

WATER PERMIT NO. 6061-3

Name of Applicant: Hillcrest Colony Hutterian Brethren

Address: RR 1 Box 17, Garden City 57236-9711

Phone: 605 532-5616

Amount of Water Claimed: 0.311 cfs (140 gpm)

Total Acres: NA

Source of Water Supply: groundwater (3 wells)

Water to be used for: commercial & domestic use

County: Clark

Type of Waste Disposal System:

Location: 4 miles west of Garden City

PRIORITY

Date Received: 3-17-1998

Fee: \$225

Corrected Application Received:

Period of Annual Use: Jan 1 - Dec 31

Remarks: for domestic use and a livestock confinement facility

Diversion Point: S 1/2 NW 1/4 Sec 15-T117N-
R57W

Land to be Irrigated:

Depth of Well: 160, 185 and 180 feet deep

Well Driller: Bud Kenke,

Riverside Drilling & Pullman Drilling

Remarks:

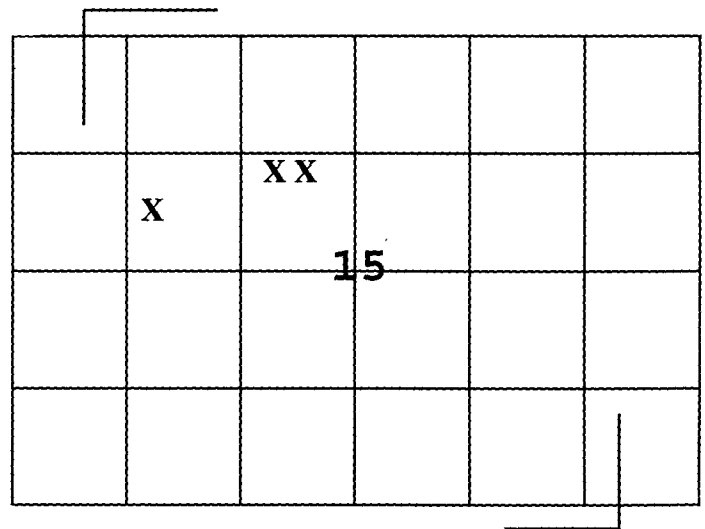
Type of Map: plat

Prepared by: David L Johnson, PE

Reviewed and the Number Assigned on: 3-17-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6061-3

Date of first receipt of application March 17, 1998.

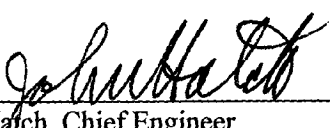
The Water Management Board approved Water Permit Application No. 6061-3 on May 6, 1998 for Hillcrest Colony Hutterian Brethren, RR 1 Box 17, Garden City SD 57236-9711 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6061-3 appropriates 0.311 cubic feet of water per second (140 gallons per minute) from three wells (Prairie Coteau Aquifer) 160, 185 and 180 feet deep located in the S ½ NW ¼ Section 15-T117N-R57W.
2. The water appropriated shall be used for the purpose of supplying water for domestic use and use in a livestock confinement facility 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 March 17, 1998.
5. One-fifth of the construction is to be completed on or before November 6, 2000.
6. All construction is to be completed on or before May 6, 2003.
7. Water is to be put to beneficial use on or before May 6, 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. 6061-3 is subject to compliance with requirements of the General Water Pollution Control Permit for concentrated swine feeding operations.
3. Permit No. 6061-3 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 74:51:02 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.

WATER MANAGEMENT BOARD

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

JUN 29 1998
date



FORM 2: Application for uses other than irrigation
(type or print)



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>6061-3</u> Hydrologic Unit <u>10/170201</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Clark Co. Courier, Clark, SD</u>

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

Check use(s) of water:

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

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

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

- Name of Applicant Hillcrest Colony Hutterian Brethren Phone 605-532-5616
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address RR 1 Box 17 Garden City State SD 57236-9711
(Street, RR, or Box) (Zip Code)
- Amount of water claimed 0.311 *CFS or 140 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 3 wells to Prairie Coteau aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 3 wells in ^{5/2}NW 1/4
Section 15, T117 N, R57W County Clark
- County or counties where water will be used Clark
- Annual period during which water is to be used year round Jan 1 - Dec 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)
Water will be used for domestic use and for livestock watering. Also will be used for cleaning and related maintenance for the concentrated livestock feeding operations. Plans for expansion of the existing feeding operations have been submitted to the DENR surface water quality program.

