

WATER PERMIT NO. 6015-3

Name of Applicant: **Rockport Hutterian Brethren**

Address: 26209 Rockport Rd, Alexandria SD 57311

Phone: **605 239-4422**

Amount of Water Claimed: **82 gpm (0.182 cfs)**

Total Acres: **NA**

Source of Water Supply: **groundwater (three wells)**

Water to be used for: domestic use

County: **Hanson**

Type of Waste Disposal System: **lagoon**

Location: 5 miles southwest of Alexandria

PRIORITY

Date Received: 6-2-97

Fee: **\$225.00**

Corrected Application Received: 7-30-97

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

Remarks:

Diversion Point: SW 1/4 NW 1/4, NW 1/4 SW 1/4
Sec 6-T101N-R58W

Land to be Irrigated: **NA**

Depth of Wells: 350', 32' & 35'

Well Driller: **Dave Putzke Drilling &**

Pullman Well Drilling

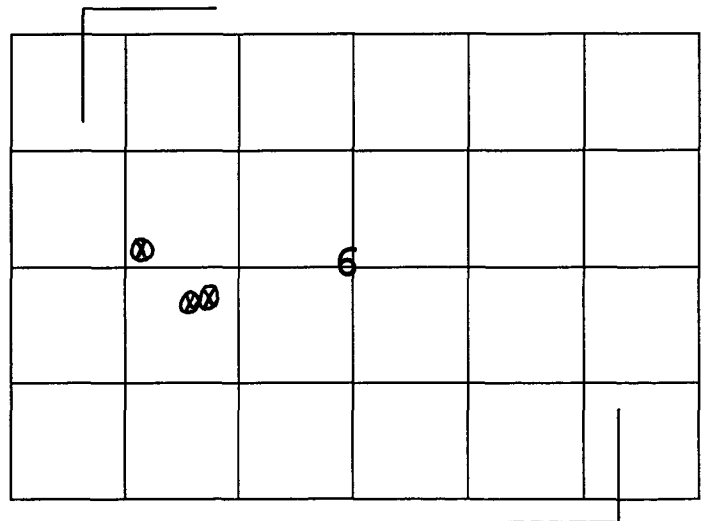
Remarks: logs from Putzke Drilling not available

Type of Map: aerialPrepared by: **Curtis Tip, Davison-Hanson FSA**

Reviewed and the Number Assigned on: 7-30-97

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6015-3

Date of first receipt of application June 2, 1997.

Date of return to applicant for corrections, amendments or changes June 4, 1997.

Date of receipt of corrected application July 30, 1997.

The Water Management Board approved Water Permit Application No. 6015-3 on December 3, 1997 for Rockport Hutterian Brethren, 26209 Rockport Road, Alexandria SD 57311 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. 6015-3 appropriates 0.18 cubic feet of water per second (82 gallons per minute) from three wells (Precambrian Rock and Alluvium) 350, 32 and 35 feet deep located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 6-T101N-R58W.
2. The water appropriated shall be used for the purpose of supplying water for domestic use and in the swine, dairy and turkey facilities at the Colony and may not exceed the amount of water needed for beneficial use.
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 June 2, 1997.
5. One-fifth of the construction is to be completed on or before June 3, 1999.
6. All construction is to be completed on or before December 3, 2002.
7. Water is to be put to beneficial use on or before December 3, 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. 6015-3 is subject to the requirements of the Division of Environmental Services' review and approval of the plans and specifications for the new swine facility's 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)

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. 6015-3 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
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 27 1998

date



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

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

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

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Water right permit for existing wells

- 8-95

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

1 - well

- Drill Hole Diameter 10" Depth 350'
- Casing Type Steel Diameter 6 in Thickness 3/8"
- Screen Type None Diameter — Thickness —
- Gravel Pack Thickness 4" Length of Gravel Pack 80 ft
- Depth to Top of Water Bearing Material 150 ft
- Depth to Water (ground surface to water level) 80 ft
- Distance to nearest existing domestic well:

On applicants property 120 ft On property owned by others —

2. Wastewater Disposal System Information

- Type of System (i.e. septic tank, drain field) Lagoon
- System Capacity (gallons) — c) Year Constructed 1996-1997
- Connected to the City of Hog Setup Sanitary System.

3. Dugout Information

- Surface Dimensions — Depth —
- Depth to water (ground surface to water level) —

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.

- If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

—
—

b) Freeboard —

c) Crest Width —

Crest Length —

d) Height —

e) Primary Outlet Capacity —

If pipe, diameter —

f) Secondary Spillway Capacity —

Spillway Width —

g) X & Y Slope

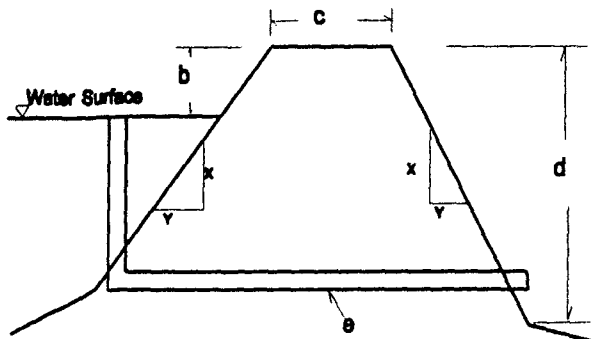
Upstream —

Downstream —

h) Surface Area of Impoundment —

i) Storage — Acre Feet

j) Drainage Area Above Dam — Acres



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction - 2 wells with these specs.

- a) Drill Hole Diameter 6 in Depth 35 ft
b) Casing Type PVC Diameter 6 Thickness .5 in
c) Screen Type PVC Diameter 6 Thickness .5 in
d) Gravel Pack Thickness 3.5 in Length of Gravel Pack 12 ft
e) Depth to Top of Water Bearing Material 27 ft
f) Depth to Water (ground surface to water level) 12 ft
g) Distance to nearest existing domestic well:
On applicants property 40 ft On property owned by others _____



2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Lagoon
b) System Capacity (gallons) _____ c) Year Constructed 1996-1997
d) Connected to the City of Hog Setup Sanitary System.

3. Dugout Information

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

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b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

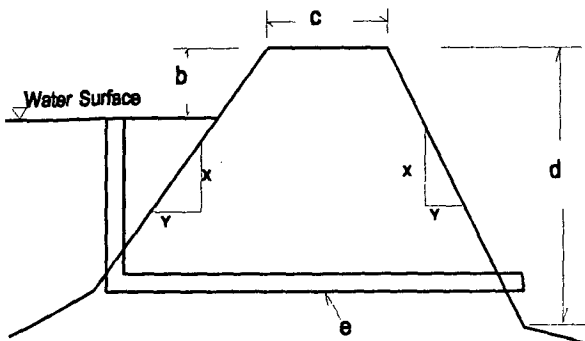
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





X
Luells
located
here

2 Luells
located here

Abt T.
Luells
Cont. Exch. 1941-58
Lawson - Hansen

22.6 1
NC
T. 8384

1/2 140.0
NW

31.3
14 NW

200
3 NW

See Map
D 9

6015-3

ROCKPORT HUTTERIAN BRETHERN, INC.

FARMING & STOCK RAISING

ALEXANDRIA, SOUTH DAKOTA 57311 • PHONE ALEXANDRIA, SOUTH DAKOTA 239-4422

MESSAGE

TO [Dept of Environment and
Natural Resources

[Eric Gronlund.]

DATE 5/28/97

Please find enclosed the information you requested to certify the wells we are using for the water usage in the hog facility we own. Also note the location of the Lagoon on the map enclosed.

BY

Ben Gulijf
INSTRUCTIONS TO SENDER:

1. KEEP YELLOW COPY. 2. SEND WHITE AND PINK COPIES WITH CARBON INTACT.

REPLY

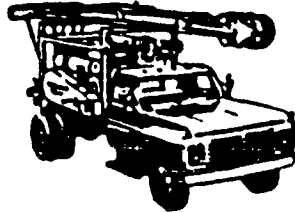
DATE

SIGNED

INSTRUCTIONS TO RECEIVER:

1. WRITE REPLY. 2. DETACH STUB, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.





Dave Putzke Well Drilling & Repair, Inc.

1408 South Deerberry Trail
Sioux Falls, SD 57106
361-9333

June 23, 1997

To Whom It May Concern:

We have no records on file for a well drilled for the
Rockport Hutterite Coloney on or about 1979.

Sincerely,

A handwritten signature in cursive script that reads "Dave Putzke". The signature is written in dark ink.

Dave Putzke

RECEIPT

415426

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 30, 19 **99**

RECEIVED OF Rockport Hutterian Brethren, 26209 Rockport Rd., Alexandria, SD 57311-7207
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6015-3</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 Hatch
Chief Engineer



REPORT ON WATER PERMIT APPLICATION NO. 6015-3
for Rockport Hutterian Brethren
September 16, 1997

Application No. 6017-3 appropriates 0.18 cfs (82 gpm) from three wells 350, 32 and 35 feet deep located in the SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 of Section 6, T101N-R58W in Hanson County. The water is for domestic use in the Colony's hog, dairy and turkey facilities.

AQUIFER - PRECAMBRIAN ROCK (SOUX) AND ALLUVIUM (ALQ)

The Precambrian rock in the Sioux Quartzite. This rock is a very hard purplish quartzite (Todd, 1903). Ground water is obtained from fractures and jointing prevalent within this rock type. Well yields are typically very low depending upon the number of fractures or joints encountered during drilling. The alluvium consists of sand, gravel and clay (Hansen, 1983) and is associated with the James River. Well yields for this formation can be moderate to high depending upon the saturated thickness and permeability of the alluvium. Both aquifers are hydraulically connected to the James River with the alluvium limited to the floodplain of the James River and the Sioux Quartzite outcropping in this immediate area (Todd, 1903). There is no estimate available for the amount of water in storage in either aquifer. The alluvium is under unconfined or water table conditions and the Sioux Quartzite by be either confined or unconfined. No well data has been submitted for the quartzite well. There is good well completion data for the alluvium well. In the alluvium well, sand was encountered from the surface to a depth of 32 feet. This well had a static water level of 8 feet below land surface and was capable of producing 50 gpm with a centrifugal pump. The alluvium well is completed in accordance with SD Well Construction Standards. In all likelihood the two aquifers would be hydraulically connected in this immediate area.

The Water Rights Program does monitor an observation well (HS-57A) which is completed into the alluvium and located about four miles northwest of this application. Water levels for this well show the climatic effects, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997). A hydrograph for this observation well is included with this report.

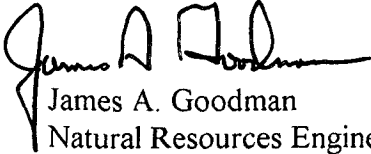
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights located within five miles of this application. Interference is not a concern.

CONCLUSIONS

1. Water is available from either the Precambrian rock or the alluvium.
2. In all likelihood there is a hydraulic connection between the aquifers in this immediate area. This is primarily a function of the location rather than extent of the aquifers. The alluvium directly overlies the quartzite at this site. In fact, neither water source was important enough to list a major aquifer in the water resources study for Davison and Hanson counties.

3. The alluvium is unconfined and under water table conditions. The quartzite is probably buried and may be under water table or confined conditions. Interference is not a concern.
4. One of the wells completed into the alluvium is completed in accordance with SD Well Construction Standards. There is insufficient information available to determine the construction of the other two wells.
5. Plans and specifications for the new swine facility are presently under review by the Air and Surface Water Program of the Division of Environmental Service.



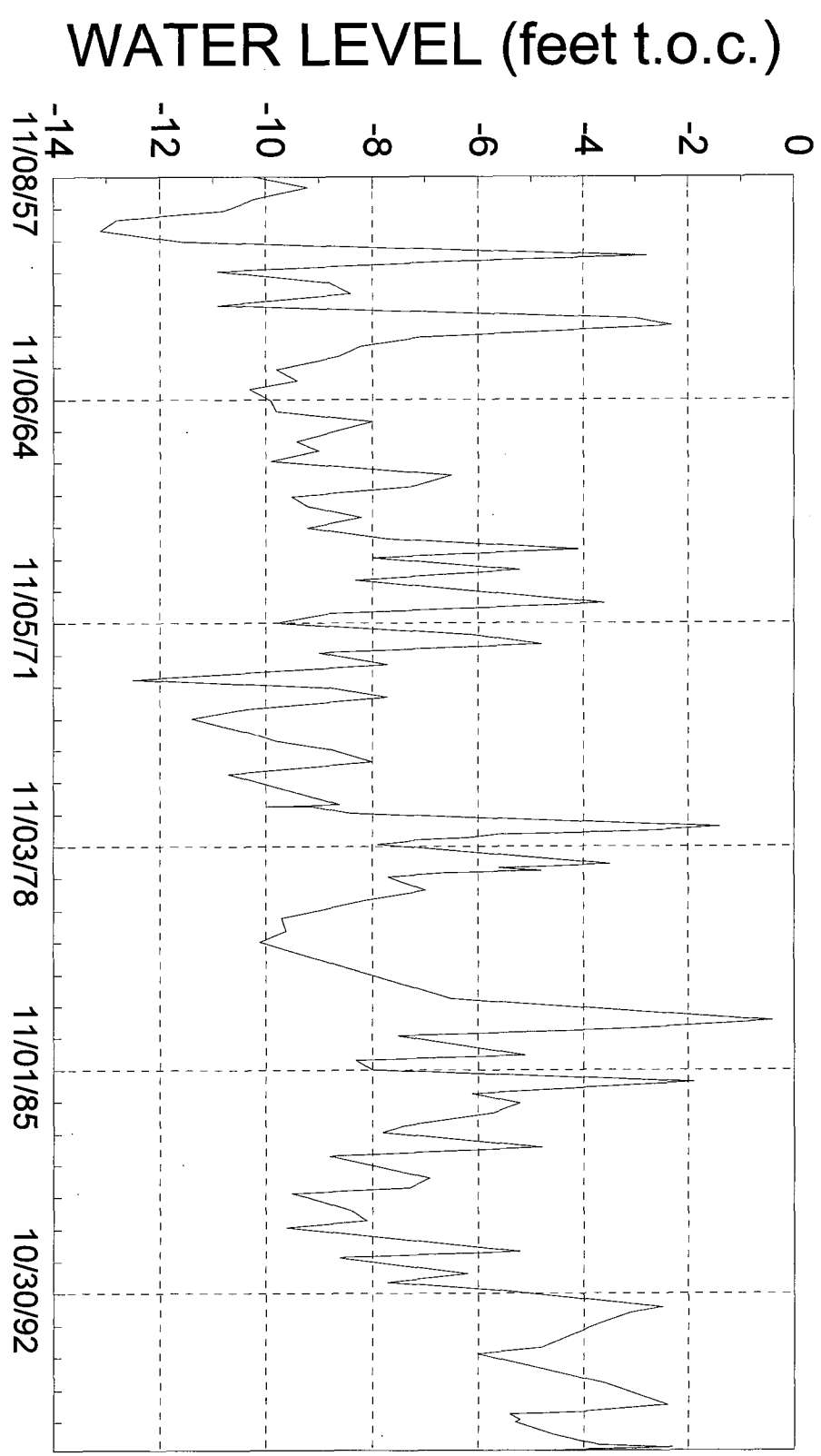
James A. Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hansen, D.S., 1983, Water Resources of Hanson and Davison counties, South Dakota, USGS WRI 83-4108, USGS, Huron, SD 57350.
- Todd, J.E., C.M. Hall, 1903, Alexandria Folio No. 100, USGS, Washington, DC.
- Water Rights, 1997, Unpublished Observation Well Data for Hanson County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD 57501.

WATER RIGHTS OBSERVATION WELL

HS-57A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6015-3, Rockport 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. 6015-3, Rockport Hutterian Brethren, c/o Ben J. Wipf, 26209 Rockport Road, Alexandria, SD 57311.

The Chief Engineer is recommending APPROVAL of Application No. 6015-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following 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. 601⁵~~2~~-3 is subject to the requirements of the Division of Environmental Services' review and approval of the plans and specifications for the new swine facility's animal manure management system prior to construction.
3. Operation of the disposal system 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-pont source" is not subject to these conditions.
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. 6015-3 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
September 26, 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.

October 6, 1997

Rockport Hutterian Brethren
%Ben J. Wipf
26209 Rockport Rd.
Alexandria, SD 57311

Dear Mr. Wipf:

Water Permit Application Nos. 6015-3, 6016-3 and 6017-3 for domestic use have 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 Alexandria Herald printed at Alexandria, SD (Ph # (605) 239-4521). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications 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 applications.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 6, 1997

Alexandria Herald
Box 450
Alexandria, SD 57311-0450

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 6015-3, 6016-3 and 6017-3 to be published twice. Please publish the first notice on October 16, 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 Rockport Hutterian Brethren, %Ben J. Wipf, 26209 Rockport Rd., Alexandria, SD 57311 (Ph # (605) 239-4422).

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

Nos. 6015-3, 6016-3 & 6017-3

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application Nos. 6015-3, 6016-3 & 6017-3 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 16, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6015-3, 6016-3 and 6017-3 to Appropriate Water

Notice is given that Rockport Hutterian Brethren, 26209 Rockport Rd, Alexandria SD 57311 has filed the following applications for water permits.

Application No. 6015-3 appropriates 0.18 cubic feet of water per second (cfs) (82 gallons per minute) from three wells (Precambrian Rock and Alluvium) 350, 32 and 35 feet deep located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 6-T101N-R58W. The water is for domestic use and in the swine, dairy and turkey facilities at the Colony.

Application No. 6016-3 appropriates 1.77 cfs from the James River located in the NW 1/4 SE 1/4 Section 7-T101N-R58W to irrigate 160 acres located in the NE 1/4 Section 12-T101N-R59W.

Application No. 6017-3 appropriates 2.80 cfs from the James River located in the NW 1/4 SE 1/4 Section 7-T101N-R58W to irrigate 196 acres located in the SE 1/4, E 1/2 SW 1/4 Section 1-T101N-R59W and W 1/2 SW 1/4 Section 6-T101N-R58W.

These irrigation permit applications will use Rockport's existing James River diversion point authorized by Water Permit No. 4717-3. This application requests diversion of water from the James River directly for irrigation or to the wastewater lagoon used for Rockport's confinement facility prior to irrigation. The lagoon is located in the SW 1/4 SE 1/4 Section 1-T101N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6015-3, 6016-3 and 6017-3 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 these applications 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 recommendations. 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 November 21, 1997. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications at 10:00 a.m., December 3, 1997, Floyd Matthew Training Center, 523 E. Capitol, Pierre, SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The December 3, 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 these applications. The request for an automatic delay must be filed by November 21, 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 November 21, 1997, at the above Water Rights Program address to request copies of information pertaining to these applications, 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 Hanson) SSI, Mike Sougstad

certify that the attached printed Notice was taken

from the Alexandria Heraldprinted and published in AlexandriaCounty of Hanson and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Oct 17, 1997Oct 24, 1997Cost of Printing 71.86Kathy Hoffmann
(Signature)Bookkeeper
(Title)10-17-97
(Date Signed)

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Any person interested in opposing or supporting these applications 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 recommendations. 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 November 21, 1997. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications at 10:00 a.m., December 3, 1997, Floyd Matthew Training Center, 523 E. Capitol, Pierre, SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The December 3, 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 these applications. The request for an automatic delay must be filed by November 21, 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 November 21, 1997, at the above Water Rights Program address to request copies of information pertaining to these applications, 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.

PARTIES OF RECORD

WATER PERMIT APPLICATION NOS. 6015-3, 6016-3 and 6017-3, Rockport Hutterian Brethren

APPLICANT

Rockport Hutterian Brethren
c/o Ben J. Wipf
26209 Rockport Rd.
Alexandria, SD 57311

PETITIONERS

Dave Tuttle
41804 Tuttle Rd.
Alexandria, SD 57311

Dear Sirs,



My family and myself are writing this letter to oppose the applications for appropriating James River water to a lagoon holding hog manure for Rockport Colony. These applications are asking for water to mix with hog manure which will then be pumped through center pivot systems. The mixture will be sprayed on the land surface and left to pollute the air and land as well as stinking up the area surrounding this complex for weeks after each application.

Our family has the nicest place to live in God's creation. We raised six children along the James River directly south of Rockport Colony. Our married children, our grandchildren, and the rest of our family enjoy our lifestyle very much.

About three years ago we awoke one morning to the worst aroma possible. Rockport was emptying their lagoon through a present day operating pivot system. Pure hog manure of a dark gray color was being sprayed upon the ground within inches of our land and less than one half a mile from our house. I called Joe Wipf, the minister from Rockport, and he assured me that the spraying of hog manure through a pivot system was temporary and they had to empty the lagoon. If they could just empty that onetime they would do something different. There was no truth to that statement. They have emptied their lagoon several times since then. Sometimes they mix James River water with the manure but let me assure you IT IS STILL HOG MANURE.

Now they are asking for more water and have built a larger lagoon so they can greatly increase this procedure that offends anyone within miles.

I seriously doubt that Rockport intended to spray a mixture of James River water and hog manure through a pivot system when they asked for and received permit #4717-3. I also doubt they would have received permit #4717-3 if this application of water would have been known when applied for.

The chief engineer states four reasons for approval of these applications(6015-3, 6016-3, and 6017-3). One reason is the approval would be in the public interest. I would like to meet any person that feels spraying raw hog manure on land within one half mile of your neighbors is in the public interest. I would like to invite this person to an outside barbecue when the manure pumps are running. Please bring the Water Management Board members, their families, and a gas mask.

We have a nice yard and have three married children with seven grandchildren living within 15 miles of our residence. Our volleyball games, barbecues, and gatherings with friends in the summer time have been scheduled around the odor in the air for the last few years.

Please help us to continue enjoying life by the James River by curtailing this pumping of river water and hog manure into the air and upon the soil.

Thank you for your consideration and thoughtfulness regarding our position in handling this matter.

Sincerely,

Dave Tuttle
The Dave Tuttle family



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 18, 1997

Ben J. Wipf
Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr. Wipf:

A petition in opposition to Rockport's three pending water right permit applications has been filed with the Water Rights Program. Please find a copy of the petition enclosed.

The hearing on the applications is scheduled for 10:00 AM, December 3, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD. Based on the concerns outlined in the petition, the Board may have questions for you about the operation of the system.

Please let me know if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 8, 1997

Dave Tuttle
41804 Tuttle Road
Alexandria, SD 57311

Dear Mr. Tuttle:

I am writing to inform you of the action taken by the Water Management Board in the matter of Rockport Colony's water right permit applications. The Board approved the three applications for Rockport Colony.

The Colony applied for two water right permits to irrigate new acreage using James River water. In addition they applied for a water right permit for the 3 existing wells which serve as their water supply for household and livestock purposes. Your family sent a letter of opposition to the applications. The primary objection cited in the letter was to the odor from the facility especially when lagoon wastewater is land applied through their existing permitted center pivot.

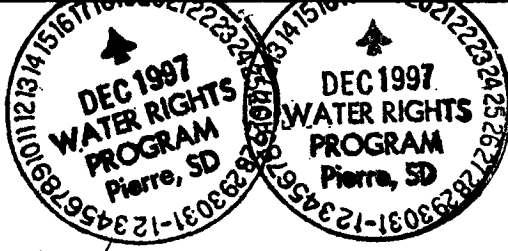
The Board was provided a copy of your letter. There was a substantial amount of Board discussion on your concerns with the application of manure through the existing center pivot within 1/2 mile of your home. The Board heard testimony from Reverend Joseph David Wipf at the hearing. Reverend Wipf stated on the record that Rockport Colony will not dispose of lagoon wastewater through their center pivots. He explained in detail the Colony's intention to inject the manure and lagoon wastewater into the top 8 inches of soil in harvested fields by knifing it with a special implement.

The Board approved the applications believing that Rockport Colony was sincere in their intention to address odor concerns and be a good neighbor. If you have any questions on the Board's action, please feel free to contact me.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

c: Reverend Joseph David Wipf



Dear Water Board members,

Dec. 15, 1997

First I will apologize for missing the hearing regarding Rockport Colonies request for water permits. It was my understanding that the letter of opposing these permits would automatically request a new hearing date and assumed both Rockport & myself would be notified of the new date. I'm sorry I missed the hearing.

Upon receiving the letter of acknowledgement of approval of these permits, I contacted Eric Kroplund. I was disappointed that I hadn't been at the hearing. I would have enjoyed listening to Reverend Wipf inform your board of their good neighbor policy.

My only objective was to try to eliminate the pumping of hog manure through center pivots. This was accomplished and I thank you for the letter of Dec. 8th stating this. I have know opposition to Rockport irrigating 1000's of acres. Both Joe Wipf & myself have existing irrigation permits and have irrigated. It is common knowledge that the James River isn't a dependable water source for irrigation. When we need the water we are cut off because the flow of James River in dry summers isn't substantial to allow pumping.

A few days prior to my writing the first letter to the Water Board I sat in Reverend Wipf's house with the colony manager Ben and the farm boss, Mark present. I asked what they planned on doing with the additional water and was told they intended to pump

river water into the new lagoon, mix with hog manure, and pump through pivots. Let me assure you that was their intention then as well as now. Eric told me you were informed that Rockport owns the equipment to bribe this liquid under the ground. I believe you were misinformed. Their statement to never pump hog manure through a pivot again wasn't true three years ago and I believe it will prove to be false again. I certainly hope I'm wrong!

Now the question is what happens when they do pump water & manure through the pivot? Mr. Cronlund has told me to verify this action if and when it does happen. I will! Evidently there is a possibility of reconsideration if Mr. Wipf misinformed your board about future usage of this water. Prepare yourself for another meeting in the near future.

As for the Reverend Joseph Wipf sincerely expressing Rockports "Good Neighbor Policy," consider these items. Rockport Colony has been negligent in noxious weed control for years. They own and manage approximately 500 acres of native grass that is infested with noxious weeds. If any effort is made to spray it is done on a few acres next to the road when the thistles are blooming. They have been forced to spray by Mike Schlie, who is the weed board consultant for Hanson County, on different occasions and to my knowledge haven't sprayed noxious weeds in their pastures voluntarily for years. They dug a ditch across a township road west of my residence to

drain water from a low area into the James River. They were told to close the ditch by Steve Hieger our local Soil Conservation director. I believe they were penalized in 1997 for cutting CRP hay land illegally. They took a backhoe and dug a ditch from an existing wet lands to drain this same wet lands. This illegal drainage is being investigated at this time by Mr.

Hieger but the water is running to the river via their man-made ditch while the investigation continues. In my opinion these items aren't being done in a good neighbor frame of mind but rather in an attitude of doing whatever we can get away with regardless of the neighborhood. None of their neighbors want their weed seeds. I don't want to witness their illegal drainage. My neighbors try to live within the rules and regulations set forth by governing bodies. Most people have some respect for existing wet lands regulations & wouldn't drain with a backhoe. Of course I don't believe anyone else in our neighborhood sprays hog manure through a center pivot either.

Finally, I certainly am thankful for the letter resulting from your Dec. 3rd meeting, that eliminates Rockport Colony from pumping hog manure through center pivots. My family will enjoy our summer more because of this. We really appreciate your considerations and concerns regarding this matter.

Sincerely,
Dave Tuttle



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 1998

Ben J. Wipf
Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr. Wipf:

Rockport Hutterian Brethren will be receiving a \$225 refund check from the state within the next few weeks. This refund is due to an overpayment made by Rockport for the water permit applications that were recently approved. The overpayment occurred when two of the irrigation applications, in which Rockport paid the necessary application filing fees, were consolidated into one application.

The three water right permits that were approved last December will also be sent to you within the next few weeks.

Please let me know if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

PAYMENT REQUEST FORM

PAYEE: Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

On April 23, 1997, Rockport Colony submitted three applications for irrigation, along with a filing of \$250 for each application. In the processing of the applications, two of the applications were consolidated into one. The consolidated application totalled irrigation of 196 acres which equates to a \$275 application filing fee. Since the applications were consolidated into one, the application filing fee is less and the colony should receive a refund of \$225.

AMOUNT: \$225.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: _____

John Hattis

1-20-98

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1998

Rockport Hutterian Brethren
%Ben J. Wipf
26209 Rockport Road
Alexandria, SD 57311

Dear Mr. Wipf:

Enclosed are Water Permit Nos. 6015-3, 6016-3 and 6017-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

There was concern expressed at the Board meeting regarding the practice of applying lagoon wastewater through center pivots in close proximity to a neighbor's home. The Board ultimately approved Rockport Hutterian Brethren's three water right permits based on the testimony from Reverend Joseph Wipf. Reverend Wipf stated that Rockport will not apply lagoon wastewater through center pivots. It was the Board's understanding based on the testimony that manure and lagoon wastewater will be injected into the top eight inches of soil with a special implement.

Also enclosed are Form 10's, 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 systems and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water Licenses 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 permits 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.

FIELD INVESTIGATION REPORT FOR PERMIT NO. 6015-3

DATE OF INVESTIGATION:	June 17, 2002
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Ben Wipf
NAME & ADDRESS OF PERMIT HOLDER	Rockport Hutterian Brethren 26209 Rockport Rd Alexandria SD 57311

Well Locations

Deep well - approximately 1,875 feet south and 155 feet east (SW ¼ NW ¼) & shallow wells – approximately 2,800 feet south and 1,290 feet east and 2,850 feet south and 1,320 feet east (NW ¼ SW ¼), all from the NW corner of Section 6, T101N, R58W (Lat/Lon – deep well N43.5814 W-097.88460, shallow wells N43.5787 W-097.8415 & N43.5788 W-097.8417).

WATER SUPPLY Source: Precambrian Rock and Alluvium

Well Information: Deep Well

- 1) Well Drilling Firm: Pullman (for one report on file) 2) No. of Wells 3
3) Depth(s) 350 4) Well log is available

Casing:

- 1) Diameter 6 inches 2) Length 350 feet
3) Type steel

Screen:

- 1) Type none 2) Length - feet
3) Static water level 80 feet

Pump:

- 1) Make 2) Model
3) Size 4) Capacity 10 GPM

Motor:

- 1) Make Franklin 2) Model No.
3) Horsepower rating 10 hp

Well Information: Shallow Wells

- 1) Well Drilling Firm: Pullman (report on file for one well) 2) No. of Wells 3
3) Depth(s) 32 and 35 feet 4) Well log is available Yes for one

Casing:

- 1) Diameter 6 inches 2) Length 22 feet
3) Type plastic

Screen:

- 1) Type manufactured 2) Length 10 feet
3) Static water level 8 feet

Pump:

- 1) Make Grundfoss 2) Model
3) Size 4) Capacity 36 GPM

Motor:

- 1) Make Franklin
- 2) Model No. – Serial No. 2823998110
- 3) Horsepower rating 1 ½ hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size unknown inches
- 3) Length approx. 1300 feet (to the Colony's facilities)

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period not applicable

NOTE: The water from these two wells are used for back-up purposes. Water can be diverted to their water collection system and used only if needed.

Permit No. 6015-3
James River (10160011) - 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 17, 2002**, made a thorough examination of the water use system constructed by **Rockport Hutterian Brethren, 26209 Rockport Road, Alexandria SD 57311**, holder of Permit No. **6015-3**, bearing the priority of **June 2, 1997** authorizing the diversion of **0.18** cu. ft. per second of the waters of **Precambrian Rock and Alluvium** for **domestic** purposes, in **Hanson** County.

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

A. Works used to divert the water:

3 well (350, 32 and 35 feet deep) equipped with pump motor

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

Water is transported through a buried pipeline approximately to a 30,000 gallon storage tank facility at the colony

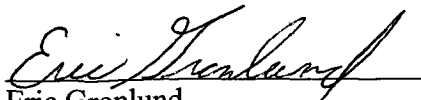
C. Works used to apply water to beneficial use:

Water is put to use for domestic and livestock watering purposes within the colony's facilities. This is a back-up water supply when the well authorized by Water Permit No. 6232-3 or the rural water system can not meet the colony's needs.

The system is in the following condition **good**. The point of diversion is located **Deep well - approximately 1,875 feet south and 155 feet east (SW ¼ NW ¼) & shallow wells – approximately 2,800 feet south and 1,290 feet east and 2,850 feet south and 1,320 feet east (NW ¼ SW ¼), all from the NW corner of Section 6, T101N, R58W (Lat/Lon – deep well N43.5814 W-097.88460, shallow wells N43.5787 W-097.8415 & N43.5788 W-097.8417)**. The works are capable of diverting and conveying to the place of use **0.18** cu. ft. per second of water which is to be used for **domestic purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **0.18** cfs (deep well – 0.02 cfs and shallow wells - 0.16 cfs).

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **none** Date Report Completed: **August 12, 2002**



Eric Gronlund

Natural Resources Engineer

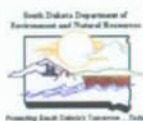
DENR, Water Rights Program

WATER PERMIT No. 6015-3, ROCKPORT HUTTERIAN BRETHREN



2000 0 2000 Feet

3 Wells - all reference from the NW corner of Section 6, T101N, R58W
400' well located approx. 1,875' south and 155' east (SW 1/4 NW 1/4)
32' wells located approx. 2,800' south and 1,290' east
& 2,850' south and 1,320 feet east (NW1/4 SW1/4)



Eric Gronlund
Eric Gronlund
Water Rights Program
Licensing Investigation - June 17, 2002



August 13, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

6015-3

Ben J Wipf
Rockport Hutterian Brethren
26209 Rockport Rd
Alexandria, SD 57311

Dear Mr. Wipf:

On June 17, 2002, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 6015-3, was completed by Eric Gronlund, a staff engineer with our program. Permit No. 6015-3 authorizes use of ground water from three wells in Section 6, T101N, R58W in Hanson County for domestic and livestock watering purposes. Our information is that this is a back-up water supply system if the well authorized by Permit No. 6232-3 or the rural water system can not meet the colony's needs.

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

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

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 18, 2002

RECEIVED OF Rockport Hutterian Brethren Inc., 26209 Rockport Rd., Alexandria SD 57311

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6015-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

000230

By

David E. Eble
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 2002

6015-3

Ben Wipf
Rockport Hutterian Brethren
26209 Rockport Rd
Alexandria SD 57311

Dear Mr. Wipf:

Enclosed is Water License No. 6015-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000280 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 wells authorized by Water Right No. 6015-3, 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

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6015-3

(1) Rockport Hutterian Brethren, 26209 Rockport Rd., Alexandria, SD 57311 made Application No. 6015-3, June 2, 1997 for a water permit to divert 0.18 cubic feet of water per second (82 gallons per minute) from ground water (three wells - Precambrian Rock and Alluvium), Hanson County, South Dakota for domestic purposes. Permit No. 6015-3, with a priority date of June 2, 1997 was approved December 3, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 3, 2002 and for the application to beneficial use of water on or before December 3, 2006.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Rockport Hutterian Brethren the holder and/or owner of Water Right No. 6015-3 is issued a license, bearing a priority date of June 2, 1997 to appropriate 0.18 cubic feet of water per second from ground water (three wells). The diversion points are located as follows:

deep well – approx. 1,875'S & 155'E of the NW corner of Section 6, T101N, R58W (SW ¼ NW ¼)

shallow well – approx. 2,800'S & 1,290'E of the NW corner of Section 6, T101N, R58W (NW ¼ SW ¼)

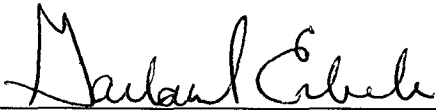
shallow well – approx. 2,850'S & 1,320'E of the NW corner of Section 6, T101N, R58W (NW ¼ SW ¼)

Water is put to use for domestic and livestock watering purposes within the colony's facilities. This is a back-up water supply when the well authorized by Water Permit No. 6232-3 or the rural water system can not meet the colony's needs.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6015-3 including 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.
- Permit No. 6015-3 is subject to the requirements of the Division of Environmental Services' review and approval of the plans and specifications for the new swine facility's animal manure management system prior to construction.
- 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.

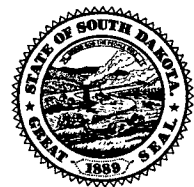
- No wastewater may be released from the wastewater lagoon except through the disposal system, unless an extended period of above normal precipitation results in excess stored water and prevents operation of equipment to lower water levels due to field and weather conditions.
- Design, construction and 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).
- Permit No. 6015-3 is subject to compliance with the following then existing and applicable Water Management Board 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.



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

SEP 20 2002

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 6, 2015

Nos. 1902-3, 2411-3, 4717A-3, 6015-3, 6232-3,
7339-3, 7973-3, 8045-3, & 8046-3

Rockport Colony
Attn: Donny Wipf
26209 Rockport Road
Alexandria SD 57311

Dear Mr. Wipf:

This letter is in reference to your August 6, 2015 call regarding water availability and requesting permission to continue irrigation for Water Permit Nos. 1902-3, 2411-3, 4717A-3, 6015-3, 6232-3, 7339-3, 7973-3, 8045-3, and 8046-3 from the James River after the August 10 shutoff date. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River to the end of the 2015 irrigation season.

If you have any questions, please contact Mark Rath or Lynn Beck of the Water Rights Program at phone (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

AREA MAP FOR APPLICATION NOS. 6015-3, 6016-3, & 6017-3

