:

In regard to your water permit application received on March 26, 1992, the following information needs to be clarified in order to process your application.

1. The map is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office where you obtained the map).
2. Please complete Item No. 4 of the application. The location of the well, as indicated on the aerial photo, would appear to be the NE 1/4 SE 1/4 Section 8-T102N-R67W. Is this location correct?

Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Natural Resources Analyst  
605 773-3352

enclosure

REPORT ON APPLICATION NO. 5654-3  
for Grass Ranch Colony  
May 28, 1992

Application No. 5654-3 proposes to appropriate 45 gpm (0.10 cfs) from one well approximately 885 feet deep located in the NE 1/4 SE 1/4 of section 8, T102N R67W in Brule County. The water is for domestic use and livestock watering.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of sand, sandstone and shales which is under confined (artesian) conditions. The driller's log submitted with the application indicates that the top of the Dakota was encountered at a depth of 750 feet and the hole was finished at a depth of 885 feet and was probably still in the Dakota. The log indicates that the well was capable of producing 40 gpm using air to develop. The Dakota Formation underlies 837 square miles and contains an estimated 12.6 million acre feet of recoverable water in storage (Hedges, 1982) in Brule County. Historically water levels (head pressure) have declined in the Dakota Formation primarily due to the large number of flowing wells which have been allowed to discharge to waste. Observation wells monitored by the Division of Water Rights indicate that apparently the rate of head pressure decline has decreased over the years, but is still declining at a rate of about 1 foot per year (Water Rights, 1992).

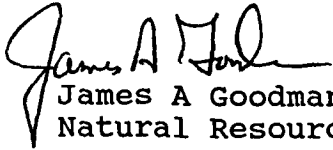
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water permits/rights in this area. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The Dakota Formation is under confined conditions. Fluctuation due to pumping can be expected. Interference is not expected to be a problem in this area because there are no other permits in the area.
3. This well has been completed in accordance with SD Well Construction Standards. This is a "slim hole" well.

4. It is doubtful that a permit should be required for this well. In all probability the pump size installed in this well may be less than 18 gpm. Also the applicant does not show the need for domestic water in the amount of water requested.



James A Goodman  
Natural Resources Engineer

#### BIBLIOGRAPHY

Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1992, Unpublished Observation Well Records for the Dakota Formation, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 5654-3, Grass Ranch Colony

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5654-3, Grass Ranch Colony, c/o Reinhart Stahl, RR 1 Box 29, Kimball, SD 57355.

The Chief Engineer is recommending APPROVAL of Application No. 5654-3 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) it is in the public interest with the following qualification:

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.

See report on application for additional information.

  
for JOHN HATCH, Chief Engineer  
June 3, 1992



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

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

June 4, 1992

Reinhart Stahl  
Grass Ranch Colony  
RR 1 Box 29  
Kimball, SD 57355

Dear Mr. Stahl:

Water Permit Application No. 5654-3 for domestic and livestock watering 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 Brule County News printed at Kimball, SD (Ph # 778-6253). 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.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

June 4, 1992

Brule County News  
Box 46  
Kimball, SD 57355

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5654-3 to be published twice. Please publish the first notice on June 11, 1992, 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 the Grass Ranch Colony, RR 1 Box 29, Kimball, SD 57355 (Ph # 778-6777).

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  
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 June 11, 1992, with the second publication 7 days later. The applicant is responsible for payment.

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NOTICE OF HEARING on Application No. 5654-3 to Appropriate Water

Notice is given that the Grass Ranch Colony, RR 1 Box 29, Kimball, SD 57355 has filed an application for a water permit to appropriate 45 gallons per minute (0.10 cubic feet of water per second) from one well (Dakota Formation) 885 feet deep located in the NE 1/4 SE 1/4 Section 8-T102N-R67W. The water is for domestic and livestock watering use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5654-3 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 June 29, 1992. 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. 5654-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 8, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the July 8, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 July 8, 1992, 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 June 29, 1992.

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

ss

County of Brule

Red Hays of said county, being, first duly sworn, on oath, says: That she is the publisher or an employee of the publisher of the Brule County News, a weekly newspaper, published in the City of Kimball, in said County of Brule, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Notice of Hearing on Application No. 5654-3 to Appropriate Water a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for two successive week(s) to wit:  
June 11, 1992; \_\_\_\_\_, 19\_\_\_\_;  
June 18, 1992; \_\_\_\_\_, 19\_\_\_\_;  
\_\_\_\_\_, 19\_\_\_\_; \_\_\_\_\_, 19\_\_\_\_;

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$141.

Signed: Darla J. Urick  
Subscribed and sworn to before me this 18<sup>th</sup> day of June, 1992.

Patricia L. Day  
Notary Public in and for the County of Brule, South Dakota.

Notary Public  
My Commission  
expires Oct. 1, 1999



## NOTICE OF HEARING ON APPLICATION NO. 5654-3 TO APPROPRIATE WATER

Notice is given that the Grass Ranch Colony, RR 1, Box 29, Kimball, SD 57355 has filed an application for a water permit to appropriate 45 gallons per minute (0.10 cubic feet of water per second) from one well (Dakota Formation) 885 feet deep located in the NE 1/4 SE 1/4 Section 8-T102N-R67W. The water is for domestic and livestock watering use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5654-3 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 June 29, 1992. 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.

