

WATER PERMIT NO. 5919-3

Name of Applicant: Wolf Creek Hutterian

Address: RR 1, Box 129, Olivet SD 57052

Phone: 605 925-7253

Amount of Water Claimed: 0.23 cfs (105 gpm)

Total Acres: no additional (100 acres)

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Hutchinson

Type of Waste Disposal System: NA

Location: 8 miles west and 3 north of Freeman

PRIORITY

Date Received: 3-11-96

Fee: \$150.00

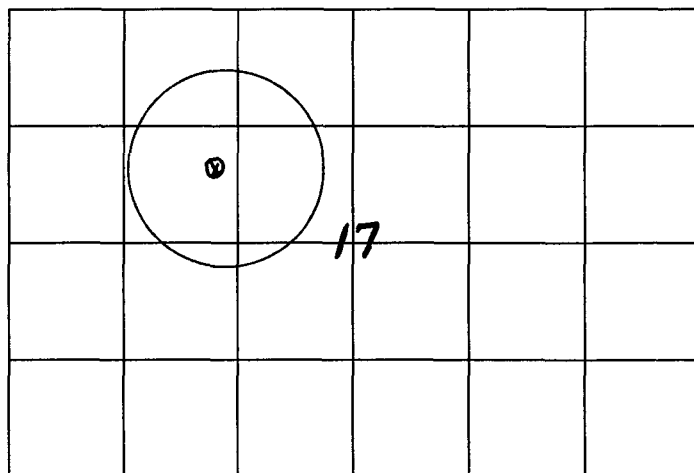
Corrected Application Received: 3-21-96

Period of Annual Use: May 1 - August 31

Remarks: Increase the diversion rate authorized by Water Permit No. 5478-3

Diversion Point: SW 1/4 NW 1/4 Sec 17-T99N-
R57W

Land to be Irrigated: NW 1/4 and N 1/2 SW 1/4
Sec 17 - T99N - R57W



Depth of Well: 230 feet deep

Well Driller: Pullman Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Barry A. McLaury

Reviewed and the Number Assigned on: 3-21-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

* Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5919-3</u> Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Freeman Courier, Freeman, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

1. Name of Applicant Wolf Creek Hutterian ☒ Owner ☐ Tenant/Lessee Phone 605-925-7253
Mailing Address RR1 Box 129, Olivet, State SD 57052
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 0.23 add'l *CFS or 105 **GPM ***AF Total Acreage NO Add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Ground Water - 1 well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well located in
the SW1/4 NW1/4 of Section 17; T99N R57W. County Hutchinson
5. County or counties where water will be used Hutchinson
6. Annual period during which water is to be used May 1 thru August 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW1/4 NW1/4 Section 17 T99N R57W	17.6	NW1/4 SW1/4 Section 17 T99N R57W	5.3
NE1/4 NW1/4 " " " "	10.5	NE1/4 SW1/4 " " " "	2.6
SW1/4 NW1/4 " " " "	38.5		
SE1/4 NW1/4 " " " "	25.5	TOTAL ACREAGE	100.0

8. Give a description of the project. (Attach sheet if more space is needed)

This application is for an additional 0.23 CFS (105 GPM) for the well authorized by water Permit NO. 5478-3. Water permit NO. 5478-3 authorizes diversion of 1.10 CFS (495 GPM) and an inspection of the permit found the well capable of producing 0.23 CFS. There will be no additional acreage.

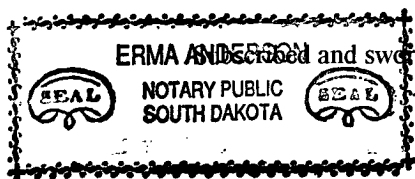
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Hutchinson ss

I, Paul Decker III, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Paul Decker III March 19 96



Erma Anderson
Notary Public
My Comm Expires 12-20-98

**SOUTH DAKOTA
WATER PERMIT NO. 5919-3**

Date of first receipt of application March 11, 1996.

Date of return to applicant for corrections, amendments or changes March 12, 1996.

