

WATER PERMIT NO. 5893-3

Name of Applicant: Newdale Colony

Address: 21336 48th Ave, Elkton SD 57026-6628

Phone: 605 542-4271

Amount of Water Claimed: 0.10 cfs (45 gpm)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: domestic and livestock

County: Brookings

Type of Waste Disposal System: lagoon

Location: 4 miles northwest of Elkton

PRIORITY Date Received: 11-2-95

Fee: \$50.00

Corrected Application Received: 12-11-95

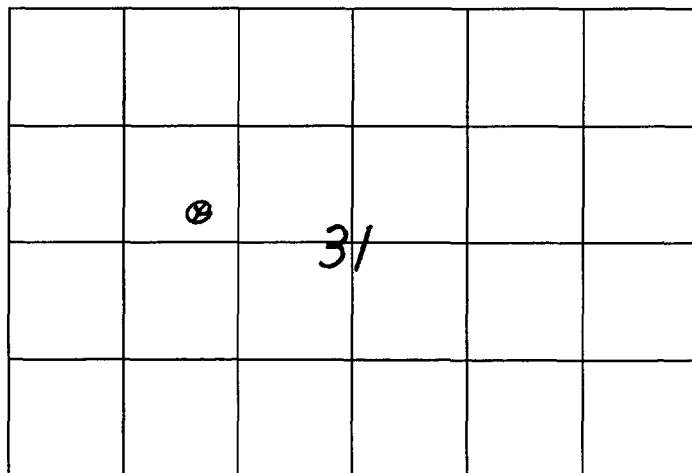
Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: SW 1/4 NW 1/4 Sec 31-

T110N-R47W

Land to be Irrigated: NA



Depth of Well: 133 feet

Well Driller: Minett Well Drilling

Remarks:

Type of Map: aerial photo

Prepared by: Karen Cameron Howell, NRCS

Reviewed and the Number Assigned on: 12-11-95

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

No. 5893-3 Hydrologic Unit Big Sioux River
 Map No. _____ Basin 10170202
 Newspaper Brookings Register, Brookings, SD

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Newdale Colony Phone No. (605) 542 4271

Post Office Address 21336 484TH AVE Elkton South Dakota State 57026-9434
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 45 GPM. (0.10 cfs)3. Source of water supply Well

4. Location of point of diversion 2265' south & 770' east of the north & west borders of
SW 1/4 of sec.31 110-47 w Richland Township Brookings County. (SW 1/4 NW 1/4)

_____ County _____

5. Counties where water will be used Brookings6. Annual period during which water is to be used ~~XXXX~~ January to December 31

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

General household and livestock water use.

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

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

I, George W. Walker 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 George W. WalkerSubscribed and sworn to before me this 16th day of November 1996Edmund Slocum

Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 in. Depth 133 feet
- b) Casing Type Steel Diameter 6 in. Thickness 3/8 in
- c) Screen Type Stainless Steel Diameter 6 in. Thickness 10 ga.
- d) Gravel Pack Thickness none Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 118 feet
- f) Depth to Water (ground surface to water level) 10 feet
- g) Distance to nearest existing domestic well:
 On applicants property 300' On property owned by others 1/2 mile

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 _____

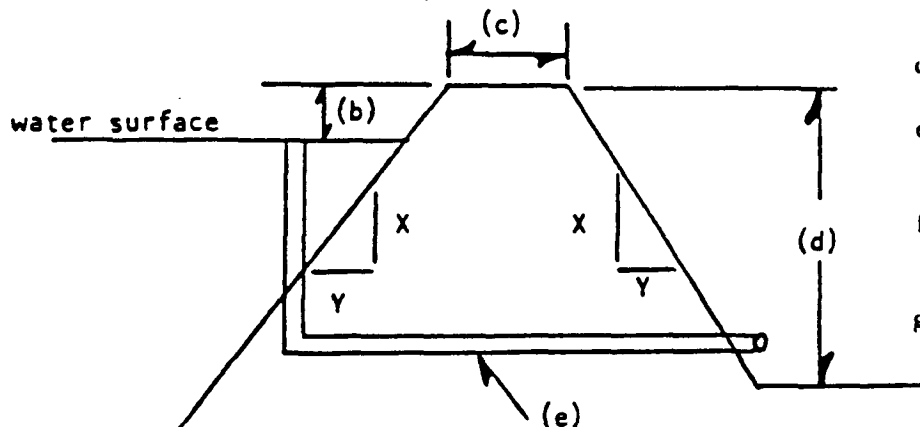
g) X & Y Slope
 U'pstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

**SOUTH DAKOTA
WATER PERMIT NO. 5893-3**

Date of first receipt of application November 2, 1995.

