

WATER PERMIT NO. 6011-3

Name of Applicant: **Plainview Colony Hutterian Brethren**

Address: **HC 2 Box 47, Leola SD**

Phone: **605 426-6672**

Amount of Water Claimed: **100 gpm (0.222 cfs)**

Total Acres: **NA**

Source of Water Supply: groundwater (2 wells)

Water to be used for: **commercial use (hog confinement facilities)**

County: Edmunds

Type of Waste Disposal System: **lagoon**

Location: 1 miles north of Ipswich

PRIORITY

Date Received: 7-7-97

Fee: \$225

Corrected Application Received: 7-14-97

Period of Annual Use: **January 1 - December 31**

Remarks:

Diversion Point: **NE 1/4 SE 1/4**

Section 3-T124N-R68W

Land to be Irrigated: **NA**

Depth of Well: 1660 and 1372 feet deep

Well Driller: Pullman Drilling & Corporate

Drilling

Remarks:

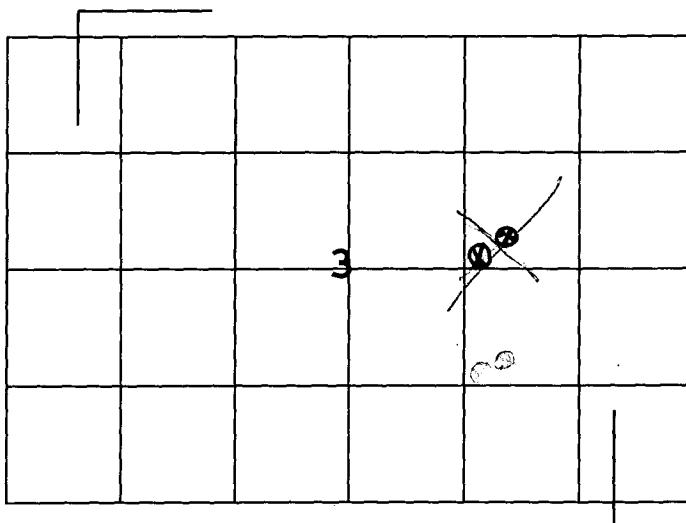
Type of Map: **plat**

Prepared by: James S Hodgens, P.E.

Reviewed and the Number Assigned on: 7-14-97.

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6011-3

Date of first receipt of application July 7, 1997.

Date of return to applicant for corrections, amendments or changes July 7, 1997.

Date of receipt of corrected application July 14, 1997.

The Water Management Board approved Water Permit No. 6011-3 on October 1, 1997 for Plainview Colony Hutterian Brethren, c/o Ernest Wipf, Secretary, HC 2 Box 47, Leola SD 57456 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. 6011-3 appropriates 100 gallons per minute (0.222 cubic feet of water per second) from two wells (Dakota and/or Inyan Kara Formation) 1372 feet and 1660 feet deep located in the NE 1/4 SE 1/4 Section 3-T124N-R68W.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use for a hog confinement facility.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is July 7, 1997.
5. One-fifth of the construction is to be completed on or before April 1, 2000.
6. All construction is to be completed on or before October 1, 2002.
7. Water is to be put to beneficial use on or before October 1, 2006.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

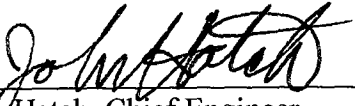
1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6011-3 is subject to the requirements of the Division of Environmental Services' review and approval of the plans and specifications for the animal manure management system prior to construction.
3. Operation of the disposal systems to dispose of manure and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non-point source" is not subject to these conditions.

(continued)

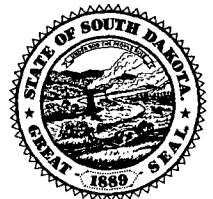
Water Permit No. 6011-3
Plainview Hutterian Brethren
Page 2

4. The wastewater storage lagoon and confinement area shall be designed so that it does not receive surface runoff from the surrounding area.
5. No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.
6. Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).
7. Permit No. 6011-3 is subject to compliance with the following then existing and applicable Water Management Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:03 Uses Assigned to Streams, and
 - e) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

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

NOV 12 1997
date



FORM 2: Application for uses other than irrigation
(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>6011-3</u> Hydrologic Unit <u>10160008</u>
	Basin <u>DAMES RIVER</u>
	Newspaper <u>IPSWICH TRIBUNE, IPSWICH, SD</u>



