

WATER PERMIT NO. 5812-3

Phone: 532-3149

Name of Applicant: Clark Colony

Post Office Address: RR 2, Box 28, Raymond SD 57258

Amount of Water Claimed: no add'l Total Acres: 6 add'l

Source of Water Supply: groundwater (two wells)

Water to be used for: irrigation County: Clark

About 9 miles SE of Doland

PRIORITY Date Received: 9-19-91 Fee: \$50.00 Remarks: 6 add'l acres

and one add'l well to Permit No. 2741-3

Corrected Application Received: 5-5-93 Period of Annual Use: May 1 - Nov 15

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

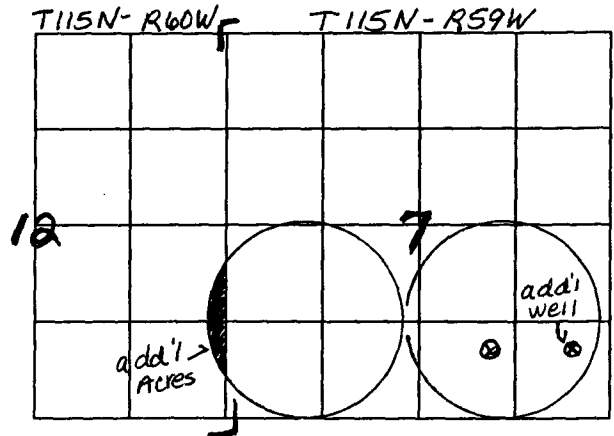
WI-1 Description same as Application YES NO REMARKS:

Diversion Point: add'l well - SE 1/4 SE 1/4,

SW 1/4 SE 1/4 Sec 7-T115N-R59W

Land to be Irrigated: SE 1/4, SW 1/4 Sec 7-

T115N-R59W and E 1/2 SE 1/4 Sec 12-T115N-R60W

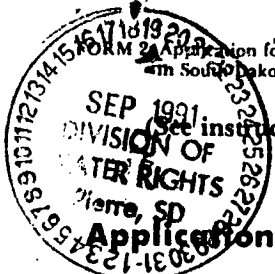


Well Log: Driller: Peckham Well Drilling Licensed YES X NO

Depth of Well: 64 feet REMARKS: well log not available

Type of Map: aerial PREPARED BY: Ron Duvall Reviewed and the Number

Assigned on: 3-25-94 By: Karen Schlaak



FORM 2 Application for irrigation (type or print)
in South Dakota

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

No. 5812-3 Hydrologic Unit 10160006
Basin James River
Newspaper Clark Co. Courier, Clark

Doland Times-Record, Doland

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 see permit no. 2741-3

1. Name of Applicant Clark Colony Phone No. 532-3149
 Post Office Address 13th & Box 28 Raymond State S. Dak Zip Code 57258
 (Street, RR or Box) (City)
 2. Amount of water claimed (c.f.s) no add'l Total acres irrigated 6 add'l
 3. Source of Water supply Well # 1
 4. Location of point of diversion SE 1/4 SE 1/4 Section 7-T115N-R59W

- _____ County Clark
 5. Counties where water will be used Clark & 6 acres in Spink County
 6. Annual period during which water is to be used May 1 - Nov. 15
 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.
SE 1/4	12 132
SW 1/4	124
Sec 7 - T115N-R59W	
Covered under No. 2741-3	

Land Description	No. Acres Irr.
NE 1/4 SE 1/4	3
SE 1/4 SE 1/4	3
Sec 12-T115N-R60W	
add'l acres	

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: x Gun: _____ Other: _____
 9. Crops to be Irrigated: _____
 10. Give a description of proposed project. (Attach sheet if more space is needed)
 This application is to add an additional well and to pick up some add'l acres that are irrigated and not covered under permit no. 2741-3.

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 Spink) ss

I, Clark Colony, 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 Fred Wolchus Sec. of Clark Colony

Subscribed and sworn to before me this 29th day of August 1991

Marla Ann Starn
Notary Public



Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 24 in Depth 64 ft
- b) Casing Type stainless steel Diameter 18 Thickness 12 g
- c) Screen Type home-made Diameter 18 Thickness 12 g
- d) Gravel Pack Thickness 4 in Length of Gravel Pack 20 ft
- e) Depth to Top of Water Bearing Material 20 ft
- f) Depth to Water (ground surface to water level) 20 ft
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others Charles Colony

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 _____

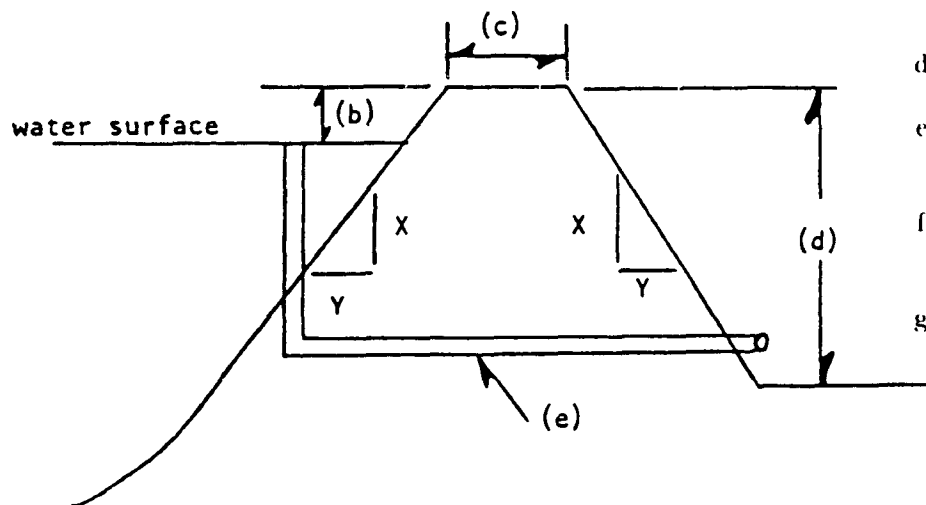
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

**SOUTH DAKOTA
WATER PERMIT NO. 5812-3**

Date of first receipt of application September 19, 1991.

Date of receipt of corrected application April 5, 1993.

Permit processing when Soil/Water Compatability permit statutes were repealed.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5812-3 to Clark Colony, RR 2, Box 28, Raymond SD 57258 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. 5812-3 authorizes one additional well and corrects 6 irrigated acres. Water Permit No. 2741-3 appropriates 11.4 cubic feet of water per second (cfs) from one well located in the SW 1/4 SE 1/4 Section 7 to irrigate 800 acres located in Section 7 and the NE 1/4 Section 18; all in T115N-R59W. An inspection of Permit No. 2741-3 found two wells capable of diverting 1.78 cfs to irrigate 262 acres. The irrigation of the N 1/2 Section 7 and the NE 1/4 Section 18; all in T115N-R59W was not developed. This permit authorizes one additional well (Altamont Aquifer) 64 feet deep located in the SE 1/4 SE 1/4 Section 7-T115N-R59W. This permit also specifies the correct location of 6 acres which are located in the E 1/2 SE 1/4 Section 12-T115N-R60W. No increase in the 1.78 developed diversion rate from the two wells is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - November 15.
3. The date from which applicant may claim right is May 5, 1976.
4. The date of approval of Permit No. 5812-3 is June 20, 1994.
5. 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 wells 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.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

NOV 14 1994
date

Conversation or File Documentation

NAME OF PERSON OR FILE: Clark Farmers CooperativeADDRESS: _____ COUNTY ClarkDATE: _____ TELEPHONE 532-3142RE: amend permit

COMMENTS:

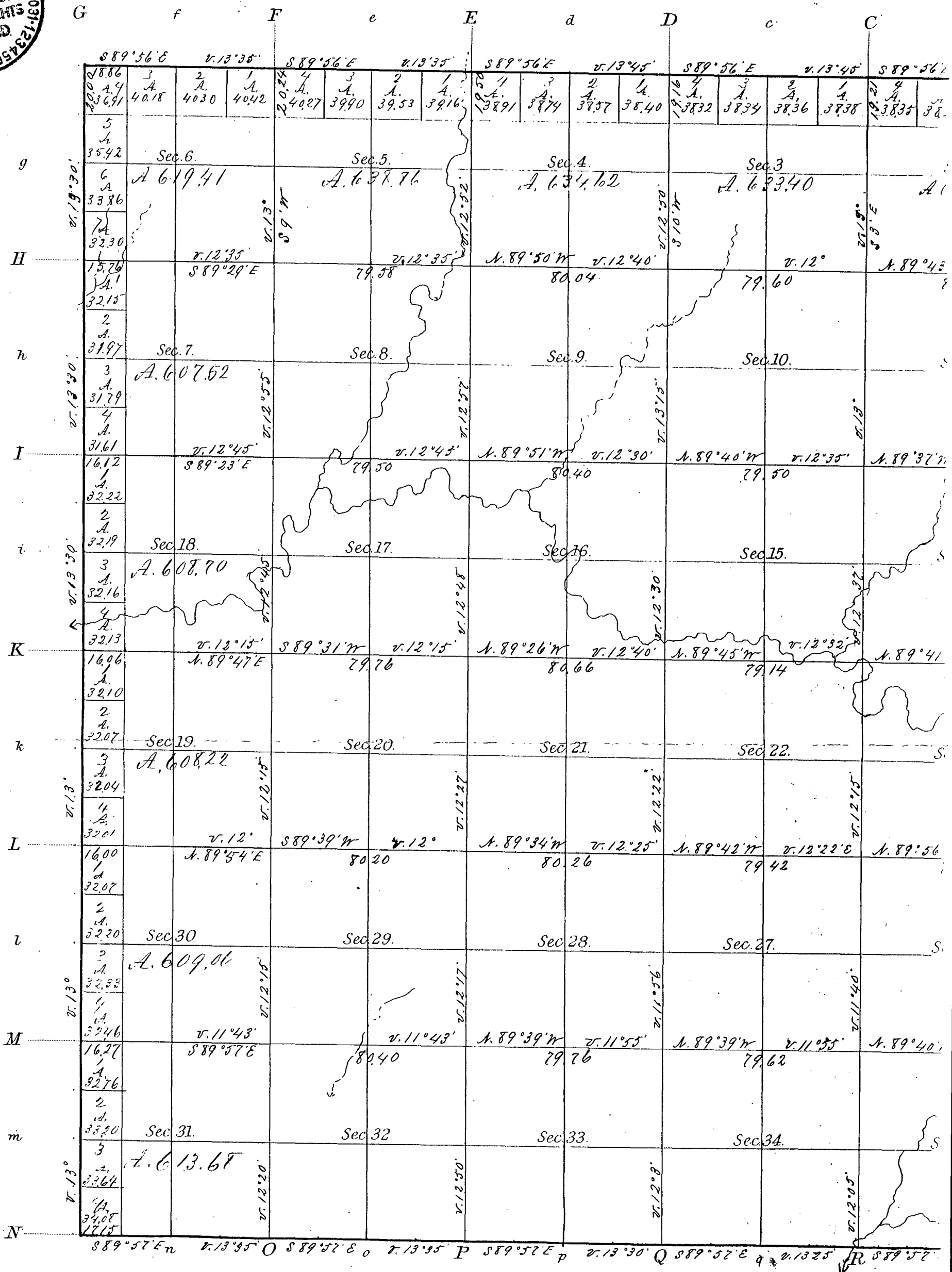
On inspection I found an additional
well and more acres that are not covered
under this permit. The fee was decided as
50.00 for both items).

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Norma C. Job



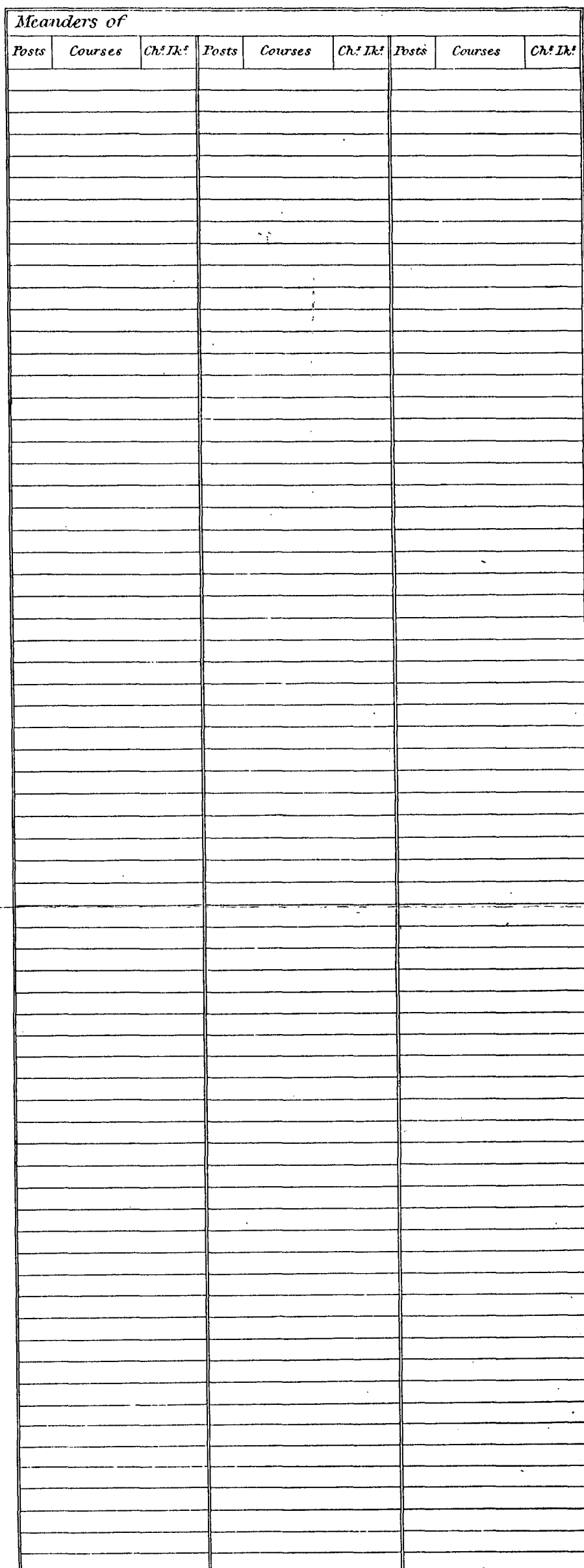
TOWNSHIP N: 115 North RANGE N: 59 West of the 5th P.



