

WATER PERMIT NO. 6320-3

Name of Applicant: Wolf Creek Colony

Address: 42906 Colony Road, Olivet SD 57052

Phone: 605 925-7253

Amount of Water Claimed: 0.167 cfs

Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: domestic

County: Hutchinson

Type of Waste Disposal System:

Location: 9 miles west of Freeman

PRIORITY

Date Received: 4-11-2002

Fee: \$150

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SE ¼ NE ¼ Sec 31-T99N-R57W

Land to be Irrigated: NA

Depth of Well: 225 and 120 feet deep

Well Driller: : Pullman Well Drilling &

Lehr Well Drilling

Remarks:

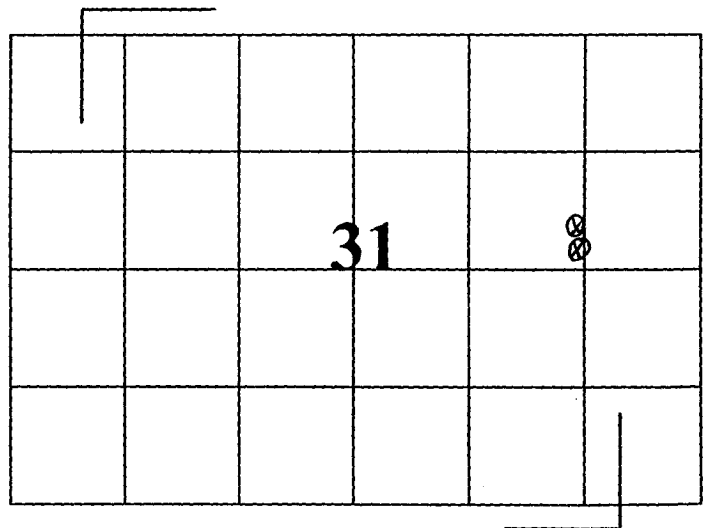
Type of Map: topo

Prepared by: Duane D. Boice

Reviewed and the Number Assigned on: 4-11-2002

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6320-3**

Date of first receipt of application April 11, 2002.

The Water Management Board approved Water Permit Application No. 6320-3 on July 10, 2002 for Wolf Creek Colony, c/o Paul Decker III, 42906 Colony Road, Olivet SD 57052 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. 6320-3 appropriates 0.167 cubic feet of water per second (75 gallons per minute) from 2 wells (Lower James: Missouri Aquifer) 225 and 120 feet deep located in the SE ¼ NE ¼ Section 31-T99N-R57W.
2. The water appropriated shall be used for the purpose of commercial and domestic use at the colony 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 April 11, 2002.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6320-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6320-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - 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

JUL 31 2002

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6320-3</u>	(office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Freeman Courier, Freeman</u>	

RECEIVED
APR 11 2002
WATER RIGHTS
PROGRAM

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 PAUL DECKER III / WOLFCREEK COLONY Phone 605-925-7253
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 42906 COLONY ROAD, OLIVET State SD. 57052
(Street, RR. or Box) (Zip Code)

2. 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

3. Source of water supply GROUND WATER, 2 WELLS

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) : (SE 1/4 NE 1/4)
(2) WELLS IN SECTION 31, NE 1/4 OF THE SE 1/4, TWP 99 RANGE 57W,
2500' ± 2700' - 16" N. FROM CORNER OF SECTION 31 & 32 County HUTCHINSON

5. County or counties where water will be used HUTCHINSON

6. Annual period during which water is to be used ALL YEAR ROUND (12 MONTHS) Jan 1 - Dec 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

WATER WILL BE USED FOR ANIMAL WATERING, WASH DOWN & HUMAN USE.

STATE OF SOUTH DAKOTA)
County of HUTCHINSON 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, PAUL DECKER III, 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.

X Signed Darwin B. Hylers Paul Decker
X Subscribed and sworn to before me this 17 day of May 2000

X Darwin B. Hylers
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction (2) WELL DRILLERS LOG ATTACHED

- a) Drill Hole Diameter SEE LOGS Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

3. Dugout Information

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

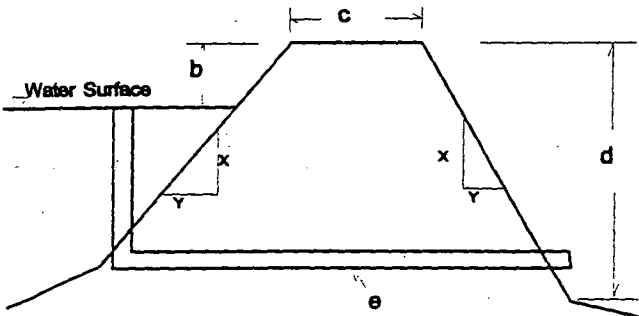
4. Water Storage Dams

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:

NA

NA



- b) Freeboard NA
- 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

III WELL CONSTRUCTION

Owner Small Creek Colony Albino S. 12
(Name)

WELL LOG

Casing information in the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

Screen information in the above image shows length of screen beam, bottom of casing, diameter and kind of screen or casing perforations.

26 ft 4 inch plastic screen
1030 slot set from 100-120 ft.

if flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed.

Schro Well Drilling
Name of Drilling Contractor

Company name and size of pump 2000 pump HP

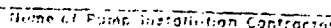
Type of pump _____ Capacity of installed pump _____ G.P.M. _____

Depth of pump placement _____ ft., Date of pump installation _____

On some wells on air-tight water surface measuring tube is required: See Section 46.40B of Chapter 46A, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed. _____ ft., tube diameter _____

tube material _____

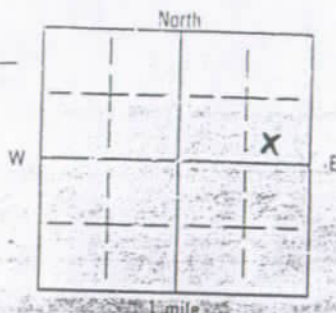


STATE WATER RIGHTS COMM
PIERRE, SOUTH DAKOTA

SOUTH DAKOTA WATER WELL COMPLETION REPORT

WELL DRILLERS LOG

10-35

Location 28 972 Sec 31 Twp 49N Rg 57WCounty
HutchinsonPlease mark well
location with
an "X"Well Completion Date 8-27-87

PROPOSED USE

☒ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling

Forward Rotary

Casing Data

☐ Steel ☒ Plastic ☐ Other

If other, describe

PIPEWEIGHT	DIAMETER	FROM	TO	P. LE DIAMETER
LB/FT	<u>6</u> IN	<u>0</u> FT	<u>185</u> FT	<u>9 3/4</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT

Was the well grouted? ☒ YES ☐ NOTo what depth? 160 FEETWhat is grouting material? Cement BentoniteIf cement, number of sacks? 20Describe grouting procedure lime

What was grout weight? _____ LB./GAL

Casing ☐ Reinforced steel ☒ ManufacturedCasing 6 IN Length 40 FEET

Casing

Casing Size .016 Set From 185 Feet To 225 Feet

Casing Size _____ Set From _____ Feet To _____ Feet

Casing Size _____ Set From _____ Feet To _____ Feet

Other information

Was a pocket of oil used? ☒ YES ☐ NOIf so, what material? sandDepth of pocket and location? 165

Well Owner

Name Wolf Creek ColonyAddress Oliver, S.D. 57052

Well Log _____ Depth _____

Formation	From	To
<u>Sand</u>	<u>10</u>	<u>30</u>
<u>Blue Clay</u>	<u>30</u>	<u>40</u>
<u>Spring Blue Clay</u>	<u>40</u>	<u>50</u>
<u>Sand</u>	<u>50</u>	<u>60</u>
<u>Clay</u>	<u>60</u>	<u>70</u>
<u>Shale</u>	<u>70</u>	<u>150</u>
<u>Hard white stuff</u>	<u>150</u>	<u>180</u>
<u>Hard sand</u>	<u>180</u>	<u>200</u>
<u>pink granite sand</u>	<u>200</u>	<u>225</u>

STATIC WATER LEVEL 20 Feet

If flowing, closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? yes

WELL TEST DATA

☒ Pumped 100 g.p.m. w/air☐ Bailed Describe _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ " After _____ Hrs. pumped _____ GPM

REMARKS

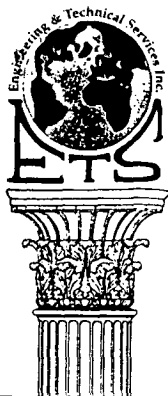
22 grains hardThis well was drilled under license # 440

And this report is true and accurate.