Date of receipt of corrected application March 21, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5919-3 to Wolf Creek Hutterian, c/o Paul Decker III, RR 1, Box 129, Olivet SD 57052 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5919-3 appropriates 0.23 cubic feet of water per second (cfs) [105 gallons per minute] by increasing the diversion rate authorized by Water Permit No. 5478-3. Water Permit No. 5478-3 appropriates 1.1 cfs from one well (Lower James Missouri Aquifer) 230 feet deep located in the SW 1/4 NW 1/4 Section 17 to irrigate 100 acres located in the NW 1/4, N 1/2 SW 1/4 Section 17; all in T99N-R57W. This permit increases the water appropriation from the existing well, from 1.1 cfs to 1.33 cfs (total of 600 gallons per minute).
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - August 31.
3. The date from which applicant may claim right is March 11, 1996.
4. The date of approval of Permit No. 5919-3 is April 22, 1996.
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 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.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUL 2 1996
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1996

Wolf Creek Hutterian
ATTN: Paul Decker III
RR 1 Box 129
Olivet, SD 57052

Dear Mr. Decker:

After an inspection on Water Permit No. 5478-3 on June 13, 1995, I found a problem with the developed diversion rate. Water Permit No. 5478-3 authorizes a diversion rate of 1.10 cfs (495 GPM) and the actual diversion rate is 600 GPM (1.33 cfs).

Enclosed is a partially completed application for a new permit for an additional 0.23 cfs (1.33 cfs minus 1.10 cfs) to irrigate 100 acres in Section 17; T99N R57W. Please have the form signed before a Notary Public and return it with a \$150.00 application fee (see part 4 of the instruction sheet) to this office by February 29, 1996.

If you have questions or need assistance, please feel free to contact me at (605) 773-3352.

Sincerely,

Barry A. McLaury
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 1996

Wolf Creek Hutterian Brethren, Inc.
Paul Decker III
Box 129
Olivet SD 57052

Dear Mr. Decker:

Enclosed is the check submitted with your Application for Permit to Appropriate Water for Irrigation. The check is being returned because it was not signed.

Upon return of the signed check, further processing of the application will continue. If you have questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosure

RECEIPT

414868

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 21, 19 96

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

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

Fee for Application for Permit No. <u>5919-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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	150 00

By John Hatch Chief Engineer

10-85

Date 12/31/72

REPORT ON WATER PERMIT APPLICATION NO. 5919-3
for Wolf Creek Hutterian
March 22, 1996

Application No. 5919-3 proposes to appropriate 0.23 cfs (105 gpm) by increasing the diversion rate authorized by Water Permit No. 5478-3. Water Permit No. 5478-3 appropriates 1.1 cfs from one well approximately 230 feet deep located in the SW 1/4 NW 1/4 of section 17 to irrigate 100 acres located in the NW 1/4, N 1/2 SW 1/4 of section 17; all in T99N R57W in Hutchinson County. This permit application increases the water appropriation from the existing well to 1.33 cfs (600 gpm).

AQUIFER - LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a buried glacial outwash (sand and gravel) which is under confined or artesian conditions at this site. However, over most of Hutchinson County the aquifer is predominantly under water table conditions. The aquifer underlies 268 square miles and contains an estimated 2.367 million acre feet of water in storage in Hutchinson County (Lindgren, 1990). Ground water movement is generally toward the James River and in the area of this application is from northeast to southwest. The aquifer is areally extensive into Hansen County to the north and into Yankton County to the south. The aquifer is hydraulically connected to the James River and possibly to the bedrock Niobrara Formation.

The Water Rights Program monitors two observation wells, HT-81D and HT-82C, which are located one mile east and two miles west of this application, respectively. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Also the effects of pumping are obvious with a seasonal fluctuation of as much as eight feet during the irrigation season. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996). Hydrographs for these two observation wells are included with this report.

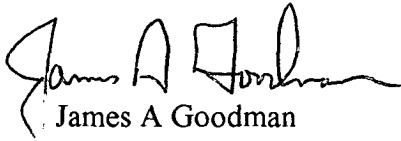
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Right No. 5478-3 located about one mile east of this application and one Water Permit No. 5826-3 (also includes No. 5493-3) located about one and one half miles southwest of this application which obtain water from the Lower James Missouri aquifer. Interference is not a concern. The water levels do not fluctuate significantly as shown by the hydrographs. These wells have been in use with no apparent problems.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.