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

Check use(s) of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☒ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic (over 18 gpm) ☐ Industrial ☐ Other _____

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

1. Name of Applicant PLAIN VIEW COLONY HUTTENBACH BROTHERS Phone 605-426-6672
ERNEST WIFE, SECRETARY
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address Hc 2, Box 47 LEOLA State SD 57456
1600 To 1300 Deep Both (Street, RR. or Box) (Zip Code)
Arterian's 0.222
2. Amount of water claimed 100 *CFS or 100 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply WELLS (2)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 WELLS LOCATED IN SE 1/4
OF SECTION 3, T-124N, R-68W (SEE SITE MAP) (NE 1/4 SE 1/4)
County EDMUNDS
5. County or counties where water will be used EDMUNDS
6. Annual period during which water is to be used ENTIRE YEAR January 1 - December 31
7. Give a description of the 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)
WELLS WILL SUPPLY WATER FOR A HOG CONFINEMENT OPERATION WITH A HOUSES
A TOTAL OF 10,040 HOGS.

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 Edmunds SS

I, Ernest Wife, 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 Ernest Wife

Subscribed and sworn to before me this 3rd day of July 19 97

[Signature]
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

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

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) LAGOON
- b) System Capacity (gallons) 25.6 MG c) Year Constructed PROPOSED
- d) Connected to the City of NA Sanitary System.

3. Dugout Information

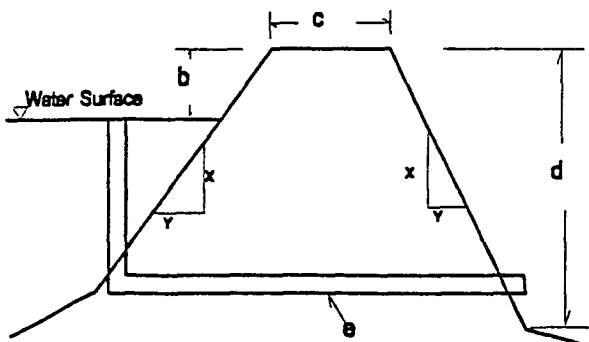
- a) Surface Dimensions NA Depth NA
- b) Depth to water (ground surface to water level) NA

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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:

NA
NA



- b) Freeboard NA
- c) Crest Width NA
Crest Length NA
- d) Height NA
- e) Primary Outlet Capacity NA
If pipe, diameter NA
- f) Secondary Spillway Capacity NA
Spillway Width NA
- g) X & Y Slope
Upstream NA
Downstream NA
- h) Surface Area of Impoundment NA
- i) Storage NA Acre Feet
- j) Drainage Area Above Dam NA Acres



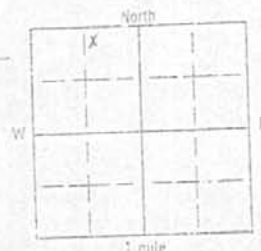
SOUTH DAKOTA WELL REHABILITATION REPORT

10-85

Location N.E. 1/4 Sec 3 Twp 124 Rg 65

County Edwards

Please mark well location with an "X"



Rehabilitation Completion Date _____

PROPOSED USE:

☒ Domestic ☐ Municipal ☒ Stock
☐ Irrigation ☐ Industrial

Description of condition of well before rehabilitation: Mud Flow is in

Well Owner:

Name Plain View Colony

Address 400 2nd St

Leola SD 57456
Describe original construction if possible?
(Attach original log if known)

DEPTH 1372'

146' 4" STD Black on top

1206' 2" STD Black

105' 2" Peris

Water stands 47' pumped 200pm

Description of rehabilitation work completed: clean cut to bottom

140' 2" Schl 80

1132' 1" Schl 80

105' 1" Type 1 copper on bottom

Re casing information: Material Plastic and copper Diameter 2 1/2" Depth 1372' Feet

Describe screen or perforations Copper 3/4 holes Screen location From 1267 To 1372
From _____ To _____

Grout Yes ☒ No Describe grouting procedure and grout _____

Well Test Data: Test Pumped 10 GPM RT 61' CS Draw Down for 4 hours

Specific capacity 1639 Static water level 419'

If a flowing well GPM _____ Shut in _____ PSI

This well rehabilitation was completed under license # 543 And this report is true and accurate.