Date of return to applicant for corrections, amendments or changes November 14, 1995.

Date of receipt of corrected application December 11, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5893-3 to Newdale Colony, c/o George Waldner, 21336 48th Ave, Elkton SD 57026-6628 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. 5893-3 appropriates 0.10 cubic feet of water per second (45 gallons per minute) from one well (Rutland Aquifer) 133 feet deep located in the SW 1/4 NW 1/4 Section 31-T110N-R47W.
2. The water appropriated shall be used for the purpose of supplying water to 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. 5893-3 is February 15, 1996.
5. The date from which applicant may claim right is November 2, 1995.
6. One-fifth of the construction is to be completed on or before August 15, 1998.
7. All construction is to be completed on or before February 15, 2001.
8. Water is to be put to beneficial use on or before February 15, 2005.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

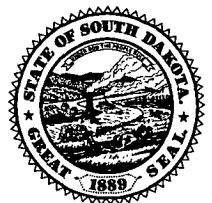
The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

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

APR 3 1996

date



NOT TO SCALE



5893-3

RECEIPT

414658

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, November 2, 19 95

RECEIVED OF Newdale Lutheran Brethren, Inc., RR 2 Box 48, Elkton, SD 57026

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

Fee for Application for Permit No. <u>5892-3</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 Hatch
Chief Engineer



November 14, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

George Waldner
Newdale Colony
21336 484th Ave
Elkton SD 57026-6628

Dear Mr. Waldner:

Enclosed is the water permit application received on November 2, 1995, for the Newdale Colony. The application is being returned because it needs to be signed and notarized.

From the map submitted with your application it appears that the well is located in the SW 1/4 NW 1/4 Section 31-T110N-R47W.

Please specify the type of wastewater disposal system that is utilized by the Colony (ie. septic tank, drainfield). Also, specify the capacity of the system and the approximate year of construction.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

The wastewater disposal system is
a lagoon, capacity unknown, built
in mid. 70's.

enclosure

07-92

Well Completion Date _____

LOCATION:
Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): _____ ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock	☐ Municipal	☐ Business	☐ Test Holes
☐ Irrigation	☐ Industrial	☐ Institutional	☐ Monitoring well

METHOD OF DRILLING:

Cable Tool

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>6</u> IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
		lb./gal	ft.	ft.
		lb./gal	ft.	ft.

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 6 IN Length 5 FEET
Material Stainless Steel
Slot Size 50 Set From 128 Feet to 133 Feet
Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION:

Was well disinfected upon completion? X YES, How: chlorinated
 _____ NO, Why Not? _____

Laboratory sent to for water quality analysis

Well Owner: Newdale Hutterite Colony
Business Name: _____
Address: _____

WELL LOG:

[illegible]

STATIC WATER LEVEL 10 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: Dailed well for 2h
☒ Bailed at 100 gpm
☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 632

And this report is true and accurate.

Drilling firm Mineff Well Drilling

Signature of License Representative:

Det Morris

Signature of Well Owner or Equitable Property Holder:

Sol. Ninth

Date:

REPORT ON WATER PERMIT APPLICATION NO. 5893-3
for Newdale Colony
December 26, 1995

Application No. 5893-3 proposes to appropriate 0.10 cfs (45 gpm) from one well approximately 133 feet deep located in the SW 1/4 NW 1/4 of section 31, T110N R47W in Brookings County. The water is for domestic and livestock watering use.