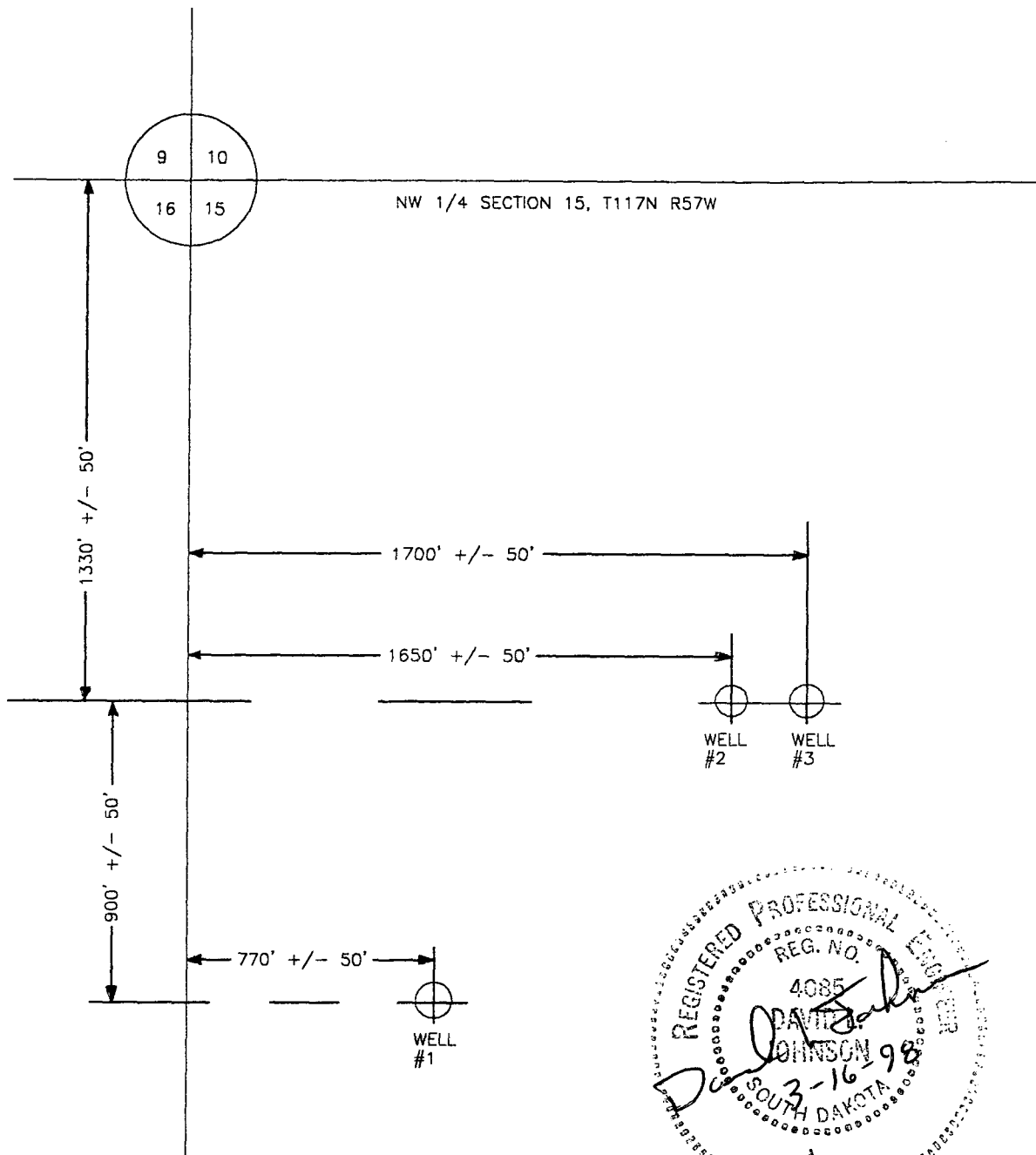
STATE OF SOUTH DAKOTA)
County of Boadle SS

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)

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

Signed George Waldner
Subscribed and sworn to before me this 16 day of MARCH 19 98
James L. Hem
Notary Public

NORTH
4



NOT TO SCALE		DWG NO: 1		
JOB NO. 96111		3/16/98		
DRAWN: BF		CHECKED: DLJ		
REV.	DATE	DESCRIPTION	BY	CHKD

WELL LOCATION

HILLCREST COLONY

WATER PERMIT

DAKOTA ENVIRONMENTAL INC. P.O. BOX 636 HURON, SD 57350 605-352-5610

6061-3

Supplemental Information

(type or print in ink)

1. Well Information - ^{Existing} ~~Proposed~~ Construction
- a) Drill Hole Diameter ^{#1 - 6"} ~~#2 - 6"~~ Depth ^{#1 - 160'} ~~#2 - 185'~~ ~~#3 - 180'~~
- b) Casing Type ^{#3 - 5"} ~~PVC - 4"~~ Diameter ^{#1 - 6"} ~~#2 - 6"~~ ~~#3 - 5"~~ Thickness ^{#1, #2 - sch 80} ~~#3 15 sch 40~~
- c) Screen Type ^{#1 - 20' screen} ~~PVC~~ ~~#2 - 15' screen~~ Diameter ^{#1 - 6"} ~~#2 - 6"~~ ~~#3 - 5"~~ Thickness ^{Unknown - not recorded}
- d) Gravel Pack Thickness ^{#3 60' screen} Length of Gravel Pack ^{#1 - 30'} ~~#2 - 165'~~ ~~#3 - 50'~~
- e) Depth to Top of Water Bearing Material ^{#1 - 150'} ~~#2 - 120'~~ ~~#3 - 140'~~
- f) Depth to Water (ground surface to water level) ^{80' +/- all wells}
- g) Distance to nearest existing domestic well:

On applicants property None On property owned by others 4200' to North + West
+ about 4200' to South

2. Wastewater Disposal System Information

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

well #1
Constructed 1986
Bud Kenke

well #2
Constructed 1976
Riverside Drilling

well #3
Constructed 1994
Pullman Drilling

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

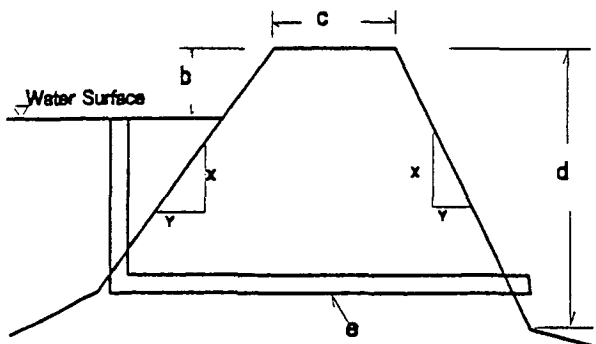
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



No. _____

OTHER NOS. _____

445647097421301

Location SE 1/4, SW 1/4, NE 1/4, NW 1/4 Sec. 15, T. 117N., R. 57W.