Drilling firm CCR POCATE Drilling

Signature of Licensed Representative Pharmaceutical By Ernest W. Wipf

Signature of Well Owner E. P. H. H. H.

Date _____



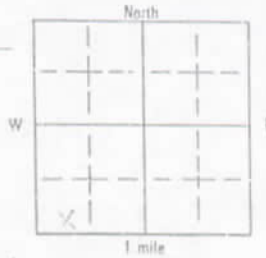
STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-7-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A NUMBER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTGRAPHIC REPRODUCTIONS. REDUCTION 25% ROLL NO. 4-3
DATE MICROFILMED 1-30-87
CAMERA OPERATOR W. J. H. H.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location S2E 1/2 Sec 3 Twp 124 Rg 68County DeWitt

Please mark well location with an "X"

Well Completion Date 11-15-92

PROPOSED USE:

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

Method of Drilling

Forward Rotary

CASING DATA:

☒ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
15 LB/FT	5 IN	0 FT	300 FT	7 7/8 IN
2 LB/FT	2 IN	0 FT	1660 FT	4 1/2 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 300 FEETWhat is grouting material? CementIf cement, number of sacks? 48

Describe grouting procedure

John Gies

What was grout weight? _____ LB/GAL

SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 2 IN Length 80 FEETMaterial CopperSlot Size Set From 1530 Feet To 1660 FeetSlot Size Set From Feet To FeetSlot Size Set From Feet To Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? rubber

Describe packer(s) and location?

Shale 6' @ 1530Was well disinfected upon completion? ☐ YES ☒ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Plainsview ColonyAddress Plainsview SD 57456Well Log RCR 2

Depth

Formation	From	To
Yellow Clay	0	30
Blue Clay	30	70
Shale	70	1190
Hard Sand	1190	1200
Fair & Hard Sand	1200	1270
Shale	1270	1277
Good Sand	1277	1280
Fair - Hard Sand	1280	1340
Shale	1340	1352
Hard Sand	1352	1460
Morrison	1460	1572
Hard - Fair	1572	1589
Shale	1589	1596
Hard Sand	1596	1600

STATIC WATER LEVEL _____ Feet

If flowing, closed in pressure 198 PSIGPM flow 100+ through 2 inch pipeControlled by ☒ Valve ☐ Reducers ☐ OtherIf other, specify water flow controlCan well be completely shut in? yes

WELL TEST DATA

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ hrs. pumped _____ GPM

_____ ft. After _____ hrs. pumped _____ GPM

_____ ft. After _____ hrs. pumped _____ GPM

REMARKS:

Fair Sand1600 - 1608Good Sand1608 - 1636Hard Sand1636 - 1640Shale1640 - 1660TD 1660'This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

B. E. Hull

Signature of Well Owner:

Date 12-17-92

STATE OF SOUTH DAKOTA

MICROFILM CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROFILM COPY OF THIS STATE OF SOUTH DAKOTA WATER WELL COMPLETION REPORT IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS VERIFIED BY THE ARCHIVAL DIVISION OF THE SOUTH DAKOTA ARCHIVES. IT IS FURTHER CERTIFIED THAT THE MICROFILM COPY WAS PRODUCED IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. THE MICROFILM COPY IS AVAILABLE FOR REPRODUCTION BY ANY INDIVIDUAL OR ORGANIZATION IN THE UNITED STATES OF AMERICA.

DATE OF FILMING: 12-17-92

DATE OF EXPIRATION: 4-7-93

DATE OF EXPIRATION: 4-7-93

DATE OF EXPIRATION: 4-7-93

RECEIPT

415415

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 14, 1997

RECEIVED OF Plainview Hutterian Brethren, inc., HCR 2, Box 47, Leola, SD 57456

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

Fee for Application for Permit No. <u>6611-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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	225 00

By John Hater
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 7, 1997

Plainview Colony Hutterian Brethren
Ernest Wipf, Secretary
HC 2 Box 47
Leola SD 57456

Dear Mr. Wipf:

Thank you for submitting your *Application for a Permit to Appropriate Water* for commercial use to supply a hog confinement operation.

Your application states the amount of water claimed to be 100 plus gallons per minute. The amount of water claimed needs to be a specific gallons per minute amount. The application fee is based on the amount of water claimed. The fee for 100 gallons per minute is \$225.00. The fee remains \$225.00 when requesting up to 150 gallons per minute.

