

WATER PERMIT NO. 6128-3

Name of Applicant: Deerfield Hutterian Brethren, Inc.

Address: 12434 364th Ave, Ipswich SD 57451

Phone: 605 439-3455

Amount of Water Claimed: 0.90 cfs (400 gpm)

Total Acres: NA

Source of Water Supply: groundwater (four wells)

Water to be used for: commercial – animal confinement facilities & domestic

County: Edmunds

Type of Waste Disposal System: lagoon and septic tanks

Location: 12 miles northeast of Ipswich

PRIORITY Date Received: 3-3-1999

Fee: \$325

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

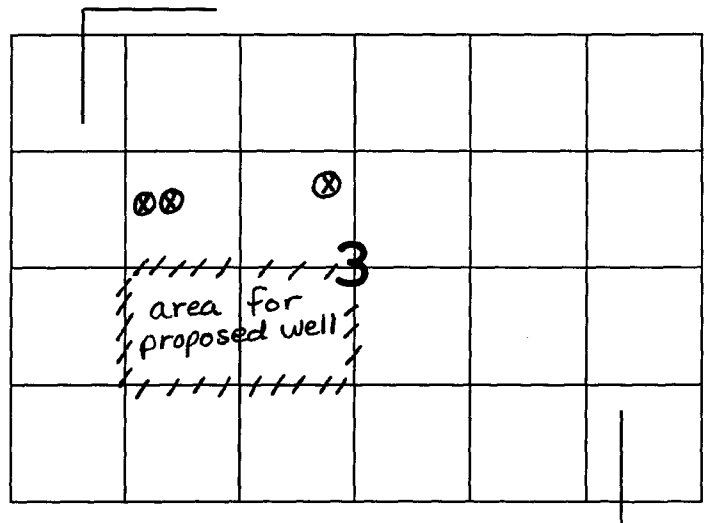
Diversion Point: 2 wells – SW ¼ NW ¼;

1 well – SE ¼ NW ¼; proposed well – N ½ SW 1/4

all in Sec 3-T124N-R67W

Land to be Irrigated: NA

Depth of Wells: 1220' and approximately 1600'



Well Driller: Pullman Well Drilling,

Huron Drilling, & Independent Drilling

Remarks: 3 existing wells & 1 proposed

Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 3-4-99

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6128-3**

Date of first receipt of application March 3, 1999.

The Water Management Board approved Water Permit Application No. 6128-3 on July 7, 1999 for Deerfield Hutterian Brethren, Inc., 12434 364th Ave, Ipswich SD 57451 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. 6128-3 appropriates 0.90 cubic feet of water per second (400 gallons per minute) from 3 existing wells and 1 proposed well (Dakota and Inyan Kara Formations) varying in depth from 1,220 feet to approximately 1,600 feet deep located in the S ½ NW ¼ and N ½ SW ¼; all in Section 3-T124N-R67W.
2. The water appropriated shall be used for the purpose of supplying water for domestic use and commercial use in animal confinement facilities 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 3, 1999.
5. One-fifth of the construction is to be completed on or before January 7, 2002.
6. All construction is to be completed on or before July 7, 2004.
7. Water is to be put to beneficial use on or before July 7, 2008.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Any new well authorized by Permit No. 6128-3 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. The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.

(continued)

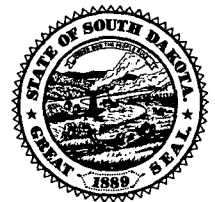
4. Any new or expanded livestock confinement operations are subject to compliance with requirements of the General Water Pollution Control Permit for concentrated animal feeding operations.
5. Permit No. 6128-3 is subject to compliance with the existing and applicable Water Management Rules:
 - a) Chapter 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

AUG 6 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	(office use only) No. <u>6128-3</u> Hydrologic Unit <u>10/60008</u>
	Basin <u>James River</u>
	Newspaper <u>Ipswich Tribune, Ipswich, 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 Deerfield Hutterian Brethren Inc. Phone 605 439-3455
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 12434 364th Ave, Ipswich SD State 57451
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.90 *CFS or 400 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground water 4 wells (3 existing, 1 proposed)

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells - SW1/4 NW1/4 ;
1 well - SE1/4 NW1/4 ; proposed well - N1/2 SW1/4 ; all in sec 3 - 124N-67W
County Edmunds

5. County or counties where water will be used Edmunds

6. Annual period during which water is to be used 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)
Western most well is used for housing and dairy wash down. Well adjacent to this well (300' away) is used for hogs, chickens, & cattle. Newest well is used for dairy operation (400+ cow) and proposed well may be used for a swine confinement operation and other uses.

STATE OF SOUTH DAKOTA)
County of Hughes SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Solomon Stahl, 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 Solomon Stahl

Subscribed and sworn to before me this 3rd day of March 19 99

Patty R. Bruckner

Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

Independent drilling from Aberdeen

- a) Drill Hole Diameter _____ Depth $\approx 1,600$ feet
- b) Casing Type steel Diameter _____ Thickness recased with 1 1/2" copper
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) Flowing well
- g) Distance to nearest existing domestic well:
On applicants property 300' On property owned by others ≈ 2 miles

2. Wastewater Disposal System Information

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

3. Dugout Information

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



4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

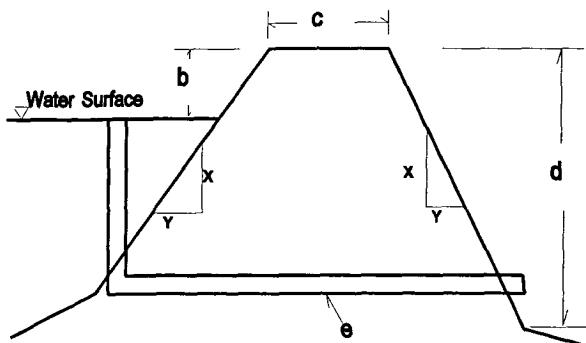
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





HELMS and ASSOCIATES

CONSULTING ENGINEERS • LAND SURVEYORS

S P N

A DIVISION OF
SCHMUCKER, PAUL, NOHR and ASSOC.

BOX 111

BERKSHIRE PLAZA

ABERDEEN, SD 57402-0111

405 8th AVENUE NW

PHONE (605) 225-1212

FAX: (605) 225-3189

March 2, 1999

Air and Surface Water Quality Program
Department of Environment and Natural Resources
Joe Foss Building - 523 East Capitol
Pierre, SD 57501-3181

Re: Deerfield Colony Dairy Waste Lagoon
A-2362

Dear Sir,

Please find enclosed an as-constructed plan, test results for the pond liner, and Engineer' Certification for the dairy waste lagoon. The ponds were constructed prior to requirements for submittal of plans and specifications to DENR for approval. However, the system was designed and constructed in accordance with the current ag waste requirements. The facility was sized and designed for 360 head of dairy cattle with 270 days of storage and additional storage for the 25 year storm event. The plan sheet enclosed provides the as constructed volumes of the lagoon. Also enclosed are test results showing the liner was constructed to meet the 95% density requirements for ag waste facilities. Based on these requirements, we have certified the design and construction of the dairy waste lagoons. If we can be of further assistance, please contact our office anytime.

Sincerely,
Helms and Associates

Jay C. Koch, P.E.

Cc. Solomon Stahl, Deerfield Colony ✓

**NOTICE OF COMPLETION OF
MANURE MANAGEMENT SYSTEM CONSTRUCTION**

Please complete this form for receiving a Certificate of Compliance from the Department of Environment and Natural Resources. Use this form if a licensed Professional Engineer in the State of South Dakota designed the manure management system. Please return the form to:

Air and Surface Water Program
Department of Environment and Natural Resources
Joe Foss Building - 523 E. Capitol
Pierre, SD 57501-3181

FACILITY (Please Print) Stahl Solomon (PRODUCER)
LAST NAME FIRST NAME
Deerfield Colony
12434 364th Avenue
ADDRESS
Ipswich 57451
CITY ZIP CODE

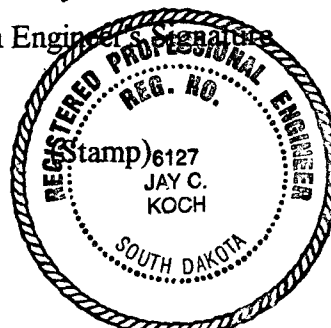
Construction of the manure management system for the above producer that had plans and specifications approved by letter by the DENR on n/a is completed. The system was
(date)

designed for a dairy operation for 360 animal units and 0 acres of
(animal type) (number) (number)

drainage area. I hereby certify that I am a licensed engineer in the State of South Dakota. To the best of my knowledge, information and belief, the Deerfield Dairy Waste Lagoon was constructed in general conformance with the plans and specifications, and in my professional opinion, is in compliance with applicable laws, codes, and ordinances as of the date of construction.

Dated at Aberdeen, South Dakota this 2nd day of March, 1999.

Jay C Koch
Design Engineer



Date 12/30/97

Tested By SAM

Project: Deerfield

Job # A-2362

DENSITY TESTS

Test No. 1 Location South side lagoon fl.

Station _____ Offset _____ Elevation _____

FIELD

LAB

Moisture _____ (cpm)	Wet Den. <u>124.9</u> PCF	Proctor <u>112.3</u> PCF
Density _c <u>124.8</u> (cpm)	Moist. _____ PCF	% Moist. <u>15.6</u>
Density _a _____ (cpm)	Dry Den. <u>109.3</u> PCF	% Comp. <u>97.4</u>
Ratio _____	% Moist. <u>15.4</u>	By _____
	% Comp. <u>97.4</u>	Date _____

Test No. 2 Location North side Lagoon fl.

Station _____ Offset _____ Elevation _____

FIELD

LAB

Moisture _____ (cpm)	Wet Den. _____ PCF	Proctor <u>112.3</u> PCF
Density _c _____ (cpm)	Moist. <u>15.9</u> PCF	% Moist. <u>15.6</u>
Density _a _____ (cpm)	Dry Den. <u>106.6</u> PCF	% Comp. _____
Ratio _____	% Moist. <u>106.6</u> 15.9	By _____
	% Comp. <u>94.9</u>	Date _____

$$\% \text{ Moist.} = \frac{\text{Moist. PCF}}{\text{Dry Den PCF}} \times 100$$

$$\% \text{ Comp.} = \frac{\text{Dry Den PCF}}{\text{Proctor PCF}} \times 100$$

$$\text{Dry Den.} = \text{Wet Den.} - \text{Moist.}$$

Date 12/30/97

Tested By SAm

Project: Deerfield

Job # A-2362

DENSITY TESTS

Test No. 3 Location West Bank

Station _____ Offset _____ Elevation _____

FIELD

LAB

Moisture _____ (cpm)	Wet Den. _____ PCF
Density _c _____ (cpm)	Moist. _____ PCF
Density _a _____ (cpm)	Dry Den. _____ PCF
Ratio _____	% Moist. <u>12.3</u>
	% Comp. <u>100.2</u>

Proctor <u>112.3</u> PCF
% Moist. <u>15.6</u>
% Comp. _____
By _____
Date _____

Test No. _____ Location _____

Station _____ Offset _____ Elevation _____

FIELD

LAB

Moisture _____ (cpm)	Wet Den. _____ PCF
Density _c _____ (cpm)	Moist. _____ PCF
Density _a _____ (cpm)	Dry Den. _____ PCF
Ratio _____	% Moist. _____
	% Comp. _____

