

WATER PERMIT NO. 6167-3

Name of Applicant: Pearl Creek Hutterian Brethren, Inc.

Address: 21085 415th Ave, Iroquois SD 57353-6705

Phone: 605 546-2452

Amount of Water Claimed: 75 gpm (0.167 cfs)

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial use (turkey confinement facility)

County: Beadle

Type of Waste Disposal System:

Location: about 3 miles southwest of Iroquois

PRIORITY

Date Received: 1-3-00

Fee: \$150

Corrected Application Received: 1-11-00

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW ¼ NE ¼ Sec 22-T110N-R59W

Land to be Irrigated: NA

Depth of Well: approximately 950 feet deep

Well Driller: : _

Remarks:

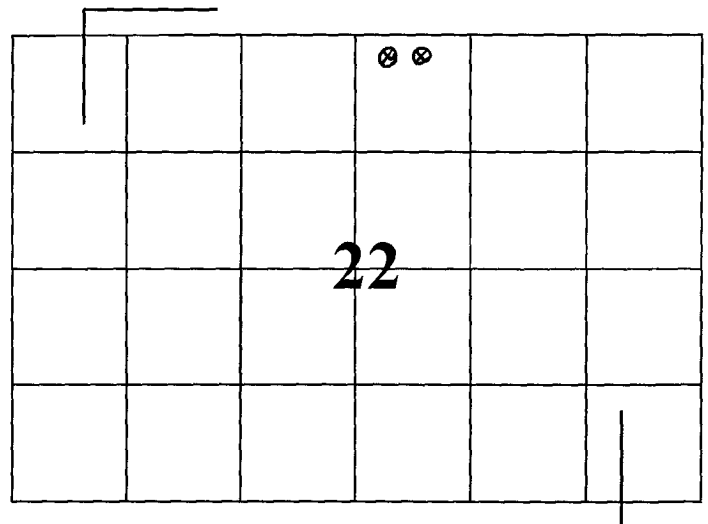
Type of Map: plat

Prepared by: David L Johnson, PE

Reviewed and the Number Assigned on: 1-11-00

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6167-3

Date of first receipt of application January 3, 2000.

Date of return to applicant for corrections, amendments or changes January 4, 2000.

Date of receipt of corrected application January 11, 2000.

The Water Management Board approved Water Permit Application No. 6167-3 on March 1, 2000 for Pearl Creek Hutterian Brethren, Inc., c/o David Waldner, 21085 415th Ave, Iroquois SD 57353-6705 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. 6167-3 appropriates 0.167 cubic feet of water per second (75 gallons per minute) from two wells (Dakota Formation) approximately 950 feet deep located in the NW ¼ NE ¼ Section 22-T110N-R59W.
2. The water appropriated shall be used for the purpose of supplying water for commercial use in a turkey confinement facility and may not exceed the amount of water needed for beneficial use .
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is January 3, 2000.
5. One-fifth of the construction is to be completed on or before September 1, 2002.
6. All construction is to be completed on or before March 1, 2005.
7. Water is to be put to beneficial use on or before March 1, 2009.
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. The wells authorized by Permit No. 6167-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. Permit No. 6167-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.

(continued)

4. Permit No. 6167-3 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: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

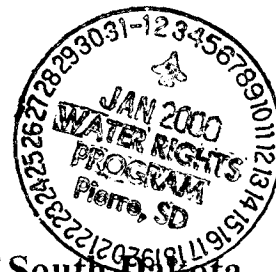
APR 10 2000

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>6167-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James 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	

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

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

- Name of Applicant PEARL CREEK HUTTERMAN BROTHERS, INC Phone 605-546-2452
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 21085 415TH AVE IRROQUOIS State SD 57353-6705
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.167 *CFS or 75 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply DAKOTA AQUIFER
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) TWO WELL IN
NW 1/4 OF NE 1/4, SECTION 22, T-110-N, R-59-W
BEADLE County SOUTH DAKOTA
- County or counties where water will be used BEADLE
- Annual period during which water is to be used YEAR ROUND Jan 1- Dec 31
- 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)

SEE ATTACHED

STATE OF SOUTH DAKOTA)
County of BEADLE 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, DAVID 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

David Waldner

Subscribed and sworn to before me this 30 day of December 19 99

James L. Lem
Notary Public signature

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 6" Depth 950' +/-
- b) Casing Type PVC Diameter 5" + 3" Thickness Sched. 40
- c) Screen Type PVC Diameter 3" Thickness Sched 40
- d) Gravel Pack Thickness 1' 1/4" to 1' 1/2" Length of Gravel Pack 40' to 50'
- e) Depth to Top of Water Bearing Material estimated 900'
- f) Depth to Water (ground surface to water level) estimated 60' to 70'
- g) Distance to nearest existing domestic well:

On applicants property 3/4 mile On property owned by others 1 1/2 mile
Upper 200' +/- of casing would be 5", lower portion 3".
Well to be grouted from top of gravel pack to surface.