Drilled by Cullman Well DrillingOperator Ralph Cullman

V. Mike Decker

REDUCTIONS: REDUCTION 20 ROLL NO 4-3DATE MICROFILMED 1-20-87CAMERA OPERATOR Mike Decker



Engineering & Technical Services Inc.

Duane D. Boice P.E.
President

27121 469th Ave. Tea, SD 57064-8100
Phone: (605) 498-1290 Fax: (605) 498-1299
E-mail: ets1@dtgnet.com • www.engtcsrv.com

Wolf Creek

To: _____
Re: _____

Date: _____

I hereby certify that this plan, specification, or report was prepared by me or under my direct personal supervision and that I am a duly registered professional engineer under the laws of the state of _____ and that I am competent to prepare this document.

Signature _____ Date ____/____/____ Reg. # _____

WELL INFORMATION & ESTIMATED WATER USE FOR "DOMESTIC USE"

"DOMESTIC USE" DEFINITION = ANY WATER USED ON OR FOR ANIMALS & HUMANS. (WASHING, PREP. OF ANIMALS, FLOOR WASH, TOILET, ETC.)

2 WELLS HAVE BEEN DRILLED SPECIFICALLY FOR "DOMESTIC USE" AND THE ONLY KNOWN DOCUMENTS ON THESE WELLS CAN BE FOUND ON Pg 43 & 44. PUMP SIZE CANNOT BE FOUND ANYWHERE SO THE FOLLOWING WATER ESTIMATE IS THE ONLY WAY OF TELLING HOW MUCH WATER IS BEING USED.

ESTIMATED WATER USE

HUMAN — 117 people @ 60 GAL/person/DAY = 7072 GAL/DAY
ANIMAL CONSUMPTION = 2925 GAL/DAY (2925 RS 03/24/00) = 4.87 GAL/min

DAIRY CATTLE — (110 cows) (45 gal/day) = 4950 GAL/DAY = 3.44 GAL/min

100 FEEDER CATTLE = { 20 @ 250 #/EA (250#) (1.5 gal/100#) (20 HEAD) = 75 gal/DAY = .052 gal/min
30 @ 200 #/EA (200#) (" ") (30 HEAD) = 90 gal/DAY = .0625 gal/min
50 @ 500 #/EA (500#) (" ") (50 HEAD) = 375 gal/DAY = .261 gal/min

LACTATING SOWS = (70 HEAD) (8 GAL/DAY) = 560 gal/DAY = .388 gal/min

NURSERY PIG = (1390 HEAD) (1 GAL/DAY) = 1390 gal/DAY = .965 gal/min

GROWING PIG = (1480 HEAD) (2 GAL/DAY) = 2960 gal/DAY = 2.055 gal/min

FINISHING PIG = (2760 HEAD) (5 GAL/DAY) = 13,800 gal/DAY = 9.58 gal/min

BOAR = (30 HEAD) (8 GAL/DAY) = 240 gal/DAY = .166 gal/min

GESTATING SOW = (580 HEAD) (6 GAL/DAY) = 3480 gal/DAY = 2.41 gal/min

TURKEYS = (21000 HEAD) (15 gal/DAY / 100 TURKEYS) = 3150 gal/DAY = 2.187 gal/min

CHICKENS = (2000 HEAD) (9 GAL/DAY / 100 CHICKENS) = 180 gal/DAY = .125 gal/min

DESIGNED BY _____

CHECKED BY _____

DATE _____

40/



Engineering & Technical Services Inc.

Duane D. Boice P.E.
President

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Phone: (605) 498-1290 Fax: (605) 498-1299
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Date: _____

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Signature _____ Date ____/____/____ Reg. # _____

WATER USAGE IN OPERATIONS

DAIRY
MILK HOUSE FLOOR FLUSH = $(20 \text{ gal/DAY})(2 \text{ TIMES/DAY}) = .02778 \text{ GAL/MIN}$

PARLOR FLOOR FLUSH = $(75 \text{ gal/DAY})(2 \text{ TIMES/DAY}) = 150 \text{ GAL/DAY} = .10416 \text{ GAL/MIN}$

COW PREP. = $(2 \text{ gal/WASH/COW})(110 \text{ COWS})(2 \text{ TIMES/DAY}) = 440 \text{ GAL/DAY} = .3054 \text{ GAL/MIN}$

PIPELINE CLEANING = $(125 \text{ gal/WASH})(2 \text{ WASH/DAY}) = 250 \text{ GAL/DAY} = .08681 \text{ GAL/MIN}$

CALVES
100 CALVES = (3-9-2000 PAUL) → CALVES ARE NEVER WASHED

SWINE (EAST SIDE)
70 LACTATING SOWS =

1390 NURSERY =

1480 GROWING PIGS =

1510 FINISHER PIGS =

30 BOAR =

580 GESTATING PIGS =

CLEANING & MANURE REMOVAL
HOSE FOR HOG HOUSE = 10 GAL/MIN
(SEE FAXED SHEET ON 3/3/2000)

HOG HOUSES ARE WASHED OUT ONCE EVERY 4 MONTHS
(PAUL - 3-9-2000)

EAST BLDGS ARE WASHED IN 1/3'S
 $(6 \text{ HOURS/WASH})(3)(10 \text{ GAL/MIN})(1/2)(60 \text{ MIN/HR}) = 5400 \text{ GAL.}$
WATER IS NOT ON CONSTANTLY

SWINE (WEST)
1250 FINISHER =
400 NURSERY =
400 FINISHER (DRY STACK) = 0
 $(6 \text{ HOURS TOTAL})(10 \text{ GAL/MIN})(1/2)(60 \text{ MIN/HR}) = 1800 \text{ GAL.}$
59 Gal./Day

THESE CALCULATIONS ARE NOT INCLUDED ON PG 42 FOR "DAILY USE" BECAUSE THE CLEANINGS TAKE PLACE ONCE EVERY 4-MONTHS.

Engineering & Technical Services Inc.

Duane D. Boice P.E.
President

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Phone: (605) 498-1290 Fax: (605) 498-1299
E-mail: ets1@dtgnet.com • www.engtecsrv.com

To: _____

Re: _____

Date: _____

I hereby certify that this plan, specification, or report was prepared by me or under my direct personal supervision and that I am a duly registered professional engineer under the laws of the state of _____ and that I am competent to prepare this document.