Proctor _____ PCF
% Moist. _____
% Comp. _____
By _____
Date _____

$$\% \text{ Moist.} = \frac{\text{Moist. PCF}}{\text{Dry Den PCF}} \times 100$$

$$\% \text{ Comp.} = \frac{\text{Dry Den PCF}}{\text{Proctor PCF}} \times 100$$

$$\text{Dry Den.} = \text{Wet Den.} - \text{Moist.}$$

CERTIFICATE OF COMPLETION

*The South Dakota Pork Producers Council
& National Pork Producers Council*

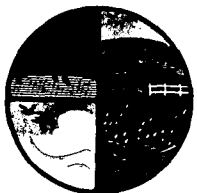
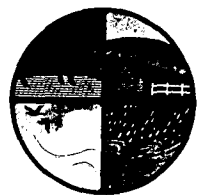
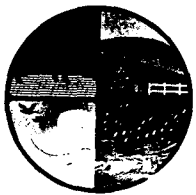
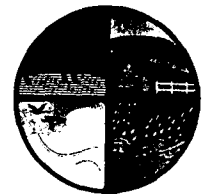
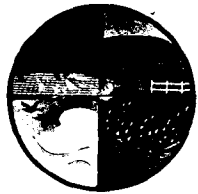
hereby certify that

Solomon Stahl

has successfully completed the

Environmental
Assurance Program

*AMERICA'S PORK PRODUCERS...
dedicated to conserving
the environment*



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416054

Pierre, _____ March 3, 1999

RECEIVED OF Deerfield Hutterian Brethren, Inc., 12434 - 364th Ave., Ipswich, SD 57451-5606
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 _____	325	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	325 00

By _____
Chief Engineer

John Hatch

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416055

Pierre, _____ March 3, 19 99

RECEIVED OF Deerfield Hutterian Brethren, Inc., 12434 - 364th Ave., Ipswich, sD 57451-5606
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. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

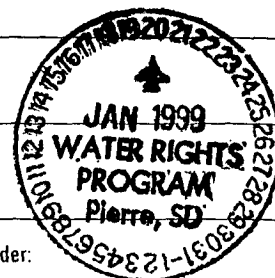
By

Chief Engineer

John Hutter (Signature)

07-92

Date: 1-7-99



SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location $\frac{1}{4}$ Sec. 3 Twp 124 Rg 67

County

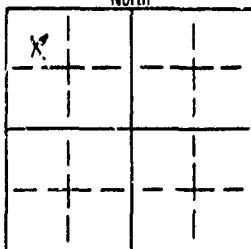
Cherokee

North

W

E

Please mark well location with an "X"

Well Completion Date 6-4-91

PROPOSED USE:

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

Method of Drilling:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>5</u>	IN <u>5</u>	FT <u>0</u>	FT <u>128</u>	IN <u>7 1/2</u>
LB/FT <u>2</u>	IN <u>2 1/2</u>	FT <u>128</u>	FT <u>1128</u>	IN <u>4 1/2</u>
<u>2 1/2</u> LB/FT <u>1128</u>	IN <u>1128</u>	FT <u>1220</u>	FT <u>4 1/2</u>	IN <u>4 1/2</u>
LB/FT _____	IN _____	FT _____	FT _____	IN _____

GROUT:

Was the well grouted? ☐ YES ☒ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 2 1/2 IN Length 92 FEETMaterial PVCSlot Size 6/16 Set From 1128 Feet To 1220 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? rubberDescribe packer(s) and location? Shale Cuff @ 1128 ft.Was well disinfected upon completion? ☐ YES ☒ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Deerfield ColonyAddress Ipswich, SD 57451

Well Log:

Depth

Formation	From	To
Yellow Clay	0	15
Blue Clay & Rocky	15	20
Medium Sand	20	28
Shale	28	210
Chalk	210	260
Shale	260	300
Chalk	300	500
Shale	500	1095
Fair Sand	1095	1120
Shale	1120	1128
Good Sand w/ shale streaks	1128	1160
Good Sand w/ streaks	1160	1200
Good Sand	1200	1220

STATIC WATER LEVEL

If flowing: closed in pressure 116GPM flow 25 through _____Controlled by ☒ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? yes

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate

Drilling firm Dallman Well DrillingSignature of License Representative: R. E. Puckel

Signature of Well Owner: _____

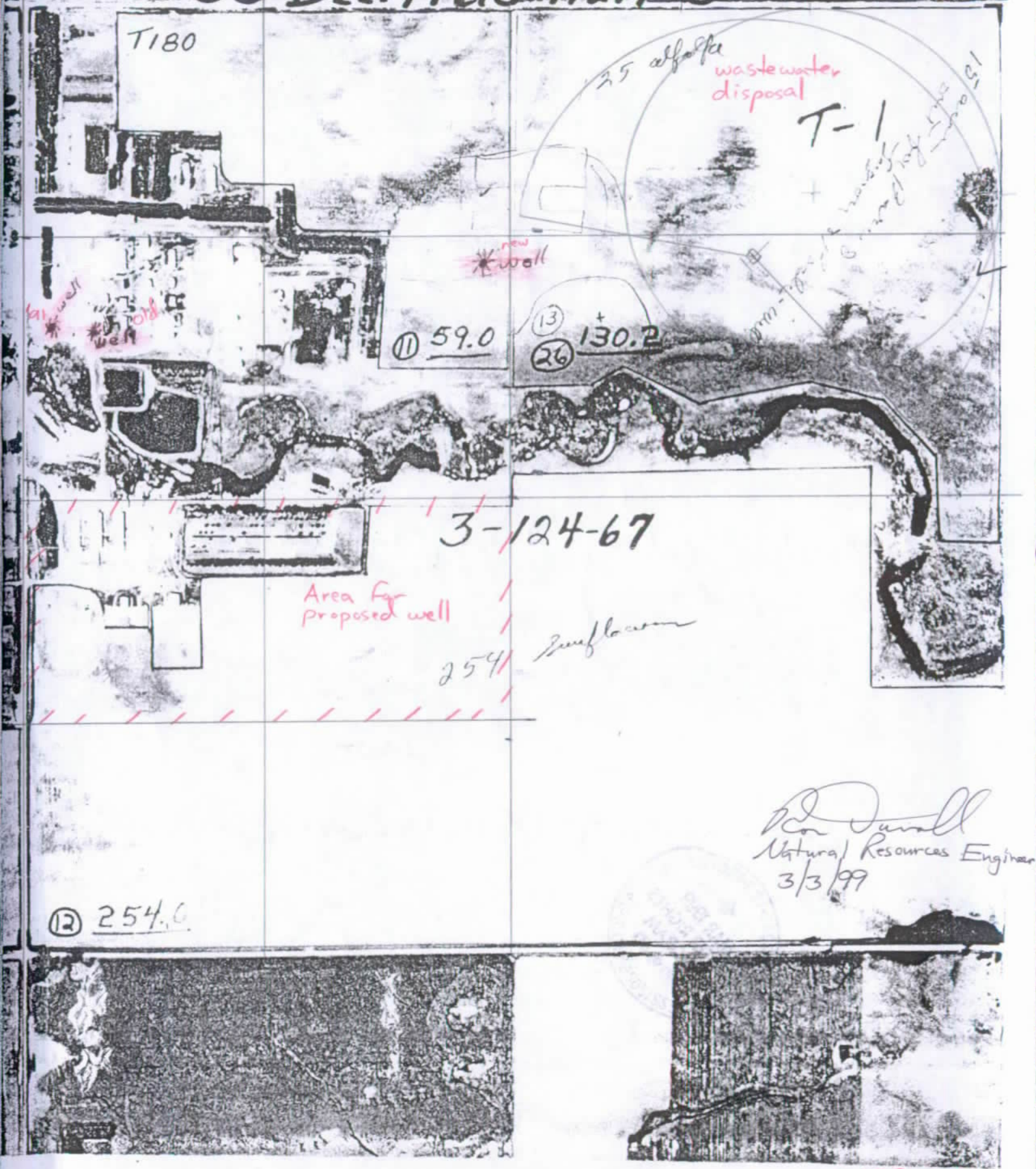
Date 8-20-91
1-29-92

MAP NOT TO SCALE

1998

THIS IS NOT AN OFFICIAL WETLAND MAP.

53 Deerfield Hutt Breth



6128-3

REPORT ON WATER PERMIT APPLICATION NO. 6128-3
for Deerfield Hutterian Brethern, Inc.
March 18, 1999

Application No. 6128-3 proposes to appropriate 0.90 cfs (400 gpm) from three existing wells and one proposed well in depths varying from 1220 feet to approximately 1600 feet located in the S 1/2 NW 1/4 and N 1/2 SW 1/4; all in Section 3, T124N-R67W in Edmunds County. The water is for domestic use and commercial use in animal confinement facilities.

AQUIFER - DAKOTA (DKOT) , INYAN KARA (INKR)

Both the Dakota Formation and the Inyan Kara are buried bedrock aquifers which are under confined or artesian conditions at this site. Both aquifers consist of sandstone and shale and are separated by the Skull Creek shale (Hamilton, 1982). The Fall River terminology used in the Hamilton report is identical to the use of the term Inyan Kara for this report. The Dakota Formation underlies 1158 square miles and contains an estimated 15.285 million acre feet of recoverable water in storage and the Inyan Kara underlies 1070 acres and contains an estimated 4.1 million acre feet of recoverable storage in Edmunds County (Hedges, 1982). Both aquifers are areally extensive into the surrounding counties. The Dakota Formation overlies the Inyan Kara and hydraulically the water levels for the aquifers are significantly different with the Inyan Kara under much higher pressure.

The Water Rights Program does monitor observation wells completed into the Dakota and Inyan Kara in this area. Observation wells, ED-85A and ED-85B, are completed into the Dakota and Inyan Kara, respectively, and are located about 13 miles southeast of this application. Water levels for these two wells have not changed significantly since the wells were drilled. ED-85A, the Dakota well, has maintained a water level of 9 to 12 feet below land surface and if anything has shown a slight rise in water levels since the well was drilled. ED-85B, the Inyan Kara well, has maintained a shut in pressure of about 150 psi. The water level record indicates that either aquifer is capable of sustaining additional withdrawals (Water Rights, 1999). Hydrographs of these two observation wells are included with this report.

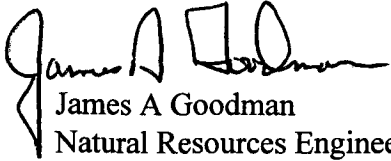
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights from either the Dakota formation or the Inyan Kara in this immediate area. The nearest permitted user is located about five miles to the west. Interference is not a concern.

CONCLUSIONS

1. Water is available from either the Inyan Kara or Dakota aquifers.
2. Both aquifers are confined and under artesian conditions. Wells completed into either aquifer will free flow at the land surface in this area. Well completion reports filed with the application indicate the Dakota aquifer has a shut in pressure of about 16 psi and the Inyan Kara a shut in pressure of about 150 psi. These wells must be controlled to use the amount of water needed and minimize the waste of water.

3. Interference is not a concern. The two formations do not appear to be hydraulically connected in this area but additional wells completed in the immediate area will affect existing wells completed into the same aquifer. This drawdown should not be significant but may require the installation of a pump to maintain diversion rates.
4. The existing wells are not completed in accordance with SD Well Construction Standards. Any new or replacement wells must be completed in accordance with standards. This means grouting the casing from the top of the producing formation to the land surface not the "slim hole" exception which is allowed only for domestic use.
5. The application does not specify the amount of water requested from either formation. Two of the existing wells appear to be in the Inyan Kara and the other existing well is in the Dakota. The proposed new well could be in either formation. The combined diversion rate from both sources can not exceed 0.90 cfs (400 gpm).



James A Goodman
Natural Resources Engineer

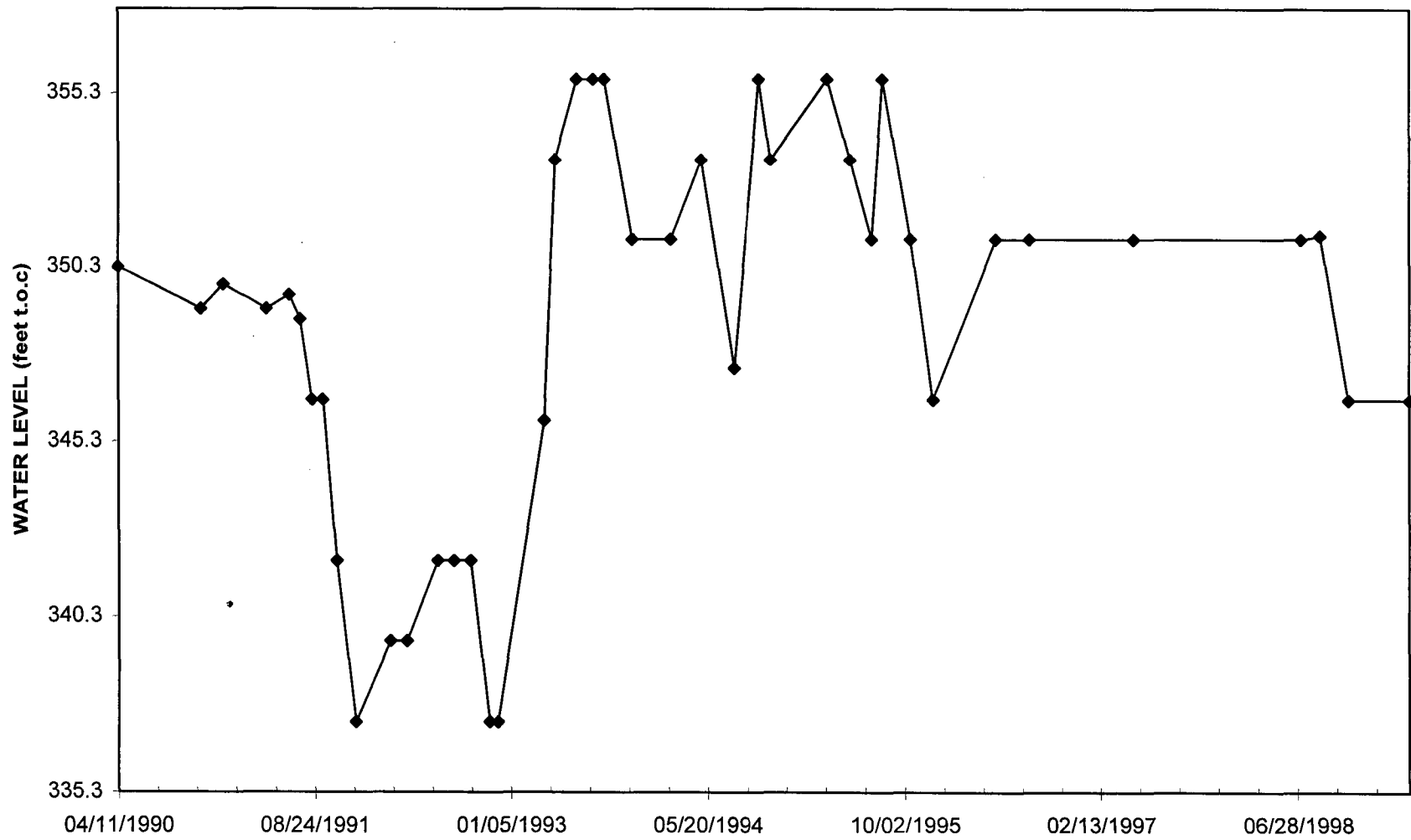
BIBLIOGRAPHY

Hamilton, L.J., 1982, Geology and Water Resources of McPherson, Edmunds, and Faulk Counties, South Dakota, Bulletin 26, Part II : Water Resources, SDGS, Vermillion, SD, 57069.

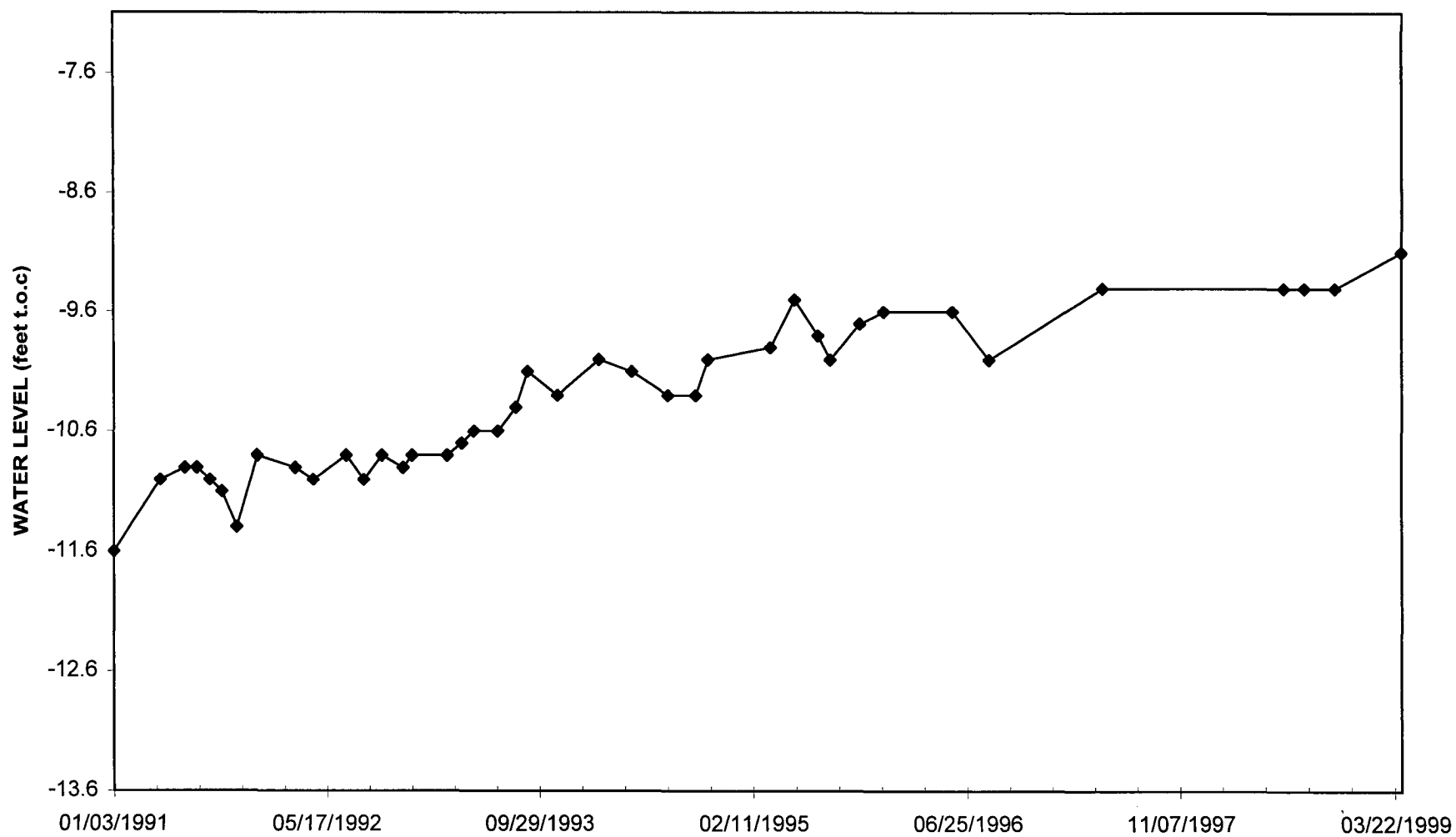
Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SDGS, Vermillion, SD, 57069.

Water Rights, 1999, Unpublished Observation Well Data for Edmunds County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
ED-85B**



**WATER RIGHTS' OBSERVATION WELL
ED-85A**



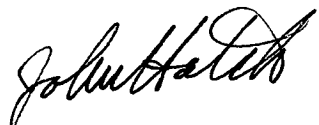
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6128-3, Deerfield Hutterian Brethren, Inc.**

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. 6128-3, Deerfield Hutterian Brethren, Inc., c/o Solomon Stahl, 12434 364th Avenue, Ipswich SD 57451.

The Chief Engineer is recommending APPROVAL of Application No. 6128-3 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. Any new well authorized by Permit No. 6128-3 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. The wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
4. Any new or expanded livestock confinement operations are subject to compliance with requirements of the General Water Pollution Control Permit for concentrated animal feeding operations.
5. Permit No. 6128-3 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 29, 1999



**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 PUBLICATOIN ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

May 11, 1999

Deerfield Hutterian Brethren, Inc.
%Solomon Stahl
12434 364th Ave.
Ipswich, SD 57451

Dear Mr. Stahl:

Water Permit Application No. 6128-3 for commercial, animal confinement facilities and domestic use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Ipswich Tribune printed at Ipswich, SD (Ph # (605) 426-6471). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 11, 1999

Ipswich Tribune
Box 7
Ipswich, SD 57451-0007

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6128-3 to Appropriate Water to be published twice. Please publish the first notice on May 19, 1999, 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 Deerfield Hutterian Brethren, Inc., %Solomon Stahl, 12434 364th Ave., Ipswich, SD 57451 (Ph # (605) 439-3455).

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-----

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

No. 6128-3

Date _____

We are in receipt of your letter of May 11, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6128-3 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 May 19, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6128-3 to Appropriate Water

Notice is given that Deerfield Hutterian Brethren, Inc., c/o Solomon Stahl, 12434 364th Ave, Ipswich SD 57451 has filed an application for a water permit to appropriate 0.90 cubic feet of water per second (400 gallons per minute) from three existing wells and one proposed well (Dakota and Inyan Kara formations) varying in depth from 1220 feet to approximately 1600 feet deep located in the S ½ NW ¼ and N ½ SW ¼; all in Section 3-T124N-R67W. The water is for domestic use and commercial use in animal confinement facilities.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6128-3 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 June 25, 1999, on may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 a.m., July 7, 1999, 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 July 7, 1999, 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 June 25, 1999.

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 June 25, 1999, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of EDMUNDS) SS

I, RUTH GIBSON

certify that the attached printed Notice was taken

from the IPSWICH TRIBUNE

printed and published in IPSWICH, SD

County of EDMUNDS and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

MAY 19, 1999

MAY 26, 1999

Cost of Printing \$52.43

Ruth Gibson
(Signature)

Bookkeeper
(Title)

May 19, 1999
(Date Signed)



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

(Publish T 5-19, 26)

PUBLIC NOTICE

NOTICE OF APPLICATION NO. 6128-3 TO APPROPRIATE WATER

Notice is given that Deerfield Hutterian Brethren, Inc., c/o Solomon Stahl, 12434 364th Ave., Ipswich, SD 57451 has filed an application for a water permit to appropriate 0.90 cubic feet of water per second (400 gallons per minute) from three existing wells and one proposed well (Dakota and Inyan Kara formations) varying in depth from 1220 feet to approximately 1600 feet deep located in the S 1/2 NW 1/4 and N 1/2 SW 1/4; all in Section 3-T124N-R67W. The water is for domestic use and commercial use in animal confinement facilities.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6128-3 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 June 25, 1999, on may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 10:00 a.m., July 7, 1999, 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 July 7, 1999, 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 June 25, 1999.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1999

Deerfield Hutterian Brethren, Inc.
%Solomon Stahl
12434 364th Ave.
Ipswich, SD 57451

Dear Mr. Stahl:

Enclosed is Water Permit No. 6128-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

JOHN HATCH, 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

November 10, 1999

Solomon Stahl
Deerfield Hutterian Brethren
12434 364th Avenue
Ipswich SD 57451

Dear Mr. Stahl:

During a recent visit with Garland Erbele of the Drinking Water Program you had a question of the status of the water right permit application for the Colony's animal confinement facility and domestic uses. That application was approved on March 3rd and the water permit issued on August 6, 1999. This water permit authorizes the diversion of 400 gallons per minute from 3 existing wells and one proposed well. I have enclosed a copy of Water Permit No. 6128-3 for your records.

Please feel free to contact me if you have any question on water right permitting issues.

Sincerely

Eric Gronlund
Water Rights Program
605 773-3352

enclosure

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

ATTORNEYS AT LAW
500 CAPITOL BUILDING
P.O. BOX 490

ABERDEEN, SOUTH DAKOTA 57402-0490

TELEPHONE (605) 225-5420

FAX (605) 226-1911

[E-Mail siegellawabr@midco.net]

December 23, 1999

RAYMOND M. SCHUTZ
HARVEY C. JEWETT
RORY KING
JEFFREY T. SVEEN
JOSEPH P. BARNETT
RONALD J. HALL*
PAUL T. BARNETT
REED RASMUSSEN
GREGG C. MAGERA
KATHRYN J. HOSKINS
RYAN BOE

*Also Licensed in North Dakota

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 sbslawsf@midco.net]

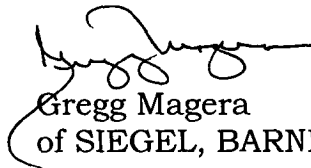
Mr. John Hatch
Chief Engineer
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Re: Deerfield Hutterian Brethren, Inc.
Water Permit No. 6128-3

Dear Mr. Hatch:

Our law firm represents Deerfield Hutterian Brethren, Inc. (Deerfield Colony). In reviewing some file materials, I came across your August 6 letter to the Colony concerning Water Permit NO. 6128-3. I am returning to your office the Colony's Notice of Completion of Works and Application of Water to Beneficial Use. I apologize for the delay in returning this item to you as I believe there may have been some misunderstanding about what, if anything, was necessary to complete this matter. Should your office require any additional documentation or further information, please do not hesitate to contact me. Thank you.

Very truly yours,


Gregg Magera
of SIEGEL, BARNETT & SCHUTZ, L.L.P.

GM/ks



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

Date 8-13-99

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

FROM: Deerfield Hutterian Brethren, Inc.
c/o Solomon ^(name) Stahl
12434 364th Ave
(address)

Ipswich, SD 57451
(city, state, zip)

(605) 439-3455
(phone)



I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

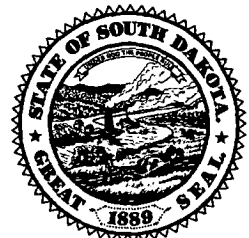
Water Permit No. 6128-3 states that the water use system is to be constructed by 7-7-04, and water is to be put to beneficial use by 7-7-08.
(date) (date)

The water use system was completed on May 1, 1999.
(date)

Applying the water to beneficial use was completed on May 1, 1999.
(date)

You may schedule an investigation so that the water license may be issued.

Solomon Stahl
(signature)



Permit No. 6128-3
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, October 30, 2006, made a thorough examination of the water use system constructed by Deerfield Hutterian Brethren, Inc of 12434 364th Ave., Ipswich, SD 57451 holder of Permit No. 6128-3, bearing the priority of March 3, 1999 authorizing the diversion of 0.90 cu. ft. per second of the waters of the Dakota and Inyan Kara Formations for Domestic and Commercial purposes, in Edmunds County.

Inspection contact & relationship **Solomon Stahl (439-3455)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Pullman Drilling, Huron Drilling and Independent Drilling
- 2) No. of Wells 3
- 3) Depth(s) Well 1: Unknown, Well 2: 1220 feet and Well 3: 1500 feet
- 4) Well log is available Y
- 5) Comment: Well logs are available for Wells 2 and 3

Well 2:

Casing:

- 1) Diameter 5 and 2 inches
- 2) Length 1128 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 92 feet
- 3) Static water level Free Flowing

Well 3:

Casing:

- 1) Diameter 5 and 2 inches
- 2) Length 1530 feet
- 3) Type Plastic

Screen

- 1) Type Copper
- 2) Length 130 feet
- 3) Static Water Level Free Flowing

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:

All in Section 3-T124N-R67W

Well 1: Approximately 1845 feet south and 290 feet east of the NW corner (N 45.58721, W -98.90253)

Well 2: Approximately 1780 feet south and 180 feet east of the NW corner (N 45.58737, W -98.90298)

Well 3: Approximately 1595 feet south and 2385 east of the NW corner (N 45.58784, W -98.89435)

The works are capable of diverting and conveying to the place of use 0.27 cu. ft. per second of water which is to be used for Domestic and Commercial use.

Water has been put to beneficial use to the maximum extent as follows:

Well 1 is used to supply water for the livestock at a regulated rate of 50 psi producing of 50 gpm.

Well 2 is used for domestic at a rate of 20 gpm.

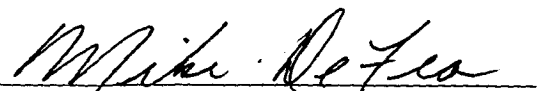
Well 3 is used to supply water to the dairy barn at a regulated rate of 60 psi producing 50 gpm.

The license should be issued for 0.27 cfs.

All structures, wells and lands on map Y

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

At the time of the inspection, the new proposed well had not been constructed.



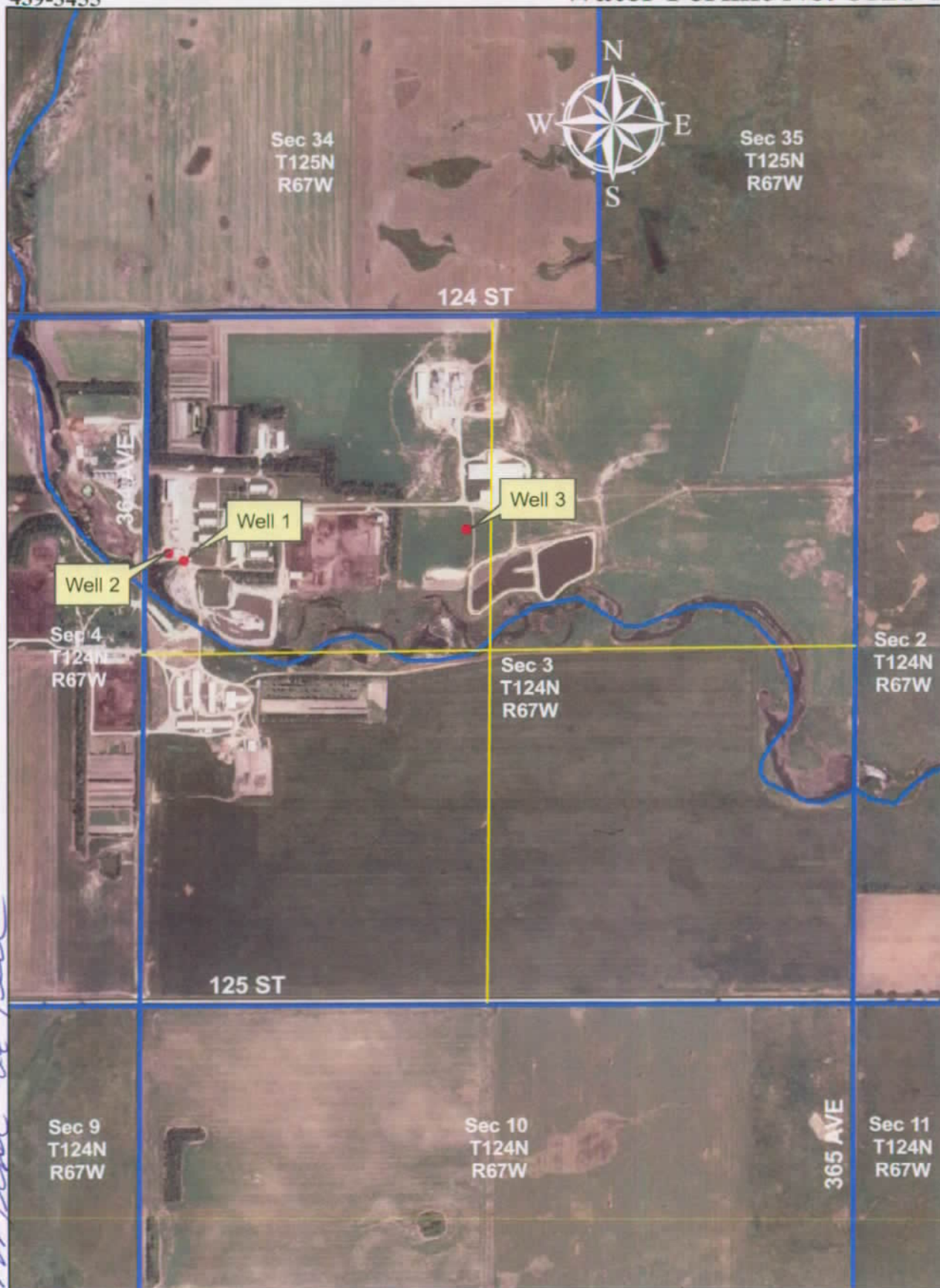
Mike DeFea

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: January 8, 2008

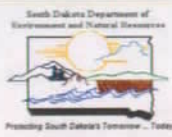
Deerfield Colony
12434 364th Ave
Ipswich, SD 57451
439-3455

Water Permit No. 6128-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
January 8, 2007



0 355 710 1,420 2,130 2,840 Feet

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6128-3

(1) Deerfield Hutterian Brethren Inc, 12434 364th Ave., Ipswich, SD 57451 made Application No. 6128-3, March 3, 1999 for a water permit to divert 0.90 cubic feet of water per second (400 gallons per minute) from ground water (four wells – Inyan Kara and Dakota Aquifers), Edmunds County, South Dakota for commercial and domestic purposes. Permit No. 6128-3, with a priority date of March 3, 1999 was approved July 7, 1999 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 7, 2004 and for the application to beneficial use of said water on or before July 7, 2008.

(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 0.27 cubic feet of water per second (120 gallons per minute) for beneficial use. The location of the diversion points are:

- **Well #1** – 1,845 feet S and 290 feet E of the NW corner of Section 3, T124N, R67W (SW $\frac{1}{4}$ NW $\frac{1}{4}$);
- *Dakota well producing 50 gallons per minute used to supply livestock*
- **Well #2** – 1,780 feet S and 180 feet E of the NW corner of Section 3, T124N, R67W (SW $\frac{1}{4}$ NW $\frac{1}{4}$);
- *Dakota well producing 20 gallons per minute used for domestic use*
- **Well #3** – 1,595 feet S and 2,385 feet east of the NW corner of Section 3, T124N, R67W (SE $\frac{1}{4}$ NW $\frac{1}{4}$).
- *Inyan Kara well producing 50 gallons per minute used to supply water to the dairy barn*

(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 Deerfield Hutterian Brethren Inc, 12434 364th Ave., Ipswich, SD 57451 the holder and/or owner of Water Right No. 6138-3 is issued a license to appropriate water, the right to use 0.27 cubic feet of water per second from ground water (three wells – Dakota and Inyan Kara Aquifers) with a priority date of March 3, 1999 from the locations specified in (2) of this license for domestic and commercial use.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6128-3 and subject to the following qualifications:

- The wells authorized will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner 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.
- Any new well authorized by Permit No. 6128-3 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 *(The new well was not constructed and is not included in this water license.)*
- The wells approved under the permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If the wells are abandoned or the permit cancelled, the wells must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
- Any new or expanded livestock confinement operations are subject to compliance with requirements of the General Water Pollution Control Permit for concentrated animal feeding operations.

continued

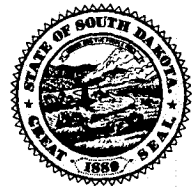
- Water Right No. 6128-3 is subject to compliance with the existing and applicable Water Management Rules:
 - a: Chapter 74:54:01 Ground Water Quality Standards
 - b: Chapter 74:54:02 Ground Water Discharge Permit
 - c: Chapter 74:51:01 Surface Water Quality Standards
 - d: Chapter 74:51:02 Uses Assigned 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

Garland Erbele

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

APR 02 2008

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 02 2008

6128-3

Solomon Stahl
Deerfield Hutterian Brethren Inc
12434 364th Ave
Ipswich SD 57451

Dear Mr. Stahl:

Enclosed is Water License No. 6128-3. This is the final water right document completing your process of obtaining a Water Right. Also included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right No. 6128-3, 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