2. The aquifer is confined and under artesian conditions at this site. Drawdown will occur but this is not significant. There should not be any impairment of existing rights. This well has been in use with no apparent problems.
3. This is a request to increase the diversion rate from 1.1 cfs to 1.33 cfs to reflect the actual water use. This request is a result of a water permit inspection.



James A Goodman
Natural Resources Engineer

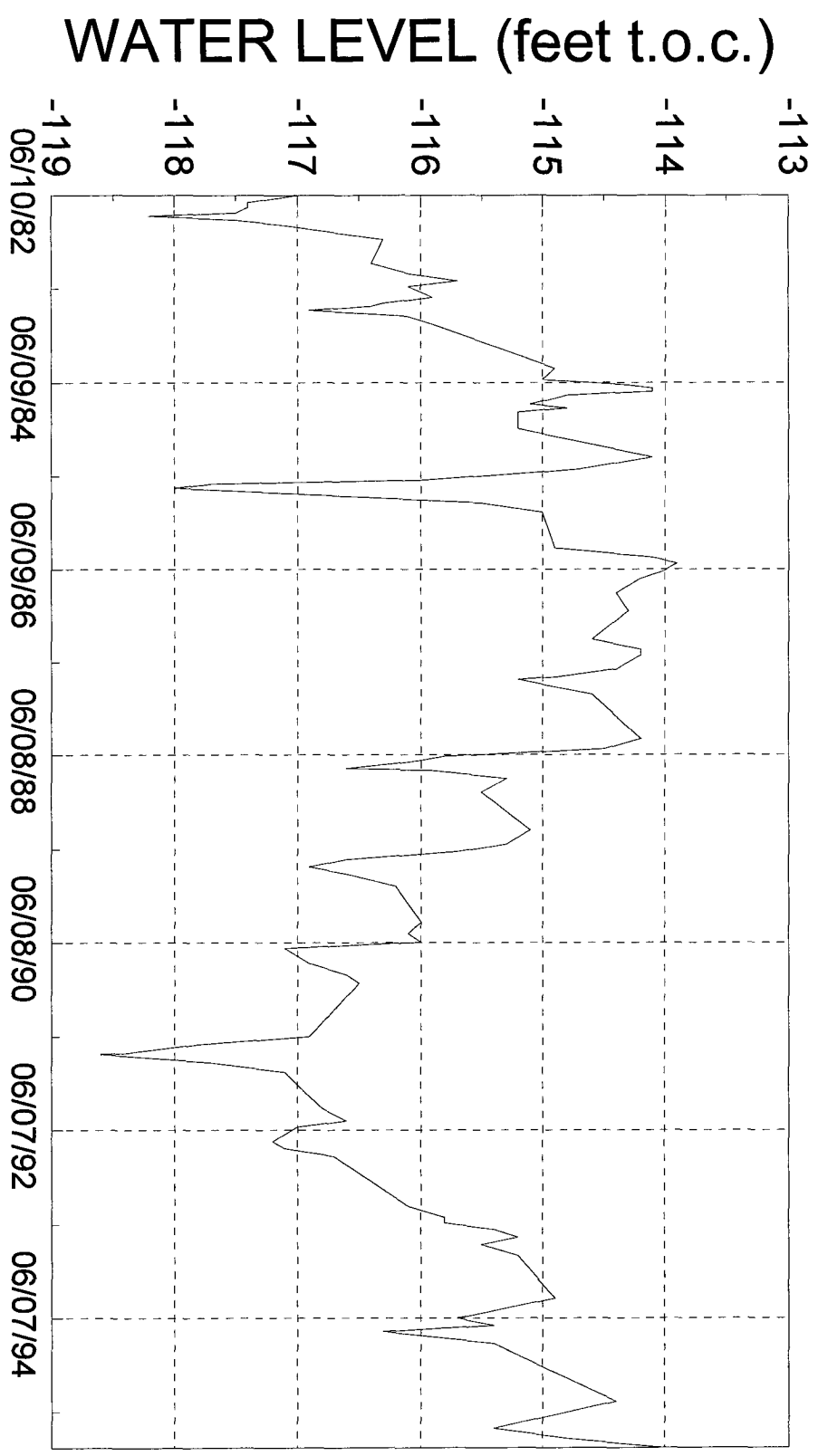
BIBLIOGRAPHY

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, USGS WRI 90-4093, USGS, Huron, SD, 57350.