Signature _____ Date ____/____/____ Reg. # _____

WATER USED PER DAY & GALLONS/MIN SUMMARY

DOMESTIC (HUMAN) — 7072 GAL/DAY ————— 4.87 GAL/MIN

IMAL CONSUMPTION — 4950 GAL/DAY ————— 3.44 GAL/MIN
ILY ↓

75 GAL/DAY ————— .052 GAL/MIN

90 GAL/DAY ————— .0625 GAL/MIN

375 GAL/DAY ————— .26 GAL/MIN

560 GAL/DAY ————— .388 GAL/MIN

1390 GAL/DAY ————— .965 gal/min

2960 GAL/DAY ————— 2.055 gal/min

13800 GAL/DAY ————— 9.58 gal/min

240 GAL/DAY ————— .166 gal/min

3480 GAL/DAY ————— 2.41 gal/min

3150 GAL/DAY ————— 2.197 GAL/min

180 GAL/DAY ————— .125 GAL/min

DAILY WATER USAGE ————— 406 GAL/DAY ————— .02778 GAL/min

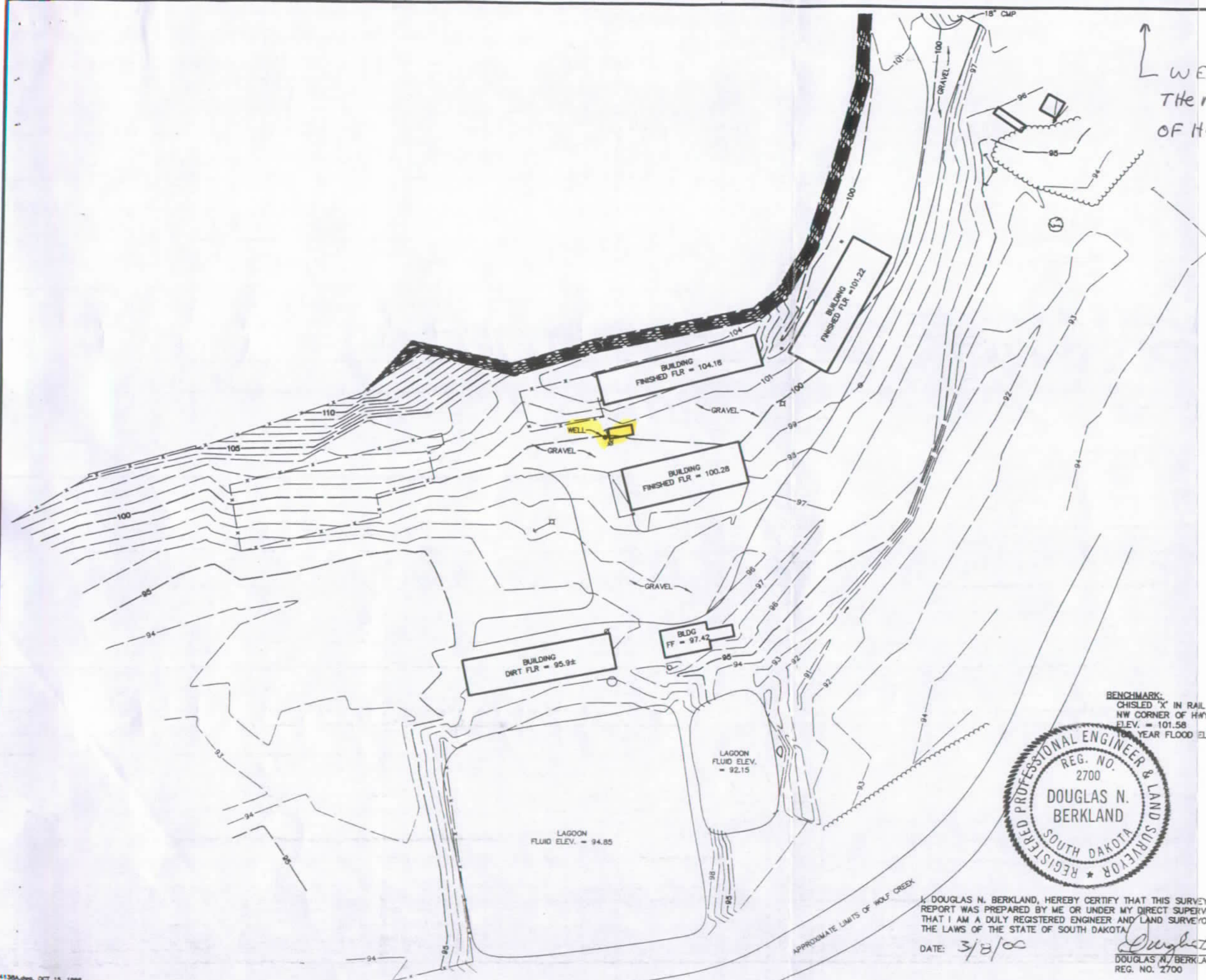
↓ 150 GAL/DAY ————— .10416 GAL/min

440 GAL/DAY ————— .3054 GAL/min

150 GAL/DAY ————— .086316 GAL/min

TOTAL AVE: = 39,102 GAL/DAY 27 GAL/MIN (OVER 24 HR. PERIOD)

DENR TO DECIDE IF WATER RIGHTS PERMIT IS REQUIRED FOR THIS AMOUNT OF WATER USAGE. PLEASE ADVISE ETS & COLONY IN WRITING IF WATER RIGHTS PERMIT IS NEEDED.



WELL #2 IS OFF
THE MAP IN AREA
OF HOUSES

LEGEND

- FIRE HYDRANT
- YARD HYDRANT
- LIGHT POLE
- POWER POLE
- TRAFFIC SIGNAL
- TELEPHONE BOX
- MANHOLE
- SIGN
- STREET SIGN
- GAS METER
- POWER BOX
- GUY WIRE
- OVERHEAD POWER
- GAS VALVE
- WATER SHUTOFF
- WATER VALVE
- UNDERGROUND POWER
- UNDERGROUND TELEPHONE
- WATER LINE
- GAS LINE
- SANITARY SEWER
- STORM SEWER
- CHAIN LINK FENCE
- BARBED WIRE FENCE
- WOOD FENCE
- EXISTING CURB & GUTTER
- EXISTING DROP INLET
- EXISTING CONTOUR
- BUSHES
- DECIDUOUS TREE
- CONIFEROUS TREE
- CONCRETE SURFACE

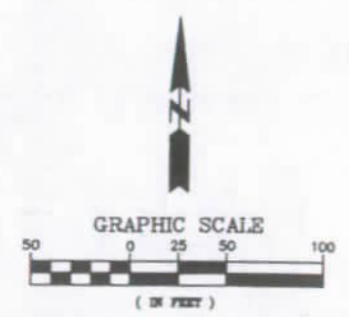
BENCHMARK:
CHISELED "X" IN RAIL
NW CORNER OF HWY BRIDGE
ELEV. = 101.58
100 YEAR FLOOD ELEV. = 100.00



I, DOUGLAS N. BERKLAND, HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ENGINEER AND LAND SURVEYOR UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA.

DATE: 3/8/00

Douglas N. Berkland
DOUGLAS N. BERKLAND
REG. NO. 2700



R.F. SAYRE & ASSOCIATES ENGINEERS & SURVEYORS	
738 WEST TENTH STREET, SIOUX FALLS, SD 57104 PHONE: (605)332-7211 FAX: (605)332-7222	
PREPARED FOR: WOLF CREEK COLONY	
DESCRIPTION: TOPOGRAPHIC SURVEY WOLF CREEK COLONY	
CREATED BY: JJB	PROJECT NO.: 14138
SURVEYED BY: PJC	DATE: 10/98
CHECKED BY: DNB	SHEET: 1 OF 2
REVISED:	

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417139

Pierre, April 11, 2002

RECEIVED OF Farm Credit Services, Wolf Creek Hutterian Brethren, Inc., 42906 Colony Rd., Olivet
the following amount in fees for services rendered as provided for by law: SD 57052

Fee for Application for Permit No. _____ 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. _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

200 00

By

Darland E. Eide
Chief Engineer
gme



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 12, 2002

Wolf Creek Colony
Paul Decker III
42906 Colony Road
Olivet SD 57052

Dear Mr. Decker:

Thank you for submitting the *Application for a Permit to Appropriate Water* for use at the Wolf Creek Colony.