Total number of Acres. 22 842.27				
Survey Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
N 115 Township lines Subdivisions W. Township line	H. J. Austen	June 5th 1873	M. 17 76. 01	September 1873
	C. H. Van Antwerp	May 5th 1875	59 53. 144	July 30th Aug 3rd inclusive 1875.
	H. P. Woolley	July 5th 1872	6 00 00	October 1872

The
5th
notes of
G.
H.

Corrie



42,27

Accepted:

Received from Mr. [redacted] letter "E"
dated Dec. 2, 1875

Yours Truly,
J. P. Rowley.
Sur. Genl.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 19, 1991

Clark Farmers Cooperative
Attn: Paul Waldner
Raymond, SD 57258

Dear Mr. Waldner;

On May 30, 1991, I was in the area inspecting your water permits. I found an additional well and 4 acres that are not covered by Water Permit No. 2741-3. I have enclosed a partially completed application to pick up the additional acres in the E 1/2 of the SE 1/4 of Sec. 12-T115N-R60W in Spink County that were not covered originally. This permit will also add an additional diversion point in the SE 1/4 SE 1/4 Section 7-T115N-R59W. We will need the well log for this well. Please complete and have signed in the presence of a notary public and complete Form 2A. Return this application and Form 2A to this office along with a \$50.00 application filing fee. Once this is returned and approved, Water Permit No. 2741-3 and this application can be incorporated into one water license.

If you have any questions, feel free to contact me at (605) 773-3352.

Sincerely,

Norma C. Job
Natural Resources Engineer
Division of Water Rights



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 1993

11189

5-4-93

Clark Colony
Fred Waldner
RR 2, Box 28
Raymond SD 57258

Dear Mr. Waldner:

On September 19, 1991, you submitted applications forms for a permit to appropriate water based on an inspection of Water Permit No. 2741-3 by Norma Job, an engineer with this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use.

It appears that the application has not been processed because the filing fee of (\$50.00) has not been received. Upon receipt of the application fee, we will forward the application to the Division of Conservation for approval of the soil/water permit for the additional well and acreage.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 2741-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
Phone: (605) 773-3352

enclosures

RECEIPT

413759

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, May 5, 19 93

RECEIVED OF Clark Hutterian Brethren, Inc., RR 2 Box 28, Raymond, SD 57258-9601

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

Fee for Application for Permit No. <u>5812-3</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	50 00

By John D. H. H. H.
Chief Engineer

FILE DOCUMENTATION

NAME: Clark Colony

No. 2741-3

DATE: March 23, 1994

SUBJ: Application to amend Water Permit No. 2741-3 to correct acreage location and to add one well.

The Clark Colony has submitted an application to amend/correct Permit No. 2741-3 to correct the location of 6 acres and to add one well located in the SE1/4 SE1/4 section 7-T115N-R59W. After review of the map prepared by Norma Job, former staff engineer, the acreage totals have been revised to increase the number of acres irrigated. I am also completing the inspection report based on information obtained by my inspection on August 14, 1985, and supplemental information obtained by Norma Job relating to chemigation.

A handwritten signature in black ink, appearing to read 'Ron Duvall', is written over a horizontal line.

Ron Duvall, Natural Resources Engineer
Water Rights Division

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Clark Colony

ADDRESS: RR 2, Box 28, Raymond SD COUNTY: Clark

DATE: 3-25-94 TELEPHONE:

RE: S/W Compatibility Permit

COMMENTS:

We are proceeding with this application based on the repeal of the Soil/Water Compatibility Permit statutes by the 1994 Legislature.



Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 5812-3
for Clark Colony
May 5, 1994

This application proposes to add an additional well and specify the correct location of 6 acres. Water Permit No. 2741-3 appropriates 11.4 cfs from one well located in the SW 1/4 SE 1/4 of section 7 to irrigate 800 acres located in section 7 and the NE 1/4 of section 18; all in T115N R59W. An inspection of Water Permit No. 2741-3 found 2 wells capable of diverting 1.78 cfs for irrigation of 262 acres. The irrigation of the N 1/2 of section 7 and the NE 1/4 of section 18; all in T115N R59W was never developed. This application is for one additional well approximately 64 feet deep located in the SE 1/4 SE 1/4 of section 7, T115N R59W in Clark County. This application also corrects the location of 6 irrigated acres located in the E 1/2 SE 1/4 of section 12, T115N R60W in Spink County. No increase in the 1.78 cfs diversion is authorized by this application.

AQUIFER - ALTAMONT (A)

The Altamont is a buried glacial outwash (sand and gravel) under confined (artesian) conditions. The aquifer underlies 537,200 acres and contains an estimated 3.326 million acre feet of recoverable water in storage (Hedges, 1982). In the Clark County Study (Hamilton, 1986) referred to the aquifer as the Altamont 2 and Altamont 3. Hamilton also indicated the two aquifers were hydraulically interconnected.