Water Rights, 1996, Unpublished Observation Well Data for Hutchinson County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

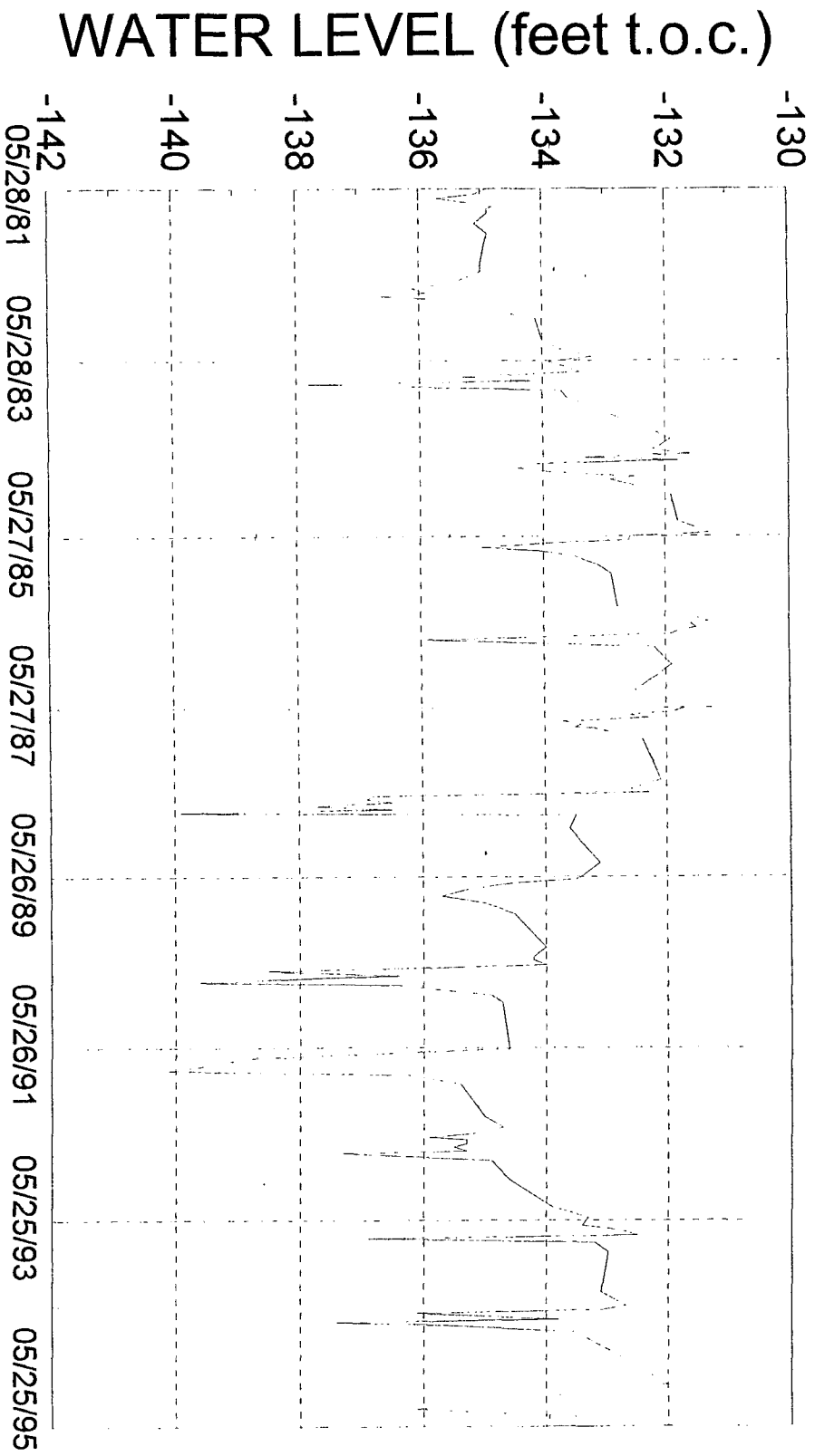
WATER RIGHTS OBSERVATION WELL

HT-82C



WATER RIGHTS OBSERVATION WELL

HT-81D



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5919-3, Wolf Creek Hutterian

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. 5919-3, Wolf Creek Hutterian, %Paul Decker, RR 1, Box 129, Olivet, SD 57052.