Please submit the required fee. If you do not indicate otherwise, we will process the application for 100 gallons per minute.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 6011-3
for Plainview Colony
July 30, 1997

Application No. 6011-3 proposes to appropriate 100 gpm (0.222 cfs) from two wells approximately 1372 and 1660 feet deep located in the NE 1/4 SE 1/4 of Section 3, T124N-R68W in Edmunds County. The water is for commercial use in a hog confinement facility.

AQUIFER - DAKOTA FORMATION (DKOT) AND INYAN KARA (INKR)

Both the Dakota Formation and the Inyan Kara are buried sands and sandstone which are under confined or artesian conditions. The Dakota Formation underlies 1158 square miles and contains an estimated 14.7 million acre feet of recoverable water in storage in Edmunds County (Hedges, 1982). The aquifer extends into all the surrounding counties both geologically and hydrologically. The Inyan Kara (locally called "Sundance") underlies 1070 square miles and contains an estimated 4.1 million acre feet of recoverable water in storage in Edmunds County (Hedges, 1982). The Inyan Kara also extends into surrounding counties both geologically and hydrologically. The well information provided with the application indicates that the Inyan Kara well is completed as a "slim hole" well under ARSD 74:02:04:36 of the South Dakota Well Construction Standards. The well as completed is capable of free flowing 200 gpm with a shut in pressure of 190 psi. The Dakota Formation well is also constructed as a "slim hole" well. This well is capable of producing about 10 gpm and has a static water level of about 49 feet below land surface. The well completion of neither of these wells would comply with SD Well Construction Standards for commercial use.

The Water Rights Program monitors two observation wells ED-85A and ED-85B located about 16.5 miles southeast of this application. These observation wells are completed into the Dakota and Inyan Kara aquifers. Water levels for these wells have shown little or no change since installed. The water level record indicates that the aquifers are capable of sustaining additional withdrawals (Water Rights, 1997). Partial hydrographs for these two wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permits/rights from the Dakota and Inyan Kara aquifers are about ten miles south of this application for the city of Ipswich which is also on WEB Rural Water System. Interference is not a concern. There are existing domestic wells in the area which obtain water from either of the aquifers.

CONCLUSIONS

1. Water is available from either the Inyan Kara or Dakota aquifers.
2. Both aquifers are confined and under artesian conditions. The Inyan Kara aquifer will free flow at the land surface and this well must be valved and shut in to prevent the waste of water. The Dakota aquifer does not free flow at the land surface and must be pumped. In either case, interference should not be a concern.

3. Both of these wells appear to be constructed as "slim hole" wells. This type of construction is allowed for domestic purposes but not for commercial use. Both of these wells are existing and have been in use for many years.
4. Plans a specifications for this facility must be reviewed and approved by the Air and Surface Water Program of the Division of Environmental Services. Plans have been submitted and are presently under review.