The Division of Water Rights monitors two observation wells CK-76I and CK-76J located within 1 1/2 miles of this application. CK-76I is completed into the Altamont aquifer and CK-76J is completed into a shallower sand which does not appear to be connected to the deeper zone. The water level record for the Altamont aquifer indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1994).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing Water Right is No. 2489-3 and is also held by the applicant. Interference probably occurs. That is, drawdown caused by pumping will overlap, however, this does not appear to be adverse. The observation well record shows the fluctuation and indicates that area pumping is capable of taking all the head pressure of the aquifer at the observation well site.

CONCLUSIONS

1. Water is available from the Altamont aquifer.
2. The aquifer is confined and under artesian conditions. Water level fluctuation can be expected to occur due to pumping. These are existing wells and have been in use for many years. Interference is occurring but apparently has not been adverse.

3. Approval of this application will allow licensing of the this permit to reflect "as built" status. The permit will be licensed for 1.78 cfs from 2 wells for irrigation of 262 acres. The six corrected acres are located in Spink County.
4. No information is available concerning the well construction to determine if these wells have been built in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota, Part II: Water Resources, Bulletin 29, SD DENR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S., et al, 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, 1994, Unpublished Observation Well Data for Clark County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5812-3, Clark 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. 5812-3, Clark Colony, c/o Fred Waldner, RR 2 Box 28, Raymond, SD 57258.

The Chief Engineer is recommending APPROVAL of Application No. 5812-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

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

See report on application for additional information.


JOHN HATCH, Chief Engineer
May 12, 1994



**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 NEWSPAPERS RIGHT AWAY.**

May 20, 1994

Fred Waldner
Clark Colony
RR 2 Box 28
Raymond, SD 57258

Dear Mr. Waldner:

Water Permit Application No. 5812-3 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 Publishers of the Clark Co. Courier printed at Clark, SD (Ph # 532-3654) and Doland Times-Record printed at Doland, SD (Ph # 635-6490). 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 newspapers to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have 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 newspapers have been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

This application was submitted on September 19, 1991. The application was on hold pending issuance of the Soil-Water Compatibility Permit through the Department of Agriculture. The Soil-Water Compatibility statutes have since been repealed by the 1994 Legislature and the water permit is now being processed.

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

May 20, 1994

Clark Co. Courier
117 1st St East
Clark, SD 57225-0172

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5812-3 to be published twice. Please publish the first notice on June 1, 1994, 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 Fred Waldner, Clark Colony, RR 2 Box 28, Raymond, SD 57258 (Ph # 532-3149).

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 ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 1994

Doland Times-Record
Box 387
Doland, SD 57436-0387

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5812-3 to be published twice. Please publish the first notice on June 2, 1994, 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 Fred Waldner, Clark Colony, RR 2 Box 28, Raymond, SD 57258 (Ph # 532-3149).

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.

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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 _____

#2

Instruction to Newspaper - Publish first Notice on June 1, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5812-3 to Appropriate Water
and to Amend Water Permit No. 2741-3

Notice is given that Clark Colony, RR 2 Box 28, Raymond, SD 57258 has filed an application for a water permit for one additional well and to correct 6 irrigated acres. Water Permit No. 2741-3 appropriates 11.4 cubic feet of water per second (cfs) from one well located in the SW 1/4 SE 1/4 Section 7 to irrigate 800 acres located in Section 7 and the NE 1/4 Section 18; all in T115N-R59W. An inspection of Permit No. 2741-3 found two wells capable of diverting 1.78 cfs to irrigate 262 acres. The irrigation of the N 1/2 Section 7 and the NE 1/4 Section 18; all in T115N-R59W was never developed. This application is for one additional well (Altamont Aquifer) 64 feet deep located in the SE 1/4 SE 1/4 Section 7-T115N-R59W. This application is also to specify the correct location of 6 acres which are located in the E 1/2 SE 1/4 Section 12-T115N-R60W. No increase in the 1.78 developed diversion rate from the two wells is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5812-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 20, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Clark) ss



I, David Moritz

certify that the attached printed Notice was

taken from the Clark County
Courier

printed and published in Clark

County of Clark and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

6-1-94
6-8-94

Cost of Printing: \$39.80

81 lines 2 times

[Signature]
(Signature)

Public
(Title)

6-9-94
(Date Signed)

[Signature]
My commission expires
7-15-1999

Notice of Application No. 5812-3 to Appropriate Water and to Amend Water Permit No. 2741-3

Notice is given that Clark Colony, RR 2 Box 28, Raymond, SD 57258 has filed an application for a water permit for one additional well and to correct 6 irrigated acres. Water Permit No. 2741-3 appropriates 11.4 cubic feet of water per second (cfs) from one well located in the SW 1/4 SE 1/4 Section 7 to irrigate 800 acres located in Section 7 and the NE 1/4 Section 18; all in T115N-R59W. An inspection of Permit No. 2741-3 found two wells capable of diverting 1.78 cfs to irrigate 262 acres. The irrigation of the N 1/2 Section 7 and the NE 1/4 Section 18; all in T115N-R59W was never developed. This application is for one additional well (Altamont Aquifer) 64 feet deep located in the SE 1/4 SE 1/4 Section 7-T115N-R59W. This application is also to specify the correct location of 6 acres which are located in the E 1/2 SE 1/4 Section 12-T115N-R60W. No increase in the 1.78 developed diversion rate from the two wells is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5812-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 20, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

RECEIPT

414255

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 18, 19 94

RECEIVED OF Clark Hutterian Brethern, Inc., RR 2 Box 28, Raymond, SD 57258-9601

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>5812-3</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

Permit No. 5812-3
James River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by Clark Colony of RR 2, Box 27, Raymond SD 57258 holder of Permit Nos. 2741-3 and 5812-3, bearing the priority of May 5, 1976 authorizing the diversion of 11.4 cu. ft. per second of the waters of ground water (two wells) for irrigation purposes, in Clark and Spink County.

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

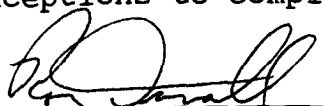
- A. Works used to divert the water: Two wells
 Motor: SW1/4 SE1/4 well Pump:
US Electrical National
ID No. R-6229-01-057 Serial 377-346
Horsepower rating 40 hp Size N 260-6
- Motor: SE1/4 SE1/4 well Pump:
US Electrical National
ID No. R-6229-02-074 Serial 377-460
Horsepower rating 40 hp Size N 260-6
- B. Works used to transport water to place of use:
3,600 feet of 8 inch PVC pipe
- C. Works used to apply water to beneficial use:
 Center Pivot: towable system
Gifford Hill high pressure 75 psi
10 towers 800 gpm capacity

The system is in the following condition good. The points of diversion are located two wells: 1,450 feet W and 1,200 feet N (SW1/4 SE1/4) and 500 feet W and 900 feet N (SE1/4 SE1/4) both from the SE corner section 7-T115N-R59W. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

section 7-T115N-R59W	section 7-T115N-R59W	section 12-T115N-R60W
NW1/4 SE1/4 33 ac	Lot 3 28 ac	NE1/4 SE1/4 3 ac
NE1/4 SE1/4 33 ac	NE1/4 SW1/4 34 ac	SE1/4 SE1/4 3 ac
SW1/4 SE1/4 33 ac	Lot 4 28 ac	
SE1/4 SE1/4 33 ac	SE1/4 SW1/4 34 ac	

comprising a total of 262 acres of land and the license should be issued for 1.78 cfs.

Applicable permit qualifications have been complied with: Yes X No
 Exceptions to compliance are: none Date: August 14, 1985


 Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 2741-3

DATE: August 14, 1985

Other permit(s) associated with the project: An application has been submitted to correct acreage location and to add one well.

DIVERSION POINT LEGAL LOCATION: 2 wells: 1,450 feet W and 1,200 feet N (SW1/4 SE1/4) and 500 feet W and 900 feet N (SE1/4 SE1/4) both from the SE corner section 7-T115N-R59W

WELL INFORMATION:

- 1) Well Drilling Firm: Peckham Well Drilling
- 2) No. of Wells 2
- 3) Depth(s) both approximately 95 feet
- 4) Well log is available N
- 5) Comment: According to inspection note by Norma Job, the well logs were lost in a fire

Casing: Both wells

- 1) Diameter 16 inches
- 2) Length 80 feet
- 3) Type steel

Screen: Both wells

- 1) Type stainless steel
- 2) Length 15 feet

Pump: SW1/4 SE1/4 well

- 1) Make National
- 2) Serial 377-346
- 3) Size N 260-6
- 4) Capacity 400 GPM

Motor:

- 1) Make US Electrical
- 2) ID No. R-6229-01-057
- 3) Horsepower rating 40 hp

Pump: SE1/4 SE1/4 well

- 1) Make National
- 2) Serial 377-460
- 3) Size N 260-6
- 4) Capacity 400 GPM

Motor:

- 1) Make US Electrical
- 2) ID No. R-6229-02-074
- 3) Horsepower rating 40 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 3,600 feet

SYSTEM TYPE:**Center pivot:**

- 1) Make Gifford Hill -- towable system
- 2) Number of towers 10
- 3) End gun Y
- 4) High pressure 75 psi
- 5) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

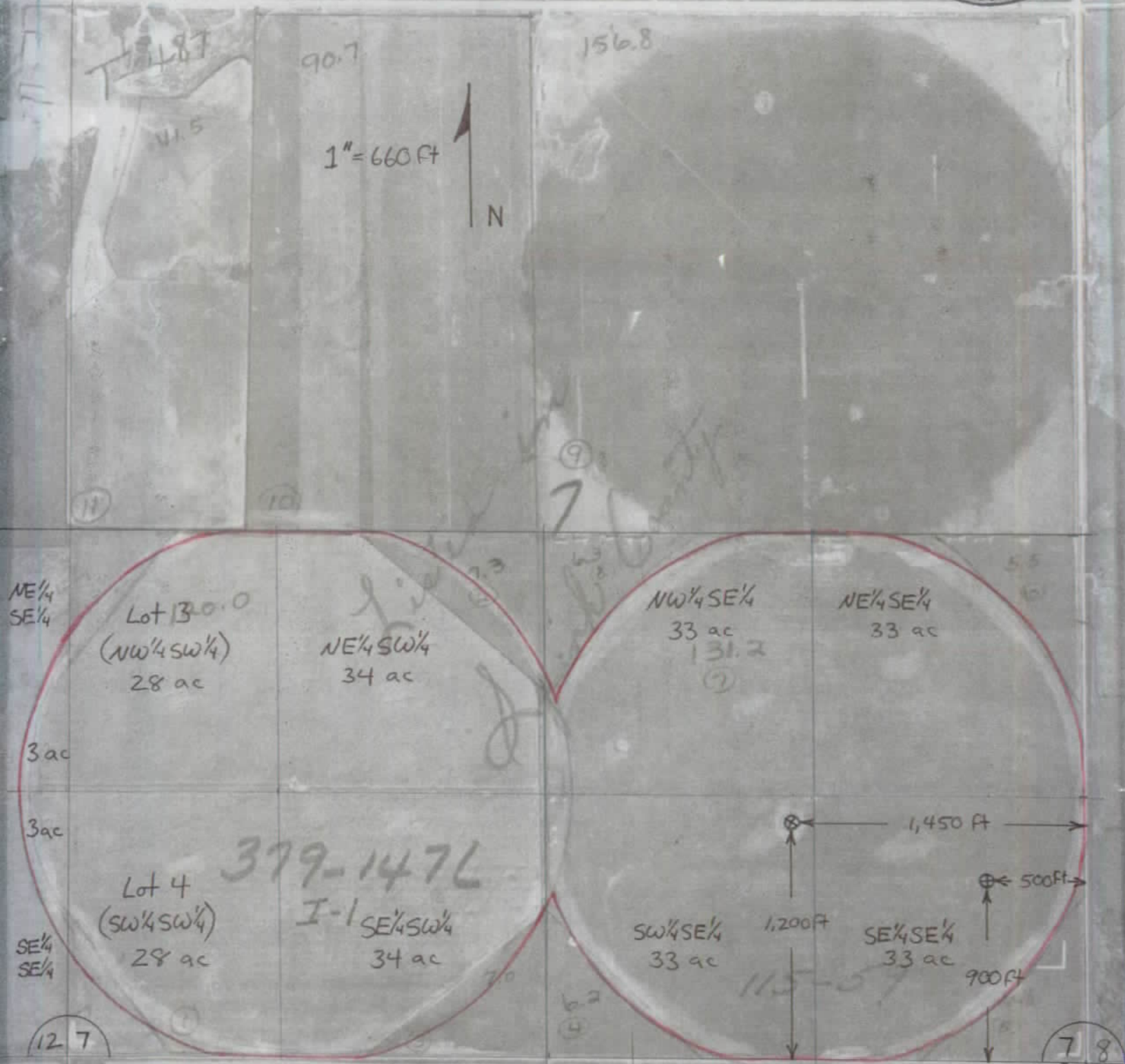
- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N*
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

*Six acres located in the E1/2 SE1/4 section 12-T115N-R60W are not covered by soil/water compatibility. An additional well has also been constructed. The wells were both in existence in 1975. An application has been submitted to correct the location of the 6 acres and to add one well.

NOT TO SCALE



Water Permit No. 2741-3

Don Small
Natural Resources Engineer
8/14/85

5812-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5812-3

(1) Clark Colony of RR 2, Box 28, Raymond SD 57258 made Application No. 5812-3, September 18, 1991 for a water permit to appropriate no additional cubic feet of water per second from one additional well, Clark and Spink Counties, South Dakota for irrigation purposes. Permit No. 5812-3, with a priority date of May 5, 1976 was approved June 20, 1994 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.

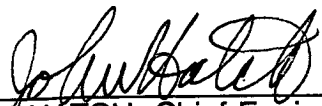
Water Permit No. 5812-3 authorizes one additional well and corrects 6 irrigated acres that were developed but not permitted under Water Permit No. 2741-3. No. 5812-3 did not allow for an increase in the developed diversion rate. The applicable portions of Water Permit No. 2741-3 have been incorporated into this Water License No. 5812-3.

(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 points are: 1,450 feet west and 1,200 feet north (SW 1/4 SE 1/4) and 500 feet west and 900 feet north (SE 1/4 SE 1/4) both from the southeast corner of Section 7-T115N-R59W.

(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 7-T115N-R59W	NW 1/4 SE 1/4	33 acres
	NE 1/4 SE 1/4	33 acres
	SW 1/4 SE 1/4	33 acres
	SE 1/4 SE 1/4	33 acres
	Lot 3	28 acres
	NE 1/4 SW 1/4	34 acres
	Lot 4	28 acres
	SE 1/4 SW 1/4	34 acres
Section 12-T115N-R60W	NE 1/4 SE 1/4	3 acres
	SE 1/4 SE 1/4	3 acres
Total		262 acres

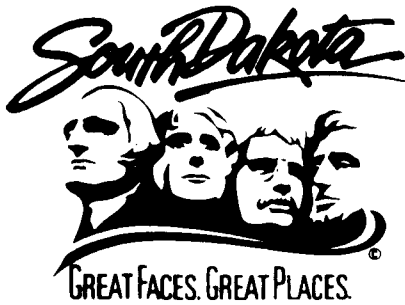
(4) Pursuant to South Dakota Water Law 46-5-30.1 Clark Colony of RR 2, Box 27, Raymond SD 57258 the holder and/or owner of Incorporated Water Permit No. 5812-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (two wells) with a priority date of May 5, 1976 from the location specified in (2) of this license. The water is conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5812-3 and subject to South Dakota State Law.



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

NOV 14 1994

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

5812-3

Fred Waldner
Clark Colony
RR 2, Box 27
Raymond, SD 57258

Dear Mr. Waldner:

Enclosed is Water Permit and Water License No. 5812-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414255 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. 5812-3, 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

NOTE: The applicable portions of Water Permit No. 2741-3 have been incorporated into this Water License No. 5812-3.

5812-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 23, 1996

Paul Waldner
Clark Colony
RR 2 Box 28
Raymond, SD 57258

Dear Mr. Waldner:

Thank you for the prompt return of your 1996 irrigation questionnaires. When reviewing them, I noticed that only one of the forms was completed. My question is did you irrigate under the remaining permits or was all irrigation included on one form?

The questionnaire you completed for Water Right No. 1603-3 reflected irrigation of 130 acres of corn during the months of July and August. The following is a brief summary of the acreage described in Water Right Nos. 1603-3, 2489-3 and 5812-3:

Water Right No.	No. of Acres	Legal Description
1603-3	12.00	NE¼ NW¼ Section 8, T115N, R59W
2489-3	264.00	NE¼ Section 7 and NW¼ Section 8, T115N, R59W
5812-3	262.00	SE¼, Lots 3 & 4, E½ SW¼ Section 7, T115N, R59W E½ SE¼ Section 12, T115N, R60W

Enclosed are the irrigation questionnaires you returned November 15th. Please review the above legal descriptions and complete the questionnaires accordingly. If you did not irrigate the land described under one or more of the water rights, please make a notation on the questionnaire.

I am enclosing a postage paid envelope for your reply. Please complete the forms and return them to our office by January 10, 1997. If you have any questions, please contact me.

Sincerely,

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

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

December 14, 1998

1603-3
2489-3
5812-3

Paul Waldner
Clark Colony
41181 179th St
Raymond, SD 57258

Dear Mr. Waldner:

Thank you for calling about the land you purchased from Mr. Terrill and the legal description of water rights held by Clark Colony. The following is a listing of the water rights.

Water Right No.	No. of Acres	Source of Water	Description of Acres Irrigated
Clark Colony:			
1603-3	12	dry draw dam	NE 1/ NE ¼ Section 8, T115N, R59W
2489-3	264	ground water (one well)	NE ¼ Section 7 & NW ¼ Section 8, T115N, R59W
5812-3	262	ground water (two wells)	SE ¼, Lots 3 & 4, E ½ SW ¼ Section 7, T115N, R59W & E ½ SE ¼ Section 12, T115N, R60W
Lloyd Terrill:			
1898-3	270	ground water (one well)	S ½ Section 7, T115N, R58W
1899-3	135	ground water (one well)	SW ¼ Section 8, T115N, R58W

I am returning your 1998 irrigation questionnaires in the event any changes need to be made to them based on information in the above table. If you feel the forms are accurate as originally completed, make that notation on the forms. Please return the forms in the enclosed postage paid envelope as soon as possible.

I am enclosing partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change on Water Right Nos. 1898-3 and 1899-3. Please review the forms and complete as needed. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (\$5.00 total).

If you have any questions concerning the water rights or completion of the enclosed forms, please get in touch with me.

Sincerely,

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



5812-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2006

NOTICE

TO: CLARK COLONY, FRED WALDNER, 41181 179TH ST, RAYMOND, SD 57258 7400

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1603-3, 1898-3, 1899-3 & 2489-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5812-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5812-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1603-3, 1898-3, 1899-3 & 2489-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



5812-3

Track & Confirm

Current Status

You entered 2303 2160 0000 0799 3797

Your item was delivered at 12:03 pm on January 25, 2006 in RAYMOND, SD 57258. The item was signed for by J WALDNER.

[Shipment Details >](#)

Track & Confirm

Enter label number:

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Notification Options

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CLARK COLONY
FRED WALDNER
41181 179TH ST
RAYMOND SD 57258 7400

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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2303 2160 0000 0799 3797

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5812-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 1, 2006

Fred Waldner
Clark Colony
41181 179th St
Raymond SD 57258-7400

RE: 1603-3, 1898-3, 1899-3, 2489-3 & 5812-3

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 1603-3, 1898-3, 1899-3, 2489-3 and 5812-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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