The Chief Engineer is recommending APPROVAL of Application No. 5919-3 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:

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
March 27, 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.

March 28, 1996

Wolf Creek Hutterian
%Paul Decker
RR 1, Box 129
Olivet, SD 57052

Dear Mr. Decker:

Water Permit Application No. 5919-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Freeman Courier printed at Freeman, SD (Ph # (605) 594-6315). 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

March 28, 1996

Freeman Courier
Box 950
Freeman, SD 57029-0950

ATTENTION: Legal Department

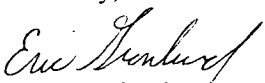
Enclosed is a Notice of Hearing on Application No. 5919-3 to be published twice. Please publish the first notice on April 4, 1996, with the second publication 7 days later.

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 Wolf Creek Hutterian, %Paul Decker, RR 1, Box 129, Olivet, SD 57052 (Ph # (605) 925-7253).

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 April 4, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5919-3 to Appropriate Water
and to Amend Water Permit No. 5478-3

Notice is given that Wolf Creek Hutterian, RR 1, Box 129, Olivet, SD 57052 has filed an application for a water permit to appropriate 0.23 cubic feet of water per second (cfs) (105 gallons per minute) by increasing the diversion rate authorized by Water Permit No. 5478-3. Water Permit No. 5478-3 appropriates 1.1 cfs from one well (Lower James Missouri) 230 feet deep located in the SW 1/4 NW 1/4 Section 17 to irrigate 100 acres located in the NW 1/4, N1/2 SW 1/4 Section 17; all in T99N-R57W. This permit increases the water appropriation from the existing well, from 1.1 cfs to 1.33 cfs (total of 600 gallons per minute).

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5919-3 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 April 22, 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 Hutchinson) SS

I, Jim L. Waltnu

certify that the attached printed Notice was

taken from the Freeman
Courier

printed and published in Freeman

County of Hutchinson and State of

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

April 3, 1996

April 10, 1996

Cost of Printing: 38.83

Jim L. Waltnu
 (Signature)

Publisher
 (Title)

4-15-96
 (Date Signed)



Notice of Application No. 5919-3 to Appropriate Water and to Amend Water Permit No. 5478-3

Notice is given that Wolf Creek Hutterian, RR 1, Box 129, Olivet, SD 57052 has filed an application for a water permit to appropriate 0.23 cubic feet of water per second (cfs) (105 gallons per minute) by increasing the diversion rate authorized by Water Permit No. 5478-3. Water Permit No. 5478-3 appropriates 1.1 cfs from one well (Lower James Missouri) 230 feet deep located in the SW 1/4 NW 1/4 Section 17 to irrigate 100 acres located in the NW 1/4, N1/2 SW 1/4 Section 17; all in T99N-R57W. This permit increases the water appropriation from the existing well, from 1.1 cfs to 1.33 cfs (total of 600 gallons per minute).

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5919-3 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 Wa-

ter 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 April 22, 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

JUL 2 1996

Wolf Creek Hutterian
%Paul Decker III
RR 1, Box 129
Olivet, SD 57052

Dear Mr. Decker:

Enclosed is Water Permit No. 5919-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 18, 1996

SECOND NOTICE
Permit No. 5919-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Wolf Creek Hutterian
%Paul Decker III
RR 1, Box 129
Olivet, SD 57052

Dear Mr. Decker:

On July 2, 1996, you were notified the final inspection fee of \$50.00 is due before Water License No. 5919-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

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

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Wolf Creek Hutterian
%Paul Decker III
RR 1, Box 129
Olivet, SD 57052

5919-3

4a. Article Number

P 378 081 291

4b. Service Type

- ☒ Registered ☐ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

19 Sept 96

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

5. Received By: (Print Name)

Darius Huter

6. Signature: (Addressee or Agent)

X D Huter

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

RECEIPT

415179

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 7, 19 96

RECEIVED OF Wolf Creek Hutterian Brethren, Inc., 42906 Colony Rd., Olivet, SD 57052
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5010-3</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 Hatcher
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 11, 1996

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

Dear Mr. Hofer:

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

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

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

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

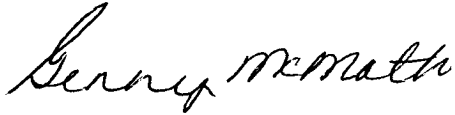
The irrigation questionnaire submitted for Water Permit No. 5826-3 states the source of water is the hog lagoon. I am assuming that water from the irrigation well is pumped into the lagoon as dilution water. Water is then pumped through the irrigation system in S1/2 NW1/4 and SE1/4 of Section 19, T99N, R57W. If this is not how the system operates, please let me know.