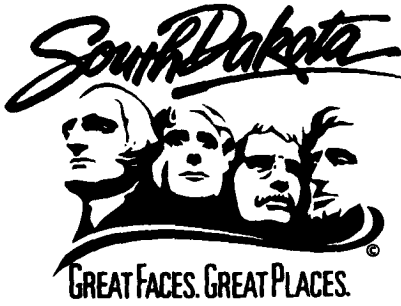
For purposes of publishing 1) the notice of hearing on Application No. 5654-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for July 8, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the July 8, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 July 8, 1992, 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 June 29, 1992.

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.  
(June 11, June 18)





NOV 17 1992

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

Reinhart Stahl  
Grass Ranch Colony  
RR 1 Box 29  
Kimball, SD 57355

Dear Mr. Stahl:

Enclosed is Water Permit No. 5654-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

## REPORT ON INSPECTION OF PERMIT NO. 5654-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: June 12, 1995

NAME OF INSPECTION CONTACT: Joe Waldner, Colony Maintenance man.

NAME & ADDRESS OF PERMIT HOLDER: Grass Ranch Colony, RR 1 Box 29, Kimball, SD 57355.

DIVERSION POINT LEGAL LOCATION: located 1520 feet N and 990 feet W from the SE corner of Section 8; T102N R67W (NE1/4 SE1/4).

### WELL INFORMATION:

- |                                              |                                   |
|----------------------------------------------|-----------------------------------|
| 1) Well Drilling Firm: <u>Huron Drilling</u> | 3) Depth(s) <u>885</u> feet       |
| 2) No. of Wells <u>1</u>                     | 4) Well log is available <u>Y</u> |

### Casing:

- 1) Diameter 5, 2 and 2.5 inches
- 2) Length 350, 415 and 120 feet
- 3) Type PVC

### Screen:

- 1) Type PVC
- 2) Length 120 feet
- 3) Static water level 42 feet

### Motor:

- 1) Make Franklin
- 2) Model No. submersible
- 3) Horsepower rating 5 HP

### Pump:

- 1) Make Grundfos
- 2) Model No. submersible
- 3) Capacity 45 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 N/A

**Permit No. 5654-3**  
**Missouri River - Water District**

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

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

I have this day, **June 12, 1995**, made a thorough examination of the water use system constructed by **Grass Ranch Colony** of **RR 1 Box 29, Kimball, SD 57355** holder of Permit No. **5654-3**, bearing the priority of **March 26, 1992** authorizing the diversion of **0.10** cu. ft. of water per second from **ground water** for **domestic** purposes, in **Brule** County.

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

A. Works used to divert the water:

**A 5 HP Franklin submersible motor with a 45 GPM Grundfos pump.**

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

**Pipeline throughout the colony.**

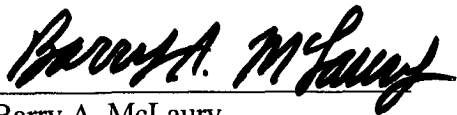
C. Works used to apply water to beneficial use:

**Domestic use and livestock watering.**

The system is in the following condition **good**. The point of diversion is located **1520 feet N and 990 feet W from the SE corner of Section 8; T102N R67W (NE1/4 SE1/4)**. The works are capable of diverting and conveying to the place of use **0.10** cu. ft. of water per second which is to be used for **domestic** use and the license should be issued for **0.10** cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: **None** Date Report Completed: **February 15, 1996**



Barry A. McLaury  
Natural Resources Scientist  
DENR, Water Rights Program

# STATE OF SOUTH DAKOTA

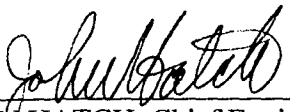
## WATER LICENSE NO. 5654-3

(1) Grass Ranch Colony, RR 1 Box 29, Kimball SD 57355 made Application No. 5654-3, March 26, 1992 for a water permit to divert 0.10 cubic feet of water per second from groundwater (one well), Brule County, South Dakota for domestic and livestock watering purposes. Permit No. 5654-3, with a priority date of March 26, 1992 was approved July 8, 1992 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is 1,520 feet north and 990 feet west from the southeast corner of Section 8-T102N-R67W (NE 1/4 SE 1/4).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Grass Ranch Colony, RR 1, Box 29, Kimball SD 57355 the holder and/or owner of Water Permit No. 5654-3 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from groundwater (one well) with a priority date of March 26, 1992 from the location specified in (2) of this license. The water to be used for the purpose of domestic and livestock watering use. This license is subject to any limitations or qualifications listed in Water Permit No. 5654-3 and subject to South Dakota State Law.

  
\_\_\_\_\_  
JOHN HATCH, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

APR 4 1996

\_\_\_\_\_  
date





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 28, 1996

5654-3

Joe Waldner  
Grass Ranch Colony  
RR 1, Box 29  
Kimball, SD 57355

Dear Mr. Waldner:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5654-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

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

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

# RECEIPT

414829

## Division of Water Rights

### South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ March 4, 1996

RECEIVED OF Grass Ranch Hutt Breth, Inc., RR 1, Box 29, Kimball, SD 57355

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>5654-3</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 Hatch  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

APR 4 1996

5654-3

Reinhart Stahl  
Grass Ranch Colony  
RR 1, Box 29  
Kimball, SD 57355

Dear Mr. Stahl:

Enclosed is Water License No. 5654-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414829 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. 5654-3, 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