The application states the two wells are located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31-T99N-R57W. The topographic map submitted with the application indicates the two wells are located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31-T99N-R57W. We are proposing to change the location of the wells on the application to match the location on the map. If we do not hear from you, we will proceed with processing the application for wells located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31-T99N-R57W.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 6320-3
For Wolf Creek Colony
May 10, 2002

Application No. 6320-3 proposes to appropriate 0.167 cfs (75 gpm) from two wells approximately 225 feet and 120 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 31; T99N R57W in Hutchinson County. The water is for commercial and domestic use at the colony.

AQUIFER – LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a predominantly buried outwash (sand and gravel) which is under confined or artesian conditions at this site. The aquifer underlies 268 square miles and contains an estimated 2.367 million acre-feet of water in storage in Hutchinson County (Lindgren, 1990). The aquifer extends into Yankton County to the south, into Hanson County to the north, probably blends into the Choteau aquifer to the west and is hydraulically connected to the James River. The aquifer does directly lie upon the Sioux Quartzite and the Niobrara Formation and is potentially hydraulically connected to those rocks also. Ground water movement generally toward the James River (Lindgren, 1990).

Driller's logs filed with the application indicate sand from 80 to 120 feet in one well and sand from 180 to 225 feet in the other well. The static water levels were reported at 10 to 20 feet below land surface and the deeper well was capable of producing 100 gpm using air to develop. It appears these wells are both completed into the Lower James Missouri aquifer. The depths and sand thickness match up with wells and test holes in the area.

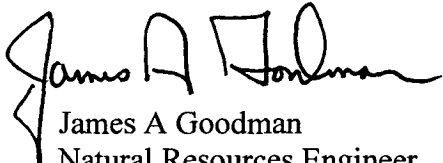
The Water Rights Program monitors six observation wells within a five-mile radius of this application. Three of these wells are completed into the Lower James Missouri aquifer. One of these observation wells, HT-82B, is located about two miles west of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years, recharge, and gradually declining water levels during dry years. Also, the effects of pumping are obvious and are shown on the hydrograph by the three to four declines during the summer months. The hydrograph for this well is included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing irrigation well located about $\frac{1}{2}$ mile south of this application that also obtains water from the Lower James Missouri aquifer. Interference is not a concern. These are all existing wells and have been in use for many years with no apparent problems. The requested diversion rate of 75 gpm from the two wells is not large enough to create significant drawdown.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer is buried and under artesian conditions in this area. Pumping will create drawdown but this will not be significant nor cause any adverse affects. This is shown by the observation well hydrograph.
3. These are existing wells and the record indicates that the 1987 well is completed in accordance with SD Well Construction Standards. There is insufficient information to determine if the older well (1974) is completed in accordance with the standards.
4. Plans and specifications for this facility have been reviewed and approved by Surface Water Quality Program.
5. It is very difficult to determine if the two wells are completed into the same water source. The deeper and newer of the wells appears to completed into a pink sand lying upon quartzite. This would be termed quartzite wash and in all likelihood would be hydraulically connected to the Lower James Missouri aquifer in this area. However, technically they would be distinct sources. For purposes of this report, both wells were considered to be obtaining water from the Lower James Missouri aquifer.



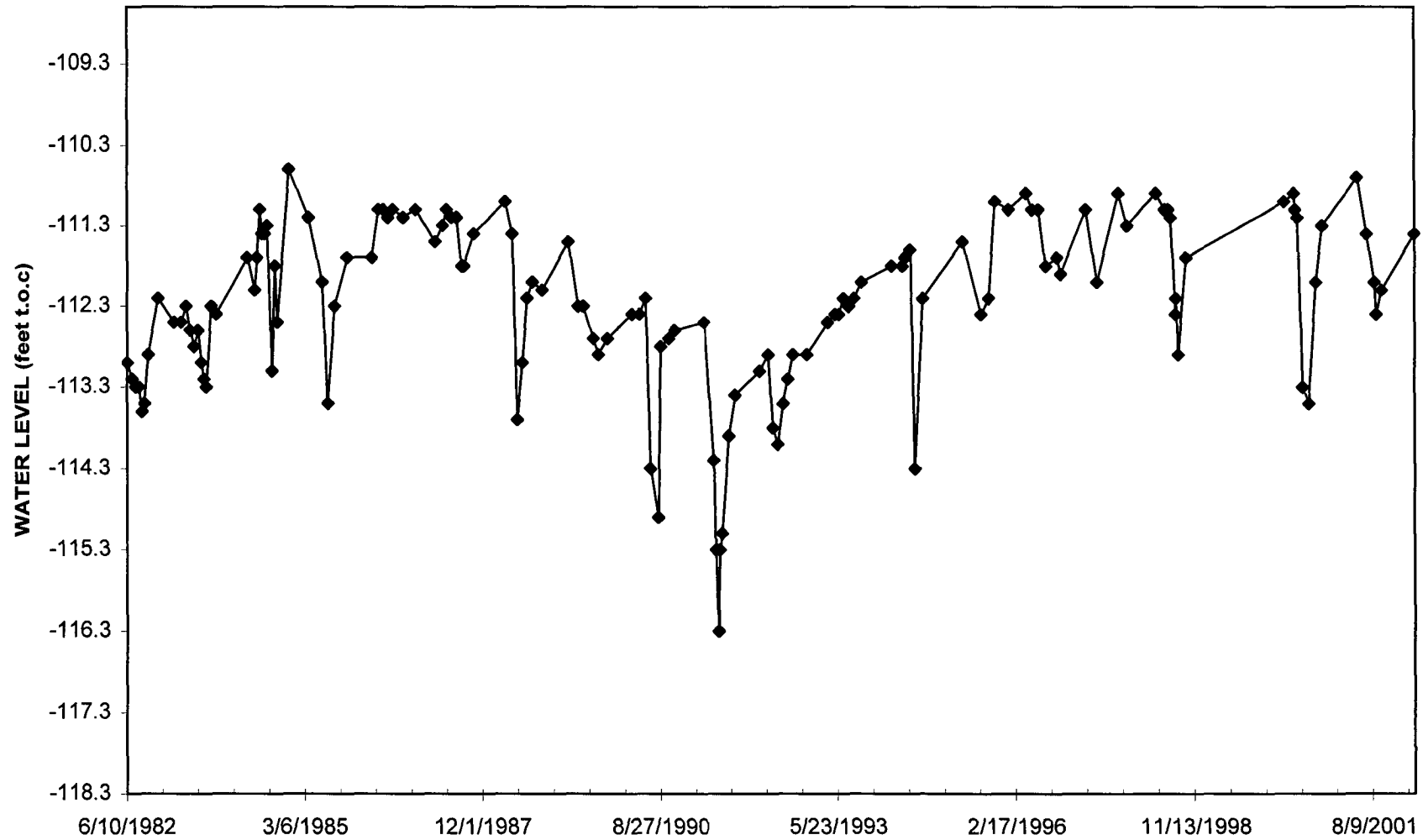
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, Water-Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.

Water Rights, 2002, Unpublished Observation Well Data for Hutchinson County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
HT-82B**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6320-3, Wolf Creek Colony**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6320-3, Wolf Creek Colony, c/o Paul Decker, 42906 Colony Road, Olivet SD 57052.