James A Goodman
Natural Resources Engineer

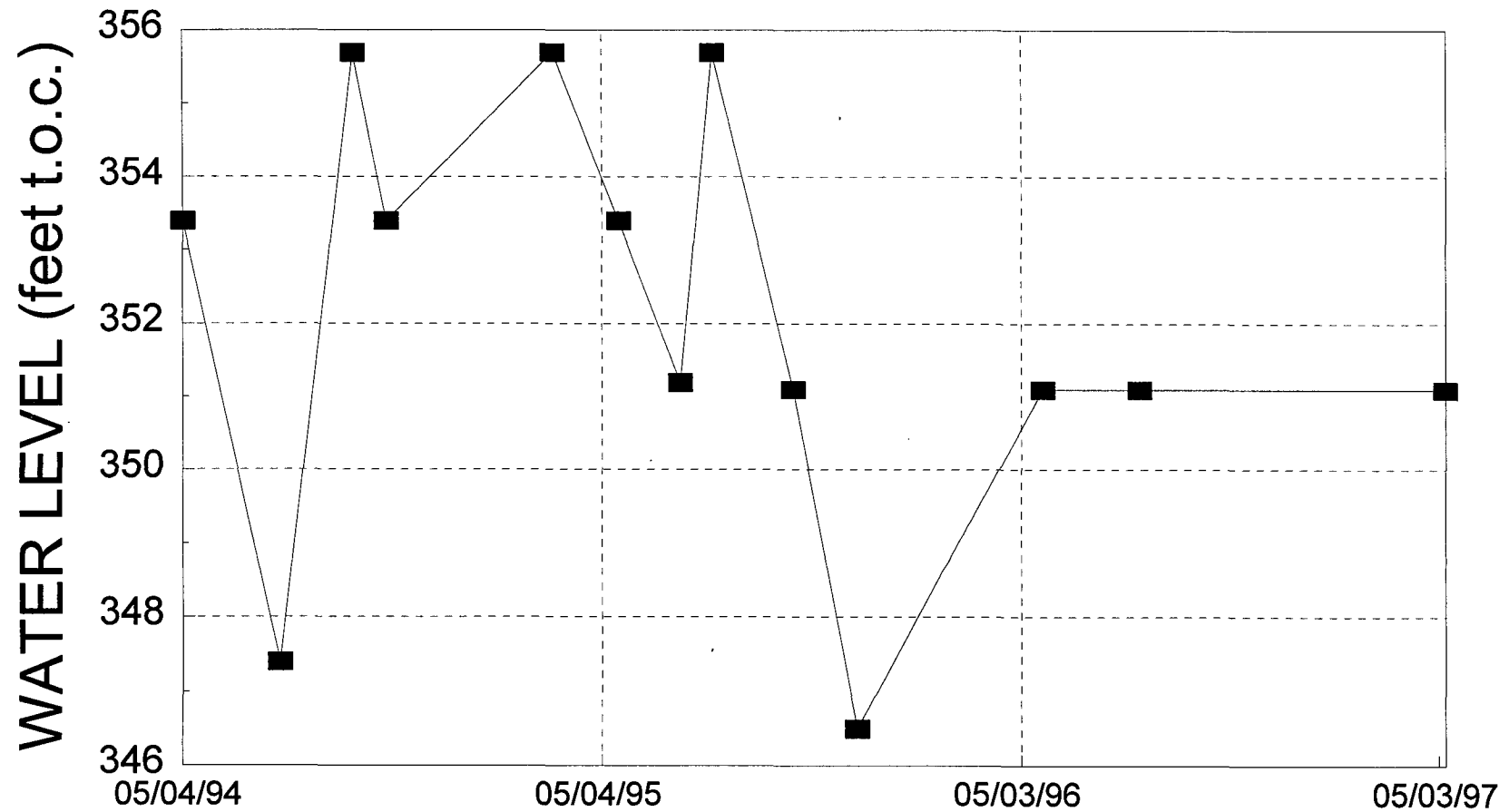
BIBLIOGRAPHY

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

Water Rights, 1997, Unpublished Observation Well Data for Edmunds County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