Source of data Driller

[illegible]

REPORT ON WATER PERMIT APPLICATION NO. 6061-3
for Hillcrest Colony
March 30, 1998

Application No. 6061-3 propose to appropriate 0.311 cfs (140 gpm) from three wells approximately 160, 185, and 180 feet deep located in the S 1/2 NW 1/4 of section 15, T117N R57W in Clark County. The water is for domestic use and use in a livestock confinement facility.

AQUIFER - PRAIRIE COTEAU (PCO)

The Prairie Coteau is a buried glacial outwash (sand and gravel) which is under confined or artesian conditions at this site. In this area, the aquifer is referred to as the Prairie Coteau # 2 in the Clark County Study (Hamilton, 1986). The Prairie Coteau # 2 underlies 110 square miles in northern Clark County and contains an estimated 280,000 acre feet of water in storage (Hamilton, 1986). Ground water movement in the area of this application appears to be from north-northeast to the south-southwest. Hamilton also estimated the recharge to the aquifer to be about 11,000 acre feet per year.

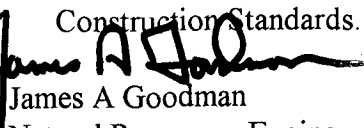
The Water Rights Program does monitor an observation well, CK-78H, which is located about one-half mile north of this application and completed into the Prairie Coteau # 2 aquifer. Water levels for this well show good response to pumping. There has been as much as 30 feet of annual fluctuation in response to pumping. The water levels also show the effects of recharge and climatic conditions. The water level record indicates that although drawdown could be a concern the aquifer is capable of sustaining additional withdrawals. A hydrograph of observation well CK-78H is included with this report (Water Rights, 1998).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing Water Right No. 3026-3 for irrigation (1.44 cfs) from a well in the immediate area of this application. It is not clear but the irrigation well may be the well #2 shown on the map for this application. Interference is likely. Drawdown created by pumping will overlap and may affect well production at the site. Since this application and the existing water right are all held by Hillcrest Colony it can be managed by them to minimize potential problems.

CONCLUSIONS

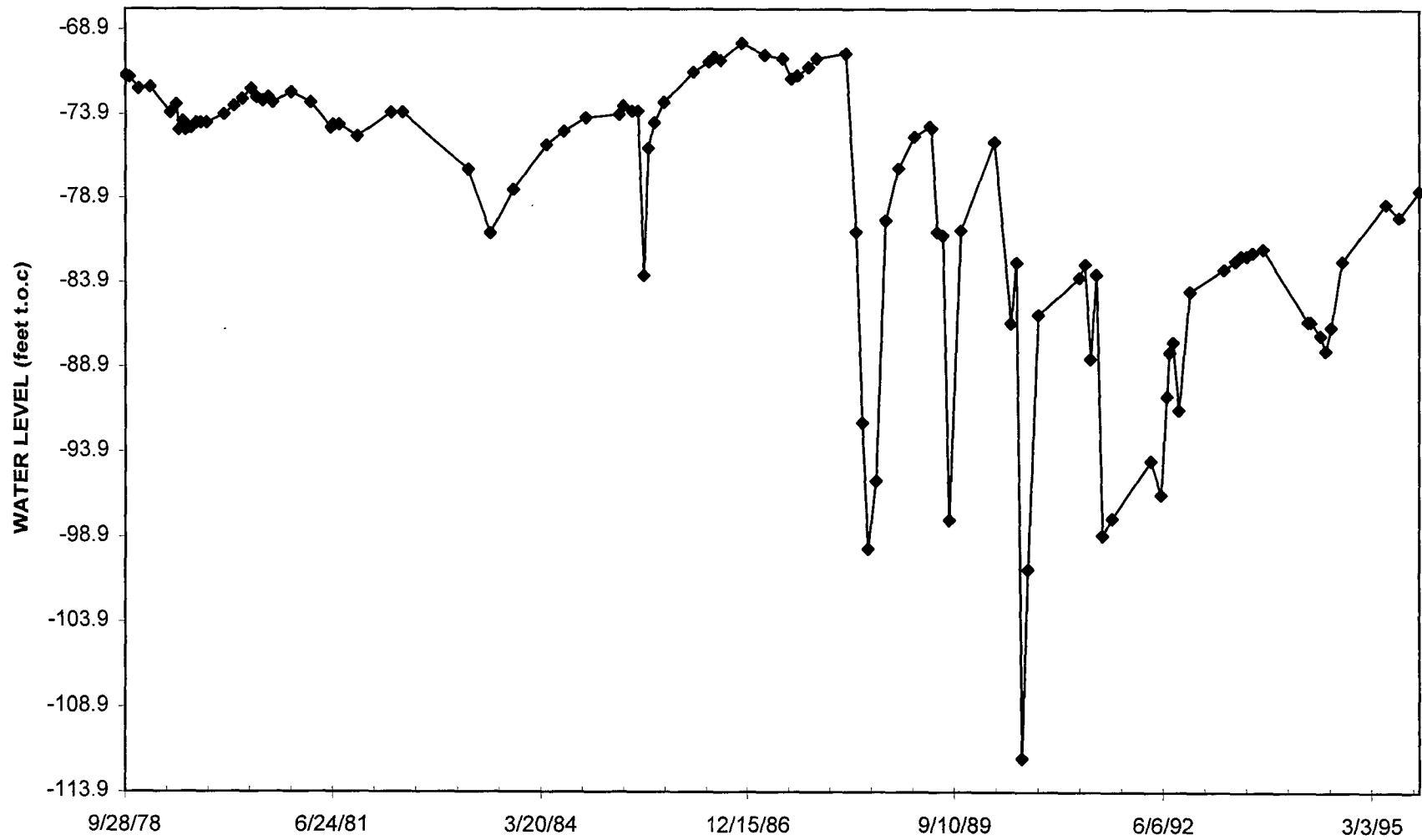
1. Water is available from the Prairie Coteau aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown will occur as a result of pumping. This is shown by the observation well hydrograph. Because the existing wells are in close proximity this drawdown will result in interference. It may be necessary to lower pumps in order to sustain the amount of water needed. All these well belong to the applicant and the system can be managed to minimize potential problems. These are existing wells and have been in use.
3. Information is not available to determine if these wells have been constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota, Bulletin 29, Part II : Water Resources , SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1998, Unpublished Observation Well Data for Clark County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
CK-78H



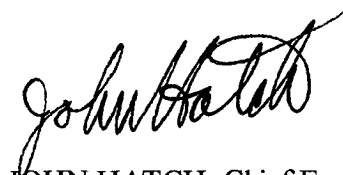
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6061-3, Hillcrest Colony Hutterian Brethren**

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. 6061-3, Hillcrest Colony Hutterian Brethren, c/o George Waldner, RR 1, Box 17, Garden City, SD 57236-9711.

The Chief Engineer is recommending APPROVAL of Application No. 6061-3 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. 6061-3 is subject to compliance with requirements of the General Water Pollution Control Permit for concentrated swine feeding operations.
3. Permit No. 6061-3 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 74:51:02 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.

See report on application for additional information.



JOHN HATCH, Chief Engineer
April 1, 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.**

April 1, 1998

Hillcrest Colony Hutterian Brethren
%George Waldner
RR 1, Box 17
Garden City, SD 57236-9711

Dear Mr. Waldner:

Water Permit Application Nos. 6061-3 and 6062-3 for domestic and for a livestock confinement facility 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 Clark Co. Courier printed at Clark, SD (Ph # (605) 532-3654). For your information, a copy of the notice is enclosed. A copy of the Reports and Recommendations will be sent to you at a later date. 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.

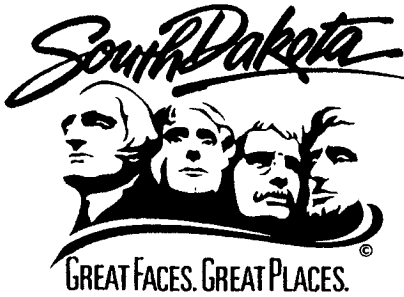
Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

c: David Johnson, Dakota Environmental, P.O. Box 636, Huron, SD 57350

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

April 1, 1998

Clark Co. Courier
117 1st Ave. E
Clark, SD 57225

ATTENTION: Legal Department

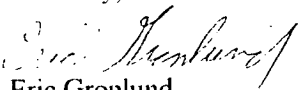
Enclosed is a Notice of Hearing on Application Nos. 6061-3 and 6062-3 to Appropriate Water to be published twice. Please publish the first notice on April 8, 1998, with the second publication 7 days later.

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 Hillcrest Colony Hutterian Brethren, %George Waldner, RR 1, Box 17, Garden City, SD 57236-9711 (Ph # (605) 532-5616).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Nos. 6061-3 & 6062-3

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

Date _____

We are in receipt of your letter of April 1, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6061-3 & 6062-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

WATER RIGHT PROGRAM

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Dave Johnson	Eric Gronlund
COMPANY:	DATE:
Dakota Environmental	April 1, 1998
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
352-0951	3
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
352-5610	(605) 773-3352
RE:	SENDER'S FAX NUMBER:
Hillcrest Colony water permit application	(605) 773-4068

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ AS YOU REQUESTED

NOTES/COMMENTS:

Attached is a copy of the notice of hearing for Hillcrest Colony's water right permit applications. The report and recommendations are not complete at this time but we wanted to get the applications public noticed for the May 6, 1998, Board meeting.

The Chief Engineer will be recommending approval of the application and I expect the qualifications will be the standard qualifications put on water right permits of this type.

The applicant or you will need to contact the newspaper to authorize publication.

A copy of this notice of hearing will also be sent to you via U.S. Mail. Please call me if you have any questions.

WATER RIGHTS PROGRAM
JOE FOSS BUILDING
523 E. CAPITOL AVE.
PIERRE, SD 57501

Instruction to Newspaper - Publish first Notice on April 8, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING ON APPLICATION NOS. 6061-3 and 6062-3 to Appropriate Water

Notice is given that Hillcrest Colony Hutterian Brethren, c/o George Waldner, RR 1, Box 17, Garden City, SD 57236-9711 has filed the following applications for water permits.

Application No. 6061-3 appropriates 0.311 cubic feet of water per second (cfs) (140 gallons per minute) from three wells (Prairie Coteau Aquifer) 160, 185 and 180 feet deep located in the S 1/2 NW 1/4 Section 15-T117N-R57W. The water is for domestic use and use in a livestock confinement facility.

Application No. 6062-3 appropriates 0.155 cfs (70 gallons per minute) from one well up to 1300 feet deep located in the SE 1/4 NW 1/4 Section 15-T117N-R57W. The applicant intends to construct the well into the Dakota Formation. If it is found that quantity or quality from the Dakota Formation is not suitable to meet the Colony's needs, the lower portion of the hole will be plugged and the well developed and water appropriated from the Altamont Aquifer.

The water is for domestic use and a backup water supply for the livestock confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6061-3 and 6062-3 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 April 27, 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 11:30 a.m. (CDT), May 6, 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 May 6, 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 April 27, 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 April 27, 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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

215 ~~25~~



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Clark) SS

I, Bill Krikac

certify that the attached printed Notice was taken

from the Clark County Courier

printed and published in Clark, SD

County of Clark and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

4-8

4-15

Cost of Printing 121 lines 2 times
\$64.69

William J Krikac
(Signature)

Editor
(Title)

5-4-98
(Date Signed)

NOTICE OF HEARING ON APPLICATION NOS. 6061-3 AND 6062-3 TO APPROPRIATE WATER

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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 April 27, 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.

Nettie H. Myers, Secretary
Department of Environment and

**NOTICE OF HEARING ON
APPLICATION NOS. 6061-3 AND
6062-3 TO APPROPRIATE
WATER**

Notice is given that Hillcrest Colony Hutterian Brethren, c/o George Waldner, RR 1 Box 17, Garden City, SD 57236-9711 has filed the following applications for water permits.

Application No. 6061-3 appropriates 0.311 cubic feet of water per second (cfs) (140 gallons per minute) from three wells (Prairie Coteau Aquifer) 160, 185 and 180 feet deep located in the S 1/2 NW 1/4 Section 15-T117N-R57W. The water is for domestic use and use in a livestock confinement facility.

Application No. 6062-3 appropriates 0.155 cfs (70 gallons per minute) from one well up to 1300 feet deep located in the SE 1/4 NW 1/4 Section 15-T117N-R57W. The applicant intends to construct the well into the Dakota Formation. If it is found that quantity or quality from the Dakota Formation is not suitable to meet the Colony's needs, the lower portion of the hole will be plugged and the well developed and water appropriated from the Altamont Aquifer.

The water is for domestic use and a backup water supply for the livestock confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6061-3 and 6062-3 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 April 27, 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 applicant, 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 11:30 a.m. (CDT), May 6, 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 May 6, 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 April 27, 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 April 27, 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; Board Rules ARSD 74:02:01:01 thru 74:02:01; and 74:02:01:15.

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

4-8-2t

Affidavit of Publication

State of South Dakota

§

County of Clark

David Moritz of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

**Notice of Hearing on
Application Nos. 6061-3 and
6062-3 to Appropriate Water**

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

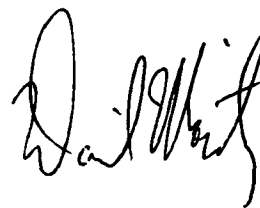
Two (2)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

**April 8, 1998
April 15, 1998**

that the full amount of the fees for the publication of the annexed notice is

\$64.69



Subscribed and sworn to before me this

15th Day of April, 1998



Randy S. Binger Notary Public
Clark County, South Dakota
My Comm. Expires May 27, 2004





DAKOTA ENVIRONMENTAL, INC.

Engineers...Hydrogeologists...Geologists...Remedial Specialists

"Yours for a cleaner Earth"

March 16, 1998

Eric Gronlund
Natural Resources Engineer
Department of Environment and Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Re: Application for Water Permit
Hillcrest Colony
Kingsbury County, SD
DEC Project No. 97111

Dear Mr. Gronlund:

Transmitted herewith are two applications to appropriate water from the Hillcrest Colony which is located in Clark County, South Dakota. One of the applications is to withdraw water from three existing wells into the Prairie Coteau aquifer. These wells have been used to supply water for existing swine and turkey feeding operations as well as for domestic usage. The facility is planning an expansion of their swine feeding operation and would utilize these wells to supply water for the expanded operation. Current and proposed use will generally be satisfied by pumping from the wells identified on the drawing as Wells #1 and #3. The facility has had problems with pumping sand from Well #2 (which led to the construction of Well #3). Well #2 is being used at this time for a back-up source and it is anticipated it will continue to function in that capacity. In addition, excessive drawdown would likely be experienced if Wells #2 and #3 were pumped simultaneously.

The other application is for a new well into either the Dakota or Altamont 3 aquifers. The facility desires to obtain a source of softer water for domestic use. It is thought the Dakota aquifer will provide the most likely source of suitable water. If a sufficient quantity or quality of suitable water is not found, it is proposed that the portion of the hole below the Altamont 3 aquifer would be plugged. A well would then be developed in the Altamont 3 aquifer, which has generally been shown to have softer water than the Prairie Coteau aquifer. It is also desired that this new well would be available for use as a backup source for the facility's livestock feeding operation.

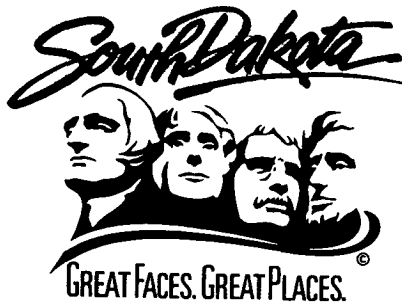
The permit applications have been signed by Mr. George Waldner, the President of the Hillcrest Colony. If there are any questions relative to either of these applications project, please contact me.

Sincerely,

David L. Johnson, PE
Senior Engineer

encl.

cc: George Waldner



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 1998

George Waldner
Hillcrest Colony Hutterian Brethren
RR 1, Box 17
Garden City, SD 57236-9711

Dear Mr. Waldner:

Please find enclosed a copy of the report and recommendation prepared for Water Permit Application Nos. 6061-3 and 6062-3, filed by Hillcrest Colony.

The hearing before the Water Management Board on these applications is scheduled for May 6, 1998, at 11:30 AM (CDT) in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

c: David Johnson, Dakota Environmental, P.O. Box 636, Huron, SD 57350



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

JUN 29 1998

George Waldner
Hillcrest Colony Hutterian Brethren
RR 1, Box 17
Garden City, SD 57236-9711

Dear Mr. Waldner:

Enclosed are Water Permit Nos. 6061-3 and 6062-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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.

Once the well authorized by Water Permit No. 6062-3 is constructed and fully developed, the well completion report must be filed indicating which formation is the water source.

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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415697

Pierre, March 17, 1998

RECEIVED OF Hillcrest Colony, RR 1 Box 17, Garden City SD 57236
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 6061-3 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

Chief Engineer

John Hatch
(RS)

PULLMAN DRILLING — DRILLERS LOG

Phone: 1-800-451-4884

JOB NAME

Hillcrest
Colony
LOCATION

11-12-94

DATE

11

RIG NO.

JDP
FOREMAN

JI No.	DEPTH	TIME	REMARKS
1	20		0-20 yellow clay
2	40		20-30 yellow clay 30-40 blue clay
3	60		40-60 blue clay little streaks of sand
4	80		60-80 blue clay
5	100		80-100 blue clay
6	120		100-120 blue clay
7	140		120-130 blue clay 130-140 blue clay sand
8	160	140	140-160 blue clay
9	180		160-172 blue clay 172-180 blue clay of sand
10	200		180-200 180-190 blue clay gravel streaks
11			190-200 yellow clay

TEST HOLE

20	20		0-20 Blue clay well #3
21	40		20-40 Blue clay
22	60		40-60 Blue clay
23	80		60-80 Blue clay with sand streaks
24	100		80-100 Blue clay
25	120		100-120 Blue clay
26	140		120-140 120-132 Blue clay 132-140 very fine sand
27	160		140-160 140-145 very fine sand 145-160 blue
28	180		160-180 160-174 Blue clay 174-177 gravel
29			169-180 Blue clay
30	200		180-190 yellow clay

33	8" PVC WEA
34	157' FT deep
35	6" PITLESS UNIT

Cased 4 1/2" 180'

Do not break

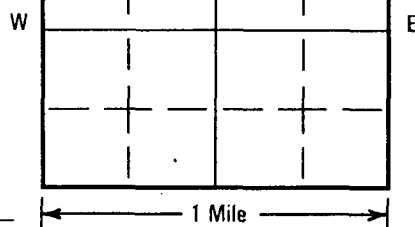
PLEASE
CANCELLED
WITH JOURNAL
ON 4/7/98
JMS

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NE 1/4 Sec 15 Twp 117 Rg 57
 County Clark

Please mark well location with an "X"



Well Completion Date

9/27/98

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>5</u> IN	<u>0</u> FT	<u>145</u> FT	<u>8 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Sement</u>	<u>5</u>	_____ lb./gal	<u>0</u> ft	<u>20</u> ft
<u>Vol. Clay</u>	<u>6</u>	_____ lb./gal	<u>20</u> ft	<u>135</u> ft

Describe grouting procedure

line to 135

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 5 IN Length 13 FEETMaterial P.V.C.Slot Size 0.16 Set From 145 Feet to 158 Feet

Other information

Gravel packed

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:

pellets

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

Well Owner: Hillcrest Colony
 Business Name: RR1, Box 7, Garden City
 Address: Clark S.D. 57236

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>yellow clay</u>	<u>0</u>	<u>30</u>
<u>Blue clay</u>	<u>30</u>	<u>144</u>
<u>med - sand</u>	<u>144</u>	<u>152</u>
<u>Blue Clay with streak</u>	<u>152</u>	<u>158</u>

STATIC WATER LEVEL 85 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: 40 GPM☐ BailedAir compressor☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 448

And this report is true and accurate.

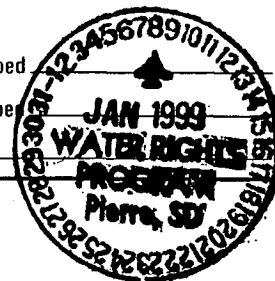
Drilling firm Pullman Well Drilling

Signature of License Representative:

R. S. Kube

Signature of Well Owner or Equitable Property Holder:

Date: _____



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Hillcrest Hutterian Brethren, Inc., 1004 Hillcrest Dr, Garden City SD Date Jan 26, 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	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>6061-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50.00	
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.

02873

By

Garland Ebele

Chief Engineer

(KS)

Permit No. 6061-3
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, **October 27, 2005**, made a thorough examination of the water use system constructed by **Hillcrest Colony Hutterian Brethren** of **P.O. Box 17, Garden City, SD 57236-9711** holder of Permit No. **6160-3**, bearing the priority of **March 17, 1998** authorizing the diversion of **0.311** cu. ft. per second of the waters of the **Prairie Coteau aquifer** for **commercial and domestic** purposes, in **Clark** County.

Inspection contact & relationship **Michael Waldner (605) 532-5709 ext. 274**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Riverside Drilling and Pullman Drilling**
- 2) No. of Wells **2**
- 3) Depth(s) **185 and 158** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **5 and 6** inches
- 2) Length **Unknown and 145** feet
- 3) Type **PVC**

Screen:

- 1) Type **PVC**
- 2) Length **Unknown and 13** feet
- 3) Static water level **120 and 85** feet

Pump (Well 1):

- 1) Make **Grundfos**
- 2) Model
- 3) Size **5 hp**
- 4) Capacity **50** GPM

Pump (Well 2):

- 5) Make Grundfos
- 6) Model
- 7) Size 7.5 hp
- 8) Capacity 60 GPM

Motor:

- 1) Make Franklin
- 2) Model No.
- 3) Horsepower rating Unknown and 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 1400 feet south and 1670 feet east of the NW corner of Section 15-T117N-R57W (N 44.94585, W -97.670866).

Well 2: Approximately 1062 feet north and 40 feet east of the SW corner of Section 15 T117N-R57W (N 44.938233, W -97.6772)

The works are capable of diverting and conveying to the place of use 0.245 cu. ft. per second of water which is to be used for domestic and commercial use. Water has been put to beneficial use to the maximum extent as follows:

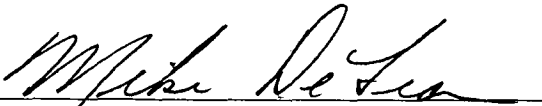
These wells are being used to supply water for their swine operation as well as for domestic use. The water is also used for cleaning and related maintenance.

The license should be issued for 0.245 cfs.

All structures, wells and lands on map Y

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

Permit No. 6061-3 originally appropriated 0.311 cfs of water from the Prairie Coteau aquifer from three wells located in the S1/2 NW1/4 Section 15-T117N-R57W for domestic and commercial use. On October 27, 2005, during the inspection of the permit, the representative for the Hillcrest Colony informed me that only one of the three original permitted wells were being used. He stated the reason two of the wells were no longer in use was because they had filled with sand and that a replacement well had been constructed. The location of the replacement well is listed as Well 2 above. The well completion report from Pullman Drilling is available for this well; however, the report incorrectly identified the location as being in the NW1/4 NE1/4 Section 15-T117N-R57W. A call to Jack Kuehl, the License Representative for Pullman Drilling, confirmed that the correct location of the well should have indicated the SW1/4 SW1/4 of Section 15 as shown above.



Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **February 17, 2006**

Approval of Location Change and/or Additional Diversion Point(s)**NAME:** Hillcrest Colony**ADDRESS:** RR 1, Box 17, Garden City, SD 57236-9711**DATE:** February 17, 2006**COUNTY:** Clark**TELEPHONE:** (605) 532-5616**AUTHORITY:**

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

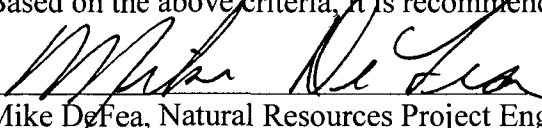
The ground water source is the same as originally permitted and the developed diversion rate is within the amount appropriated by the water permit. Permit No. 6061-3 originally appropriated 0.311 cfs of water from the Prairie Coteau aquifer from three wells located in the S1/2 NW1/4 Section 15-T117N-R57W for domestic and commercial use. On October 27, 2005, during the inspection of the permit, the representative for the Hillcrest Colony informed me that only one of the three original permitted wells were being used. He stated the reason two of the wells were no longer in use was because they had filled with sand and that a replacement well had been constructed. The location of the replacement well is in the SW1/4 SW1/4 Section 15, approximately 1062 feet north and 40 feet east of the SW corner of Section 15-T117N-R57W (N 44.938233, W -97.6772). The well completion report from Pullman Drilling is available for this well; however, the report incorrectly identified the location as being in the NW1/4 NE1/4 Section 15-T117N-R57W. A call to Jack Kuehl, the License Representative for Pullman Drilling, confirmed that the correct location of the well should have indicated the SW1/4 SW1/4 of Section 15 as shown above.

- **Review of Existing Diversions**

Hillcrest Colony possesses the only other permit authorized to divert water from the Prairie Coteau aquifer in the area. Water Right No. 3026-3 is authorized to appropriate 1.44 cfs from the aquifer.

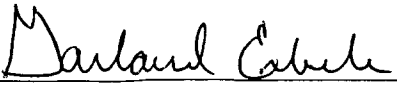
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.


Mike DeFea, Natural Resources Project Engineer
Water Rights Program

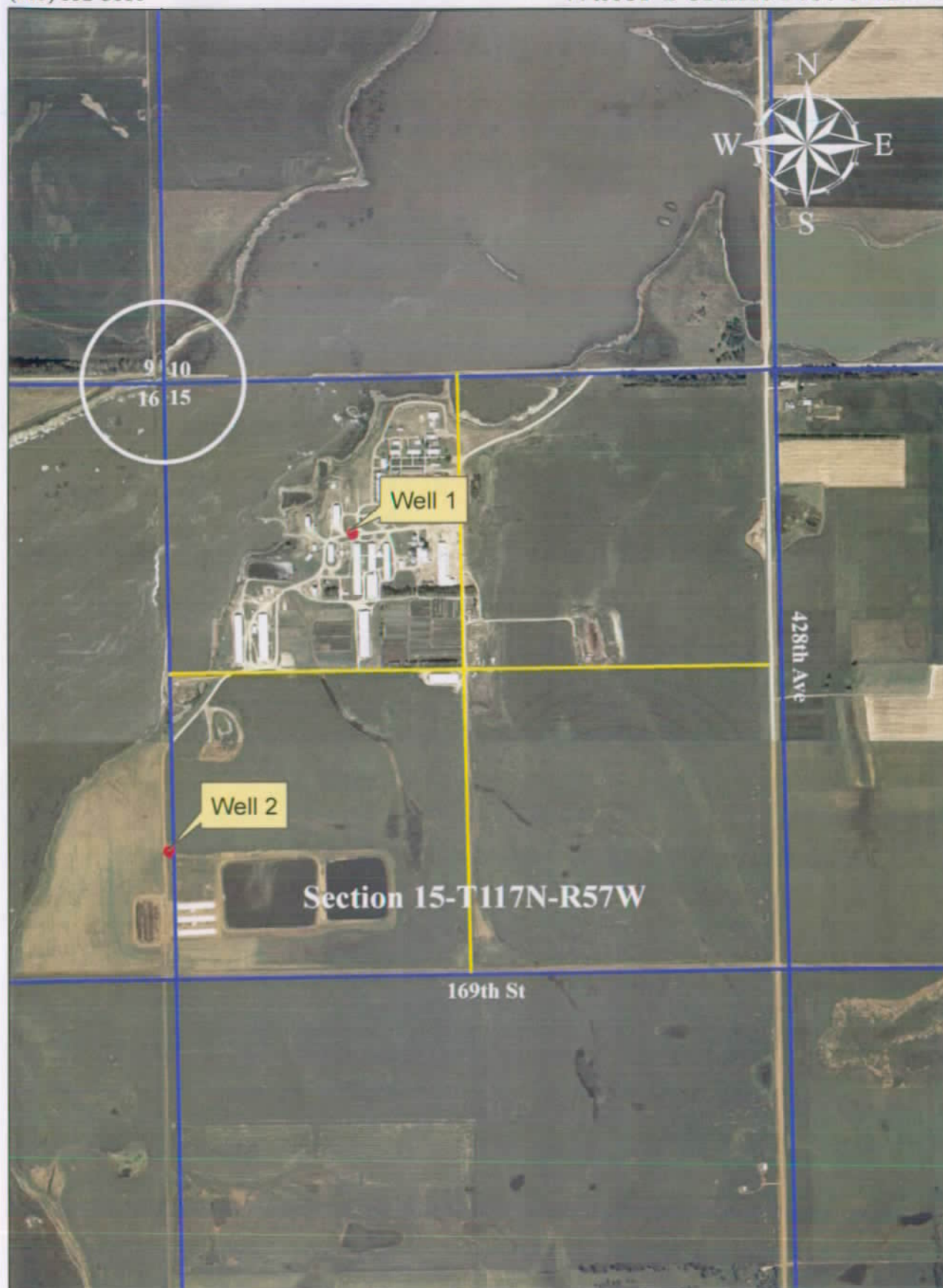
The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.

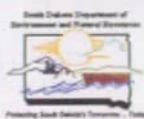

Garland Erbele, Chief Engineer
Water Rights Program

Hillcrest Colony
RR 1 Box 17
Garden City, SD 57236
(605) 532-5616

Water Permit No. 6061-3



Mike DeFea
Natural Resources Engineer
DENR Water Rights Program
February 17, 2006



0 0.15 0.3 0.6
Miles

Mike DeFea

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6061-3**

(1) Hillcrest Colony Hutterian Brethren, 1004 Hillcrest Dr, Garden City SD 57236 made Application No. 6061-3, March 17, 1998 for a water permit to divert 0.311 cubic feet of water per second from ground water (three wells – Prairie Coteau Aquifer), Clark County, South Dakota for commercial and domestic purposes. Permit No. 6061-3, with a priority date of March 17, 1998 was approved May 6, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 6, 2003 and for the application to beneficial use of said water on or before May 6, 2007.

The investigation of the water use system found one of the original wells was being used and a replacement well. The replacement well is located outside of the permitted area in the SW ¼ SW ¼ Section 15, T117N, R57W. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.1, the Chief Engineer made a finding that the change in location of diversion point does not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.245 cubic feet of water per second for beneficial use. The location of the diversion points are:

- Well #1: 1,400 feet south and 1,670 feet east of the NW corner of Section 15, T117N, R57W (SE ¼ NW ¼);
- Well #2: 1,062 feet north and 40 feet east of the SW corner of Section 15, T117N, R57W (SW ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for domestic purposes and commercial use in a livestock confinement facility.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Hillcrest Colony Hutterian Brethren, 1004 Hillcrest Dr, Garden City SD 57236 the holder and/or owner of Water Right No. 6061-3 is issued a license to appropriate water, the right to use 0.245 cubic feet of water per second from ground water (two wells – Prairie Coteau Aquifer) with a priority date of March 17, 1998 from the locations specified in (2) of this license, for domestic and commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6061-3 and subject to the following qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 6061-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit for concentrated swine feeding operations.
- Permit No. 6061-3 is subject to compliance with all 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 74:51:02 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

Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

MAY 10 2007

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

MAY 10 2007

6061-3

George Waldner
Hillcrest Hutterian Brethren Inc
1004 Hillcrest Dr
Garden City SD 57236

Dear Mr. Waldner:

Enclosed is Water License No. 6061-3 and a map prepared by the staff engineer who conducted the field investigation. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is Receipt No. 02873 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6061-3, 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,

A handwritten signature in cursive script that reads "Garland Erbele".

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

enclosures