The Chief Engineer is recommending APPROVAL of Application No. 6320-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6320-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6320-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - 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
May 23, 2002

PROOF OF PUBLICATIONSTATE OF SOUTH DAKOTA)
) SSCounty of Hutchinson)I, Tim L. Walther

certify that the attached printed Notice was taken

from the Freeman Courierprinted and published in Freeman, SDCounty of Hutchinson and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 5, 2002June 12, 2002Cost of Printing \$56.52Tim L. Walther
(Signature)PubliL
(Title)6/12/02
(Date Signed)**NOTICE OF APPLICATION NO. 6320-3
to Appropriate Water**

Notice is given that Wolf Creek Colony, Paul Decker III, 42906 Colony Road, Olivet SD 57052 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 (Lower James Missouri Aquifer) 225 and 120 feet deep located in the SE 1/4 NE 1/4 Section 31-T99N-R57W. The water is for commercial and domestic use at the colony.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6320-3 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 28, 2002. 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 10:00 a.m. July 10, 2002 in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., 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 10, 2002 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 28, 2002.

Any hearing may be an adversarial 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 28, 2002, 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. Steven M. Pirmer, Secretary, Department of Environment and Natural Resources.

RECEIVED**JUN 17 2002****WATER RIGHTS
PROGRAM**



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 24, 2002

Freeman Courier
PO Box 950
Freeman, SD 57029-0950

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6320-3 to Appropriate Water to be published twice. Please publish the first notice on June 5, 2002 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 Wolf Creek Colony, % Paul Decker III, 42906 Colony Road, Olivet, SD 57052 (Ph # 605-925-7253).

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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

No. 6320-3

Date _____

We are in receipt of your letter of May 24, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6320-3 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 June 5, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6320-3 to Appropriate Water

Notice is given that Wolf Creek Colony, Paul Decker III, 42906 Colony Road, Olivet SD 57052 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 (Lower James: Missouri Aquifer) 225 and 120 feet deep located in the SE ¼ NE ¼ Section 31-T99N-R57W. The water is for commercial and domestic use at the colony.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6320-3 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 28, 2002. 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 10:00 A.M. July 10, 2002 in the Matthew Training Center, Foss Building, 523 E. Capitol Ave., 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 10, 2002 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 28, 2002.

Any hearing may be an adversarial 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 28, 2002, 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 24, 2002

Wolf Creek Colony
%Paul Decker III
42906 Colony Road
Olivet, SD 57052

Dear Mr. Decker:

Water Permit Application No. 6320-3 for 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 Freeman Courier printed at Freeman, SD (Ph # 605-925-7033). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUL 31 2002

Wolf Creek Colony
% Paul Decker III
42906 Colony Road
Olivet SD 57052

Dear Mr. Decker:

Enclosed is Water Permit No. 6320-3 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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Wolf Creek Hutterian

ADDRESS: 42906 Colony Rd, Olivet SD 57052

DATE: October 9, 2007

TELEPHONE: 925-7253

RE: Application for garden area and information on colony wells

COMMENTS:

On August 21, 2007 a letter was sent to Paul Decker concerning an application to irrigate a 1 acre garden area. Several questions were asked in the correspondence. On September 26, 2007 a response and an application fee was received.

The garden area outlined on the map returned by the colony is approximately 5 acres and is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, section 31; SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, section 32; all in T99N-R57W. According to Mr. Decker the well being used is denoted as well #1 and a log is on file showing the well as being 225 feet deep and completed on August 27, 1987.

It appears from another map supplied by Mr. Decker that one of the two wells covered by Water Permit No. 6320-3 is outside of the permitted area. Mr. Decker noted on the map that the well was drilled around 1980 – 83 and the colony does not have a well completion report for the well. This well is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ section 31-T99N-R57W near the end of two buildings and about 300 feet north of a lagoon. Permit No. 6320-3 is for two wells and based on the legal description it appears the second well is the same well that is to be used to irrigate the garden area.

The colony recently had two other wells drilled – one was completed on November 30, 2006 (South well labeled #3) and the other on December 12, 2006 (North well labeled #2). According to a note from Mr. Decker dated September 10, 2006 these two wells are used to supply hogs and the daily use from both wells does not exceed 24,000 gallons per day. No comment was made in regard to the pump rate from the wells. According to the locations marked on the map I supplied Mr. Decker, the legal descriptions on the well completion reports for the North and South wells are inaccurate. The North well (#2) is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 29; and the South well (#3) is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ section 32; both in T99N-R57W as marked on the map returned by Mr. Decker.

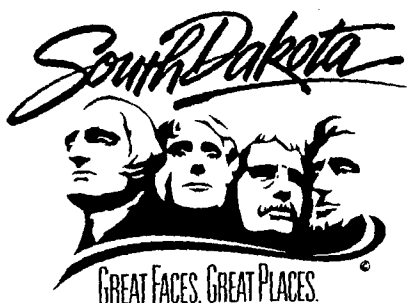
Mr. Decker noted on an old well completion report received on August 22, 1974 by the Water Rights Commission that there is no well at the legal description shown on the well log.

RECOMMENDED ACTION:

1. The application for watering the garden needs to be modified to cover 5 acres and to show the correct location of the 5 acres as described above. I have completed the map and we have a well completion report on file for the well.
2. The correct location of the wells for No. 6320-3 can be confirmed upon inspection of the permit for licensing and corrected as needed.
3. The two newest wells (Nos. 2 and 3) drilled in 2006 do not need to be permitted assuming the combined pump rate does not exceed 25 gallons per minute. Watering of hogs is a domestic use.
4. The legal descriptions on the well completion reports for the two, 2006 wells needs to be corrected as described above.



Ron Duvall
Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 10, 2012

Paul Decker
Wolf Creek Colony
42906 Colony Rd
Olivet SD 57052

Dear Mr. Decker:

Please find enclosed a temporary permit for the colony to pump from the James River to flush the lagoons. Note that the temporary permit does not authorize diversion of water from the James River after August 10th. The expiration date of the temporary permit is August 31st. In the event sufficient flows remain in the river beyond the August 10th cutoff, you may contact the Water Rights Program for authorization to extend pumping up until August 31st. However, the overall volume pumped will not be increased beyond the authorized 10 million gallons.

If the flushing of the lagoons becomes a regular occurrence, Wolf Creek Colony will need to obtain a standard water right permit for the diversion of water from the James River.

Please contact Eric Gronlund at 605 773-3352 if you have questions.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program, DENR

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

TEMPORARY PERMIT TO USE PUBLIC WATERS

This temporary permit to use public waters is issued to Wolf Creek Colony, 42906 Colony Rd, Olivet SD 57052 authorizing withdrawal of 10,000,000 gallons of water (32 acre feet) at a maximum rate of 2,500 gallons per minute from the James River located on the quarter-quarter line between the NE ¼ SW ¼ and NW ¼ SE ¼ Section 31, T99N, R57W in Hutchinson County.

The project involves use of water from the river to flush two hog lagoons. The water will be disposed of through a pivot system located in the NE ¼ Section 32 and SE ¼ Section 29, T99N, R57W.

Wolf Creek Colony must keep accurate records of when water is pumped from the James River and the diversion rate at which water is withdrawn. These records must be supplied to the Chief Engineer by August 31. Care must be taken to minimize erosion to the lagoon berms when pumping.

The James River is within the area inhabited by Topeka Shiners. Issuance of this temporary permit deals with the withdrawal of water only. It does not address other concerns or permitting issues, such as the Topeka Shiner, from other State or Federal entities.

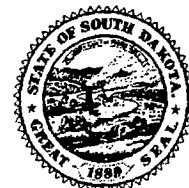
This temporary permit does not authorize diversion of water from the James River after August 10th nor at any time when the river flow is obviously low unless written orders have been so issued by the Chief Engineer. Diversions under this temporary permit shall be in accordance with any written orders issued by the Chief Engineer. Sufficient water must be bypassed for downstream domestic use and all appropriate water rights.

This temporary permit becomes effective July 10, 2012 and expires on August 31, 2012.

This permit does not provide necessary right-of-way. Such arrangements should be made with the proper land owner.

Issued: July 10, 2012

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



c: faxed to Paul w/Wolf Creek Colony at 925-4790
Natalie Gates, US Fish & Wildlife Service (email)

[illegible][illegible]



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

September 26, 2012

Paul Decker
Wolf Creek Colony
42906 Colony Rd
Olivet SD 57052

Dear Mr. Decker:

On July 10, 2012, a temporary permit was issued to Wolf Creek Colony authorizing withdrawal of water from the James River for use in flushing two hog lagoons. The water was to be disposed of through a pivot system located in the NE ¼ Section 32, and SE ¼ Section 29, T99N, R57W.

The temporary permit effective from July 10 through August 31, 2012, included a qualification that Wolf Creek Colony must keep accurate records of when water was pumped from the James River and the diversion rate at which water was withdrawn. The records were to be supplied to the Chief Engineer by August 31, 2012.

To date, we have not received these records from you. With the temporary permit now expired, submission of the records is due. Please complete the enclosed chart and return it to us in the enclosed envelope no later than October 5th.

Let me remind you that if diverting James River water to flush the lagoons will become a regular occurrence, a standard water right permit will be required. DENR will not continue to issue temporary permits for this activity.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
Water Rights Program
605 773-3352

enclosures

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Wolf Creek Colony

ADDRESS: 42906 Colony Road, Olivet SD COUNTY: Hutchinson County

DATE: October 10, 2012 TELEPHONE:

RE: Failure to report water pumping under temporary permit

Wolf Creek Colony obtained a temporary permit authorizing withdrawal of water from the James River for use in flushing two hog lagoons. A condition was for the colony to keep accurate records of when water is pumped and the diversion rate and report to the Chief Engineer by August 31, 2012. Reporting did not occur.

On September 26th, DENR sent a letter requesting these records by October 5, 2012. Wolf Creek Colony did not respond.

DENR's not receiving the records should be taken into account when/if Wolf Creek Colony requests a future temporary permit. This will ultimately be for the Chief Engineer to decide dependent on the circumstances at the time but this failure to report needs to be considered in the decision making process.

This temporary permit and subsequent documentation should be kept with the 2012 temporary permits file and possibly in Wolf Creek Colony's Water Permit No. 6320-3 for commercial use.

NAME: Eric Kumbert



RECEIVED
NOV - 1 2012
WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

September 26, 2012

Paul Decker
Wolf Creek Colony
42906 Colony Rd
Olivet SD 57052

Dear Mr. Decker:

On July 10, 2012, a temporary permit was issued to Wolf Creek Colony authorizing withdrawal of water from the James River for use in flushing two hog lagoons. The water was to be disposed of through a pivot system located in the NE ¼ Section 32, and SE ¼ Section 29, T99N, R57W.

The temporary permit effective from July 10 through August 31, 2012, included a qualification that Wolf Creek Colony must keep accurate records of when water was pumped from the James River and the diversion rate at which water was withdrawn. The records were to be supplied to the Chief Engineer by August 31, 2012.

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Let me remind you that if diverting James River water to flush the lagoons will become a regular occurrence, a standard water right permit will be required. DENR will not continue to issue temporary permits for this activity.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
Water Rights Program
605 773-3352

enclosures

PUMPING UNDER TEMPORARY PERMIT FROM THE JAMES RIVER

RECEIVED

NOV - 1 2012

**WATER RIGHTS
PROGRAM**

[illegible]

Water Permit No. 6320-3

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, **September 30, 2014**, made a thorough examination of the water use system constructed by **Wolf Creek Colony** of **42906 Colony Rd., Olivet, SD 57052** holder of Permit No. **6320-3**, bearing the priority of **April 11, 2002** authorizing the diversion of **0.167** cu. ft. per second (cfs) of waters of the **Lower James:Missouri Aquifer** for **Commercial and Domestic** purposes, in **Hutchinson** County.

Inspection contact & relationship **Paul Decker**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Pullman Well Drilling & Marion Well Drilling**
- 2) No. of Wells **2**
- 3) Depth(s) **225 and 198** feet
- 4) Well log is available **Y**
- 5) Comments:

Casing:

- 1) Diameter **6 and 5** inches
- 2) Length **185 and 178** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Plastic**
- 2) Length **40 and 20** feet
- 3) Static water level **20 and 16** feet

Pump:

- 1) Make **(2) Goulds**
- 2) Model **20GS20 and 18GS15**
- 3) Size **2 and 1 ½ hp**
- 4) Capacity **20 and 18** GPM

Chemigation Equipment:

- 1) Does chemigate N

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 point(s) of diversion located as follows:

Well 1: Approximately 2,310 feet south and 390 feet west of the NE corner of Section 31-T99N-R57W (N 43.35049, W -97.62083) (SE ¼ NE ¼)

Well 2: Approximately 2,400 feet north and 585 feet west of the SE corner of Section 31-T99N-R57W (N 43.35049, W -97.62083) (NE ¼ SE ¼)

The works are capable of diverting and conveying to the place of use 0.08 cu. ft. per second of water which is to be used for Commercial and Domestic use.

The license should be issued for 0.08 cfs.

All structures, wells and lands on map Y

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

Water Permit No. 6320-3 authorizes the diversion of 0.167 cfs of water from two wells (Lower James:Missouri Aquifer) 225 and 120 feet deep located in the SE ¼ NE ¼ Section 31-T99N-R57W for commercial and domestic use. The priority date for Water Permit No. 6320-3 is April 11, 2002.

Water Permit No. 6904-3 also authorizes the diversion of 0.22 cfs of water from one well (Lower James:Missouri Aquifer) 225 feet deep located in the SE ¼ NE ¼ Section 31-T99N-R57W for irrigation and domestic use with a priority date of August 17, 2007.

Both Water Permit Nos. 6320-3, and 6904-3 authorize the diversion of water from the same 225 feet deep well located in the SE ¼ NE ¼ Section 31-T99N-R57W with separate uses other than domestic use with individual priority dates.

Report of Examination of Works

Permit No. 6320-3

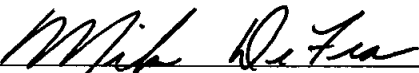
At the time of the licensing inspection for both Permit Nos. 6320-3 and 6904-3, two well locations were identified as being used as part of these permits.

Well 1, located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31-T99N-R57W is consistent with the location identified as the 225 feet deep well in both Water Permit Nos. 6320-3 and 6904-3. This well is no longer used to irrigate the five acres originally authorized by Water Permit No. 6904-3; however, is capable of being used for domestic and commercial purposes.

Well 2, is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31-T99N-R57W outside the permitted area authorized by either permit. The Water Rights Program does have documentation and a map on file indicating the location of this well as one of the wells being used by Water Permit No. 6320-3. The colony indicated this well was drilled around 1980-1983, and did not have a well completion report for the well. The Water Rights Program has since received a well completion report for a well constructed into the Lower James:Missouri Aquifer located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31-T99N-R57W. This well appears to be a replacement well for the well indicated by the colony as being constructed in the early 1980's.

Since Well 1 located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31-T99N-R57W, is authorized by both Water Permit Nos. 6320-3 and 6904-3, no longer irrigates, Water Permit No. 6904-3 should be cancelled.

Water Permit No. 6320-3 should be licensed for 0.08 cfs from the two wells listed above as Well 1 and Well 2 located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31 and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31: T99N-R57W for commercial and domestic purposes while retaining the priority date of April 11, 2002.



Mike DeFea
Natural Resources Engineer II
DENR, Water Rights Program

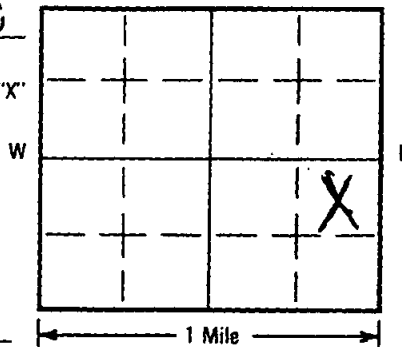
Date report completed: **August 6, 2015**

6320-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 SE 1/4 Sec 31 Twp 99 Rg 51
 County HUTCHINSON
 Please mark well location with an "X"



Well-Completion Date

7-15-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 300 ft. from MANURE PIT (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
200 LB/FT 5 IN 0 FT 198 FT 10 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
BENTONITE 12 _____ lb./gal 6 ft. 165 ft.
 _____ lb./gal _____ ft. _____ ft.

Describe grouting procedure _____

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 5" IN Length 20' FEET

Material PLASTIC
 Slot Size 16 Set From 175 Feet to 195 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: CHLORINATED

Laboratory sent to for water quality analysis _____ NO, Why Not? _____

STATE HEALTH DEPT

Well Owner: WOLF-CREEK COLONY

Business Name: _____

Address: 2906 COLONY ROAD
PRISMATA OBJECT S.D. 57052

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Yellow Clay</u>	<u>0</u>	<u>18</u>
<u>Blue Clay</u>	<u>18</u>	<u>78</u>
<u>SAND</u>	<u>78</u>	<u>102</u>
<u>Blue Clay</u>	<u>102</u>	<u>175</u>
<u>SAND & GRAVEL</u>	<u>175</u>	<u>198</u>

STATIC WATER LEVEL 16 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: Pumped Well
WITH SUB. PUMP☐ Bailed☐ Other

Pumping Level Below Land Surface

120 ft. After 24 Hrs. pumped 55 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

AUG 16 2007

WATER RIGHTS PROGRAM

This well was drilled under license # 515

And this report is true and accurate.

Drilling firm MARTIN WELL DRILLINGSignature of License Representative St. SchaeferSignature of Well Owner or Equitable Property Holder: Paul DelbertDate: 8-10-07

8-20-07

APPROVAL OF DIVERSION POINT LOCATION CHANGE

Name and Address: Wolf Creek Colony, 42906 Colony Rd, Olivet SD 57052 **County:** Hutchinson
Telephone: 605 924-7253
Date: August 6, 2015

AUTHORITY:

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

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

- The water source is the Lower James:Missouri Aquifer which is the same as permitted and no additional water is appropriated.
- Water Permit No. 6320-3 authorizes the diversion of water from two wells (Lower James:Missouri Aquifer) located in the SE ¼ NE ¼ Section 31-T99N-R57W for commercial and domestic use.
- At the time of the inspection, this well (identified as "Well 2" in the inspection report) located in the NE ¼ SE ¼ Section 31-T99N-R58W was one of two wells being utilized by the colony for this permit. GPS coordinates were taken at the location and are included in the inspection report.

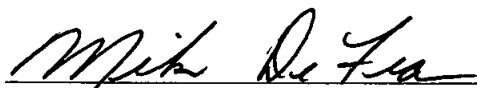
If irrigation, no new land is irrigated: This permit is authorized for commercial and domestic purposes.

Review of Existing Diversions:

- There are two existing water permits authorized to divert water from the Lower James:Missouri aquifer within a one mile radius of this well. Water Permit No. 7886-3 which is also held by Wolf Creek Colony is located approx. ¾ mile north of this well, and Water Permit No. 4209-3 is located approx. ½ mile south. At the diversion rate of 18 gpm from this well, interference would not be expected to be a concern.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion points be licensed as developed.



Mike DeFea, Natural Resources Engineer II
Water Rights Program

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

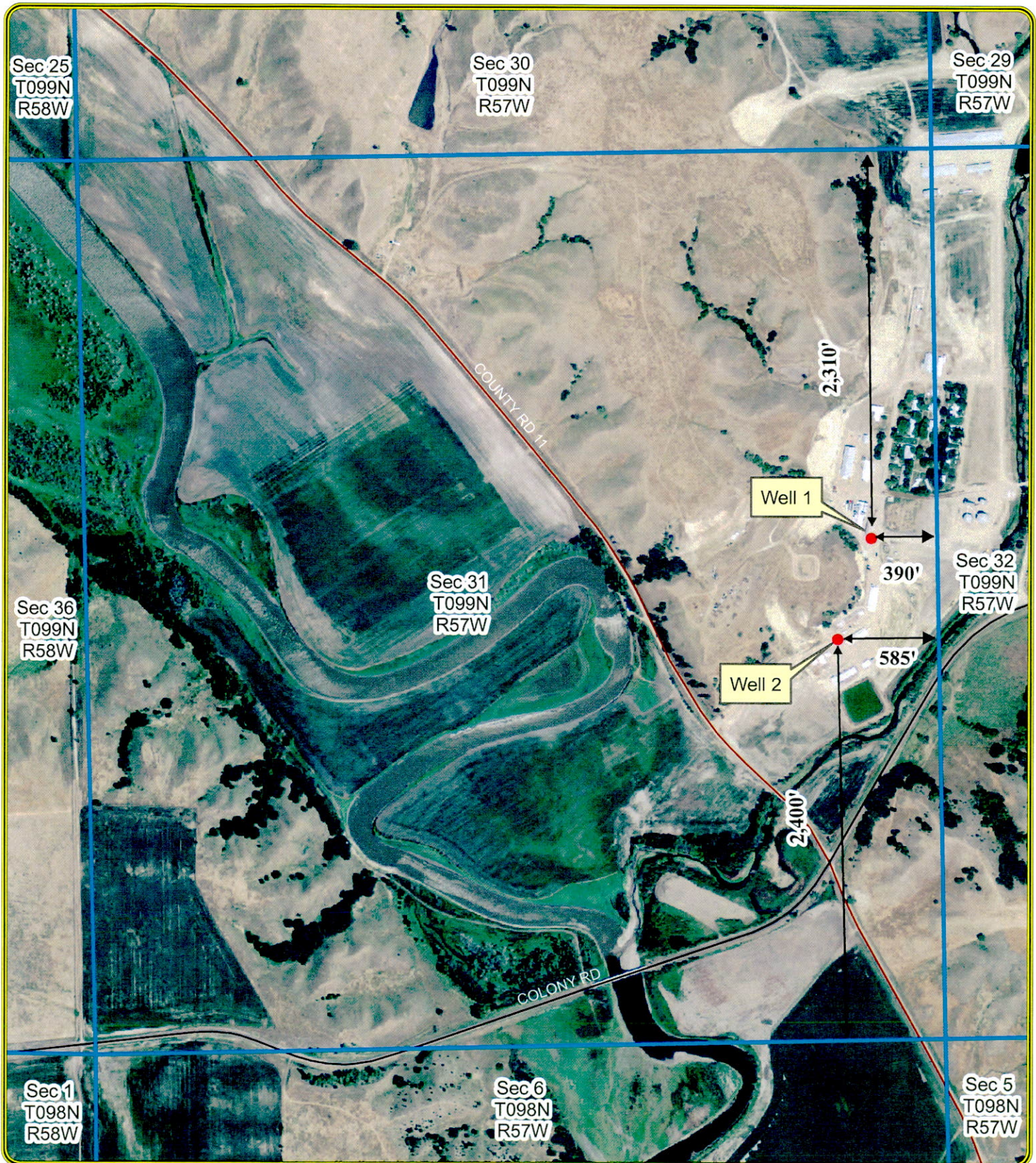
- This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program

Wolf Creek Colony

Water Permit No. 6320-3



0 0.125 0.25 0.5
Miles

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
July 27, 2015



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 17 2015

6320-3

Paul Decker III
Wolf Creek Colony
42906 Colony Rd
Olivet SD 57052

Dear Mr. Decker:

Enclosed is Water License No. 6320-3. 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 the owner of an existing well, such as the wells authorized by Water Right No. 6320-3, 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,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6320-3

(1) Wolf Creek Colony, 42906 Colony Road, Olivet SD 57052 made Application No. 6320-3, April 11, 2002 for a water permit to divert 0.167 cubic feet of water per second from ground water (two wells, Lower James Missouri Aquifer), Hutchinson County, South Dakota for commercial and domestic purposes. Permit No. 6320-3, with a priority date of April 11, 2002 was approved July 10, 2002 and issued to the applicant for diversion of water with construction of the described water supply system and application of water to beneficial use completed.

Water Permit No. 6320-3 authorized diversion of water from two wells located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T99N, R57W. An inspection of the water use system found the second well was located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, just outside of the permitted area. The Chief Engineer made a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that the change in location of the diversion point did not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.08 cubic feet of water per second for beneficial use. The location of the diversion points are:

- **Well #1** – approximately 2,310 feet south and 390 feet west of the NE corner of Section 31, T99N, R57W (SE $\frac{1}{4}$ NE $\frac{1}{4}$);
- **Well #2** – approximately 2,400 feet north and 585 feet west of the SE corner of Section 31, T99N, R57W (NE $\frac{1}{4}$ SE $\frac{1}{4}$).

(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 Wolf Creek Colony, 42906 Colony Road, Olivet SD 57052 the holder and/or owner of Water Right No. 6320-3 is issued a license to appropriate water, the right to use 0.08 cubic feet of water per second from ground water (two wells, Lower James Missouri Aquifer) with a priority date of April 11, 2002 from the locations specified in (2) of this license for commercial and domestic purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6320-3 and subject to the following qualifications:

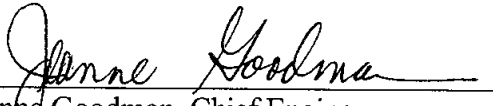
- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 6320-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.

continued

WATER LICENSE NO. 6320-3

PAGE 2

- Permit No. 6320-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - 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

AUG 17 2015

date





DAKOTA ENVIRONMENTAL, INC.

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

RECEIVED

JAN 29 2018

FEEDLOT PERMIT PROGRAM

6320-3

January 26, 2018

Kent Woodmansey, PE
South Dakota DENR
523 E. Capitol
Pierre, SD 57501-3181

Re: Wolf Creek Colony AWMS
Swine Confinement
DEC Project No. 25016

Dear Mr. Woodmansey:

On September 19 2017, the Department approved plans and specifications for modifications to the existing swine waste management system at the above referenced project site. The included Notice of Completion and accompanying materials are submitted to document completion of a portion of these modifications.

The north deep pit finishing barn has been completed. The Notice of Completion has been filled out to indicate the population of the entire swine confinement, including the 500 head of swine under 55 pounds to be housed in the south nursery (Notice of Completion submitted 1/13/18), and the population of the completed barn.

Revised pit volume calculations are included which reflect the as-built configuration. A one foot residual in the pit bottom has been included, as the pumpout port floors were not recessed. Plan sheets 7, 8, and 9 are included to document any as-built revisions to the plans.

As requested in the 9/17/17 letter, plan sheet W1 is submitted to document all known wells within the immediate area of the animal waste management system components. Monitoring wells are also shown for reference.

An evaluation of the water demand was also performed as requested and is included. The facility no longer uses well water for human consumption, as a rural water system is used instead. Well water is used in the domestic areas to supply the toilets. Since this quantity is not metered, a per person estimate was developed using tables found in ARSD 74:53:01 as a guideline. Usage by livestock was estimated using the listed sources. The producer has indicated that water meters are present in the finishing barns, but are cumulative meters for which no records have been kept. Direction was given to take present readings so future readings can be used to check the accuracy of this portion of the included estimate.

We hope you will find the included items adequate to update the existing Certificate of Compliance accordingly. As always, if there are any questions or if additional information is required, please feel free to contact us.

Sincerely,

Brian Friedrichsen, PE
Senior Engineer

1/26/18

**WOLF CREEK COLONY AWMS
ESTIMATED WATER USE CALCULATIONS**

RECEIVED**JAN 29 2018****FEEDLOT PERMIT PROGRAM****Domestic Use**

	Persons	Estimated water use, gallons/day/person	Water use, gallons/day total
	128	30	3,840

Livestock Use

Animal Type	Number	Weight, lbs	Drinking water consumption, gallons/day/head	Drinking water consumption, gallons/day total	Estimated additional water use, % of consumption	Total water use, gallons/day
Nursery Swine	6,000	35	1	6,000	20%	7,200
Grower Swine	300	65	2	600	20%	720
Finisher Swine	14,200	175	4	56,800	20%	68,160
Gest. Sow	1,030	275	4.5	4,635	20%	5,562
Farrow Sow	232	375	6	1,392	20%	1,670
Gilt	400	125	3	1,200	20%	1,440
Layer Chicken	900	3	0.045	41	10%	45
Broiler Chicken	2,000	3	0.06	120	10%	132
Turkey	21,000	9	0.2	4,200	20%	5,040
Ducks	1,600	4	0.1	160	20%	192

Gallons per day, total 94,001

Gallons per minute, total 65.28

Note: Estimated water use includes toilet facilities only for domestic use.

Sources: AS-1763, Livestock Water Requirements, NDSU Extension Service, July 2015

AS-954, Livestock and Water, NDSU, July 1999

Daily Water Consumption of Turkeys Raised in Utah, UT St University Cooperative Extension, Dec. 2010





6320-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

January 31, 2018

Wolf Creek Colony
c/o Paul Decker
42906 Colony Road
Olivet SD 57052

Dear Mr. Decker:

The Department of Environment and Natural Resources (DENR) received your consultant's evaluation of water use at Wolf Creek Colony in response to DENR's request in its approval of plans and specifications for modifications to the existing swine waste management systems at the site. Based on the information contained in the "Estimated Livestock Water Use Calculation" a water right permit is required for an increase in the amount of water used at your site for livestock use.

A review of our files indicates Water Right No. 6320-3 was issued authorizing 0.08 cubic feet of water per second (36 gallons per minute) from two wells located in the SE 1/4 NE 1/4 and the NE 1/4 SE 1/4 Section 31-T99N-R57W for commercial and domestic use.

It is DENR's understanding that all livestock on site are serviced by these two wells and well water is no longer used for human consumption. The water use from the well is estimated at 94,001 gallons per day which equates to an average diversion rate of 65.28 gallons per minute. I presume the peak pump rate from the well is greater than this amount.

This amount of water use exceeds the amount authorized by Water Right No. 6320-3 and therefore based on South Dakota law requires a water right permit for the additional usage. Please find enclosed forms to apply for a water right permit. The application should reflect the peak pump rate minus the existing permitted amount of 36 gpm. DENR also requests the application list the annual volume to be diverted from the two wells.

Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right. Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you are required to have a water right in order to have a legal right to the use of water.

If you have any questions about the requirement for a water right permit or the permitting process, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosures

c: Brian Friedrichsen, PE, Dakota Environmental, PO Box 636, Huron SD 57350

Gronlund, Eric

From: Gronlund, Eric
Sent: Thursday, November 08, 2018 8:56 AM
To: 'Brian Friedrichsen'
Subject: Wolf Creek Colony
Attachments: 6320-3.pdf

Brian:

Going through documents needing follow-up. Attached is correspondence from last January regarding Wolf Creek's water use. I do not believe an application was ever filed. Eric