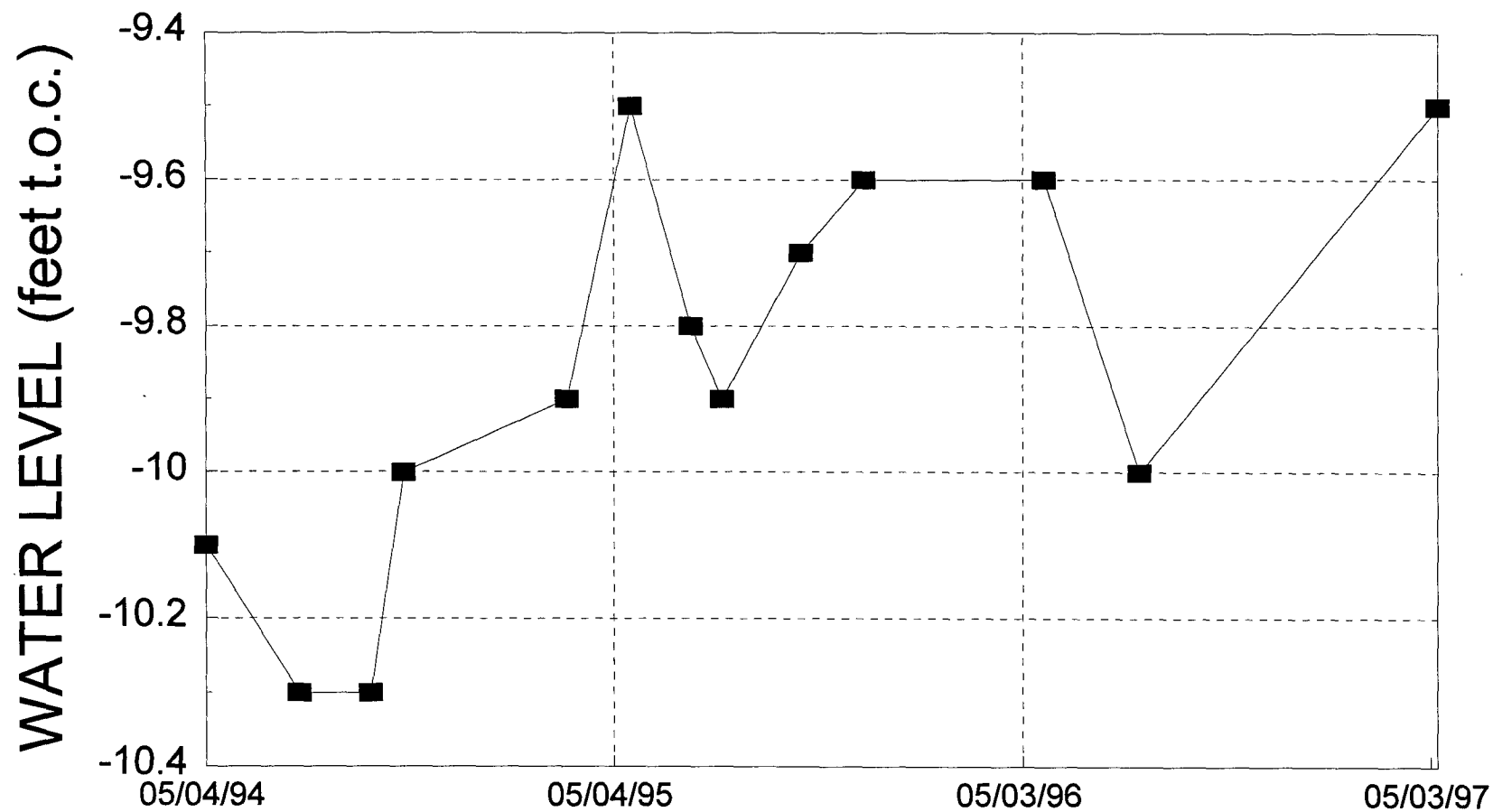
WATER RIGHTS OBSERVATION WELL

ED-85B



WATER RIGHTS OBSERVATION WELL

ED-85A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION
NO. 6011-3, Plainview Hutterian Brethren**

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. 6011-3, Plainview Hutterian Brethren, c/o Ernest Wipf, HC 2, Box 47, Leola, SD 57456.

The Chief Engineer is recommending APPROVAL of Application No. 6011-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well 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. Permit No. 6011-3 is subject to the requirements of the Division of Environmental Services' review and approval of the plans and specifications for the animal manure management system prior to construction.
3. Operation of the disposal systems to dispose of manure and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non-point source" is not subject to these conditions.
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5. No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.
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7. Permit No. 6011-3 is subject to compliance with the following then existing and applicable Water Management Rules:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:03 Uses Assigned to Streams, and
 - e) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.



JOHN HATCH, Chief Engineer
August 13, 1997



**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.

August 14, 1997

Plainview Colony Hutterian Brethren
Ernest Wipf, Secretary
HC 2, Box 47
Leola, SD 57456

Dear Mr. Wipf:

Water Permit Application No. 6011-3 for commercial use (hog confinement facility) 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 Ipswich Tribune printed at Ipswich, SD (Ph # (605) 426-6471). 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

August 14, 1997

Ipswich Tribune
Box 7
Ipswich, SD 57451-0007

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6011-3 to be published twice. Please publish the first notice on October 20, 1997, 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 Plainview Colony Hutterian Brethren, Ernest Wipf, Secretary, HC 2, Box 47, Leola, SD 57456 (Ph # (605) 426-6672).

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



**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.

August 20, 1997

Plainview Colony Hutterian Brethren
Ernest Wipf, Secretary
HC 2, Box 47
Leola, SD 57456

Dear Mr. Wipf:

Water Permit Application No. 6011-3 for commercial use (hog confinement facility) 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 Ipswich Tribune printed at Ipswich, SD (Ph # (605) 426-6471). For your information, a copy of the notice is 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

August 20, 1997

Ipswich Tribune
Box 7
Ipswich, SD 57451-0007

ATTENTION: Legal Department

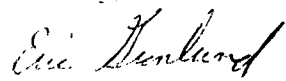
Enclosed is a Notice of Hearing on Application No. 6011-3 to be published twice. Please publish the first notice on August 27, 1997, with the second publication 7 days later.