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

December 11, 1996
Wolf Creek Colony
page 2

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

Sincerely,

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

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

enclosures

Permit No. 5919-3
James 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 13, 1995**, made a thorough examination of the water use system constructed by **Wolf Creek Hutterian** of **RR 1, Box 129, Olivet, SD 57052** holder of Permit Nos. **5478-3 & 5919-3**, bearing the priorities of **October 10, 1990 & March 11, 1996 (consecutively)** authorizing the diversion of **1.10 & 0.23** cu. ft. of water per second from **ground water** for **irrigation** purposes, in **Hutchinson** County.

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

A. Works used to divert the water:

A 190 HP John Deere Diesel motor with a 600 GPM Amarillo pump.

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

1 well.

C. Works used to apply water to beneficial use:

A 7 tower low pressure Valley center pivot.

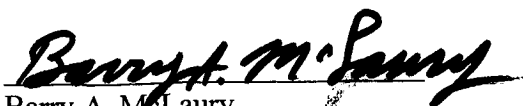
The system is in the following condition **Good**. The point of diversion is located **1020 feet E and 1720 feet S from the NW corner of Section 17; T99N R57W (SW1/4 NW1/4)**. The works are capable of diverting and conveying to the place of use **1.33** cu. ft. of water per second which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

T099N R57W	SECTION 17	NW1/4 NW1/4	17.6 acres
		NE1/4 NW1/4	10.5 acres
		SW1/4 NW1/4	38.5 acres
		SE1/4 NW1/4	25.5 acres
		NW1/4 SW1/4	5.3 acres
		NE1/4 SW1/4	2.6 acres

comprising a total of **100** acres of land and the license should be issued for **1.33** cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: **None** Date Report Completed: **2-14-96**



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

REPORT ON INSPECTION OF PERMIT NO. 5919-3

Other permit(s) associated with the project: 5478-3

DATE OF INSPECTION: June 13, 1995

NAME OF INSPECTION CONTACT: Paul Decker III

NAME & ADDRESS OF PERMIT HOLDER: Wolf Creek Hutterian, RR 1 Box 129, Olivet, SD 57052

DIVERSION POINT LEGAL LOCATION: 1020 feet E and 1720 feet S from the NW corner of Section 17; T99N R57W (SW1/4 NW1/4).

WELL INFORMATION:

1) Well Drilling Firm: Pullman Well Drilling

3) Depth(s) 230 feet

2) No. of Wells 1

4) Well log is available Y

Casing:

1) Diameter 16 inches

2) Length 230 feet

3) Type PVC

Screen:

1) Type PVC

2) Length 26 feet

3) Static water level 120 feet

Pump:

1) Make Amarillo

2) Serial No. S100A

3) Capacity 600 GPM

Motor:

1) Make John Deere Diesel

2) Model No. T06059T345166

3) Horsepower rating 190 hp

SYSTEM TYPE:

Center pivot:

1) Make Valley

2) Overall length 1200 feet

3) Number of towers 7

4) Distance between towers 170 feet

5) End gun Y

6) High or low pressure Low

7) Capacity 600 GPM

CHEMIGATION EQUIPMENT:

1) Does chemigate Y

2) Main line check valve Y

3) Inspection port/air relief Y

4) Low pressure drain Y

5) Discharge is 20' from source Not at site

6) Interlock type Electrical

7) Injection pump type single piston

8) Injection check valve Y

9) Injection line check valve or positive displacement pump Y

NOTE: On February 14, 1996, an application was made for an additional 0.23 CFS for the irrigation well covered by Water Permit No. 5478-3. The permit authorizes a diversion of 1.10 cfs but an inspection of the permit found the well producing 600 GPM. Water Permit No. 5478-3 will be incorporated into 5919-3 upon licensing.

10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y

11) Comments: 20' discharge hose was not at the site.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA
- 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

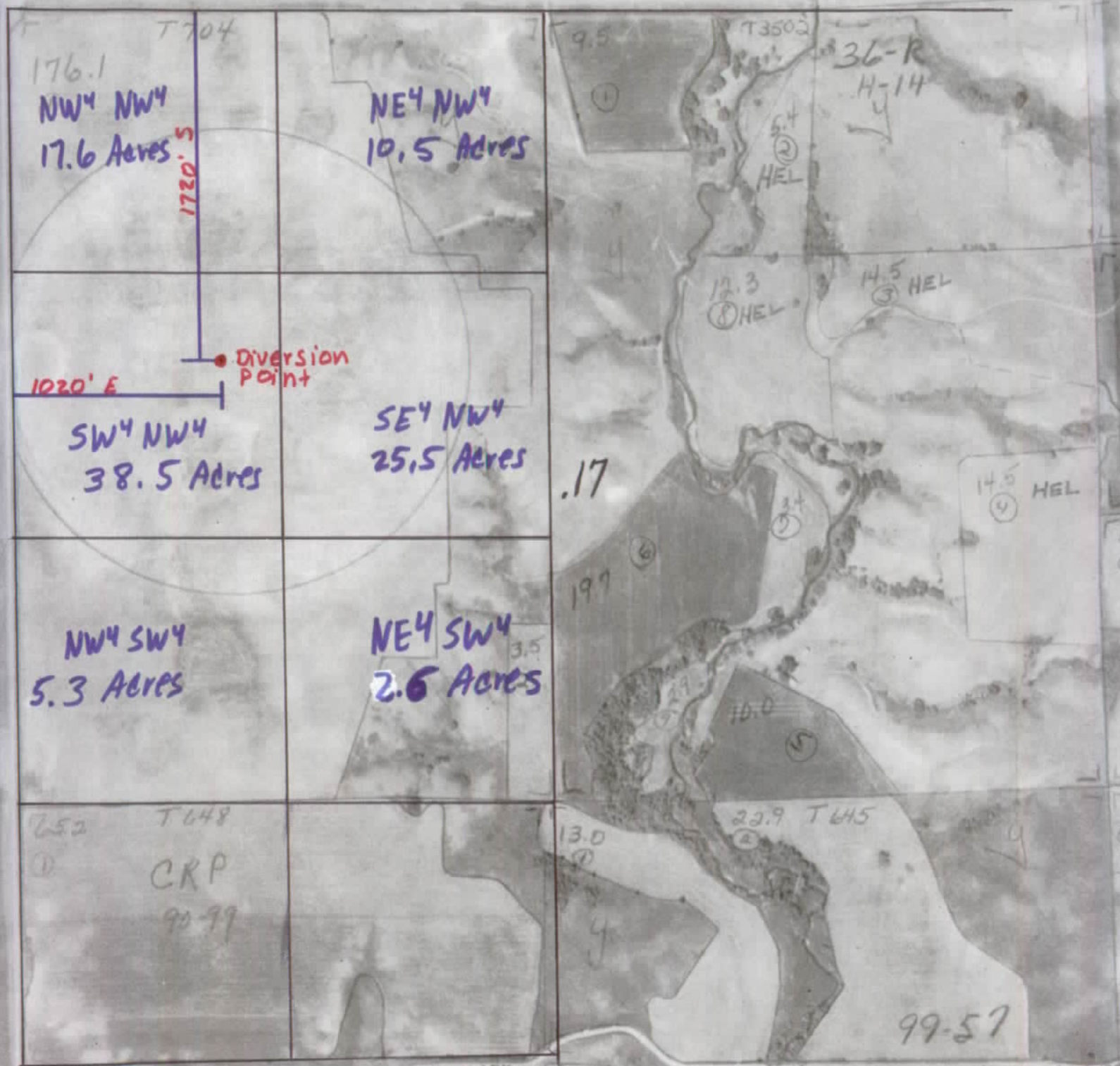
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5478-3

5919-3

copy
6/13/95
js

NOT TO SCALE



Barry A. McLaury *Barry*
Environmental Scientist
Water Rights Program
Date *February*