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) septic tank/drain field proposed - pending perc. tests.
b) System Capacity (gallons) 1000 gal tank c) Year Constructed n/a
d) Connected to the City of _____ Sanitary System.

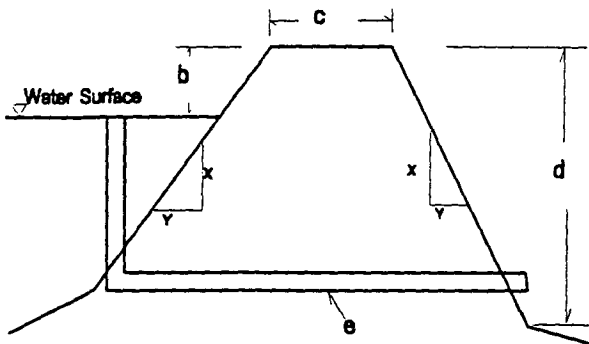
3. Dugout Information

- 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

Attachment to Application for Permit to Appropriate Water



7. Description of Project

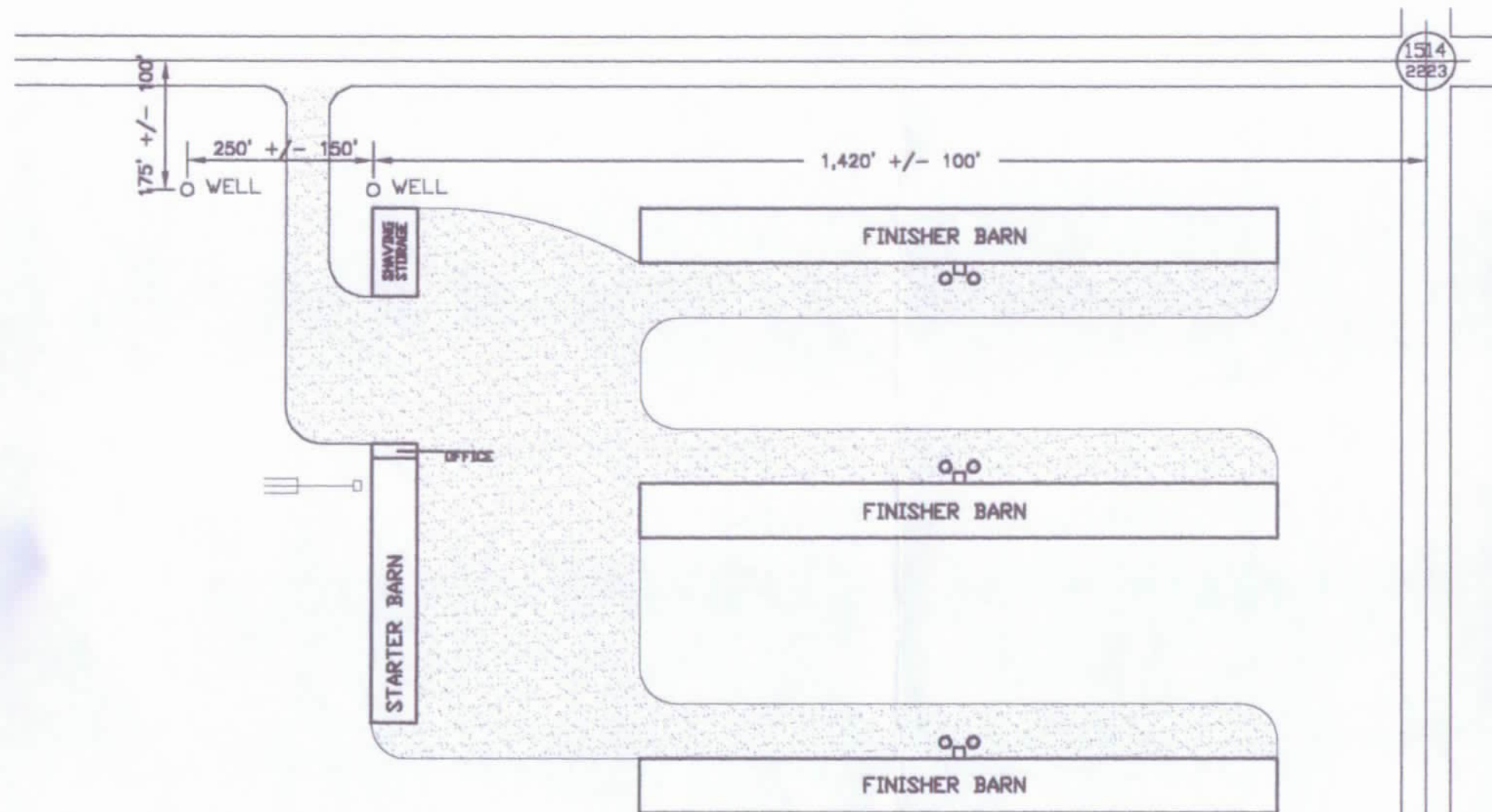
PROPOSED TURKEY GROWING/FINISHING OPERATION

PEARL CREEK COLONY, IROQUOIS, SD

Pearl Creek Colony is making application for a new water permit to allow construction of a water supply for a new turkey growing/finishing operation. The estimated average daily water consumption for the 80,000-bird facility is 57,862 gallons, or a continuous flow of about 40 gallons per minute (see attachment). Pearl Creek Colony proposes to construct up to two wells to provide the water. It is proposed that the wells will be constructed into the Dakota aquifer. Anticipated depth to the water bearing formation is approximately 900 feet. Maximum diversion rate from either well would be 75 gallons per minute. It is desired that one well could provide adequate quantities of water to satisfy typical daily needs and the second well would provide a standby or backup water source. If it is not possible to obtain adequate quantity from the first well, the second well would then be used regularly to supplement the supply. Maximum requested total diversion rate from the two wells would not exceed 75 gallons per minute.

Plans and specifications for the facility's animal waste management system will be submitted to the DENR Surface Water Quality program for review and approval prior to facility construction. Facility operation will have newly hatched birds (about one to three days old) brought into the facility and initially raised in the starter barn for a period of 4 weeks. They will then be taken to one of the finishing barns where they will be raised to market weight over the following 15 weeks (19 week total growth period). A new group of chicks will be started every 6 to 7 weeks to allow each of the three finishing barns repopulated after a flock has been shipped out.

Existing confined animal feeding facilities operated by Pearl Creek Colony include a 400 sow farrow-to-finish operation (1,481 animal units) in the SW ¼ of Section 15, an 800 sow farrow-to-finish operation (2,963 animal units) in the NE ¼ of Section 21, and feeding of 1,200 broiler chickens (40 animal units) in the SE ¼ of Section 16.



NOTE: SITE LOCATED IN
T 110 N R59 W
BEADLE COUNTY, SD



David L. Johnson

	WELL LOCATION							REV.	DATE	DESCRIPTION	BY	CHKD
	PEARL CREEK COLONY											
	DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED							DATE:	12/1/99	DRAINAGE	BF	CHECKED: DLJ
	P.O. BOX 636 HURON, SD 57350 605-352-5610											
JOB NO: 99213												
SCALE: NTS												
DWG:												

6167-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416323

Pierre, January 4, 2000

RECEIVED OF Pearl Creek Hutterian Brethren, Inc., 21085 415th Ave., Iroquois, SD 57353-6705
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6167-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatch
Chief Engineer

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 416344

Pierre, January 11, 2000

RECEIVED OF Pearl Creek Hutterian Brethren, Inc., 21085 415th Ave., Iroquois, SD 57353-6705
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. 6167-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

Island Ebele



DAKOTA ENVIRONMENTAL, INC.

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

December 30, 1999

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

Re: Application for Water Permit
Pearl Creek Hutterian Brethren, Inc.
Beadle County, SD
DEC Project No. 99213



Dear Mr. Gronlund:

Transmitted herewith is an application from the Pearl Creek Hutterian Brethren, Inc. for a permit to appropriate water. This application is to appropriate up to 75 gallons per minute from up to two wells into the Dakota aquifer. The water will be used for stock watering and related purposes in conjunction with a turkey confined animal feeding operation. Plans and specifications for the facility manure management system will be submitted to the Department of Environment and Natural Resources Surface Water Quality program for review and approval prior to construction.

If there are any questions relative to this application, please let me know.

Sincerely,

David L. Johnson, PE
Senior Engineer

encl.

cc: David Waldner, Pearl Creek Colony

A site office will be provided in a portion of the starter barn. A toilet, lavatory, and shower for workers at the site will be provided. A wastewater disposal system to meet the requirements of the state rules (ARSD 74:03:01) will be provided. At this time, the use of a septic tank and drainfield absorption system is anticipated, however, no percolation tests to confirm soil properties have been conducted yet.



PROJECT 99213
12/30/99

PEARL CREEK COLONY TURKEY UNIT
WATER CONSUMPTION

ANIMAL WATER CONSUMPTION	NUMBER OF ANIMALS	CONSUMPTION PER HEAD GPD ¹		AVERAGE DAILY WATER CONSUMPTION	DIVERSION
				GPD	RATE GPM
1-3 LBS	16,842	0.129		2,173	1.51
3-7 LBS	12,632	0.423		5,343	3.71
7-13 LBS	12,632	0.78		9,853	6.84
13-19 LBS	10,226	1.20		12,271	8.52
19-38 LBS	27,669	1.02		28,223	19.60
	80,000				
TOTAL				57,862	40

Maximum water usage allowed without obtaining DENR water withdrawal perm

25,920

18

IS A PERMIT REQUIRED IF WATER SUPPLIED FROM NEW SOURCE?

YES

NOTES:

1. Water consumption based on Table 515-2, "Structures and Environment Handbook", MWPS-1, 11th edition, 1983; Midwest Plan Service, Ames, Iowa.



Dakota Environmental, Inc.

P.O. Box 636 Huron, SD 57350 605-352-5610 800-888-0423 FAX 605-352-0951 dakotaenv@basec.net
calcs 99213.xls

Water (rpt)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 4, 2000

David Waldner
Pearl Creek Hutterian Brethren, Inc.
21085 415th Ave
Iroquois SD 57353-6705

Dear Mr. Waldner:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in a turkey feeding operation. We have received the \$150 application filing fee. In addition to the application filing fee, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.

If you have any questions, please contact me.

Ph. 1-10-2000 ok #3192

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 6167-3
for Pearl Creek Hutterian Brethern, Inc.
January 26, 2000

Application No. 6167-3 proposes to appropriate 0.167 cfs (75 gpm) from two wells approximately 950 feet deep located in the NW 1/4 NE 1/4 of Section 22, T110N-R59W in Beadle County. The water is for commercial use in a turkey confinement facility.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand, sandstone and shale which is under confined or artesian conditions at this site. The aquifer underlies 1,250 square miles and contains an estimated 18 million acre feet of recoverable water in storage in Beadle County (Hedges, 1982). The aquifer extends into and is hydraulically connected into all the counties surrounding Beadle County. These wells will be pumped wells and should not free flow at the land surface. The static water level should be within 50 feet of the land surface.

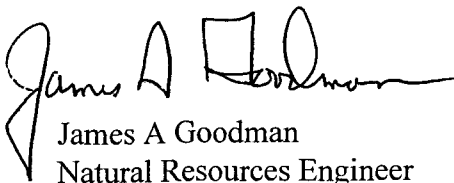
Historically, water levels have declined over 200 feet in James River valley (Schoon, 1971). The Water Rights Program does not monitor any observation wells completed into the Dakota formation near this application. The nearest Dakota Formation observation well (HD-87A) is located at Rose Hill Recreation Area (42 miles west of this application). Water levels for this well show a continuation of decline of water levels since this observation well was installed at a rate of about 8 inches per year (Water Rights, 2000).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby permits/rights which obtain water from the Dakota Formation. There are a number of domestic wells in the area which obtain water from the Dakota. Some of these Dakota wells which are lower in elevation and to the east are free flowing wells. There are irrigation and other permitted wells in the area which obtain water from the Floyd Pearl Creek aquifer. There is no hydraulic connection between the Dakota aquifer and the Floyd Pearl Creek aquifer.

CONCLUSIONS

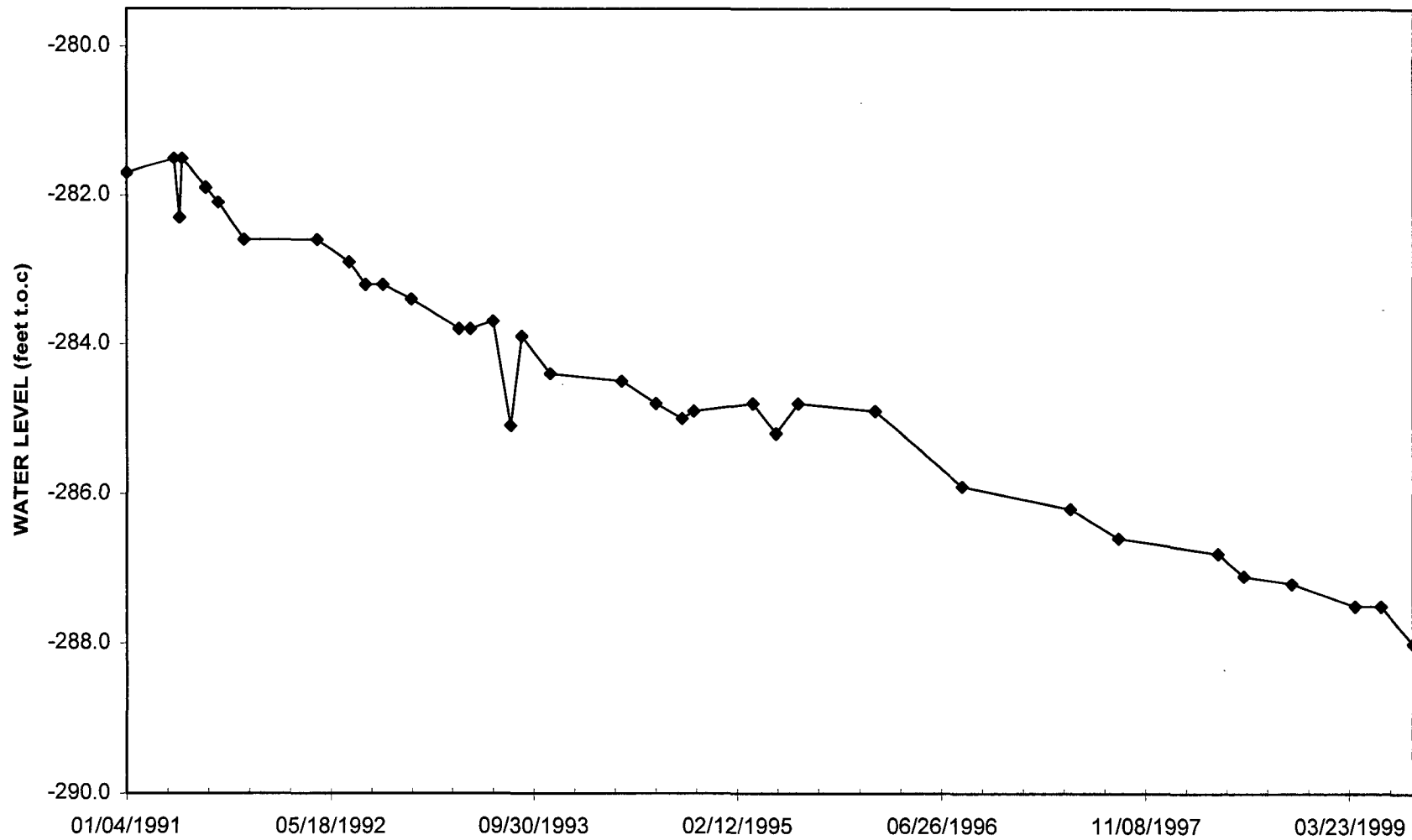
1. Water is available from the Dakota formation.
2. The aquifer is confined and under artesian conditions. Drawdown will occur as a result of pumping. At this pumping rate, drawdown is not expected to cause adverse effects.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Each well may be equipped with a pump capable of producing 75 gpm, however, this will depend upon the yield of the wells when completed. In this event the second well will be used as a back up water supply only. A maximum of 75 gpm will be used.
5. Plans and Specifications for this facility have been submitted to the Department and are presently under review by Waste Management Program.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- 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, 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, 2000, Unpublished Observation Well Data for the Dakota Formation, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
HD-87A**



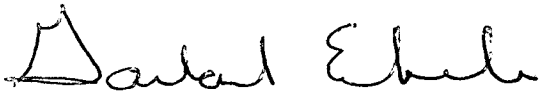
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6167-3, Pearl Creek Hutterian Brethren, Inc.**

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. 6167-3, Pearl Creek Hutterian Brethren, Inc., c/o David Waldner, 21085 415th Avenue, Iroquois, SD 57353-6705.

The Chief Engineer is recommending APPROVAL of Application No. 6167-3 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. The wells authorized by Permit No. 6167-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. Permit No. 6167-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.
4. Permit No. 6167-3 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.

See report on application for additional information.



Garland Erbele, Chief Engineer
January 28, 2000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2000

Jerry Culver
21315 415th Street
Iroquois SD 57353

Dear Mr. Culver:

Enclosed is a copy of the notice of hearing, report and recommendation prepared on Pearl Creek Hutterian Brethren's Water Permit Application No. 6167-3. The application proposes to appropriate 75 gallons per minute from the Dakota Formation for use in a turkey confinement facility.

The notice of hearing is to be published February 3 and 10, 2000 in the Huron Plainsman. Petitions to intervene in the hearing before the Water Management Board must be filed by February 22, 2000.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
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

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

January 28, 2000

Pearl Creek Hutterian Brethren, Inc.
%David Waldner
21085 415th Ave.
Iroquois, SD 57353-6705

Dear Mr. Waldner:

Water Permit Application No. 6167-3 for commercial use in a turkey confinement facility 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 Plainsman printed at Huron, SD (Ph # (605) 352-6401). 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

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

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

January 28, 2000

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6167-3 to Appropriate Water to be published twice. Please publish the first notice on February 3, 2000, 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 Pearl Creek Hutterian Brethren, Inc., %David Waldner, 21085 415th Ave., Iroquois, SD 57353-6705 (Ph # (605) 546-2452).

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-----

No. 6167-3

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

Date _____

We are in receipt of your letter of January 28, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6167-3 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 February 3, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6167-3 to Appropriate Water

Notice is given that Pearl Creek Hutterian Brethren, Inc., c/o David Waldner, 21085 415th Ave, Iroquois SD 57353-6705 has filed an application for a water permit to appropriate 0.167 cubic feet of water per second (75 gallons per minute) from two wells (Dakota Formation) approximately 950 feet deep located in the NW ¼ NE ¼ Section 22-T110N-R59W. The water is for commercial use in a turkey confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6167-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 22, 2000. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 2:00 p.m., March 1, 2000, 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 March 1, 2000, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 22, 2000.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 22, 2000, 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.

PRINTER'S AFFIDAVIT



STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, Cheri Bjorke, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

Pearl Creek Hutterian Brethren, Inc; Notice of Hearing on
Application No. 6167-3 to Appropriate Water

was published for two weeks, once each week, the same day each week, in said newspaper, and not in any supplement of the said newspaper, the first publication was on the 2nd day of February, 2000, and the last publication on the 9th day of February, 2000. That the full amount of the fee charged for publishing the same, to wit: One Hundred Twelve and 20/100 Dollars inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Cheri Bjorke

Subscribed and sworn to before me this 9th day of

February, 2000.

Debbie Fraser
Notary Public, South Dakota

My term expires 7/15/2004

Legal # 34

F.P. 2-2-00 L.P. 2-9-00
NOTICE OF HEARING ON
APPLICATION NO. 6167-3 to
Appropriate Water

Notice is given that Pearl Creek Hutterian Brethren, Inc. c/o David Waldner, 21085 415th Ave, Iroquois SD 57353-6705 has filed an application for a water permit to appropriate 0.167 cubic feet of water per second (75 gallons per minute) from 2 wells (Dakota Formation) approximately 950 feet deep located in the NW¼ NE¼ Section 22-T110N-R59W. The water is for commercial use in a turkey confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6167-3 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 written petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 22, 2000. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider this application at 2:00 p.m., March 1, 2000, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recom-

mendation 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 March 1, 2000, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 22, 2000.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 22, 2000, 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, 46-5-25, 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

2x11" x 5 1/2" 7/2 34 (adv.)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 10 2000

Pearl Creek Hutterian Brethren, Inc.
%David Waldner
21085 415th Ave.
Iroquois, SD 57353-6705

Dear Mr. Waldner:

Enclosed is Water Permit No. 6167-3 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.

Sincerely,

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

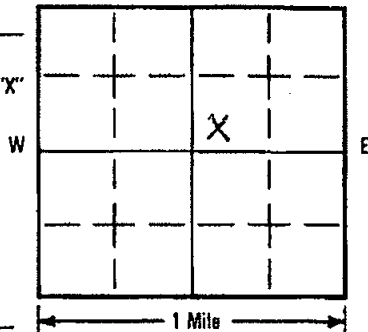
enclosures

NW 1/4 NE 1/4 Sec 22 SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SX 1/4 NE 1/4 Sec 22 Twp 11S Rg 59
County Bend

Please mark well location with an "X"



Well Completion Date

7/26/00

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 200 ft. from Barn (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>5</u>	IN <u>5</u>	FT <u>0</u>	FT <u>400</u>	IN <u>8 3/8</u>
LB/FT <u>3</u>	IN <u>3</u>	FT <u>400</u>	FT <u>785</u>	IN <u>6</u>
LB/FT _____	IN _____	FT _____	FT _____	IN _____

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>6</u>	lb./gal _____	ft. <u>0</u>	ft. <u>20</u>
<u>Vol. Dry</u>	<u>30</u>	lb./gal _____	ft. <u>20</u>	ft. <u>750</u>

Describe grouting procedure

line to 750 ft.

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 3 IN Length 135 FEET

Material 304

Slot Size 010 Set From 785 Feet to 920 Feet

Other information

Drill packed with 1 1/2 line

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? 20 Bags 60-65 sand

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: _____

Laboratory sent to for water quality analysis

NO, Why Not? _____

Well Owner: Bear Creek Colony

Business Name: _____

Address: RT2 Box 31

Jergons SP

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>yellow clay</u>	<u>0</u>	<u>18</u>
<u>Blue clay</u>	<u>18</u>	<u>30</u>
<u>shale</u>	<u>30</u>	<u>160</u>
<u>chalk</u>	<u>160</u>	<u>280</u>
<u>shale</u>	<u>280</u>	<u>785</u>
<u>Fair sand (shale Br)</u>	<u>785</u>	<u>920</u>

STATIC WATER LEVEL 50 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

Describe: 100 # Pm.

☐ Bailed

Air Compressor

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 343

And this report is true and accurate.

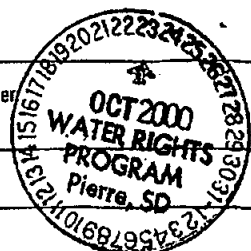
Drilling firm Bullman Well Driller

Signature of License Representative:

R E Kuehl

Signature of Well Owner or Equitable Property Holder

Date: _____



PULLMAN DRILLING — DRILLERS LOG

Phone: 1-800-451-4884

JOB NAME		LOCATION		DATE	RIG NO.	FOREMAN
Pearl Creek		Jagons		7/26/00	9	P. Hoffer
No.	DEPTH	TIME	REMARKS			
1	20	11:15	0-18 Yellow Clay w/sand streaks 18-20 Blue Clay			
2	40		20-30 Blue Clay w/rock 30-40 Shale			
3	60		40-60 Shale			
4	80					
5	100					
6	120					
7	140		Shale			
8	160		Shale			
9	180		Chalk			
10	200		Chalk			
11	220		Chalk			
12	240		Chalk			
13	260		Chalk			
14	280		Chalk			
15	300		Remains on at 300'			
16	320		300-310 Shale 310-320 Code 11 Sand w/ hard spots			
17	340		320-340 Code 11 Shale w/ sand streaks & hard spots			
18	360		340-360 Code 11 sandy shale			
19	380		Shale			
20	400					
21	420					
22	440					
23	460					
24	480					
25	500					
26	520					
27	540		Green horn			
28	560					
29	580					
30	600					
31	620					
32	640		Shale 1 5 1/8 gumbit at 635'			
33	660	2:01				
34	680	2:24	660-680 Shale			
35	700	2:45	680-700 Shale			
36	720	3:00	700-712 Shale 712-720 Fair to Good sand			
37	740	3:20	720-732 Shale with sand streaks 732-740 Shale			
38	760	3:50	740-760 Shale			
39	780	4:15	760-780 Shale			
40	800	4:35	780-786 Shale 786-797 Fair to Good 797-800 Shale			

REMARKS:

PULLMAN DRILLING — DRILLERS LOG

Phone: 1-800-451-4884

JOB NAME		LOCATION		DATE	RIG NO. 9	FOREMAN
Pearl Creek Colony						Paul Holm
WT No.	DEPTH	TIME	REMARKS			
1	820	4:55	800-805 shale w/s 805-811 shale 811-817 Fair to Good 817-820			
2	840	5:23	820-825 shale 825-828 sand 828-835 mud 835-840 shale			
3	860	5:53	840-849 shale 849-852 shale w/s 852-856 sand 856-860 shale			
4	880	6:18	860-876 shale 876-880 Fair to Good			
5	900	6:45	880-892 Fair to Good 892-900 shale w/ one			
6	920		900-920 shale			
7						
8						
9						
10						
11						
12						
13						
14						
15			T.D 920'			
16			240' SDR 17 5"			
17			160' SDR 21 5"			
18			135' 3" .016 slotted			
19			385' 3" Blank			
20			Pumped w/air at 240' 100 G.P.M.			
21			Water head 50'			
22			22 bags of 60-65 sand			
23			30 bags of Uo clay			
24						
25						
26			8 1/2" hole 0-400'			
27			6" hole 400'-635'			
28			5 7/8" hole 635'-920'			
29						
30						
31						
32						
33						
34						
35						
36						
37						
38						
39						
40						

REMARKS:

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6167-3

I have this day, December 4, 2018, made a thorough examination of the water use system constructed by Pearl Creek Hutterian Brethren, Inc., 21085 415th Ave., Iroquois, SD 57353 of Permit No. 6167-3, bearing the priority of January 3, 2000 authorizing the diversion of 0.167 cu. ft. per second (75 gallons per minute) from the waters of ground water (Dakota Formation) for commercial use in a turkey confinement facility, in Beadle County.

Inspection contact: Conrad Waldner and Bill Waldner, Pearl Creek Colony.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells 1
- 3) Depth 920 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 5 inches from 0 to 400 ft.
- 2) Diameter 3 inches from 400 to 785 ft.
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 135 feet
- 3) Static water level 50 feet

Pump:

- 1) Make Franklin
- 2) Model Unknown
- 3) Capacity 65 gpm

Motor:

- 1) Make Gould
- 2) Model No. Unknown
- 3) Horsepower rating 7.5 hp

B. Works used to transport water to place of use:

- 1) Type PVC
- 2) Size 2 inches
- 3) Length 12' to the building

C. Works used to apply water to beneficial use: Unknown pipe sizes in the building.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: Well: 190 feet south and 1,350 feet west of the northeast corner of Section 22-T110N-R59W (Latitude 44.32470, Longitude -97.89883).
2. The works are capable of diverting and conveying to the place of use 0.145 cu. ft. per second of water which is to be used for a commercial turkey confinement facility. Water has been put to beneficial use to the maximum extent as follows: Commercial turkey confinement site in the NE1/4 of Sec 22, T110N, R59W, and the license should be issued for 0.145 cfs.
3. All structures, wells and lands on map Yes

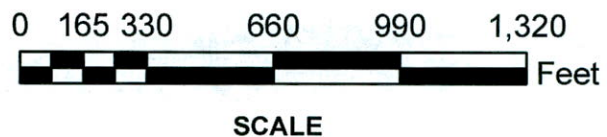
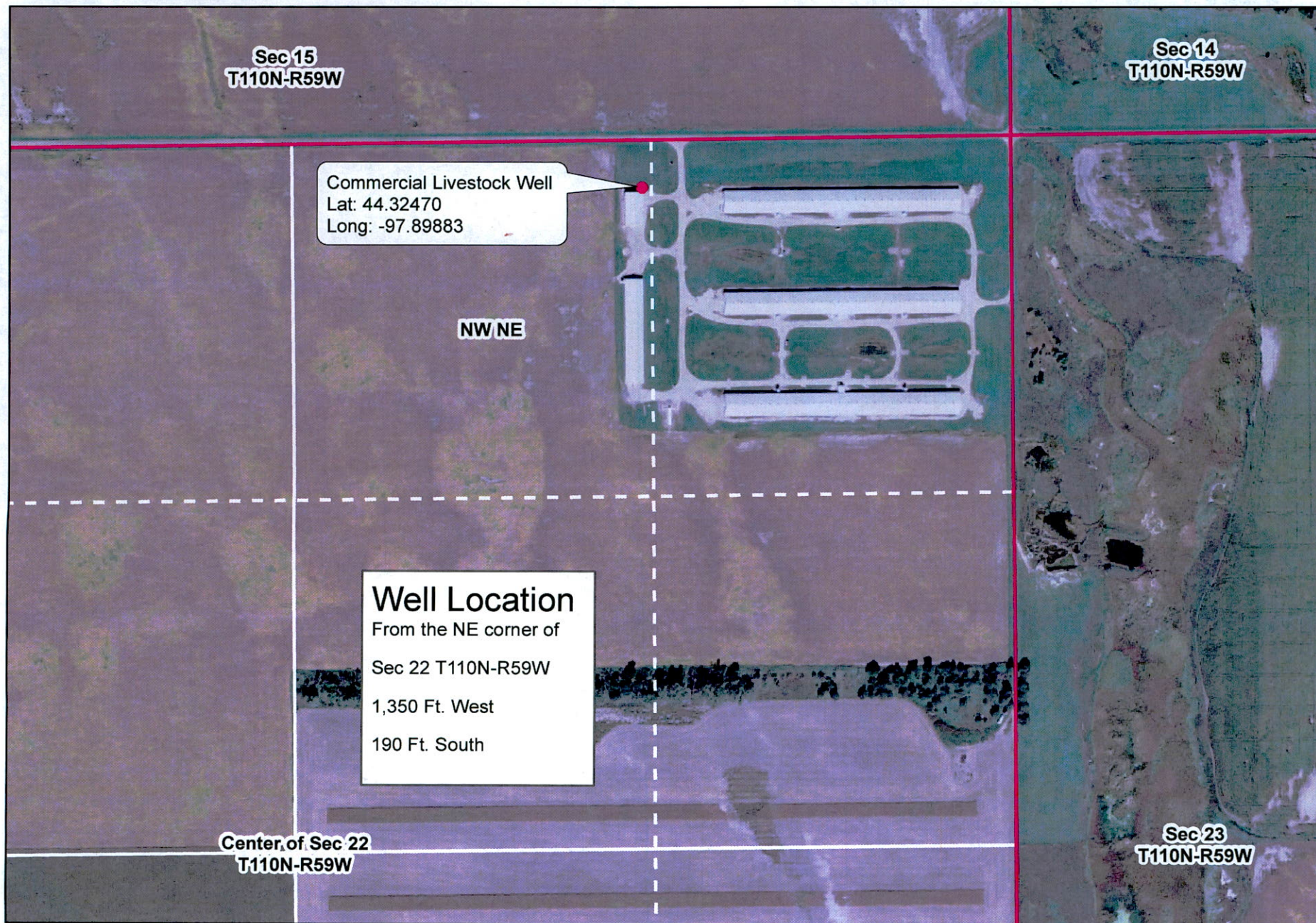
F. Comments or other permit(s) associated with the project: Only one well was constructed for the facility. The well log indicates that the well is in the SW1/4 of the NE1/4 of Sec. 15, T110N-R59W. However, it is located in the NW1/4 of the NE1/4 of Sec. 22, T110N-R59W. The well log also indicates that it is approximately 200 feet from the barns, which fits with the Section 22 location and not a Section 15 location.



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: December 18, 2018

Water Permit No. 6167-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
December 18, 2018



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAR 19 2019

6167-3

Matt Waldner
Pearl Creek Hutterian Brethren Inc
21085 415th Ave
Iroquois SD 57353-6705

Dear Mr. Waldner:

Enclosed is Water License No. 6167-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6167-3

(1) Pearl Creek Hutterian Brethren Inc., 21085 415th Ave, Iroquois SD 57353-6705 made Application No. 6167-3, January 3, 2000 for a water permit to divert 0.167 cubic feet of water per second (75 gallons per minute) from ground water, two wells (Dakota Formation), Beadle County, South Dakota for commercial purposes. Permit No. 6167-3, with a priority date of January 3, 2000 was approved March 1, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 1, 2005 and for the application to beneficial use of water on or before March 1, 2009.

(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 0.145 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 190'S and 1,350'W of the northeast corner of Section 22, T110N, R59W (NW ¼ NE ¼ Section 22)
Latitude 44.32470, Longitude -97.89883

The water permit authorized two wells for use at the facility. Only one well was constructed.

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

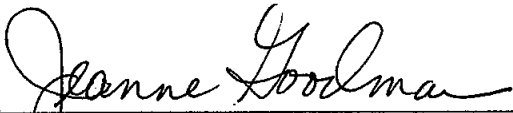
(4) Pursuant to South Dakota Water Law 46-5-30.1 Pearl Creek Hutterian Brethren Inc., 21085 415th Ave, Iroquois SD 57353-6705 the holder and/or owner of Water Right No. 6167-3 is issued a license to appropriate water, the right to use 0.145 cubic feet of water per second (65 gallons per minute) from ground water, one well (Dakota Formation) with a priority date of January 3, 2000 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6167-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6167-3 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 well was drilled in July, 2000 by Pullman Well Drilling. A copy of the well completion report is on file with the Water Rights Program.***
- Permit No. 6167-3 is subject to compliance with requirements of the Department's General Water Pollution Control Permit for concentrated animal feeding operations.

continued

- Permit No. 6167-3 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.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 19 2019
date