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 Plainview Colony Hutterian Brethren, Ernest Wipf, Secretary, HC 2, Box 47, Leola, SD 57456 (Ph # (605) 426-6672).

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 October 20, 1997, with the second publication 7 days later.
The applicant is responsible for payment.

wrong date

NOTICE OF APPLICATION NO. 6011-3 to Appropriate Water

Notice is given that Plainview Colony Hutterian Brethren, Ernest Wipf, Secretary, HC 2, Box 47, Leola, SD 57456 has filed an application for a water permit to appropriate 100 gallons per minute (0.222 cubic feet of water per second) from two wells (Dakota and/or Inyan Kara Formation) 1372 feet and 1660 feet deep located in the NE 1/4 SE 1/4 Section 3-T124N-R68W. The water is for commercial use in a hog confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6011-3 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights 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 September 19, 1997. 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.

The Water Management Board will consider this application at 9:00 a.m. (CST), October 1, 1997, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The October 1, 1997, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 19, 1997.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by September 19, 1997, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of EDMUNDS) SS

I, RUTH GIBSON

certify that the attached printed Notice was taken
from the IPSWICH TRIBUNE

printed and published in IPSWICH, SD

County of EDMUNDS and

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

AUG. 27, 1997 & Sept. 3, 1997

Cost of Printing \$50.38

Ruth Gibson
(Signature)

Bookkeeper
(Title)

8-4-97
(Date Signed)

NOTICE OF APPLICATION

NO. 6011-3 to Appropriate Water

Notice is given that Plainview Colony Hutterian Brethren, Ernest Wipf, Secretary, HC 2, Box 47, Leola, SD 57456 has filed an application for a water permit to appropriate 100 gallons per minute (0.222 cubic feet of water per second) from two wells (Dakota and/or Inyan Kara Formation) 1372 feet and 1660 feet deep located in the NE 1/4 SE 1/4 Section 3-T124N-R68W. The water is for commercial use in a hog confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6011-3 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.

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This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

(T 8-27; 9-3)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

Plainview Colony Hutterian Brethren
%Ernest Wipf, Secretary
HC 2, Box 47
Leola, SD 57456

Dear Mr. Wipf:

Enclosed is Water Permit No. 6011-3 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 may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 2, 1997

6011-3

Ernest Wipf
Plainview Colony
HCR 2 Box 47
Leola, SD 57456

Dear Mr. Wipf:

Thank you for submission of the "Notice of Completion of Works and Application of Water to Beneficial Use" form. This form allows us to schedule an investigation of your water use system and issue a water license based on the investigation findings.

We will get in touch with you prior to the investigation to set up a time and date to stop in to see you. I am returning your copy of Water Permit No. 6011-3. You may keep this for your records.

Thank you and if you have any questions, please get in touch with us.

Sincerely,

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

encl



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 11-28-97

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: PLAINVIEW COLONY HCR-2 Box-47
(name) (address)
LEOLA S.D. 57456 605426-6672
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 6011-3.

Water Permit No. 6011-3 states that the diversion system is to be constructed by 10-1-2002,
(date)

10-1-2006.
(date)

The diversion system was completed on 11-1-97.
(date)

Applying the water to beneficial use was completed on 12-1-97.
(date)

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

Ernest Wipf
(signature)



Permit No. 6011-3
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, **October 30, 2006**, made a thorough examination of the water use system constructed by **Plainview Colony Hutterian Brethren** of **12465 369th Ave., Leola, SD 57456** holder of Permit No. **6011-3**, bearing the priority of **July 7, 1997** authorizing the diversion of **0.222** cu. ft. per second of the waters of the **Dakota and/or Inyan Kara Formation** for **Commercial use**, in **Edmunds** County.