AQUIFER - RUTLAND (RUT)

The Rutland is a buried glacial outwash (sand and gravel) which is under confined or artesian conditions at this site. The aquifer underlies 240 square miles and contains an estimated 400,000 acre feet of water in storage in Brookings County (Hamilton, 1989). The aquifer extends into Minnesota to the east, Deuel County to the north, and into Moody County to the south. Ground water movement is from the east to west across the area of this application.

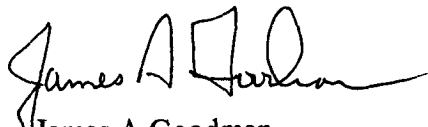
The Water Rights Program monitors two observation wells (BG-78E and BG-78F) which are located one mile northeast and one and one quarter miles west of this application. Hydrographs for these wells are included with this report. In general, water levels for these wells show good correlation with climatic conditions, that is, rising water levels during wet years and gradually declining during dry years. Also, the effects of irrigation pumping are obvious. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1995).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights which obtain water from the Rutland aquifer which are within one mile of this application. The closest existing Water Right is No. 3876-3. This right authorizes two wells for irrigation and the wells are located approximately one and one half miles northeast of this application. Interference is not expected to be a concern. The drawdown created by pumping at a rate of 45 gpm will not be significant. There should be no adverse effects.

CONCLUSIONS

1. Water is available from the Rutland aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown created by a diversion rate of 45 gpm will not be significant. Interference is not expected to be a concern.
3. The water level record indicates that the aquifer is capable of supplying the historical demands of water usage.
4. The well completion information supplied with the application is not sufficient to determine if this well is constructed in accordance with SD Well Construction Standards


James A Goodman
Natural Resources Engineer

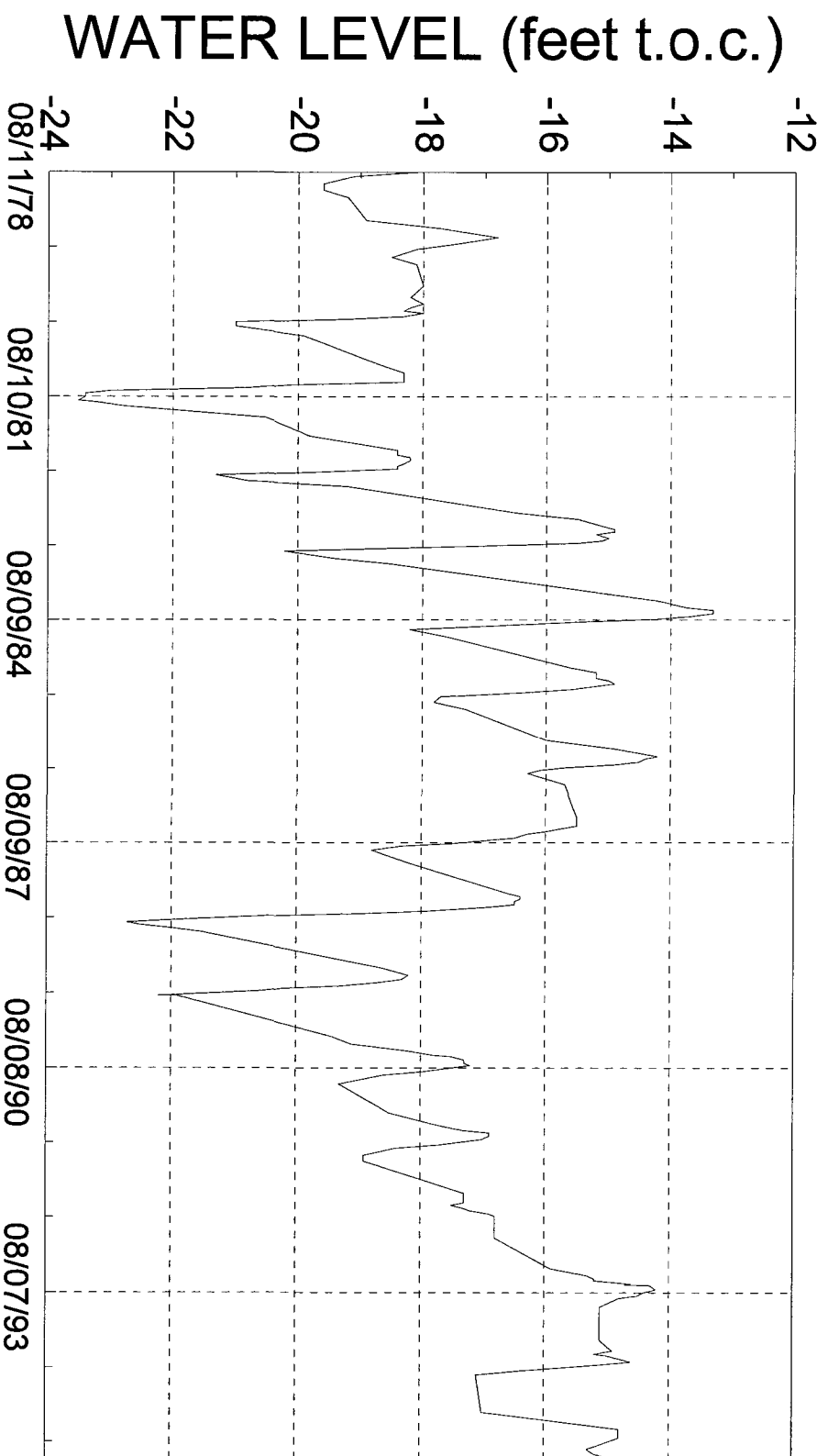
BIBLIOGRAPHY

Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, WRI 88-145, USGS, Huron, SD, 57350.

Water Rights, 1995, Unpublished Observation Well Records for Brookings County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

