

WATER PERMIT NO. 6062-3

Name of Applicant: Hillcrest Colony Hutterian Brethren

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

Phone: 605 532-5616

Amount of Water Claimed: 0.155 cfs (70 gpm)

Total Acres: NA

Source of Water Supply: groundwater (1 well)

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

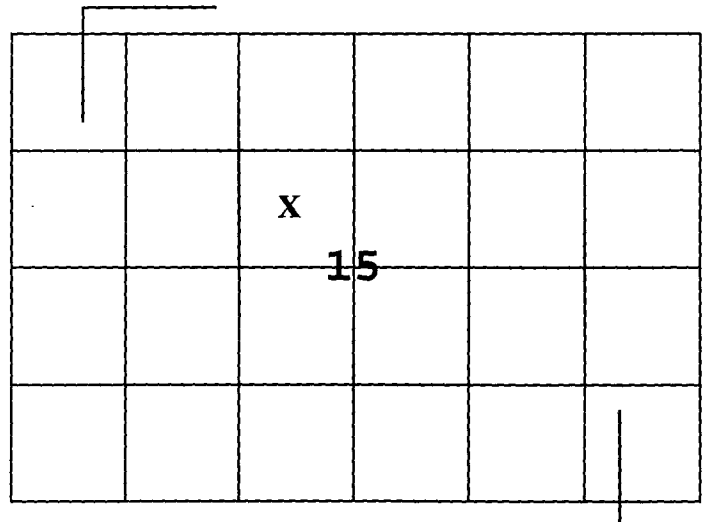
Fee: \$150

Corrected Application Received:

Period of Annual Use: Jan 1 - Dec 31

Remarks: could be Dakota Formation or Altamont Aquifer well

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



Land to be Irrigated:

Depth of Well: up to 1300 feet deep

Well Driller:

Remarks: well not constructed

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. 6062-3

Date of first receipt of application March 17, 1998.

The Water Management Board approved Water Permit Application No. 6062-3 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. 6062-3 appropriates 0.155 cubic feet of water per second (70 gallons per minute) from one well up to 1,300 feet deep located in the SE ¼ NW ¼ Section 15-T117N-R57W. The permit holder 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 into the Altamont Aquifer.
2. The water appropriated shall be used for the purpose of supplying water for domestic use and a backup water supply for the 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

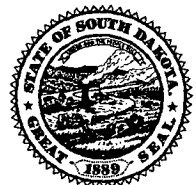
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6062-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. Permit No. 6062-3 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
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>6062-3</u> Hydrologic Unit <u>10/70201</u>
	Basin <u>SiouxFiver</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.) _____

1. Name of Applicant Hillcrest Colony Hutterian Brethren Phone 605-532-5616
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address RR1 Box 17 Garden City State SD 57236-9711
(Street, RR, or Box) (Zip Code)

2. Amount of water claimed 0.155 *CFS or 70 **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 Either Dakota Formation or Altamont 3 aquifer depending on test boring results SE 1/4

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 1/4 of S15, T117N, R57W

County Clark

5. County or counties where water will be used Clark

6. 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)

The proposed well would primarily be used for domestic supply, but would be available as a back-up well for the applicant's livestock feeding operation. A test hole will evaluate if a suitable well can be developed in the Dakota Formation, if not the lower portion of the hole will be plugged and the well developed from the Altamont 3 aquifer.

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)

SS

County of Beadle

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 H. Hem
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- Drill Hole Diameter est 4" to 8" Depth up to 1300'
- Casing Type PVC Sch 80 Diameter 3" below 500' 5" above 500' Thickness _____
- Screen Type PVC Diameter 3" if Dakota 5" if Altamont Thickness _____
- Gravel Pack Thickness up to 1 1/2" Length of Gravel Pack 100' to 150' est
- Depth to Top of Water Bearing Material 400' +/- For Altamont 1200' +/- For Dakota
- Depth to Water (ground surface to water level) to be determined
- Distance to nearest existing domestic well: _____

On applicants property 100' to 200' On property owned by others about 4000'

Note: The initial plan is to place a boring into the Dakota Formation to determine if suitable quantity and quality is available. If not, the lower portion of the hole will be plugged and a well developed in the Altamont 3 aquifer. A 5" ~~hole~~ well would be cased through the Altamont aquifer. A 3" well would be cased below that elevation.

2. Wastewater Disposal System Information

- Type of System (i.e. septic tank, drain field) Altamont aquifer. A 3" well would be cased below that elevation.
- System Capacity (gallons) _____
- Year Constructed _____
- Connected to the City of _____ Sanitary System.