Inspection contact & relationship **Ernest Wipf (Secretary, 426-6672)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Pullman Well Drilling and Corporate Drilling**
- 2) No. of Wells **2**
- 3) Depth(s) **Well 1: 1600 and Well 2: 1477** feet
- 4) Well log is available **Y**
- 5) Comment:

Well 1:

Casing:

- 1) Diameter **5 and 2** inches
- 2) Length **1580** feet
- 3) Type **Steel and Plastic**

Screen:

- 1) Type **Copper**
- 2) Length **80** feet
- 3) Static water level **Free Flowing** feet

Well 2:

Casing:

- 1) Diameter **4 and 2** inches
- 2) Length **1267** feet
- 3) Type **Plastic**

Screen:

- 1) Type Copper
- 2) Length 105 feet
- 3) Static Water Level 49 feet

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Well 1: Approximately 1310 feet north and 1295 feet west of the SE corner of Section 3-T124N-R68W.
(45.58215, W -99.01056) (NE ¼ SE ¼)

Well 2: Approximately 1435 feet north and 750 feet west of the SE corner of Section 3-T124N-R68W
(N 45.58186, W -99.01268) (NE ¼ SE ¼)

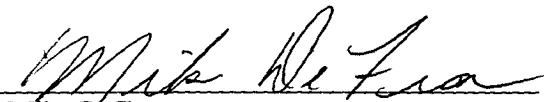
The works are capable of diverting and conveying to the place of use 0.22 cu. ft. per second of water which is to be used for Commercial use. Water has been put to beneficial use to the maximum extent as follows:

These two wells are connected and are used to supply water for the hog confinement and used for various purposes.

The license should be issued for 0.22 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

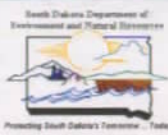
Date report completed: January 9, 2008

Plainview Colony
HC 2 Box 47
Leola, SD

Water Permit No. 6011-3



Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
January 9, 2008



0 320 640 1,280 1,920 2,560 Feet

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6011-3

(1) Plainview Colony Hutterian Brethren, % Ernest Wipf Secretary, 12465 369th Ave., Leola SD 57456 made Application No. 6011-3, July 7, 1997 for a water permit to divert 0.222 cubic feet of water per second (100 gallons per minute) from ground water (two wells – Inyan Kara and/or Dakota Aquifer), Edmunds County, South Dakota for commercial purposes. Permit No. 6011-3, with a priority date of July 7, 1997 was approved October 1, 1997 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before October 1, 2002 and for the application to beneficial use of said water on or before October 1, 2006.

(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 0.22 cubic feet of water per second for beneficial use. The location of the diversion points are:

Well #1 – approximately 1,330 feet N and 1,295 feet W of the SE corner of Section 3, T124N, R68W (NE ¼ SE ¼)

Well #2 – approximately 1,435 feet N and 750 feet W of the SE corner of Section 3, T124N, R68W (NE ¼ SE ¼)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a commercial hog confinement unit.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Plainview Colony Hutterian Brethren, % Ernest Wipf Secretary, 12465 369th Ave., Leola SD 57456 the holders and/or owners of Water Right No. 6011-3 is issued a license to appropriate water, the right to use 0.22 cubic feet of water per second from ground water (two wells – Inyan Kara and Dakota Aquifers) with a priority date of July 7, 1997 from the locations specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6011-3 and subject to the following qualifications:

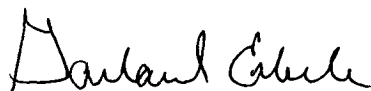
- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- No. 6011-3 is subject to the requirements of the Division of Environmental Services' review and approval of the plans and specifications for the animal manure management system.
- Operation of the disposal systems to dispose of manure and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State. The diffused drainage of natural precipitation on agricultural land resulting from a "non-point source" is not subject to these conditions.
- The wastewater storage lagoon and confinement area shall be designed so that it does not receive surface runoff from the surrounding area.

continued

Water License No. 6011-3

Page 2

- No wastewater may be released from the wastewater lagoon except through the disposal system unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.
- Design, construction and management of the lagoons shall be sufficient to maintain seepage rate of less than 10^{-7} centimeters per second. Compaction of the soils within the wastewater lagoon must be at least ninety percent of the Standard Procter Density (ASTM D6980-70).
- No. 6011-3 is subject to compliance with all existing and applicable Water Management Board Rules:
 1. Chapter 74:54:01 Ground Water Quality Standards,
 2. Chapter 74:54:02 Ground Water Discharge Permit,
 3. Chapter 74:51:01 Surface Water Quality Standards,
 4. Chapter 74:51:03 Uses Assigned to Streams, and
 5. Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 02 2008

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 02 2008

6011-3

Ernest Wipf, Secretary
Plainview Colony Hutterian Brethren
12465 369th Ave
Leola SD 57456

Dear Mr. Wipf:

Enclosed is Water License No. 6011-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is a map of the area prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6011-3, 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