Barry A. McLaury *Barry A. McLaury*
Environmental Scientist
Water Rights Program
Date *February 13, 1996*

5919-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5919-3

(1) Wolf Creek Hutterian, RR 1, Box 129, Olivet SD 57052 made Application No. 5919-3, March 11, 1996 for a water permit to divert 0.23 cubic feet of water per second (cfs) from groundwater (one well), Hutchinson County, South Dakota for irrigation purposes. Permit No. 5919-3, with a priority date of March 11, 1996 was approved April 22, 1996 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. 5919-3 increased the water appropriation authorized by Water Permit No. 5478-3 from 1.1 cfs to 1.33 cfs. The applicable portions of Water Permit No. 5478-3 have been incorporated into this Water License No. 5919-3.

(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 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is 1,020 feet east and 1,720 feet south from the northwest corner of Section 17-T99N-R57W (SW 1/4 NW 1/4)

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

Section 17-T99N-R57W	NW 1/4 NW 1/4	17.6 acres
	NE 1/4 NW 1/4	10.5 acres
	SW 1/4 NW 1/4	38.5 acres
	SE 1/4 NW 1/4	25.5 acres
	NW 1/4 SW 1/4	5.3 acres
	NE 1/4 SW 1/4	2.6 acres
Total		100 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wolf Creek Hutterian, RR 1, Box 129, Olivet SD 57052 the holder and/or owner of Incorporated Water Permit No. 5919-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from groundwater (one well) with priority dates of October 10, 1990 (1.10 cfs) and March 11, 1996 (0.23 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5919-3 and subject to South Dakota State Law.


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

APR 7 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 7 1997

5919-3

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

Dear Mr. Hofer:

Enclosed is Water License No. 5919-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415179 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5919-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

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



5919-3
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 20, 2005

NOTICE

TO: WOLF CREEK HUTTERIAN, TIM HOFER, 42906 COLONY RD, OLIVET, SD 57052
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4074A-3 & 5919-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4074A-3 & 5919-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 4074A-3 & 5919-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is(are) received in this office on/or before February 25, 2005, 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 at (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.



5919-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1084

Your item was delivered at 1:02 pm on January 21, 2005 in OLIVET, SD 57052. The item was signed for by D HOFER.

[Shipment Details >](#)

Notification Options

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1084

WOLF CREEK HUTTERIAN
TIM HOFER
42906 COLONY RD
OLIVET SD 57052

mailing.

Waiver of Signature ☐ YES ☐ NO

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PS Form 199, July 2001



5919-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 2005

4074A-3
5919-3

Tim Hofer
Wolf Creek Hutterian
42906 Colony Rd
Olivet SD 57052

Dear Mr. Hofer:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 4074A-3 and 5919-3.

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 8, 2024

5919-3

Wolf Creek Hutterian Brethren
c/o Tim Hofer
42906 Colony Rd
Olivet SD 57052

Dear Mr. Hofer:

I write to you today in response to the 2024 Irrigation Questionnaire information submitted for Wolf Creek Hutterian Brethren's Water Right No. 5919-3.

Water Right No. 5919-3 (copy enclosed) authorized diversion of 1.33 cubic feet of water per second (600 gpm) from one well completed into the Lower James Missouri Aquifer for irrigation of 100 acres located within portions of the W ½ Section 17, T99N, R57W.

On this year's questionnaire you reported the irrigation of 130 acres. If an additional 30 acres have been developed for irrigation, additional permitting would be required.

Please contact me to either revise your 2024 Irrigation Questionnaire or discuss additional permitting.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
Amanda.Dewell@state.sd.us
(605) 773-3352

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

December 6, 2024

5919-3

Wolf Creek Hutterian Breth
c/o Tim Hofer
42906 Colony Rd
Olivet SD 57052

Dear Mr. Hofer:

This letter is intended to follow up on the telephone conversation we had earlier in the week, regarding your desire to increase the number of acres authorized under Water Right No. 5919-3.

For your convenience I have enclosed a partially completed Application for Irrigation, along with a map on which you will need to identify the are you wish to add irrigation.

The fees required would depend on the number of acres you are adding. Please see the fee schedule and call me with any questions.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures