

WATER PERMIT NO. 6026-3

Name of Applicant: Pleasant Valley Colony

Address: Box 161, Flandreau SD 57028

Phone: 605 997-3306

Amount of Water Claimed: 0.27 cfs (120 gpm)

Total Acres: NA

Source of Water Supply: groundwater (three wells)

Water to be used for: domestic and livestock confinement facilities

County: Moody

Type of Waste Disposal System: lagoon

Location: 6 miles northeast of Flandreau

PRIORITY Date Received: 9-29-97

Fee: \$225

Corrected Application Received: 11-20-97

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: NW 1/4 NE 1/4 Sec 21;

SW 1/4 NW 1/4, NW 1/4 SW 1/4 Sec 15;

all in T107N-R47W

Land to be Irrigated: NA

		X			
16		X	15		14
	X				
21			22		23

Depth of Well: 14 & 26 feet

Well Driller: Ed Lacey & Sons

Remarks:

Type of Map: aerial

Prepared by: Joe Knippling, FSA

Reviewed and the Number Assigned on: 11-20-97

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6026-3

Date of first receipt of application September 29, 1997.

Date of return to applicant for corrections, amendments or changes October 21, 1997.

Date of receipt of corrected application November 20, 1997.

The Water Management Board approved Water Permit Application No. 6026-3 on February 25, 1998 for Pleasant Valley Colony, c/o Andrew Tschetter, RR 2 Box 161, Flandreau SD 57028 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. 6026-3 appropriates 0.27 cubic feet of water per second (120 gallons per minute) from 3 wells (Big Sioux;Moody Aquifer) 14 feet to 26 feet deep located in the N 1/2 NE 1/4 Section 21 and SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 15; all in T107N-R47W. One well is maintained for standby use.
2. The water appropriated shall be used for the purpose of supplying water for domestic use and a livestock confinement facility and may not exceed the amount of water needed for beneficial use for domestic and commercial use purposes.
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 September 29, 1997.
5. One-fifth of the construction is to be completed on or before August 25, 2000.
6. All construction is to be completed on or before February 25, 2003.
7. Water is to be put to beneficial use on or before February 25, 2007.
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. 6026-3 is subject to compliance with requirements of the Division of Environmental Services' approval of the plans and specifications for the animal waste management system.
3. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State.
4. The wastewater storage lagoon and feedlot area shall be designed so that it does not receive surface runoff from the surrounding area.

(continued)

5. Permit No. 6026-3 is subject to compliance with the 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

APR 23 1998

date



For the Dark of

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

Type of Application: X 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 Andrew T. Better, Pleasant Valley Colony Phone 605 997 3306
(check one) Owner Tenant/lessee
- Mailing Address RR 2 Box 161 Filandrear State So Dak 57028
(Street, RR. or Box) (Zip Code)
2. Amount of water claimed ~~1.0~~ 0.27 *CFS or 120 **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 Ground water 3 wells
N 1/2 NE 1/4 Sec 21 and SW 1/4 NW 1/4,
4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) NW 1/4 SW 1/4 Sec. 15; all in T102N-R47W
Union town ship, 107 north, Range 47 west
section 15, 2nd quarter County moody
5. County or counties where water will be used Moody
6. Annual period during which water is to be used 12 months, start by use 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)
2 wells 1 is served by well
South well is the main well

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 Moody) SS

1, Andrew Tschetter, 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 Andrew Tschetter

Subscribed and sworn to before me this 26th day of September 19 97



my Comm expires 3/5/98

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: approx 1/2 mile
On applicants property _____ 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 _____
- d) Connected to the City of _____ Sanitary System.

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) 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.

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

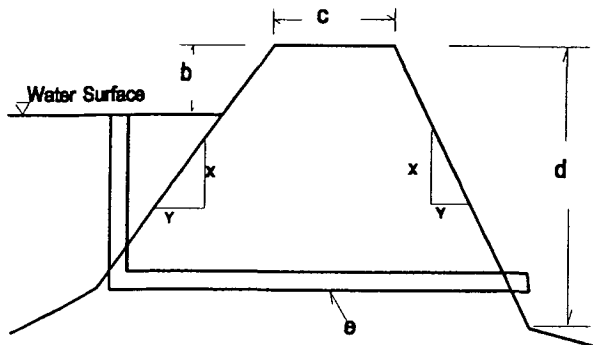
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



4-76

Name Pleasant Valley Colony

Address 1-13

County Merced

NE 1/4 NW 1/4 Sec. 21 Twp. 107 Rg. 47W

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

☐ Forward Rotary ☒ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Diameter of Hole 8" f
 Depth 14
 Casing ☐ Steel ☐ Concrete
☒ Plastic ☐ Other
 ∴ if other, specify _____

Was water sample taken

Remarks:

Static water level 10' below land surface
If flowing: closed in pressure _____ PSI
rate of low _____ GPM
Controlled by: _____

Valve Reducers Other

If other; specify

14 Pumped

 Bailed

17 Other

Describe:

Pumping Level Below Land Surface

ft. After		Hrs. pumped		GPM
_____	" "	_____	" "	_____
_____	" "	_____	" "	_____
_____	" "	_____	" "	_____

Well Log:

[illegible]

(Use Back if Necessary)

Date Completed: 8-1-79

Driller:

Ed H. Lacey & Sons

Driller's or Firm's Name

License NO.

Address

Signed By

Date _____

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC 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 COMPILATION 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN ACCORDANCE WITH MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 45% ROLL NO. 52 DATE 2-25-53

4-78

Water Level Information:
 Static water level 7' below land surface
 If flowing: closed in pressure PSI
 rate of flow GPM
 Controlled by:
 ☒ Valve ☐ Reducers ☐ Other
 If other; specify

Well Test Data:

☒ Pumped Western Land

☐ Bailed Describe: Roller Turbine

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After	_____ Hrs. pumped	_____ GPM
_____ " "	_____ " "	_____ " "
_____ " "	_____ " "	_____ " "

[illegible]

Date Completed: 8-2-79

Driller: Ed H. Lacey & Sons
Driller's or Firm's Name License NO. _____

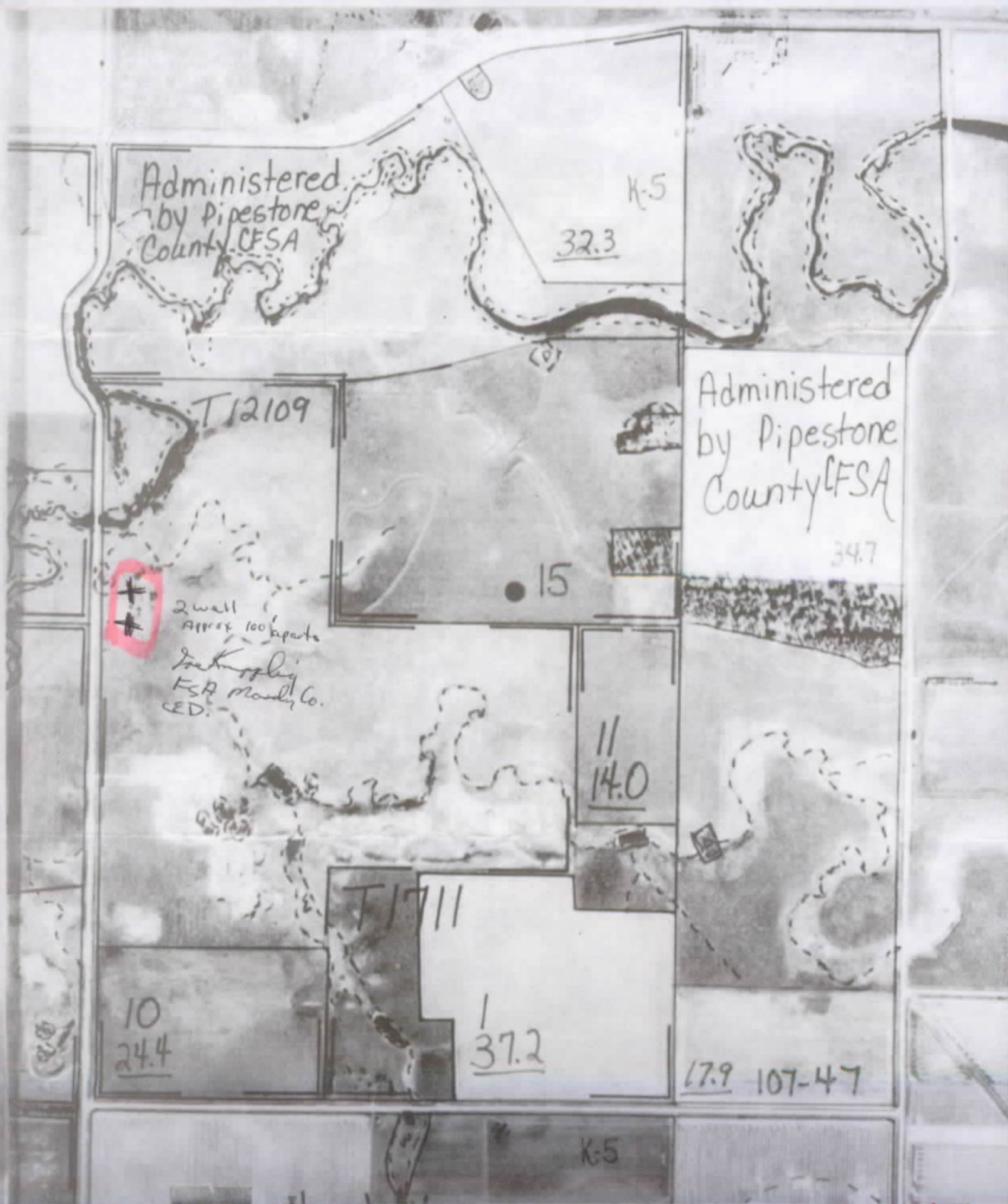
Address _____

 Signed For _____ Date _____

Remarks:

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC 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 COMPILATION LAW 1-27-41. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 2.5:1 ROLL NO. 2-25-132
SOUTH DAKOTA

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



268

T 11 761

1
7.0

3
39.1

2
74.0

T 11 160



1
92.7

2
T 1675

36.8

1
5.1

1
112.7

T 12 109

1 well
for
fish
etc.

4.1

8
47.5

5
41.5

107.47

(2)

7
28.6

6
17.3

107.47

6026-3

RECEIPT

415478

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 29, 19 97

RECEIVED OF Pleasant Valley Colony, RR 2, Box 161, Elandreau, SD 57028

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

Fee for Application for Permit No. <u>4420-3</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



October 21, 1997

Pleasant Valley Colony
Andrew Tschetter
RR 2 Box 161
Flandreau SD 57028



10/24/97
called
has 3 wells
bare standby
wells.
has no other well log.
but what I sent him.

Dear Mr. Tschetter:

Thank you for submitting your *Application for a Permit to Appropriate Water*. In order to complete the application the following is required.

A map showing the location of the 2 wells in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

I have reviewed our files and found well driller reports for 2 wells drilled by Ed Lacey & Sons in 1979. One report is for a 14 foot deep well drilled in Section 21. The other report is for a 26 foot deep well drilled in Section 15. Enclosed are copies of the reports. Are these the two wells referred to on the application? If not, do you have a copy of the well driller reports for the wells?

The application indicates these wells are for domestic use. Domestic use is generally use of water for household purposes. Is this well also used for livestock confinement facilities at Pleasant Valley? If so, what type of livestock is raised?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

*Present time we raise &
confinement Hogs &
turkeys*

*Andrew
Tschetter*

enclosure

Nov 18-97

TOSHIBA CHART NO.61

July 1994

During the last twenty years there have been a number of research projects in different countries which have been making efforts to understand the future of man's life on earth.

These futurology projects have often used different methods, have involved different disciplines and have been organized for different purposes. Yet the conclusions they have reached show remarkably similar pictures of what the distant future is going to be like.

There are a variety of scenarios describing possible futures. These scenarios agree on basic aspects of the future like population size, the urbanization of life and the scarcity of resources. But these scenarios vary on what the quality of life is going to be in the future.

Life will be urbanized. But will it be chaotic, polluted urbanization with dangerous industrial ghettos and sprawling slums? Or will it be a clean and peaceful urbanization where green belts, agricultural areas, liveable cities and industrial centers are carefully interlaced?

Futurologists point out that the actualization of one or another of these future scenarios depends on decisions man makes now.

Futurologists warn that unless we all try to place ourselves in the future by trying to understand what it will be like, we will not be able to acquire the information we need to guide the decisions we make today in the direction we want.

What direction do we want?

What kind of world do we want to live in? Or our children or our grandchildren to live in?

On the basis of future projections already made, each of us can decide what kind of possible future we want. Then, we can tailor our short range targets to achieve those distant goals.

We can, ineffect, try to be good ancestors.

A company must also try to be a good ancestor.

That is why, at TOSHIBA, we maintain that it is no longer feasible to simply rely on traditional business foresight-short term projections for the coming quarter, the coming year, even the coming decade.

DATE	
MODEL	
SERIAL No.	
EXPOSURE	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 1998

Andrew Tschetter
Pleasant Valley Colony
RR 2 Box 161
Flandreau SD 57028

Dear Mr. Tschetter:

Enclosed is a check we received for \$225.00. The attached copy of the receipt indicates that the \$225.00 application fee for Water Permit No. 6026-3 was paid on September 29, 1997.

The receipt is for your records. If you have questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 6026-3
for Pleasant Valley Colony
January 8, 1998

Application No. 6026-3 proposes to appropriate 0.27 cfs (120 gpm) from three wells approximately 14 to 26 feet deep located in the NW 1/4 NE 1/4 of Section 21 and the SW 1/4 NW 1/4, NW 1/4 SW 1/4 of Section 15; all in T107N R47W in Moody County. The water is for domestic and livestock confinement facilities. One well is maintained for standby purposes.

AQUIFER - BIG SIOUX MOODY (BS-M)

The Big Sioux Moody is a surficial glacial outwash (sand and gravel) which is under water table conditions in this area. The aquifer underlies 58 square miles and contains an estimated 163,000 acre feet of recoverable water in storage in Moody County (Hansen, 1986). The aquifer is hydraulically connected to the Big Sioux River and to some area creeks and streams. This particular application is located three to four miles east of the Big Sioux River but along Flandreau Creek which is also hydraulically connected to the aquifer. The creek in this area is probably a recharge/discharge zone depending upon the time of year and availability of precipitation or surface water. Ground water movement is generally from east to west and toward the creek locally. According to the well logs filed with the application the aquifer top is about one foot below land surface and extended to depths ranging from 14 to 26 feet below land surface. The wells had a static water level ranging from seven to ten feet below land surface. No production estimates are available for these wells.

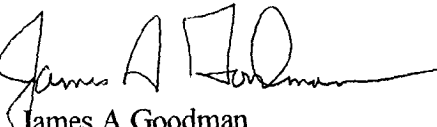
The Water Rights Program does monitor an observation well, MY-78A, located about one-half mile west and one mile southwest of the wells for this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1998). A hydrograph for observation well MY-78A is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this immediate area. Interference is not a concern. Drawdown created by pumping should not be significant and would not extend very far from the individual production well. These are existing wells and have been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Big Sioux Moody aquifer.
2. The aquifer is unconfined and under water table conditions in this area. Interference is not expected to be a concern. Drawdown created by pumping at the requested rate should not cause significant drawdown.
3. The well completion reports for two of the three wells indicate grouting of the production casing. These wells appear to be constructed in accordance with SD Well Construction Standards. No information is available for the third well.
4. Plans and specifications for this facility have been approved in 1990 and 1995.


James A Goodman
Natural Resources Engineer

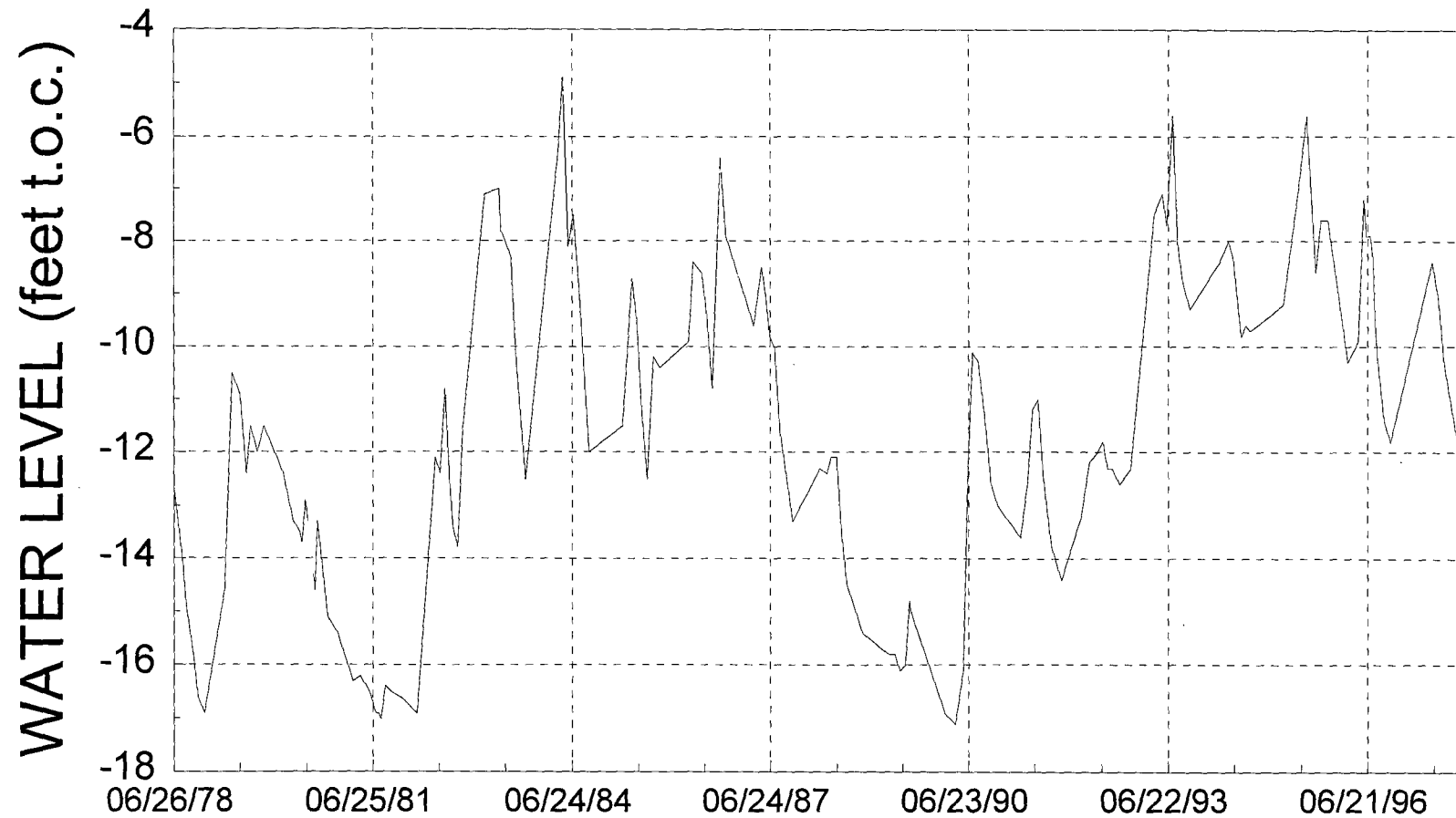
BIBLIOGRAPHY

Hansen, D.S., 1986, Water Resources of lake and Moody Counties, South Dakota, USGS WRI 84-4209, USGS, Huron, SD, 57350.

Water Rights, 1998, Unpublished Observation Well Data for Moody County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

MY-78A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6026-3, Pleasant Valley Colony**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6026-3, Pleasant Valley Colony, c/o Andrew Tschetter, RR 2, Box 161, Flandreau, SD 57028.

The Chief Engineer is recommending APPROVAL of Application No. 6026-3 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. 6026-3 is subject to compliance with requirements of the Division of Environmental Services' approval of the plans and specifications for the animal waste management system.
3. Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State.
4. The wastewater storage lagoon and feedlot area shall be designed so that it does not receive surface runoff from the surrounding area.
5. Permit No. 6026-3 is subject to compliance with the 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
January 12, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

January 15, 1998

Pleasant Valley Colony
%Andrew Tschetter
RR 2, Box 161
Flandreau, SD 57028

Dear Mr. Tschetter:

Water Permit Application No. 6026-3 for domestic use and livestock confinement facilities 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 Moody Co. Enterprise printed at Flandreau, SD (Ph # (605) 997-3725). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 15, 1998

Moody Co. Enterprise
Box 71
Flandreau, SD 57028-0071

ATTENTION: Legal Department

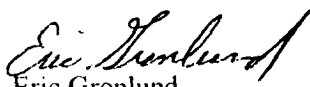
Enclosed is a Notice of Hearing on Application No. 6026-3 to be published twice. Please publish the first notice on January 27, 1998, with the second publication 7 days later.

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 Pleasant Valley Colony, %Andrew Tschetter, RR 2, Box 161, Flandreau, SD 57028 (Ph # (605) 997-3306).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on January 27, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6026-3 to Appropriate Water

Notice is given that Pleasant Valley Colony, c/o Andrew Tschetter, RR 2 Box 161, Flandreau SD 57028 has filed an application for a water permit to appropriate 0.27 cubic feet of water per second (120 gallons per minute) from 3 wells (Big Sioux/Moody Aquifer) 14 feet to 26 feet deep located in the N 1/2 NE 1/4 Section 21 and SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 15; all in T107N-R47W. One well is maintained for standby use. The water is for domestic use and for livestock confinement facilities.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6026-3 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 February 13, 1998. 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 10:00 a.m. (cst), February 25, 1998, 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 February 25, 1998, 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 February 13, 1998.

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 February 13, 1998, 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 Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was taken

from the Moody County Enterprise

printed and published in Flandreau

County of Moody and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Jan. 28, 1998

Feb. 4, 1998

Cost of Printing 53.05

Angela Nibbelink
(Signature)

Bookkeeper
(Title)

2-4-98
(Date Signed)

NOTICE OF APPLICATION NO. 6026-3 TO APPROPRIATE WATER

Notice is given that Pleasant Valley Colony, c/o Andrew Tschetter, RR 2, Box 161, Flandreau SD 57028 has filed an application for a water permit to appropriate 0.27 cubic feet of water per second (120 gallons per minute) from 3 wells (Big Sioux: Moody Aquifer) 14 feet to 26 feet deep located in the N 1/2 NE 1/4 Section 21 and SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 15; all in T107N-R47W. One well is maintained for standby use. The water is for domestic use and for livestock confinement facilities.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6026-3 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 February 13, 1998. 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 10:00 a.m. (cst), February 25, 1998, 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 February 25, 1998, 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 February 13, 1998.

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 February 13, 1998, 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.
(Jan. 28 & Feb. 4, 1998)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

Pleasant Valley Colony
%Andrew Tschetter
RR 2, Box 161
Flandreau, SD 57028

Dear Mr. Tschetter:

Enclosed is Water Permit No. 6026-3 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.

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

RECEIVED

MAY 05 2003

WATER RIGHTS
PROGRAMDate April 30-03TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Pleasant Valley Colony 22941 482 Ave
(name) (address)
Flandreau S.D 57028 605-997-3162
(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. 6026-3.

Water Permit No. 6026-3 states that the diversion system is to be constructed by Feb 25, 2003, and that the water is put to beneficial use by
(date)

Feb 25 - 2003
(date)

The diversion system was completed on Nov 2000
(date)

Applying the water to beneficial use was completed on Nov 28-02
(date)

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

Andrew Tschetter
(signature)



March 2, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Pleasant Valley Colony
c/o Andrew Tschetter
22941 487th Ave
Flandreau SD 57028

Dear Mr. Tschetter:

I am writing in regard to a well driller's report filed by Lacey Well Drilling, Inc. The report shows a new well was completed for you on June 9, 2003 and produced 175 gallons per minute (gpm). Based on the information in the report, it appears you may need an additional water permit.

A review of our files indicates that Pleasant Valley Colony holds Water Permit No. 6026-3 for 120 gpm from three wells located in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 21 and SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15; all in T107N-R47W and one of those wells is maintained for standby use.

A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of less than 25,920 gallons per day with a maximum rate not to exceed 25 gpm.

Enclosed are application forms and an instruction sheet to apply for a water permit. The completed forms with the application fee and map can be returned to the "Water Rights Program, 523 E Capitol, Pierre SD 57501. Please return by April 1, 2004.

If you believe this well does not require a water permit or that your existing permit includes this well, or if help is needed completing the application forms, please contact Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program

enclosures

File No. 6026-3

Water Rights Program - File Documentation

NAME: Andrew Tschetter, Pleasant Valley Colony

ADDRESS: Flandreau SD

DATE: 3-10-04 **COUNTY:** MY **TELEPHONE:**

RE: Well Completion Report

COMMENTS:

Andrew Tschetter called concerning my letter dated March 2, 2004. Mr. Tschetter indicated the new well was a replacement well located 15 feet from the old well. The well is the same depth as the existing well. They are not appropriating any additional water. They just hooked this well into their existing system.

They are planning to have Lacey Well Drilling plug the old well.



Karen Schlaak
Environmental Scientist

Permit No. 6026-3
Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, August 23, 2006, made a thorough examination of the water use system constructed by Pleasant Valley Colony of Box 161, Flandreau, SD 57028 holder of Permit No. 6026-3, bearing the priority of September 29, 1997 authorizing the diversion of 0.27 cu. ft. per second of the waters of the Big Sioux:Moody Aquifer for Domestic and Commercial use purposes, in Moody County.

Inspection contact & relationship **Andrew Tschetter (997-3306)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Ed Lacey and Sons
- 2) No. of Wells 3
- 3) Depth(s) 14 and 26 feet
- 4) Well log is available Y
- 5) Comment: There is a well log for the well in Section 21 and a well log for one of the two wells in Section 15; however, it is not clear as to which of the two wells it is for. Well No. 3 is used only as a backup source of water.

Casing:

- 1) Diameter Well 1: 8 inches Well 2: 12 inches
- 2) Length Unknown feet
- 3) Type Well 1: Plastic Well 2: Steel

Screen:

- 1) Type Well 1: Plastic Well 2: Stainless Steel
- 2) Length Unknown feet
- 3) Static water level Well 1: 10 feet Well 2: 7 feet

Pump for Well 1:

- 1) Make Submersible
- 2) Capacity 15 GPM

Pump for Well 2:

- 1) Make Western Land Roller
- 2) Model Ser. # L7925
- 3) Capacity 60 GPM

Pump for Well 3:

- 1) Make Grundfos
- 2) Capacity 50 GPM

Motor for Well 1:

- 1) Make Franklin Electric
- 2) Model No. 2823011
- 3) Horsepower rating 2 hp

Motor for Well 2:

- 4) Make US Motor
- 5) Type AUC
- 6) Horsepower rating 7.5 hp

Motor for well 3:

- 1) Make Hitachi
- 2) Horsepower rating 7.5 hp

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 1080 feet south and 1225 feet west of the NE corner of Section 21-T107N-R47W (N 44.06262, W -96.47026).

Well 2: Approximately 2450 feet north and 50 feet east of the SW corner of Section 15-T107N-R47W (N 44.07239, W -96.46525)

Well 3: Approximately 2600 feet south and 65 feet east of the NW corner of Section 15-T107N-R47W (N 44.07295, W -96.45618)

Report of Examination of Works

Permit No. 6026-3

The works are capable of diverting and conveying to the place of use 0.27 cu. ft. per second of water which is to be used for **Domestic use and for use at the livestock confinement facilities**. Water has been put to beneficial use to the maximum extent as follows:

Water from the three wells is used for domestic use and for use at the confinement facilities as needed.

The license should be issued for 0.27 cfs.

All structures, wells and lands on map Y

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



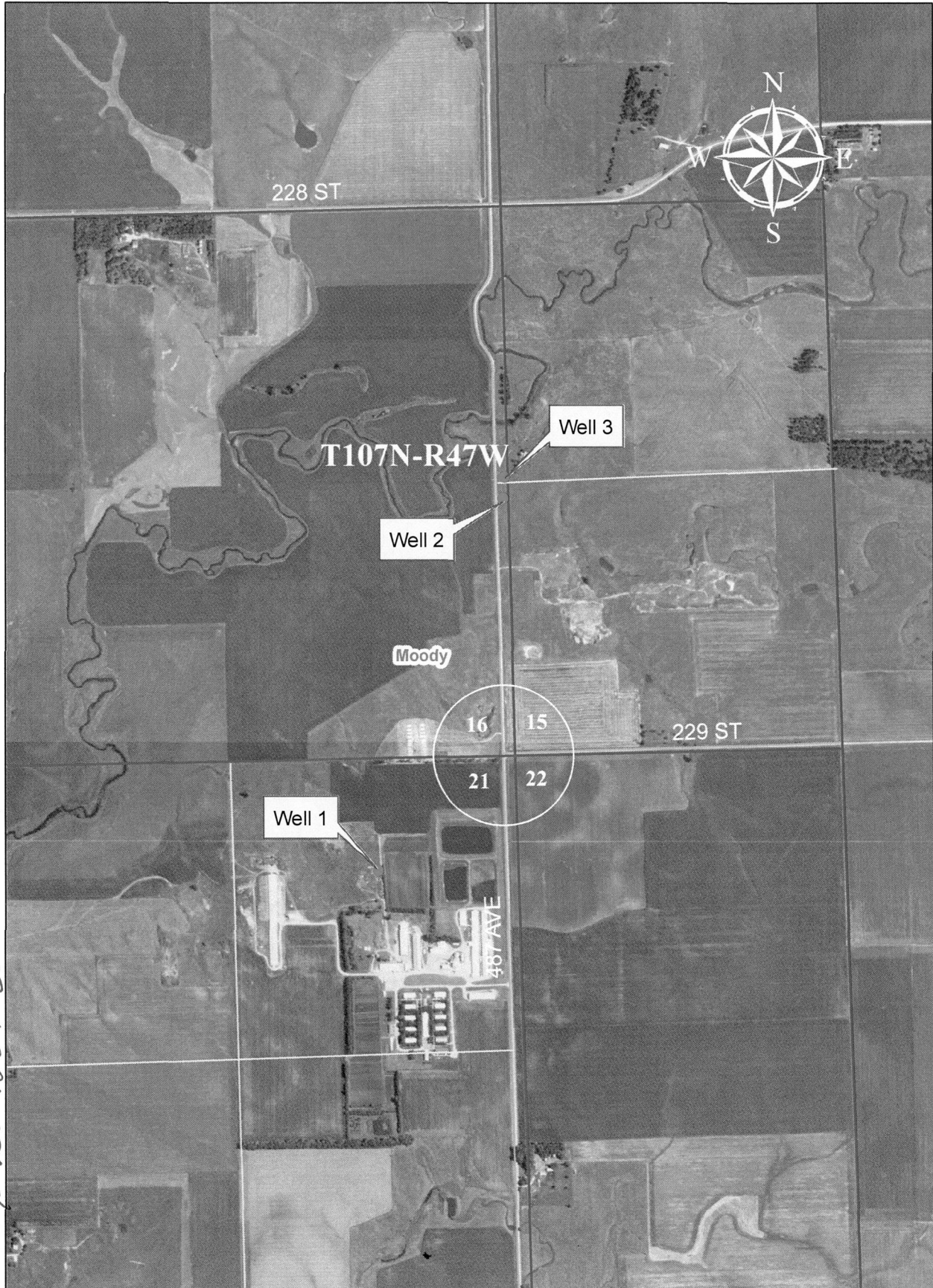
Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **June 14, 2007**

Pleasant Valley Colony
Box 161
Flandreau, SD 57028
997-3306

Water Permit No. 6026-3



Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
June 14, 2007



0 1,050 2,100 4,200 Feet



RECEIVED

JUN 25 2007

WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 15, 2007

6026-3

Pleasant Valley Colony
c/o Andrew Tschetter
22841 487th Ave
Flandreau SD 57028

Dear Mr. Tschetter:

On August 23, 2006 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 6026-3, was completed by Mike DeFea, a staff engineer with our program. Your final water right document, the water license, can now be issued.

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

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

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

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Pleasant Valley HB 22941 487TH AVE Flandreau SD 57028 Date 6/25 20 07

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6026-3</u>	50	00
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.

03078

By [Signature]
Chief Engineer

[Signature]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 03 2007

6026-3

Pleasant Valley Colony
22941 487th Ave
Flandreau SD 57028

Dear Sir:

Enclosed is Water License No. 6026-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 03078 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License. Also, included with your license is a map prepared by the staff engineer who conducted the 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. 6026-3, 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. 6026-3

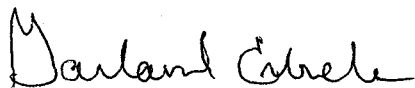
(1) Pleasant Valley Colony, 22941 487th Ave, Flandreau SD 57028 made Application No. 6026-3, September 29, 1997 for a water permit to divert 0.27 cubic feet of water per second from groundwater (three wells), Moody County, South Dakota for domestic and commercial use purposes. Permit No. 6026-3, with a priority date of September 29, 1997 was approved February 25, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 25, 2003 and for the application to beneficial use of water on or before February 25, 2007.

(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, the holder and/or owner of Water Right No. 6026-3 is issued a license, bearing a priority date of September 29, 1997 to appropriate 0.27 cubic feet of water per second from groundwater (three wells) for domestic and commercial use.

The diversion points are located as follows: Well 1: approximately 1,080 feet south and 1,225 feet west of the northeast corner of Section 21 (NE ¼ NE ¼); Well 2: approximately 2,450 feet north and 50 feet east of the southwest corner of Section 15 (NW ¼ SW ¼) and; Well 3: approximately 2,600 feet south and 65 feet east of the northwest corner of Section 15 (SW ¼ NW ¼); all in T107N-R47W. Well 3 serves as a backup supply for the colony.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6026-3 including the following now applicable 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. 6026-3 is subject to compliance with requirements of the Division of Environmental Services approval of plans and specifications for animal waste management system.
- Operation of the disposal systems to dispose of waste and wastewater shall be in a manner that prevents runoff from the disposal sites and from entering the waters of the State.
- The wastewater storage lagoon and feedlot area shall be designed so that it does not receive surface runoff from the surrounding area.
- Permit No. 6026-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - 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 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) 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

AUG 03 2007

date