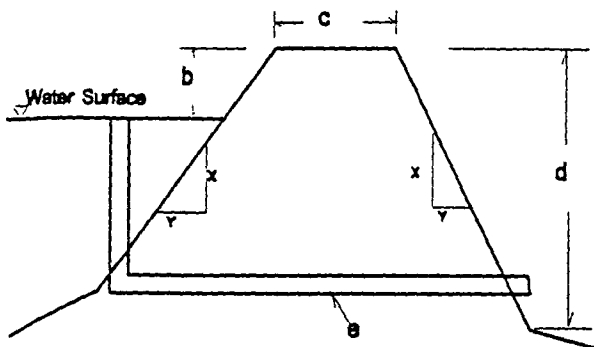
3. Dugout Information

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

4. Water Storage Dams

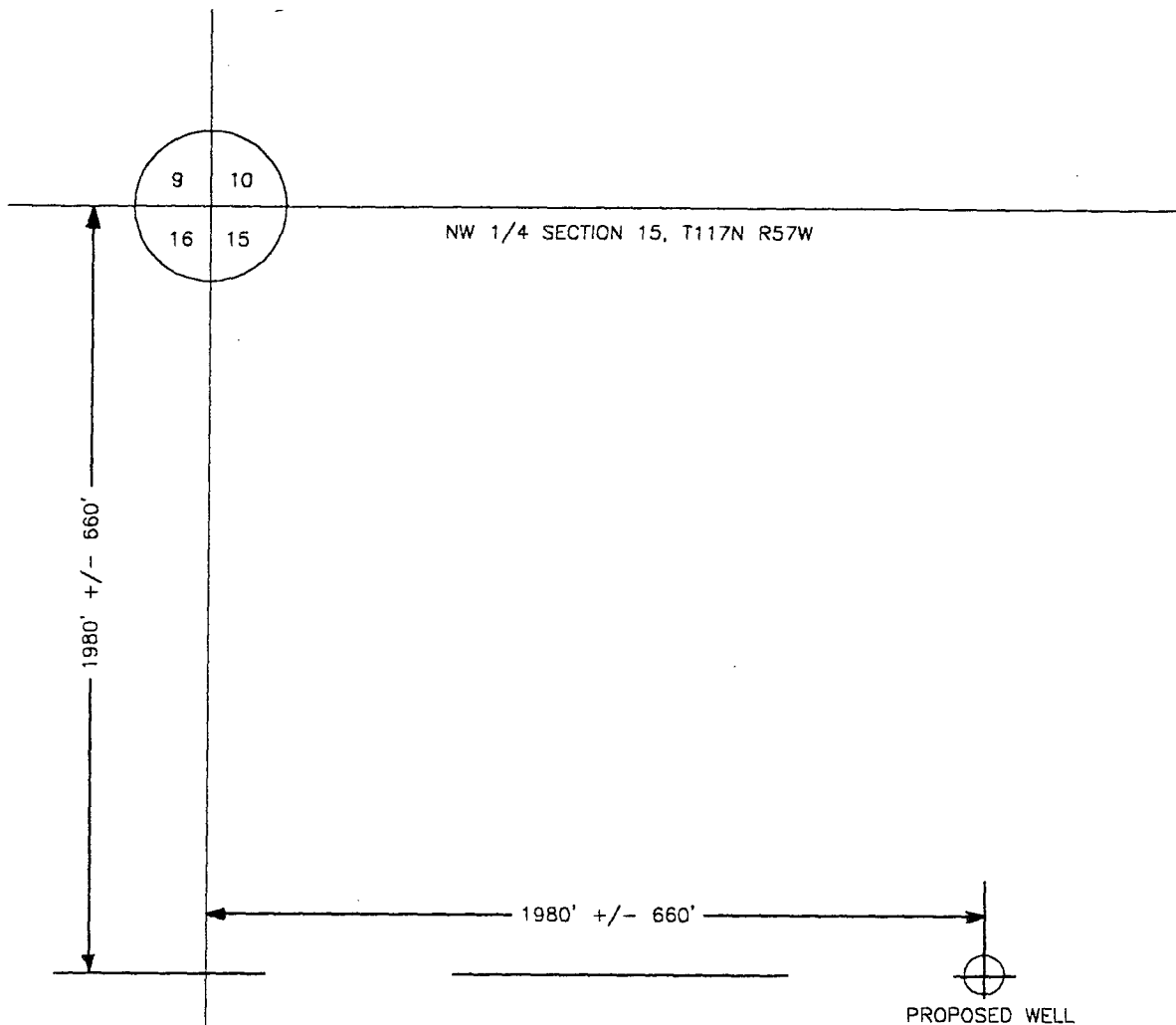
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



- Freeboard _____
- Crest Width _____
Crest Length _____
- Height _____
- Primary Outlet Capacity _____
If pipe, diameter _____
- Secondary Spillway Capacity _____
Spillway Width _____
- X & Y Slope
Upstream _____
Downstream _____
- Surface Area of Impoundment _____
- Storage _____ Acre Feet
- Drainage Area Above Dam _____ Acres

NORTH
4



NOT TO SCALE

DWG NO: 2

JOB NO. 96111

3/16/98

DRAWN: BF

CHECKED: DLJ

REV.	DATE	DESCRIPTION	BY	CKD

PROPOSED WELL LOCATION

HILLCREST COLONY
WATER PERMIT

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

6062-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415696

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. <u>6062-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By

Chief Engineer

John Waters

(KS)

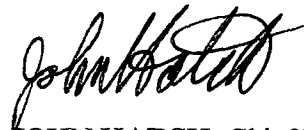
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6062-3, Hillcrest Colony Hutterian Brethren**

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. 6062-3, 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. 6062-3 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6062-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. Permit No. 6062-3 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

NOTE: Once the well is constructed and fully developed, the well completion report will need to be filed indicating which formation is the water source.



**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

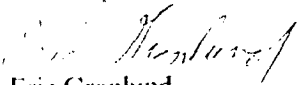
Enclosed is a Notice of Hearing on Application Nos. 6061-3 and 6062-3 to Appropriate Water to be published twice. Please publish the first notice on April 8, 1998, with the second publication 7 days later.

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 _____

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.

WATER RIGHT PROGRAM

SOUTH DAKOTA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

FACSIMILE TRANSMITTAL SHEET

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

**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.

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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.

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

4-8-21

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

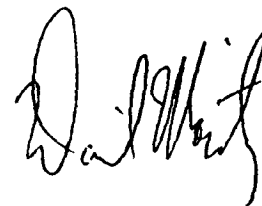
Two (2)

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



Notary Public
Clark County, South Dakota

My Comm. Expires May 27, 2004





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 1998

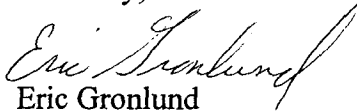
George Waldner
Hillcrest Colony Hutterian Brethren
RR 1, Box 17
Garden City, SD 57236-9711

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.

Permit No. 6062-3
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. **6062-3**, bearing the priority of **March 17, 1998** authorizing the diversion of **0.155** cu. ft. per second of the waters of the **Dakota Formation or Altamont Aquifer** for **commercial and domestic** purposes, in **Clark** County.

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

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Unknown**
- 2) No. of Wells **1**
- 3) Depth(s) **300** feet
- 4) Well log is available **N**
- 5) Comment

Casing:

- 1) Diameter **est. 4-6** inches
- 2) Length **above 500** feet
- 3) Type **PVC Sch 80**

Screen:

- 1) Type **PVC**
- 2) Length _____ feet
- 3) Static water level _____ feet

Pump:

- 1) Make **Grundfos**
- 2) Model
- 3) Size **7.5 hp**
- 4) Capacity **60** GPM

Motor:

- 1) Make **Franklin**
- 2) Model No.
- 3) 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: **Approximately 1955 feet south and 1530 feet east of the NW corner of Section 15-T117N-R57W (N 44.944316, W -97.67135)**. The works are capable of diverting and conveying to the place of use **0.133** cu. ft. per second of water which is to be used for **commercial and domestic use**. Water has been put to beneficial use to the maximum extent as follows:

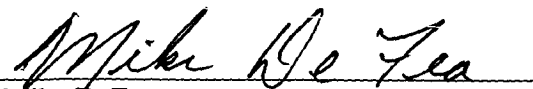
Water from the well is used to supply water for domestic use and for a backup water supply for the livestock containment facility.

The license should be issued for **0.133** cfs and should indicate that the source of water is the **Altamont aquifer**.

All structures, wells and lands on map **Y**

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

The applicant completed Form 2A before construction of the well and proposed two different construction designs dependant upon suitable quantity and quality of water available. The two proposed construction designs were also dependant upon the aquifer used. The proposal indicates that the initial intent was to access the Dakota Formation, however; if the Dakota Formation proved unsuitable to meet their needs, they would plug the lower portion of the well and develop the well into the Altamont aquifer. At the time of the inspection, I was informed that the well was 300 feet deep and there was no well log data available. The representative for the colony also stated that he did not know who drilled the well. As the Altamont aquifer would be at the 300 to 500 foot depth in that area, the information for the well is what was provided by the applicant in Form 2A.



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **June 29, 2007**

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

Water Permit No. 6062-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR Water Rights Program
February 15, 2006



0 0.125 0.25 0.5 Miles



February 21, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

6061-3
6062-3

Michael Waldner
Hillcrest Colony
RR 1 Box 17
Garden City SD 57236-9711

Dear Mr. Waldner

On October 27, 2005, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 6061-3 and 6062-3, was completed by Mike DeFea, a staff engineer with our program. Your final water right document, the water license, can now be issued for each permit.

State law requires that we charge a \$50.00 fee (each) for the investigation and issuance of the water licenses. Upon receipt of the \$100.00 fee from you, we will complete processing your water licenses. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water rights 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 permits, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 9, 2006

REMINDER NOTICE

6061-3
6062-3

Michael Waldner
Hillcrest Colony
RR 1 Box 17
Garden City SD 57236-9711

Dear Mr. Waldner

Water Permit Nos. 6061-3 and 6062-3 authorize use of water for livestock confinement facilities. On February 21, 2006, we advised you that a \$50.00 fee was due for the completed investigation of Water Permit Nos. 6061-3 and 6062-3 (**total of \$100.00**). The fee also covers issuance of the water licenses for the Colony which are the final documents in obtaining and perfecting a water permit.

To date, we have not received the fee and therefore can not issue the water licenses. 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 any permit requirements.

If you have any questions regarding the water permits, investigation of the water use systems or payment of the fees, please contact Genny McMath with our program at (605) 773-3352. The check or money order for the fee should be made payable to the "Water Rights Program".

Sincerely,

Garland Erbele, Chief Engineer
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

August 4, 2006

6061-3
6062-3

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

Dear Mr. Waldner:

I am writing in regard to your Water Permit Nos. 6061-3 and 6062-3 (see enclosed copies). The systems were inspected for licensing purposes in October, 2005.

Prior to issuing a water license for each, a fee of \$50.00 each is due which covers the cost of the investigation and the water license. Letters were written on February 21 and May 9th, 2006 requesting the fee and to date, nothing has been received. I have included a copy of these letters for your review.

Water Permit No. 6062-3 included a condition that a well log be submitted in order for us to determine if the well was drilled into the Dakota Formation or the Altamont Aquifer. At the time of inspection, our staff engineer spoke with Michael Waldner about the log and was told that he did not know who drilled the well and did not have a log. This issue needs to be resolved prior to licensing. If you do not have a copy of the well log, please review your records to determine who drilled the well and we can go ahead and contact the driller.

To recap, the following is required:

- A total of \$100 for the investigation and issuance of Water License Nos. 6061-3 & 6062-3
- A copy of the well log for No. 6062-3

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Jan 26, 20 07

RECEIVED OF Hillcrest Hutterian Brethren Inc., 1004 Hillcrest Dr, Garden City SD

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>6062-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

02874

By Harland Ebele

Chief Engineer

K5



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 23, 2007

6062-3

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

Dear Mr. Waldner:

I am writing in regard to your Water Permit No. 6062-3. Mike DeFea with our program inspected the system for licensing purposes in October, 2005. One of the items still needed before the Water License can be issued is a well log or some sort of verification as to what aquifer the well was drilled into.

The original permit for Water Permit No. 6062-3 (copy enclosed) authorized a well into either the Dakota Formation or the Altamont Aquifer. If the quantity or quality of the Dakota Formation was not suitable to meet the colony's needs, the lower portion of the hole was to be plugged and the well developed into the Altamont Aquifer.

In order for the permit to be licensed, the colony will need to do at least one of the following:

- Submit the well completion report for the well;
- Send us the name of the well driller so we can get in contact with them to obtain a copy of the log;
- Have the well depth measured by a licensed well driller and report it to us; or
- Submit a water quality analysis of the well water so we can try to determine the source aquifer.

The license can be issued as soon as a determination is made on what aquifer was developed. If you have any questions or need help with the above, please contact Mike DeFea or Ken Buhler with our program.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

SIEGEL, BARNETT & SCHUTZ, L.L.P.

ATTORNEYS AT LAW
415 S. MAIN STREET - 400 CAPITOL BUILDING
P.O. BOX 490

ABERDEEN, SOUTH DAKOTA 57402-0490

TELEPHONE (605) 225-5420

FAX (605) 226-1911

Web Site: www.sbslaw.net

RAYMOND M. SCHUTZ
HARVEY C. JEWETT
JEFFREY T. SVEEN
JOSEPH P. BARNETT
REED RASMUSSEN
GREGG C. MAGERA
KATHRYN J. HOSKINS
JULIA M. DVORAK*
RODRICK L. TOBIN
MATTHEW T. TOBIN

*Also Licensed in North Dakota
• Also licensed in Montana

STAN SIEGEL (1928-1996)
JOSEPH H. BARNETT (1931-1985)
TERENCE A. O'KEEFE (1938-1999)

SIoux FALLS OFFICE
300 NORTH DAKOTA AVENUE, SUITE 606
P.O. BOX 1286
SIoux FALLS, SOUTH DAKOTA 57101
TELEPHONE (605) 335-6250
FAX (605) 335-6749
[E-mail: siegellawsf@sbslaw.net]

July 19, 2007

VIA E-MAIL
genny.mcmath@state.sd.us

Ms. Genny McMath
Environmental Scientist
Water Rights Program
Department of Environment and
Natural Resources
523 E. Capitol
Pierre, SD 57501-3182

Re: Hillcrest Colony

Dear Genny:

Thank you for your July 18 e-mail with attached letters and water license information regarding No. 6062-3. I have forwarded this information to Mr. George Waldner at the Colony and requested that he get back to me regarding this matter. Once I have additional information regarding either the well log and/or source aquifer, I will be in contact with you. Thank you for your continued cooperation and assistance.

Very truly yours,

Gregg Magera
of SIEGEL, BARNETT & SCHUTZ, L.L.P.
gmagera@sbslaw.net

GM/ks

pc: Mr. George Waldner

RECEIVED

OCT 17 2007

WATER RIGHTS
PROGRAM**South Dakota
State University**Oscar E. Olson Biochemistry Laboratories
Analytical Services LaboratoryBox 2170, Rm. 133 ASC
Brookings, SD 57007-1217
Telephone: (605) 688-8171
FAX: (605) 688-8285
WEB: <http://anserv.sdstate.edu>**Report of Analysis**HILLCREST COLONY
MIKE WALDNER
1004 HILLCREST DR.
GARDEN CITY, SD 57238Reported: 09/20/2007
Received: 09/12/2007

<u>07S-14423</u>	WATER WELL 400 FT. 9/10/07
Alkalinity, mg CaCO ₃ /L (ppm)	328
Bicarbonate, mg/L (ppm)	400.00
Bicarbonate, meq/L	6.56
Carbonate, mg/L (ppm)	N.D.
Carbonate, meq/L	N.C.
Chloride, mg/L (ppm)	67.0
Chloride, meq/L	1.89
Electrical Conductivity, umhos/cm	2700
Electrical Conductivity, dS/M	2.70
Nitrate Nitrogen, mg/L (ppm)	0.0700
pH	7.5
Sulfate, mg/L (ppm)	1100
Sulfate, meq/L	23.0
Boron, mg/L (ppm)	1.12
Calcium, mg/L (ppm)	133
Calcium, meq/L	6.64
Magnesium, mg/L (ppm)	81.0
Magnesium, meq/L	6.67
Potassium, mg/L (ppm)	8.7
Potassium, meq/L	0.220
Sodium, meq/L	18.1
Sodium, mg/L (ppm)	415
Sodium Absortion Ratio	7.00
Bower Adjusted Sodium Absorption Ratio	N.C.

PROBABLY ALTAMONT WATER
KB 10/17/07



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 30 2007

6062-3

Michael Waldner
Hillcrest Colony
1004 Hillcrest Dr
Garden City SD 57236

Dear Mr. Waldner:

Enclosed is Water License No. 6062-3 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. 02874 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. 6062-3, 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. 6062-3**

(1) Hillcrest Colony Hutterian Brethren, 1004 Hillcrest Dr., Garden City SD 57236 made Application No. 6062-3, March 17, 1998 for a water permit to divert 0.155 cubic feet of water per second from ground water (one well – Dakota or Altamont), Clark County, South Dakota for domestic and commercial purposes. Permit No. 6062-3, 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.

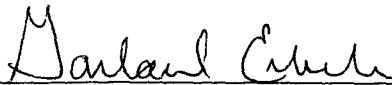
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.133 cubic feet of water per second for beneficial use. The location of the diversion point is 1,955 feet south and 1,530 feet east of the NW corner of Section 15, T117N, R57W (SE ¼ NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(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. 6062-3 is issued a license to appropriate water, the right to use 0.133 cubic feet of water per second from ground water (one well – Altamont Aquifer) with a priority date of March 17, 1998 from the location specified in (2) of this license for commercial and domestic purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6062-3 and subject to the following qualifications:

- The well approved under this Water Right 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.
- The well authorized by No. 6062-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
- Water Right No. 6062-3 is subject to compliance with the 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, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 30 2007

date