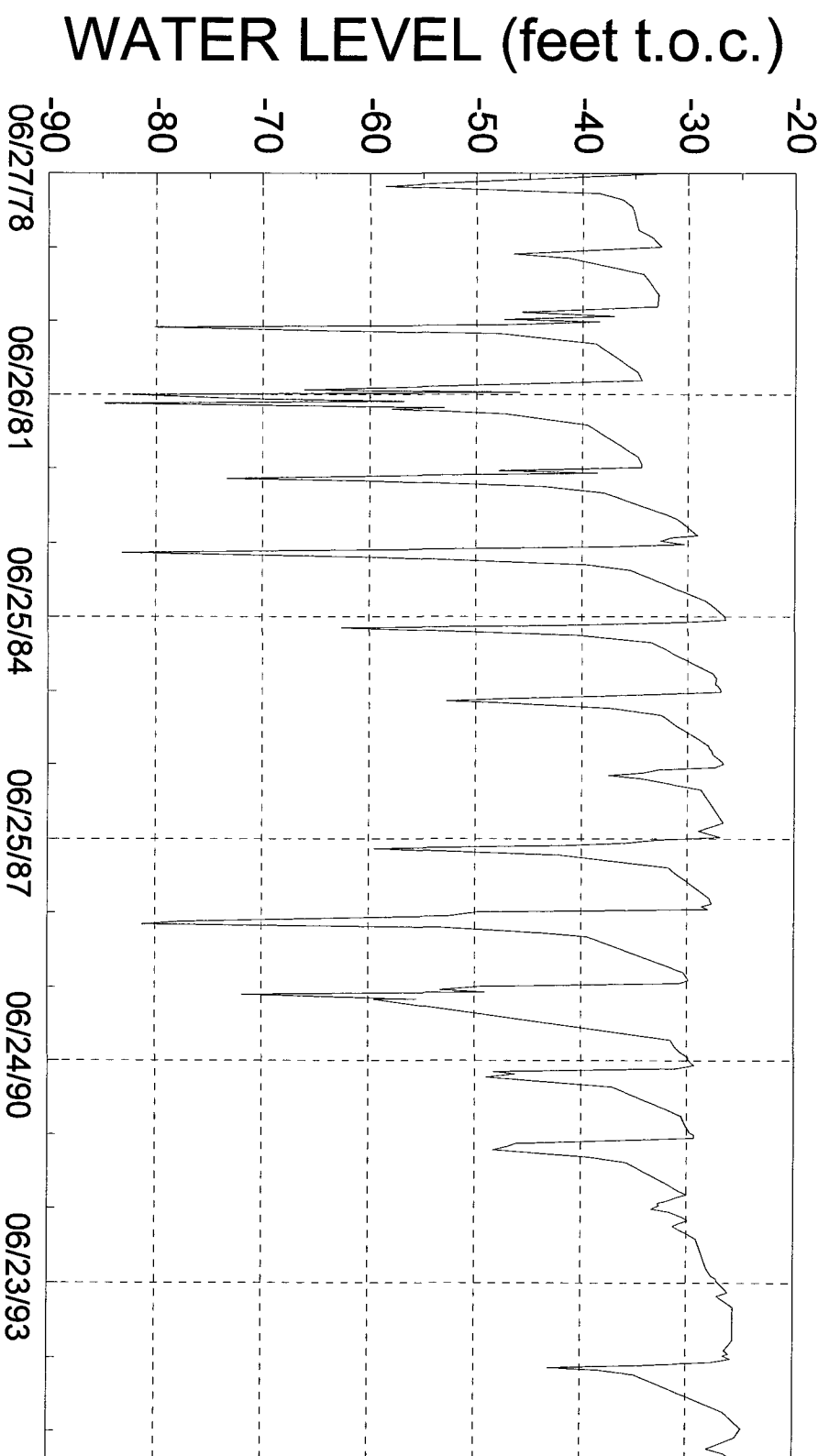
WATER RIGHTS OBSERVATION WELL

BG-78F



WATER RIGHTS OBSERVATION WELL

BG-78E



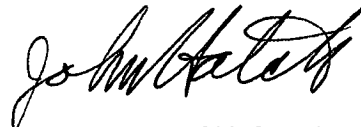
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5893-3, Newdale Colony**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5893-3, Newdale Colony, %George Waldner, 21336 48th Ave., Elkton, SD 57026-6628.

The Chief Engineer is recommending APPROVAL of Application No. 5893-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The 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.

A handwritten signature in black ink, appearing to read "John Hatch", is positioned above the printed name.

JOHN HATCH, Chief Engineer
January 18, 1996



**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.

January 22, 1996

Newdale Colony
%George Waldner
21336 48th Ave.
Elkton, SD 57026-6628

Dear Mr. Waldner:

Water Permit Application No. 5893-3 for domestic and livestock 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 Brookings Register printed at Brookings, SD (Ph # (605) 692-6271). 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

January 22, 1996

Brookings Register
P.O. Box 177
Brookings, SD 57006-0177

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5893-3 to be published twice. Please publish the first notice on January 29, 1996, 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 Newdale Colony, %George Waldner, 21336 48th Ave., Elkton, SD 57026-6628 (Ph # (605) 542-4271).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on January 29, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5893-3 to Appropriate Water

Notice is given that Newdale Colony, %George Waldner, 21336 48th Ave., Elkton, SD 57026-6628 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well (Rutland Aquifer) 133 feet deep located in the SW 1/4 NW 1/4 Section 31-T110N-R47W. The water is for domestic and livestock watering use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5893-3 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. 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 Program, 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 15, 1996.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Brookings) SS

I, Nancy P. Skyberg

certify that the attached printed Notice was

taken from the Brookings
Register

printed and published in Brookings

County of Brookings and State of

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

January 29, 1996

February 5, 1996

Cost of Printing: thirty-five
dollars and sixty-four cents
\$35.64

Nancy P. Skyberg
 (Signature)

Legal Ad Coordinator
 (Title)

2-23-96
 (Date Signed)



Legal 044, 2x, January 29, February 5
 NOTICE OF APPLICATION
 NO. 5893-3

to Appropriate Water

Notice is given that Newdale Colony, %George Waldner, 21336 48th Ave., Elkton, SD 57026-6628 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well (Rutland Aquifer) 133 feet deep located in the SW 1/4 NW 1/4 Section 31-T110N-R47W. The water is for domestic and livestock watering use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5893-3 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. 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 Program, 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 15, 1996.

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 Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary,
 Department of Environment and
 Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 3 1996

Newdale Colony
%George Waldner
21336 48th Ave.
Elkton, SD 57026-6628

Dear Mr. Waldner:

Enclosed is Water Permit No. 5893-3 authorizing construction of your water diversion system and beneficial use of the water, 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 Program
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 may 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.

Date April 8 1996

George Wallace
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 17, 2001

5893-3

George Waldner
Newdale Colony
21336 48th Ave
Elkton, SD 57026-6628

Dear Mr. Waldner:

On June 28, 2001, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5893-3, was completed by Ron Duvall, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

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

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

416899

Pierre, August 23, 20 01

RECEIVED OF Newdale Hutterian Brethren, Inc., 21336 484th Ave, Elkton, SD 57026-6628
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. 5893-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Darland Ebele
Chief Engineer *gm*

Permit No. 5893-3
Big Sioux 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 28, 2001**, made a thorough examination of the water use system constructed by **Newdale Colony** of **21336 48th Avenue, Elkton SD 57026-6628** holder of Permit No. **5893-3**, bearing the priority of **November 2, 1995** authorizing the diversion of **0.10** cu. ft. per second of the waters of **ground water (Rutland aquifer)** for **domestic and livestock** purposes, in **Brookings** County.

Inspection contact & relationship to permit holder, if applicable: **George Waldner**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Minett**
- 2) No. of Wells **1**
- 3) Depth(s) **133** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **6** inches
- 2) Length **128** feet
- 3) Type **steel**

Screen:

- 1) Type **stainless steel**
- 2) Length **5** feet
- 3) Static water level **10** feet

Pump\Motor:

- 1) Make **submersible**
- 2) Size **7.5 hp**
- 3) Capacity **45** GPM

B. Works used to transport\apply water to beneficial use:

Water from the well is used to supply five homes (ten families) and livestock operations (hogs and chickens).

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Exceptions to compliance are: **none**

The system is in **good** condition with the point of diversion located as follows: **Well: $\approx$ 2,375 feet S and $\approx$ 725 feet E from the NW corner section 31-T110N-R47W (SW $\frac{1}{4}$ NW $\frac{1}{4}$).** The works are capable of diverting and conveying to the place of use **0.10** cu. ft. per second of water which is to be used for **domestic and livestock purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **0.10** cfs.

Comments or other permit(s) associated with the project: **none** | All structures, wells and lands on map **Y**



Ron Duvall

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **August 16, 2001**

600 0 600 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
August 16, 2001

No. 5893-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5893-3

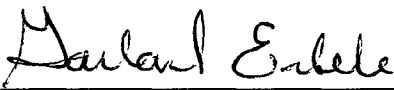
(1) Newdale Colony, 21336 48th Ave, Elkton, SD 57026-6628 made Application No. 5893-3, November 2, 1995, for a water permit to divert 0.10 cubic feet of water per second from ground water (one well – Rutland Aquifer), Brookings County, South Dakota for domestic purposes. Permit No. 5893-3, with a priority date of November 2, 1995 was approved February 15, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 15, 2001 and for the application to beneficial use of said water on or before February 15, 2005.

On April 10, 1996, the permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*". The "*Notice*" indicated that the diversion system was completed in June of 1992 and the water placed to beneficial use in February, 1993.

(2) It is certified that the permit holder 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 ≈ 2,375'S and ≈ 725'E of the NW corner of Section 31, T110N, R47W (SW ¼ NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The water is used to supply five homes and also the livestock operations (hogs and chickens).

(4) Pursuant to South Dakota Water Law 46-5-30.1 Newdale Colony, 21336 48th Ave., Elkton, SD 57026-6628 the holder and/or owner of Water Right No. 5893-3 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from ground water (one well – Rutland Aquifer) with a priority date of November 2, 1995 from the location specified in (2) of this license. The water is used for domestic use and stock watering purposes. This license is subject to any limitations or qualifications listed in Water Right No. 5893-3 and subject to South Dakota State Law.

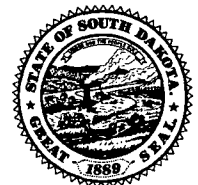


Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

SEP 24 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 24 2001

5893-3

George Waldner
Newdale Colony
21336 48th Ave
Elkton, SD 57026-6628

Dear Mr. Waldner:

Enclosed is Water License No. 5893-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416899 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5893-3, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures