

WATER PERMIT NO. 6096-3

Name of Applicant: Huron Colony

Address: RR 2, Box 185, Huron SD 57350

Phone: 605 352-5647

Amount of Water Claimed: 0.098 cfs (44 gpm)

Total Acres:

Source of Water Supply: groundwater (5 wells)

Water to be used for: domestic and commercial

County: Beadle

Type of Waste Disposal System:

Location: 13 miles north of Huron

PRIORITY

Date Received: 8-24-1998

Fee: \$50.00

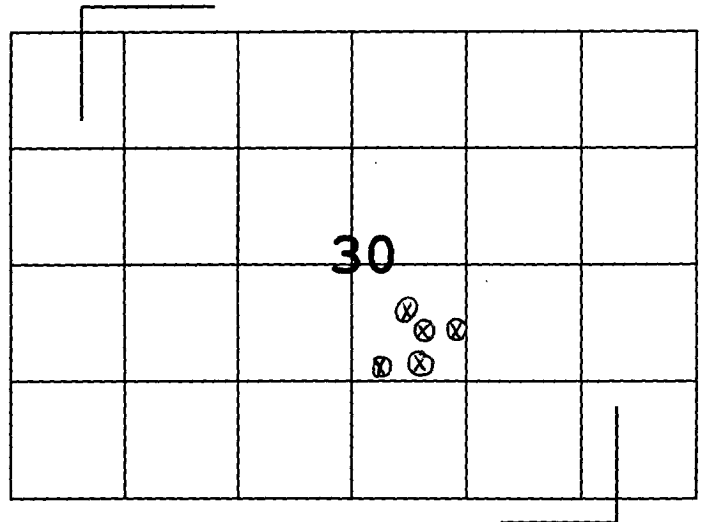
Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW ¼ SE ¼ Sec 30-T113N-
R61W

Land to be Irrigated: NA



Depth of Well: 745 – 800 feet deep

Well Driller: Huron Drilling (3 wells)

Remarks:

Type of Map: topo

Prepared by: James S Hodgens, P.E.

Reviewed and the Number Assigned on: 8-24-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6096-3

Date of first receipt of application August 21, 1998.

The Water Management Board approved Water Permit Application No. 6096-3 on December 2, 1998 for Huron Colony, 40068 Huron Colony Lane, Huron SD 57350 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. 6096-3 appropriates 0.098 cubic feet of water per second (cfs) (44 gallons per minute) from five existing wells (Dakota Formation) 745 feet to 800 feet deep located in the NW ¼ SE ¼ Section 30-T113N-R61W. Vested Water Right No. 6095-3 appropriates 0.031 cfs from the same 5 wells for a total appropriation of 0.129 cfs (58 gpm).
2. The appropriated water is used for a swine confinement facility, other livestock and domestic use and may not exceed the amount of water needed for beneficial use for the Colony.
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 August 21, 1998.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

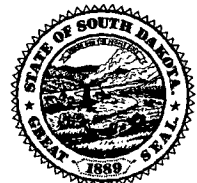
1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights
2. Permit No. 6096-3 is subject to compliance with requirements of the General Water Pollution Control Permit for the new concentrated swine feeding operation.
3. The Dakota Formation wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used (directly or for storage purposes). If any well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
4. Permit No. 6096-3 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.

WATER MANAGEMENT BOARD

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

JAN 19 1999

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	No. <u>6096-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>Panor River</u>
	Newspaper <u>The Plainsman, Huron, 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 <u>AWMS</u>	

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 HURON COLONY ; 40068 HURON COLONY LN. Phone 605-352-5647
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address RR2, Box 185 HURON State SD, 57350
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.098 *CFS or 44 ~~45~~ **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 GROUNDWATER

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 5 WELLS IN
NW 1/4 SE 1/4 OF SECTION 30, T 113N, R 61W
County BEADLE

5. County or counties where water will be used BEADLE

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)

CURRENT WATER USAGE AT THE COLONY EXCEED THE REQUIREMENTS IN THE GENERAL PERMIT FOR CONCENTRATED SWINE, AND THE COLONY IS THEREFORE APPLYING FOR A WATER RIGHTS PERMIT.

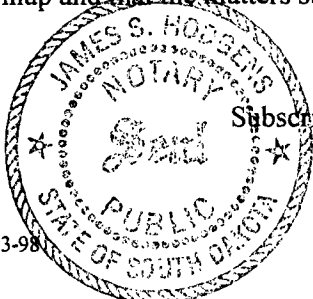
STATE OF SOUTH DAKOTA) SS
County of BEADLE

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, ALVIN 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.

Applicant's signature Alvin Waldner

Subscribed and sworn to before me this 14TH day of AUGUST 19 98



James S. Hodgins
Notary Public signature

MY COMMISSION EXPIRES 8-4-04

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction (WELL # 1228)

- a) Drill Hole Diameter 2" Depth 800 FT
- b) Casing Type 1/2" COPPER Diameter 1 1/4" / 2" Thickness 716 FT
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 100 FT (?)
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicants property < 1/4 MILE On property owned by others > 1 MILE

2. Wastewater Disposal System Information

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

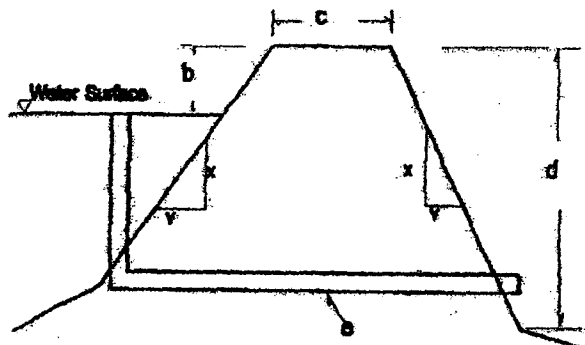
3. Dugout Information

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

4. Water Storage Dams

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

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



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

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction (WELL # 587)

- a) Drill Hole Diameter 3 1/2" Depth 745 FT
- b) Casing Type BLK. Diameter 2" Thickness 157 FT
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 724 FT (?)
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property < 1/4 MILE On property owned by others > 1 MILE

2. Wastewater Disposal System Information

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

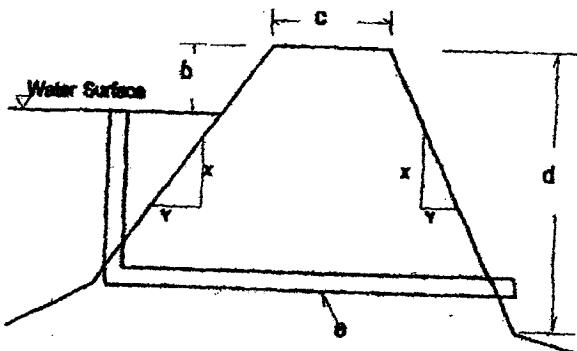
3. Dugout Information

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

4. Water Storage Dams

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

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



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

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction (WELL # 5362)

- a) Drill Hole Diameter 6" / 4" / 3" Depth 800 FT
- b) Casing Type #80 PLASTIC Diameter 3" Thickness 93 FT
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 740 FT (?)
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property < 1/4 MILE On property owned by others > 1 MILE

2. Wastewater Disposal System Information

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

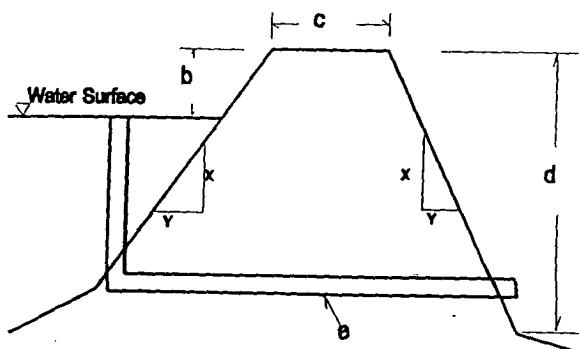
3. Dugout Information

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

4. Water Storage Dams

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

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



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

1228 HOG BARN

Huron Colony

OWNER

WELL REPORTBeadle County
S.W.-30-113-61

DESCRIPTION

HURON
DRILLING CO.
Huron, S. D.

Dec. 26, 1959

DATE

CASING LOG

Depth 800 ft.
 Flows 20 gpm 84 ft. 2" Std. pipe to 84 ft.
 Pumps 700 gpm 1 1/4" K. Copper pipe to 700 ft.
 Head 100 ft. 2" K. Copper pipe to 800 ft.
 100 ft. @ bottom
 Perforations ft. pipe to ft.

Pressure

REMARKS

2 Days

Drilling Time

Perf. 700-800 Ft.

Rig No. 1

Ray Horn

Foreman



587

Huron Colony

OWNER

WELL REPORTNorth of Huron
DESCRIPTIONHURON
DRILLING CO.
Huron, S. D.1950
DATE**CASING LOG**

Depth 745 ft.
 Flows 37 1/2 gpm 168 ft. 3" blk. pipe to ft.
 Pumps 10 gpm 3" galv. pipe to 178 ft.
 Head 588 ft. 2" blk. pipe to 745 ft.
 21 ft. @ bottom
 Perforations ft. pipe to ft.

Pressure

REMARKS

Drilling Time

21 ft. lap & 2 x 3 packer

Rig No.

CWA

Foreman

Perf. 724-745 ft.

5362

Huron, SD
WELL REPORT

HURON
DRILLING CO.
Huron, S. D.

Huron Colony
OWNER

30-113-61 Beadle
DESCRIPTION

July 17, 1971
DATE

Depth 800 ft.

CASING LOG

Flows 60 gpm 64 ft. 6" cemented pipe to 64 ft.

Pumps _____ gpm 53 ft. 4" Class 200 Plastic pipe to 53 ft.

Head _____ ft. 687 ft. 3" Sch #80 Blank Plastic pipe to 740 ft.

60' @ Bottom 60 ft. 3" Sch #80 Perf Plastic pipe to 800 ft.

Perforations

Pressure

3 days

Drilling Time

740-800

REMARKS

2 - 5" James Bits 6" Reamer

1 - 5 5/8" Retipped Rock Bit

Rig No. 7
Lloyd Peterson
Foreman





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 22, 1998

Alvin Waldner
Huron Colony
RR2, Box 185
Huron, SD 57350

Dear Mr. Waldner:

I am writing to ensure that you are aware of water right permit requirements in South Dakota for Huron Colony's proposed swine facility. Huron Colony's proposed facility was brought to my attention when plans were submitted for coverage under the general water pollution permit for a concentrated swine feeding operation.

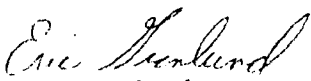
I believe the submitted plan for the swine facility assumes an average water use of 18 gallon per minute with a 25 gallons per minute peak diversion rate. The use of the word "assumes" in your plans gives the appearance that the actual diversion rate needed has not been finalized. State law requires that a water right permit be obtained to supply a livestock confinement feeding operation if the amount of water for **all** uses from wells at the site exceeds 25,920 gallons per day or if the **maximum** pump rate is greater than 25 gallons per minute. The water usage at the colony's proposed facility is at the threshold of where a water right permit is required. If water use either on a daily volume or peak diversion rate is greater than what is listed on the plans, a water right permit will be required.

I am enclosing a water right permit application form and instruction sheet in the event the colony's water use requires a water right permit. I know Huron Colony has irrigation water rights so the colony is familiar with the water right permitting process.

The water right permitting process can take up to six months to complete or even longer if the application is contested and appealed to the court system. I want you to be aware of these time frames for planning purposes. Construction of the facility may be delayed until the necessary water right permit, if necessary, is secured.

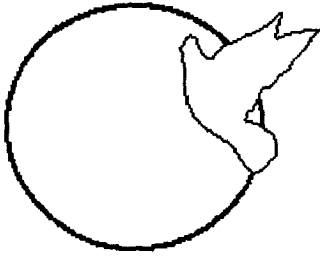
If you have questions about the water right permitting process, please feel free to contact me.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

c: Jay Hodgens, Hodgens Engineering, 160 Dakota Ave. South, Huron SD 57350



HODGENS ENGINEERING

“Working to Protect our Valued Resources”

July 1, 1998

Attn: Eric Gronlund
South Dakota DENR, Water Rights Program
Joe Foss Building, 523 East Capitol
Pierre, SD 57501-3181



RE: Huron Colony Water Rights Permit

Dear Eric,

In response to your letter to Alvin Waldner of Huron Colony dated June 22, 1998, I have researched the water usage at Huron Colony more closely. I do not believe a water rights permit is required by the colony as indicated in the Engineer's Report in the submittal for their swine facility. We did not explicitly list the water usage, only stated it was under the 25,920 gallons per day or maximum pump rate of 25 gallons per minute. Our estimate for the water flows is 17,000 gallons per day or a maximum pump rate of 12 gallons per minute based on current water usage.

If you have any further concerns regarding this matter, please feel free to contact me. Thank you.

Sincerely,


Chad E. Hanson, EIT
Staff Engineer

CC: Alvin Waldner



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 11, 1998

Chad E. Hanson
Hodgens Engineering
160 Dakota Avenue
Huron SD 57350

Dear Mr. Hanson:

The Surface Water Quality Program of DENR has informed me that you have submitted revised plans for Huron Colony's swine facility. If you will recall in late June we had correspondence on water right permitting requirements. At that time you indicated water usage for Huron Colony will not exceed the reasonable domestic use criteria for obtaining a water right permit.

The revised plan states that water use totals 22,200 gallons per day for wash water, recharge and human consumption. I believe the colony receives water from five wells. These water use estimates do not appear to include the animal consumption at the Colony's facilities. Based on the information contained in the revised plan, I once again want to make you aware of water right permitting requirements in South Dakota.

State law requires that a water right permit be obtained if the amount of water for **all** uses from wells at the site exceeds 25,920 gallons per day or if the combined **maximum** pump rate is greater than 25 gallons per minute. This includes water used by colony residents, existing facilities and the proposed new facility. If water use either on a daily volume or peak diversion rate is greater than these criteria, a water right permit is required.

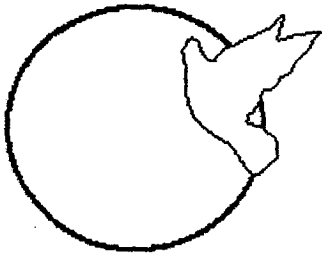
The water right permitting process can take up to six months to complete or even longer if the application is contested and appealed to the court system. I want you to be aware of these time frames for planning purposes. Construction of the facility may be delayed until a water right permit, if necessary, is secured.

If you have questions about the water right permitting process, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

c: Alvin Waldner, Huron Colony, RR2, Box 185, Huron SD 57350
Heath Mathis, Surface Water Quality Program



HODGENS ENGINEERING

"Working to Protect our Valued Resources"

August 19, 1998

Attn: Eric Gronlund
South Dakota DENR, Water Rights Program
Joe Foss Building, 523 East Capitol
Pierre, SD 57501-3181



RE: Huron Colony Water Rights Permit

Dear Eric,

In response to your letter to Alvin Waldner dated August 11, 1998, Hodgens Engineering has re-evaluated the water usage from Huron Colony.

The Colony was originally developed in 1944. Extant well records are sketchy, and some were not able to be located at all. The earliest well record found dates to 1955. It had a 37.5 unpumped flow at that time. It may therefore seem appropriate to identify the original amount applied to beneficial use as 37.5. The maximum design populations for Colonies before they divide and form new ones is generally around 160, though each Colony has there own desired maximum size. Using the maximum population and reasonable current water consumption values, the calculated human consumption would be 14 GPM, including a peak factor of 2.0. No record of animal water demand exists and no flow measurement records are known to exist. Though the identified original beneficial use is 14 GPM, it may seem reasonable to have it be 25, or 37.5 just as easily. If this seems reasonable to you, let us discuss it and I will direct the Colony to develop a revised affidavit of water use.

For the remaining 44 GPM identified in the accompanying evaluation, a water withdrawal application is enclosed.

A single check covering the fees (\$15 for vested right, and \$50 for withdrawal of 45 gpm) is enclosed.

If you have any further concerns regarding this matter, please feel free to contact me or Chad Hanson.

Sincerely,


Jay Hodgins, P.E.
Principal

CC: Alvin Waldner ✓

160 Dakota Avenue, South Huron, South Dakota 57350 hodgens@main.basec.net
605-352-4367 (voice) 605-352-4450 (fax)

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Huron Colony's application

ADDRESS: COUNTY: Beadle

DATE: August 21, 1998 TELEPHONE:

RE: Call to Jay Hodgen's, engineering consultant

COMMENTS:

I contacted Mr. Hodgens to let him know we received the applications for Huron Colony. We discussed the quantity of the vested water right. I indicated the colony can only claim the amount they felt could be proved up. Mr. Hodgens said that the 14 gpm was the amount they could definitely prove based on colony population at the time.

I also asked if the 14 gpm and 44 gpm requested on the two applications reflected the peak need or peak ability from the 5 wells. Mr. Hodgens said that figure was the peak need for the colony. That to his knowledge no water is allowed to flow to waste. He indicated they do not know the specific yield of all the wells. He also indicated that not all wells are used on a daily basis but instead are maintained for standby purposes.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415843

Pierre, August 21, 1998

RECEIVED OF Huron Hutterian Brethren, Inc., 40686 Huron Colony Lane, Huron, SD 57350
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6096-3</u> 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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

**HURON HB COLONY
REVISED SWNE LAGOON DESIGN
MODIFIED WATER CONSUMPTION**

REVISED 8/12/98 TO INCLUDE HOG AND HUMAN CONSUMPTION

ANIMAL CONSUMPTION	ANIMAL NUMBER	CONSUMPTION PER HEAD GPD ¹		PEAK HOURLY DIVERSION RATE FACTOR	AVERAGE DAILY WATER CONSUMPTION GPD	PEAK DIVERSION RATE GPM
Sow & Litter	75	8.0			600	0.42
Nursery	1,910	1.0			1,910	1.33
Growers	1,547	3.0			4,640	3.22
Finisher	3,093	4.0			12,373	8.59
Gestating	575	6.0			3,450	2.40
Boars	24	8.0			192	0.13
TOTAL ANIMAL CONSUMPTION				1.8	23,165	29

WASHDOWN REQUIREMENTS ²	HOURS PER WEEK	FLOW RATE GPM	AVERAGE DAILY WATER CONSUMPTION GPD	PEAK DIVERSION RATE GPM
Total facility washdown	16	10.00	1,371	10.00
TOTAL WASHDOWN REQUIREMENT			1,371	10

RECHARGE REQUIREMENTS ²	FLUSH TIME MIN.	MAX. FLUSH FREQ. DAYS	AVERAGE PIT FLUSH VOLUME GPD	ROOMS QUANT.	TOTAL AVERAGE FLUSH VOLUME GPD	
TOTAL FACILITY	120	180	3	8	4,800	
TOTAL RECHARGE VOLUME					4,800	5

HUMAN CONSUMPTION ⁴	MAXIMUM POPULATION	PEAK HOURLY DIVERSION RATE FACTOR	DEMAND G/C/D ³	AVERAGE DAILY WATER CONSUMPTION GPD	PEAK DIVERSION RATE GPM
Entire Colony	160	2.0	65	10,400	14
TOTAL HUMAN CONSUMPTION				10,400	14

TOTAL WATER DEMAND⁴

Maximum water usage allowed without obtaining DENR water withdrawal permit:

29,337 44
25,920 26

IS A PERMIT REQUIRED?**YES**

NOTES:

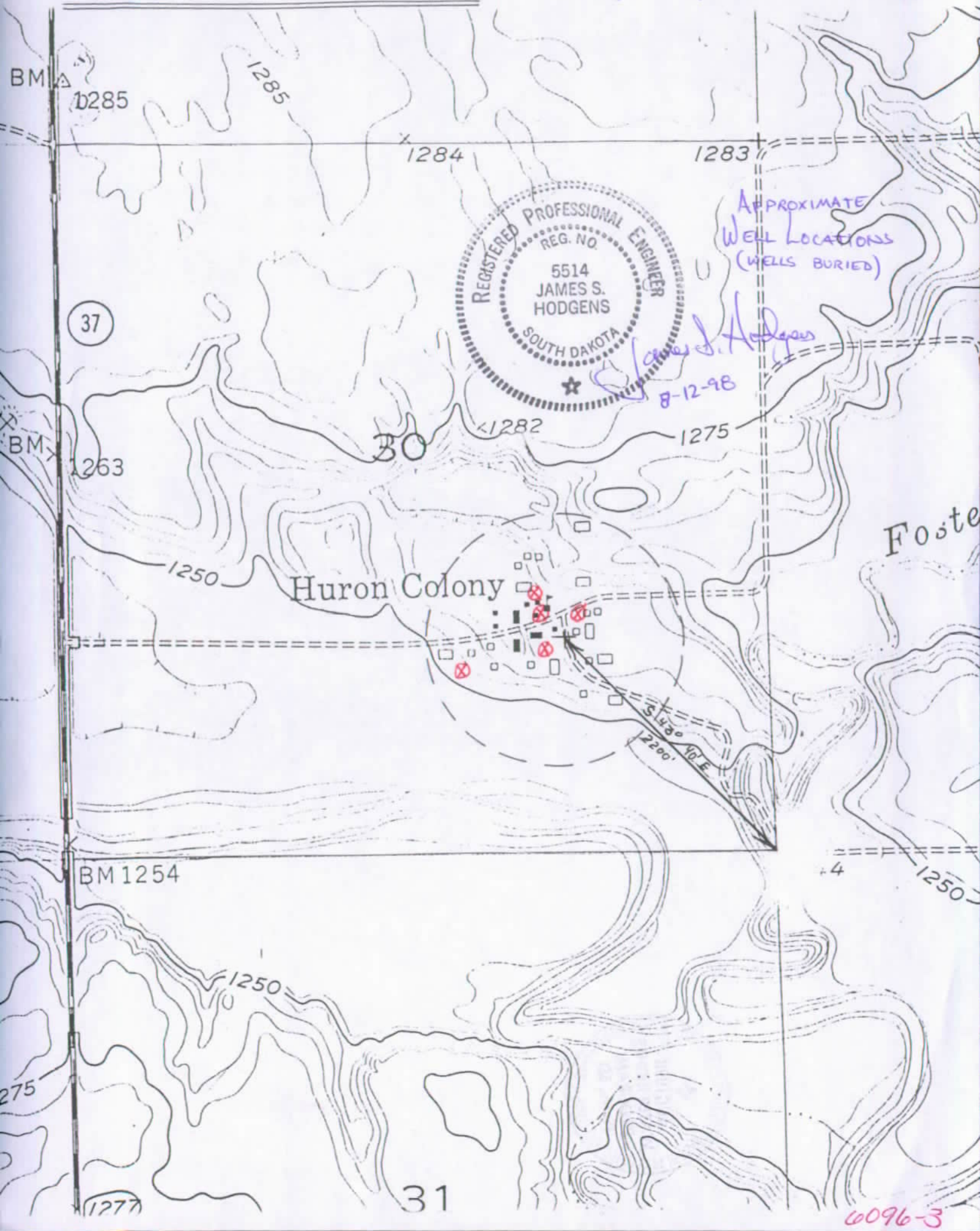
1. Based on Midwest Plan Service Volume 1, "Structures and Environment Handbook", 11th ed., 1983; page 510.1. Includes some wastage.
2. Provided by owner.
3. Estimated flow rate based on SD Regs 74:03:01:57 Multiple family dwellings (75 gpcd), reduced to reflect absence of kitchens - more like a boarding house at 50 gpcd
4. Human consumption is to be provided by vested water right. Colony formed in 1944.

Supply	Location	Construction
hog barns	SW of lagoon in floodplain	in wellhouse
former dairy, hog barns and homes	next to dairy	above grade
homes	SE corner of shop	buried
homes	in front of school	buried
turkey barn	E of compound near turkey barn	above grade

S 43° 40' E @ 2200 FROM SECTION CORNER

T 113 N R 61 W

BEADLE CO



6096-3

REPORT ON WATER PERMIT NOS. 6095-3 & 6096-3
for Huron Colony
September 24, 1998

Application No. 6095-3 is to validate a vested water right claim to appropriate 0.031 cfs (14 gpm) from five existing wells approximately 745 to 800 feet deep located in the NW 1/4 SE 1/4 of Section 30, T113N-R61W in Beadle County. This water use has a claimed priority date of January 1, 1944 for domestic use by the colony.

Application No. 6096-3 appropriates an additional 0.098 cfs (44 gpm) from the same five existing wells listed above. The two applications, combined, provide water for a swine confinement facility, other livestock and domestic use at the colony.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of interbedded sand, sandstone and shale which attains a thickness of about 320 feet in the area of this application (Schoon, 1971). The aquifer underlies 1250 square miles and contains an estimated 18 million acre feet of recoverable water in storage in Beadle County (Hedges, 1982). The aquifer is areally extensive into Spink County to the north, Clark and Kingsbury Counties to the east, Sanborn County to the South and Hand and Jerauld Counties to the west. The aquifer is under confined or artesian conditions at this site. In fact, these wells are all free flowing at the land surface. The information filed with the application indicates wells ranging in depth from 745 feet to 800 feet and were capable of flowing 20 to 60 gpm when completed. Records are available for only three of the five existing wells. The wells appear to have been in accordance with "Slim Hole" standards which would not comply with present well construction standards for this use of water.

Historically, water levels for the Dakota Formation have declined and are continuing to decline across much of South Dakota. According to Schoon, water levels in the James River valley lowlands have declined from 300 to 350 feet and this includes Beadle County and the area of this application. The nearest Dakota Formation observation wells monitored by the Water Rights Program are HD-87A (located about 32 miles southwest of this application) and ED-85A (located about 65 miles northwest of this application). Water levels for these wells illustrate the recent water levels trends for the Dakota Formation. HD-87A shows about a one foot per year rate of decline and ED-85A shows no trend and if anything has come up a few feet. Hydrographs for these two wells are included in this report. In general, the water level trends indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1998).

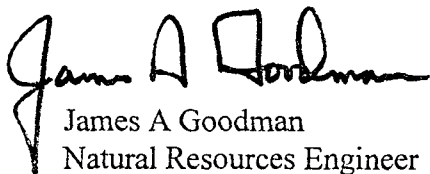
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing Water Right No. 5486-3 for Dakota Formation water issued to Lake Byron Bible Camp for 0.44 cfs and located about two miles southeast of these applications. Interference is not expected to be a concern. All these wells are existing and have been in use for many years with no apparent problems. The Dakota Formation is widely used as a source of domestic water in this area. Most of the wells completed into the Dakota Formation do free flow

at the land surface and although there will be some effect on the static water levels in the area from the individual wells, this should not adversely affect the supply of water from the aquifer. It may be necessary at some future date to place pumps into these wells.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is confined and under artesian conditions. The wells at this site are free flowing at the land surface. These wells must be controlled to the amount of water needed in order to prevent the waste of water.
3. The wells at this site do not appear to be constructed in accordance with SD Well Construction Standards for this water use. However, they are existing wells and have been in use for many years.
4. Interference is not expected to be a concern. There will be some drawdown created by allowing these wells to flow, however, this should not be significant or affect the water availability from the aquifer. It may become necessary to install pumps in the wells to maintain diversion rates.
5. There are two separate water permit applications for this site. Water Permit No. 6095-3 is a vested right claim which can be validated for 0.031 cfs. The water use estimate supplied with the permit application is reasonable. Water Permit No. 6096-3 is a new application for an additional 0.098 cfs. The total appropriation for these application is 0.129 cfs (58 gpm) from the existing five wells.

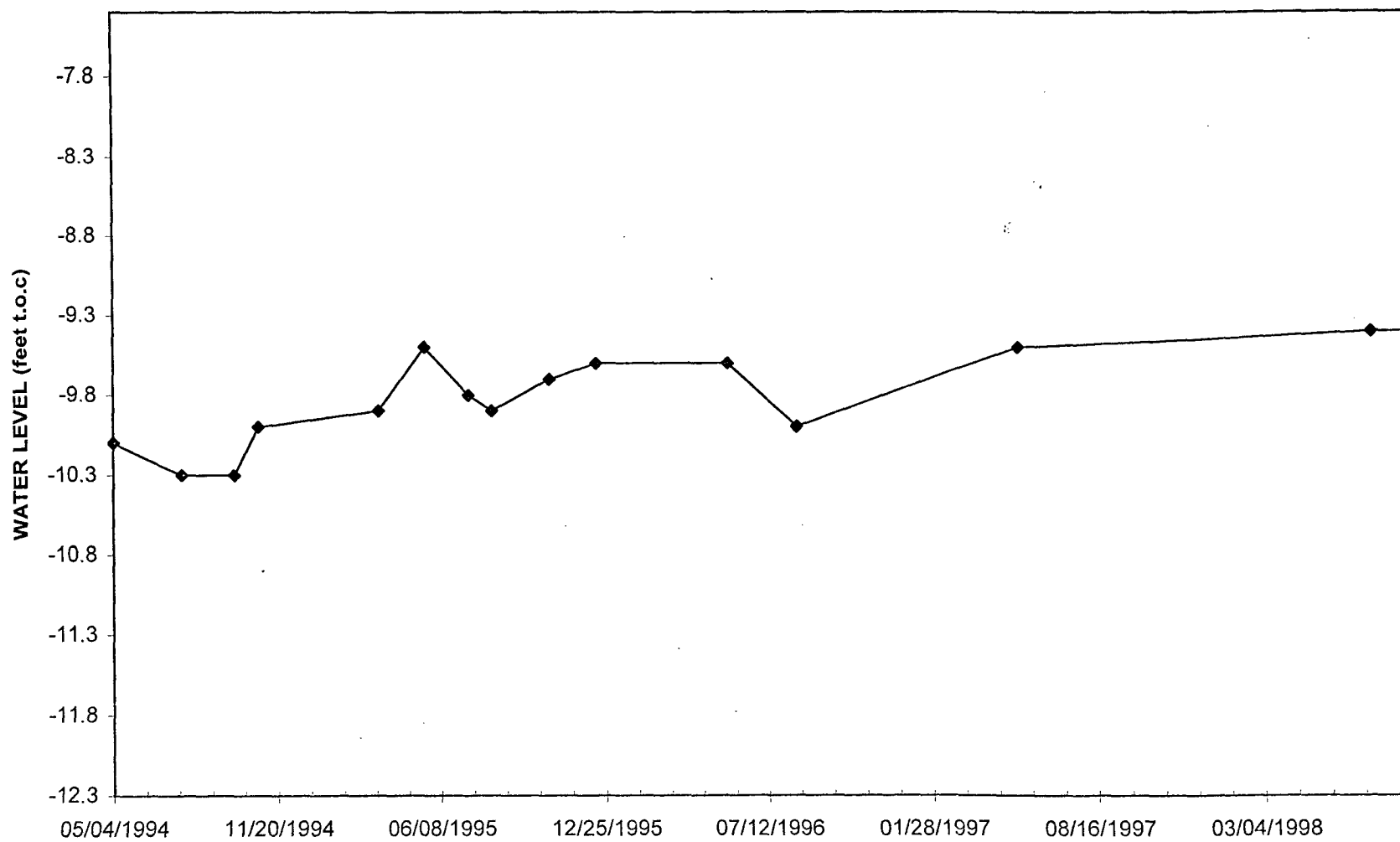


James A Goodman
Natural Resources Engineer

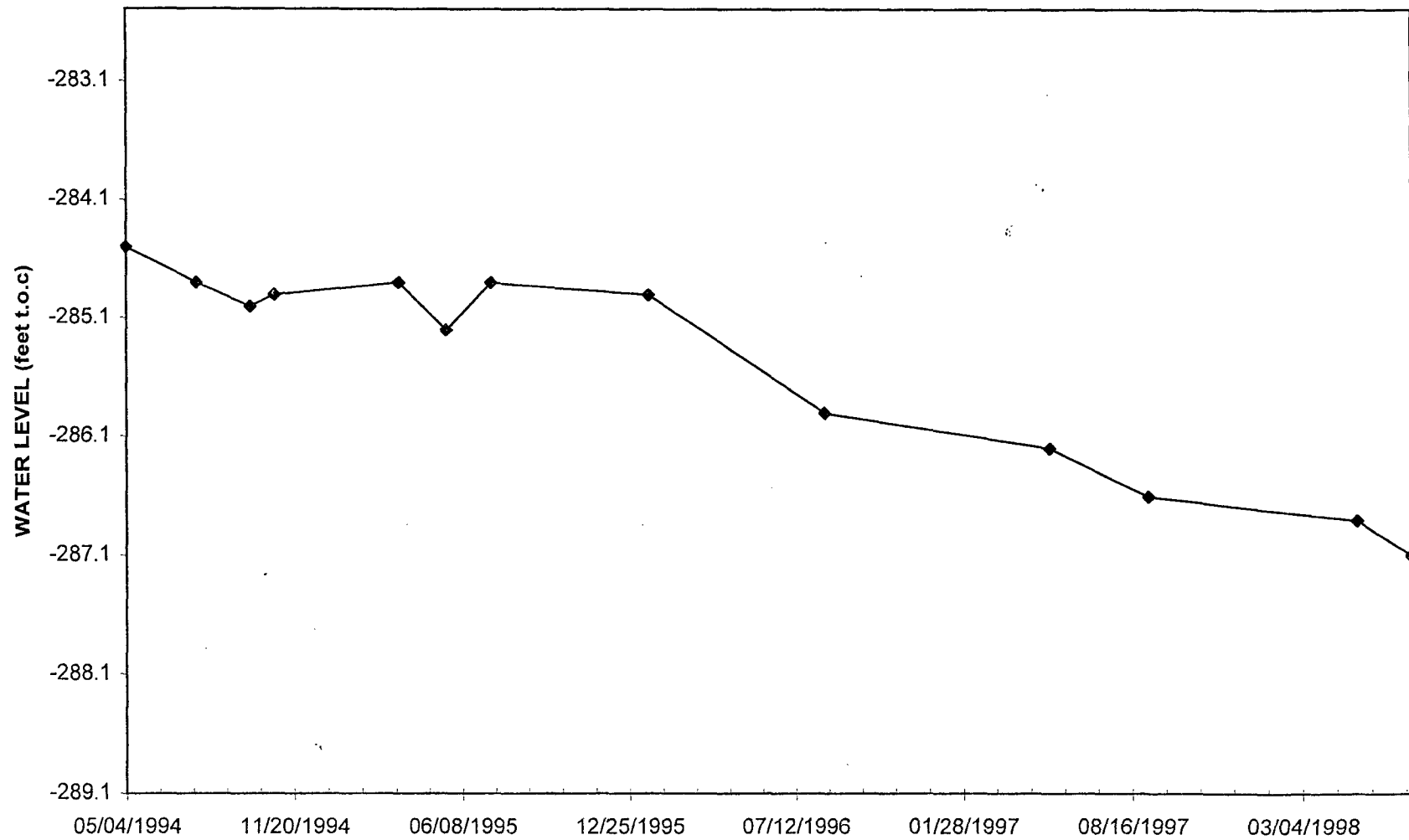
BIBLIOGRAPHY

- Hedges, L.S., et al., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, Report of Investigations No. 104, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1998, Unpublished Observation Well Data for the Dakota Formation, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
ED-85A



WATER RIGHTS' OBSERVATION WELL
HD-87A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6096-3, Huron Colony**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6096-3, Huron Colony, c/o Alvin Waldner, RR 2 Box 185, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 6096-3 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. 6096-3 is subject to compliance with requirements of the General Water Pollution Control Permit for the new concentrated swine feeding operation.
3. The Dakota Formation wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used (directly or for storage purposes). If any well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
4. Permit No. 6096-3 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
October 5, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 6, 1998

Huron Colony
%Alvin Waldner
RR 2, Box 185
Huron, SD 57350

Dear Mr. Waldner:

Water Permit Application Nos. 6095-3 and 6096-3 for domestic and commercial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Plainsman printed at Huron, SD (Ph # (605) 352-6401). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

c: Jay Hodgens, Hodgens Engineering, 160 Dakota Avenue South, 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.



October 6, 1998

The Plainsman
P.O. Box 1278
Huron, SD 57350-1278

ATTENTION: Legal Department

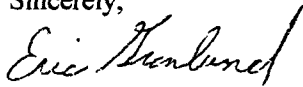
Enclosed is a Notice of Hearing on Application Nos. 6095-3 and 6096-3 to Appropriate Water to be published twice. Please publish the first notice on October 15, 1998, with the second publication 7 days later.

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 Huron Colony, %Alvin Waldner, RR 2, Box 185, Huron, SD 57350 (Ph # (605) 352-5647).

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

-----CU T HERE-----

Nos. 6095-3, 6096-3

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

Date _____

We are in receipt of your letter of October 6, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6095-3 and 6096-3 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on October 15, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate Vested Water Right Application No. 6095-3
and Application No. 6096-3 to Appropriate Water

Notice is given that Huron Colony, c/o Alvin Waldner, RR 2 Box 185, Huron SD 57350 has filed the following applications:

Application No. 6095-3 is to validate a vested water right claim to appropriate 0.031 cubic feet of water per second (cfs) [14 gallons per minute] from five existing wells (Dakota Formation) 745 feet to 800 feet deep located in the NW ¼ SE ¼ Section 30-T113N-R61W. This water use has a claimed priority date of January 1, 1944.

Application No. 6096-3 appropriates an additional 0.098 cfs (44 gallons per minute) from the five existing wells listed above. The two applications, combined, provide water use for a swine confinement facility, other livestock and domestic uses at the colony.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 6095-3 for 14 gpm because 1) water has been appropriated as described for domestic use at the colony with a claimed priority date of January 1, 1944, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6096-3 for 44 gpm because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 20, 1998. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider these applications at 10:00 a.m., December 2, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The December 2, 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 applications. The request for an automatic delay must be filed by November 20, 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 November 20, 1998, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Beadle) SS.

I, Leslie Fraser

certify that the attached printed Notice was taken
from the Plainsman

printed and published in Huron

County of Beadle and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

October 15, 1998

October 22, 1998

Cost of Printing One hundred

fifty & 00/100 dollars

Leslie Fraser
(Signature)

Business Manager
(Title)

October 22, 1998
(Date Signed)

FP 10-15-98 L.P. 10-22-98

NOTICE OF HEARING
To Validate Vested Water Right
Application No. 6095-3 and
Application No. 6096-3 to
Appropriate Water

Notice is given that Huron Colony, c/o Alvin Waldner, RR 2 Box 185, Huron, SD 57350 has filed the following applications: Application No. 6095-3 is to validate a vested water right claim to appropriate 0.031 cubic feet of water per second (cfs) [14 gallons per minute] from five existing wells (Dakota Formation) 745 feet to 800 feet deep located in the NW 1/4 SE 1/4 Section 30-T113N-R61W. This water use has a claimed priority date of January 1, 1944.

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Nettie H Myers, Secretary
Department of Environment
and Natural Resources
No. 415 (add)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 2001

6096-3

Huron Colony
Alvin Waldner
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Waldner

On June 26, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 6096-3, was completed by Ron Duvall, a staff engineer with our program. Your final water right document, the water license, can now be issued.

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

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

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

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 2002

REMINDER NOTICE

6096-3

Alvin Waldner
Huron Colony
40068 Huron Colony Lane
Huron, SD 57350

Dear Mr. Waldner:

On August 13, 2001, we advised you that a \$50.00 fee was due for the completed investigation of your Water Permit No. 6096-3. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water permit.

To date, we have not received the fee and therefore can not issue the water license. 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 permit, investigation of your water use system or payment of the fee, 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

CERTIFICATION

I hereby certify that on February 19, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 19, 2002 regarding Reminder Notice Nos. 1913-2, 2471B-3, 5627A-3, 5685-3, 5711-3, 5780-3, 6096-3 addressed as stated below:

5627A-3
Levi Tschetter
Poinsett Colony
46527 189th St.
Estelline, SD 57234

2471B-3
Buell & Craig Slepikas
542 4th St SW
Huron, SD 57350

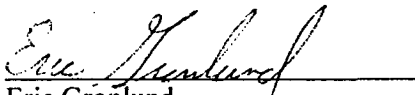
1913-2
Greg Bryant
Happy Holiday Campground
8990 S Hwy 16
Rapid City, SD 57702

5711-3
Mabel Almos
Buffalo Lake Restaurant
11977 BIA Rd
Eden, SD 57232

5685-3
Jim Geier
Bowdle Livestock Exchange
32575 Hwy 12
Bowdle, SD 57428

5780-3
Walter C. Wolf
Box 349
Leola, SD 57456

6096-3
Alvin Waldner
Huron Colony
40068 Huron Colony Lane
Huron, SD 57350



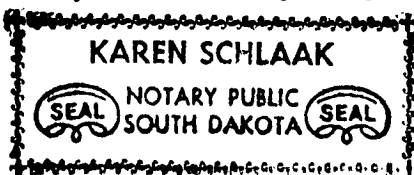
Eric Grönlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of February, 2002.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

712 417101

Pierre, February 26, 20 02

RECEIVED OF Huron Hutterial Brethren Inc., 40068 Huron Colony Ln, Huron, SD 57350-8001
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 6096-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Darlan S. Ebel

Chief Engineer

gm

Permit No. 6095-3 & 6096-3

James River - Water District

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

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

I have this day, **June 26, 2001**, made a thorough examination of the water use system constructed by **Huron Colony** of **40068 Huron Colony Lane, Huron SD 57350** holder of Permit No. **6095-3 and 6096-3**, bearing the priority of **January 1, 1944 and August 21, 1998, respectively**, authorizing the diversion of **0.031 and 0.098** cu. ft. per second, respectively, of the waters of **ground water (Dakota Formation)** for **commercial and domestic** purposes, in **Beadle** County.

Inspection contact & relationship to permit holder, if applicable: **Larry Waldner**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Huron Drilling**
- 2) No. of Wells **5**
- 3) Depth(s) **≈745 to 800** feet
- 4) Well log is available **Y (for 3 wells)**
- 5) Comment: **no logs for 2 wells**

Casing\Screen:

- 1) Diameter **3 in to 1¼** inches
- 2) Length **≈745 to 800** feet
- 3) Type **Plastic, Copper**

B. Works used to transport\apply water to beneficial use:

All of the wells are flowing wells with booster pumps used to move water around the colony.
The wells are used as follows:

- **Two northern-most wells in NW¼SE¼ supply the laundry, shop and homes**
- **Southern well in NW¼SE¼ supplies hog barn and one home**
- **Well in SE¼SW¼ supplies hog barn**
- **Well in SW¼SW¼ supplies turkey barns**

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Exceptions to compliance are: **none**

The system is in **good** condition with the point(s) of diversion located as follows: **5 wells: 2,070 feet N and 1,675 feet W (NW¼SE¼); 2,030 feet N and 1,900 feet W (NW¼SE¼); 1,450 feet N and 1,730 feet W (NW¼SE¼); 1,120 feet N and 3,120 feet W (SE¼SW¼*); 200 feet N and 50 feet E (SW¼SW¼ section 29*); all from the SE corner section 30-T113N-R61W.** The works are capable of diverting and conveying to the place of use **0.129** cu. ft. per second of water which is to be used for **commercial and domestic purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **0.129** cfs.

Report of Examination of Works

Permit No. 6095-3 and 6096-3

Comments or other permit(s) associated with the project: **none** | All structures, wells and lands on map Y

***The wells located in the SE¼SW¼ section 30 and SW¼SW¼ section 29 are both outside of the permitted area in the NW¼SE¼ section 30-T113N-R61W. See the attached file documentation dated August 8, 2001 to correct the location of the wells. Vested Right Water License No. 6095-3 should be reissued to include the correct location of the diversion points.**



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 8, 2001

Approval of Diversion Point Location Change

NAME: Huron Colony

ADDRESS: 40068 Huron Colony Lane, Huron SD 57350

DATE: August 8, 2001 **COUNTY:** Beadle **TELEPHONE:** 352-5647

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**

All of the wells are located in the Dakota Formation as authorized by Nos. 6095-3 and 6096-3 and the actual diversion rate is the same as authorized by Nos. 6095-3 and 6096-3.

- **If irrigation, no new land is irrigated**

Water is used for commercial and domestic purposes.

- **Review of Existing Diversions**

The nearest other permitted Dakota Formation well is at the Lake Byron Bible Camp located about two miles southeast of Nos. 6095-3 and 6096-3. All of these wells have been in existence for a number of years with no reported interference between the wells.

RECOMMENDED ACTION

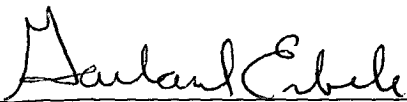
Based on the above criteria, it is recommended that the two diversion points located outside of the permitted area be licensed as developed. The diversion points outside of the permitted area are located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 30 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ section 29; all in T113N-R61W. The other three wells are located within the permitted area in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ section 30-T113N-R61W.



Ron Duvall, Natural Resources 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 of the two wells described above does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

600 0 600 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
August 8, 2001

Nos. 6095-3 & 6096-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6096-3

(1) Huron Colony, 40068 Huron Colony Lane, Huron SD 57350 made Application No. 6096-3, August 21, 1998 for a water permit to divert 0.098 cubic feet of water per second (cfs) from groundwater (5 wells), Beadle County, South Dakota for commercial, livestock and domestic purposes. Permit No. 6096-3, with a priority date of August 21, 1998 was approved December 2, 1998 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

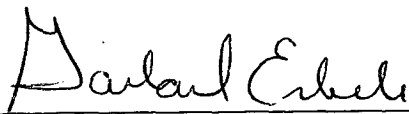
Vested Water Right No. 6095-3 authorizes 0.031 cfs from the same 5 wells for a total appropriation of 0.129 cfs.

An investigation conducted for licensing purposes found the wells under Nos. 6095-3 and 6096-3 were not in the location authorized by the permits. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion points does not increase the potential for interference with existing water rights.

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

- 1) 2,070 feet N and 1,675 feet W (NW $\frac{1}{4}$ SE $\frac{1}{4}$);
 - 2) 2,030 feet N and 1,900 feet W (NW $\frac{1}{4}$ SE $\frac{1}{4}$);
 - 3) 1,450 feet N and 1,730 feet W (NW $\frac{1}{4}$ SE $\frac{1}{4}$);
 - 4) 1,120 feet N and 3,120 feet W (SE $\frac{1}{4}$ SW $\frac{1}{4}$);
 - 5) 200 feet N and 50 feet E (SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29);
- all from the SE corner Section 30-T113N-R61W

(3) Pursuant to South Dakota Water Law 46-5-30.1 Huron Colony, 40068 Huron Colony Lane, Huron SD 57350 the holder and/or owner of Water Right No. 6096-3 is issued a license to appropriate water, the right to use 0.098 cubic feet of water per second from groundwater (5 wells) with a priority date of August 21, 1998 from the locations specified in (2) of this license for commercial, livestock and domestic purposes. This license is subject to any limitations or qualifications listed in Water Right No. 6096-3 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 04 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 04 2002

6095-3 & 6096-3

Huron Colony
% Alvin Waldner
40068 Huron Colony Lane
Huron, SD 57350

Dear Mr. Waldner:

Enclosed are Water License No. 6096-3 and Reissued Vested Right Water License No. 6095-3. These are the final water right documents completing your process of obtaining Water Rights. Enclosed is Receipt No. 417101 in the amount of \$50.00 which you paid for the investigation and issuance of Water License No. 6096-3.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 19 1999

VR 6095-3
6096-3

Huron Colony
%Alvin Waldner
40068 Huron Colony Lane
Huron, SD 57350

Dear Mr. Waldner:

Enclosed are your Validated Vested Water Right and Water License No. 6095-3, and Water Permit No. 6096-3. 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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures