

WATER PERMIT NO. 6395-3

Name of Applicant: Huttenville Hutterian Brethren, Inc.

Address: 14625 401st Ave, Stratford SD 57474

Phone: 605 395-6580

Amount of Water Claimed: 0.71 cfs (320 gpm)

Total Acres: 50

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation

County: Brown

Type of Waste Disposal System:

Location: 5 miles southeast of Stratford

PRIORITY

Date Received: 2-6-03

Application/License Fee: \$200

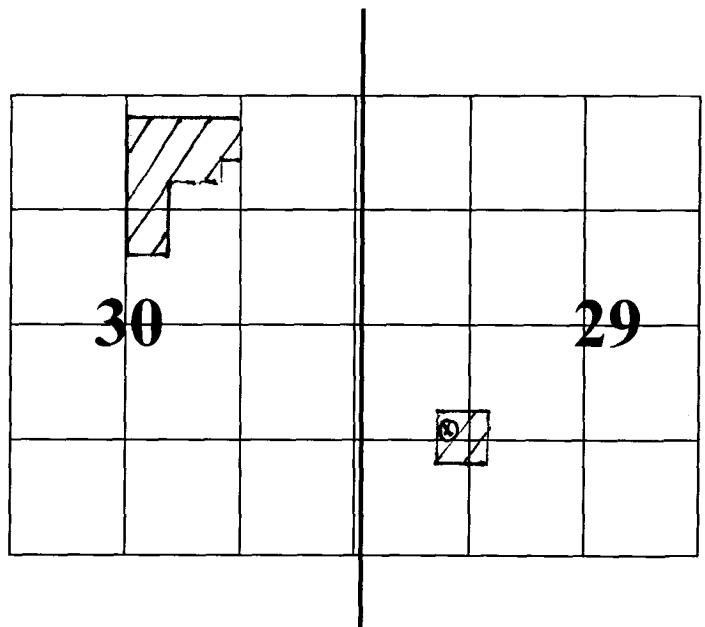
Corrected Application Received: 2-13-03

Period of Annual Use: April 1 – September 31

Remarks: irrigation of garden areas

Diversion Point: NW ¼ SW ¼ Section 29-T121N-R61W

Land to be Irrigated: W ½ NE ¼ Sec 30 and
SW ¼ Sec 29; T121N-R61W



Depth of Well: 115'

Well Driller: : Pullman Well Drilling

Remarks:

Type of Map: aerial

Prepared by: John Ries, PE

Reviewed and the Number Assigned on: 2-18-03

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA WATER PERMIT NO. 6395-3

Date of first receipt of application February 6, 2003.

Date of return to applicant for corrections, amendments or changes February 10, 2003.

Date of receipt of corrected application February 13, 2003.

The Water Management Board approved Water Permit No. 6395-3 on May 7, 2003 for Huttenville Hutterian Brethren, Inc., John Waldner, 14625 401st Ave, Stratford SD 57474 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. 6395-3 appropriates 0.71 cubic feet of water per second (320 gallons per minute) from 1 well (Pleistocene Unknown) 115 feet deep located in the NW ¼ SW ¼ Section 29 to irrigate 50 acres of garden located in portions of the W ½ NE ¼ Section 30 and SW ¼ Section 29; all in T121N-R61W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is February 6, 2003.
4. One-fifth of the construction is to be completed on or before November 7, 2005.
5. All construction is to be completed on or before May 7, 2008.
6. Water is to be put to beneficial use on or before May 7, 2012.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

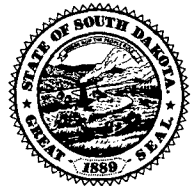
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 13 2003

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6395-3</u> (office use only) Hydrologic Unit <u>10160005</u>
	Basin <u>James River</u>
	Newspaper <u>Aberdeen American News</u>

RECEIVED
FEB - 6 2003
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955) _____

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

- Name of Applicant Huttenville Hutterian Brethren, Inc. Phone 605-395-6580
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 14625 401st Ave. Stratford State SD 57474
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.71 xxx *CFS or 320 xxx **GPM 50 Acres 120 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Well water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section, 12-T104N-R53W)
1 well in SW 1/4 Section 29-121-61 (NW1/4 SW1/4)
County Brown
- County or counties where water will be used Brown
- Annual period during which water is to be used April through September 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
W1/2
Garden Area 40 acres in Section 30-121-61 Within NE 1/4 as shown on accompanying map.
Garden Area 10 acres in Section 29-121-61 Within SW 1/4 as shown on accompanying map.
- Give description of the project. (Attach sheet if more space is needed.)

The garden area that the Colony maintains is to the west of their building sites. The irrigation system is to utilize a well located to the southeast of the building sites, but plumbed with a 6 " line to the garden site. An alternate garden site includes the area to the east of the irrigation well.

STATE OF SOUTH DAKOTA) SS
County of Brown

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, John 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 John Waldner Sec

Subscribed and sworn to before me this 29 day of Jan. 20 03

Shonda Emery
Notary Public signature
Exp. 11/9/06

Supplemental Information

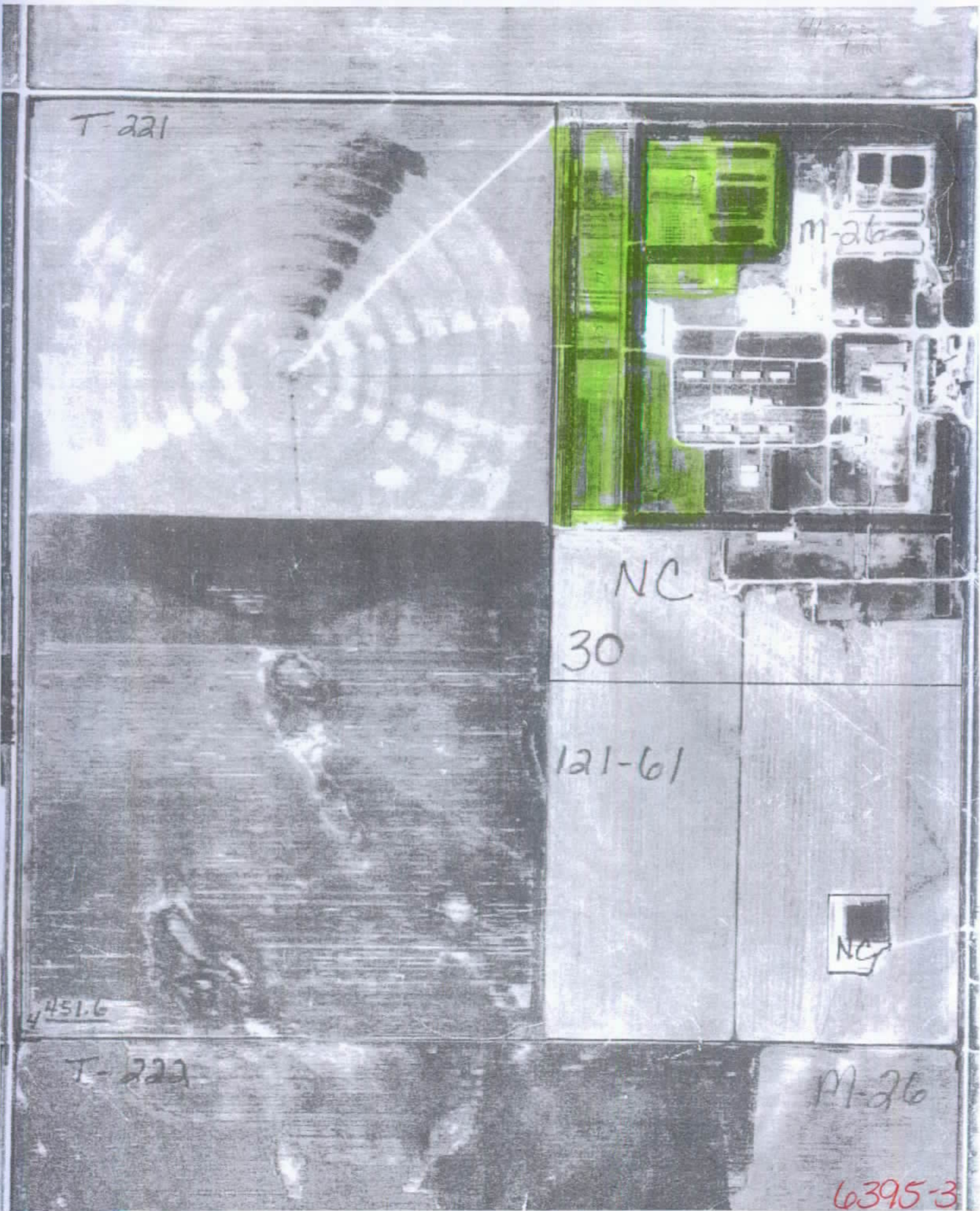
(Complete applicable portions only)

(type or print in ink)

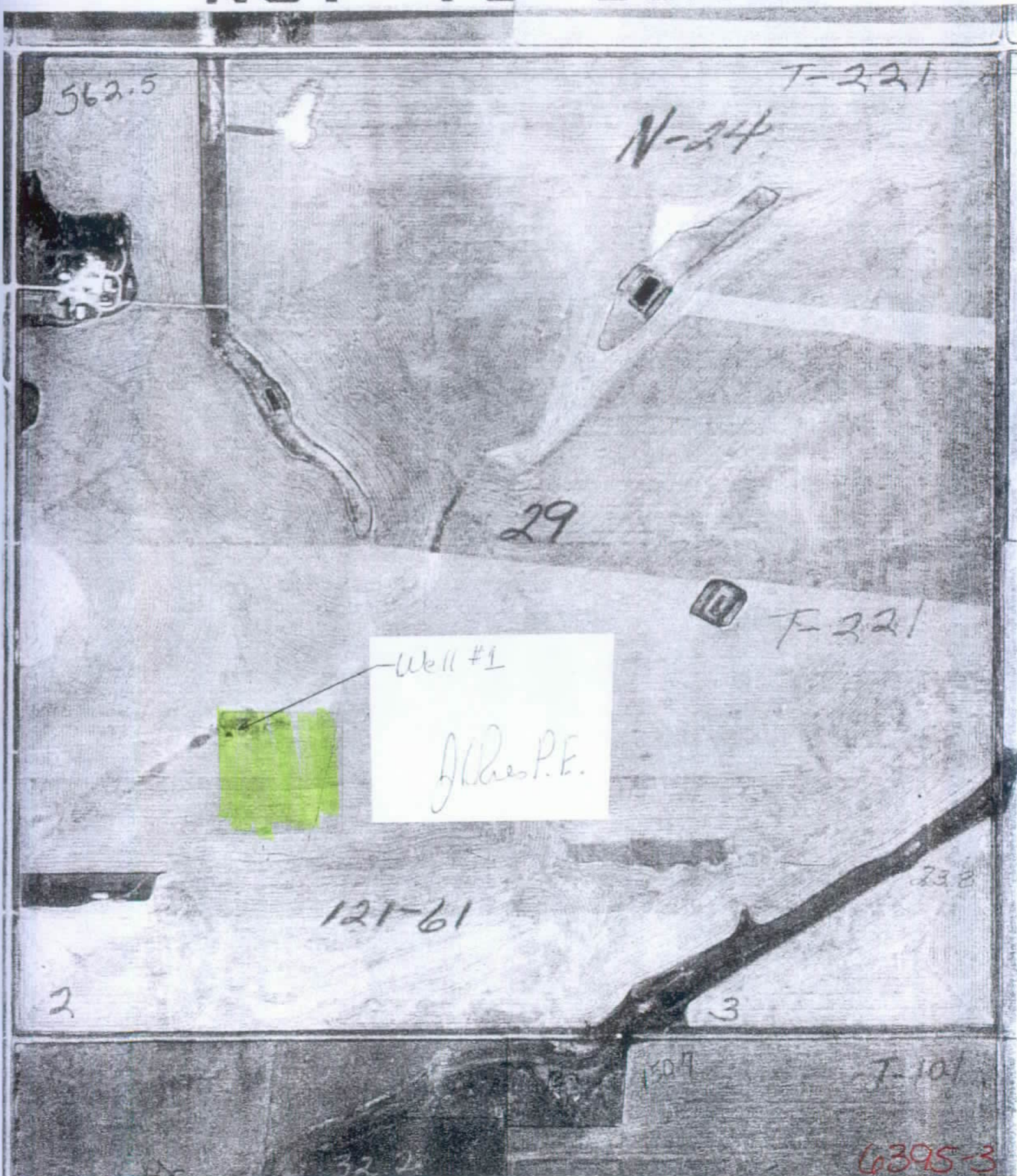
1. Well Information - Proposed Construction (Garden Irrigation well)

- a) Drill Hole Diameter 12" Depth 115'
- b) Casing Type Plastic Diameter 8" Thickness 3/8"
- c) Screen Type PVC Slotted Diameter 8" Thickness 3/8"
- d) Gravel Pack yes Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 30'
- f) Depth to Water (ground surface to water level) 85'
- g) Distance to nearest existing domestic well:
- On applicants property 500 feet On property owned by others 4,900 feet

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



NOT TO SCALE



PULLMAN DRILLING — DRILLERS LOG

395-6588

Phone: 1-800-451-4884

Huttenlo Colony
JOB NAME

Stratford S.D.
LOCATION

4/11/92
DATE

RIG NO. 11

J. V. P.
FOREMAN

J1 No.	DEPTH	TIME	REMARKS
1	20		0-20 yellow clay
2	40		20-40 Blue clay
3	60		40-45 Blue clay 45-60 Blue clay w/ sand & streaks
4	80		60-80 med. to coarse sand/ clay streaks
5	100		80-90 Coarse sand 90-100 med - sand & clay streaks
6	120		100-110 med to coarse. Bright sand 110-120 shale
7	140		120-140 shale
8			
9			
10			8 in well
11			F.D. 115 ft.
12			40 ft. to 25 ft. plotted man
13			75 ft. 8 in. Black
14			Plugged 75 ft. 48 in.
15			Water Head 30 ft.
16			Current 15-20 ft.
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R. E. Kuhl

Water Rights Program - File Documentation

NAME: John Ries, McLaury Flannery Engineering

ADDRESS: Elk Point SD

DATE: 2-7-2003 **COUNTY:** Union **TELEPHONE:** 605 356-2308

RE: Application for Hutterville Hutterian Brethren, Inc.

COMMENTS:

I called John Ries, engineer that helped Hutterville Hutterian Brethren, Inc. with their two applications.

Mr. Ries stated the application for irrigation of 50 acres of garden should be amended to 320 gallons per minute.

I told Mr. Ries that I would be sending a letter to them requesting their application fees and informing them of our phone conversation.


Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2003

Huttenerville Hutterian Brethren, Inc.
c/o John Waldner
14625 401st Ave
Stratford SD 57474

Dear Mr. Waldner:

Thank you for submitting the two *Applications for a Permit to Appropriate Water*. I have talked with John Ries from McLaury Flannery Engineering, regarding your applications. Mr. Ries stated that the amount of water claimed on the application for irrigation of your garden areas should be 320 gallons per minute. That change has been made on the application.

The application/license fees to will be as follows:

Application to irrigate 50 acres - \$200
Application for 4 wells for domestic use - \$300

Upon receipt of \$500, further processing of the two applications will continue. If you have any questions, please contact me.

Sincerely,

Karin Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

c: John Ries
McLaury Flannery Engineering

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 13, 2003

RECEIVED OF Huttenville Hutterian Brethren Inc., 14625 401st Ave, Stratford SD 57474-7204

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6395-3</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. <u>6395-3</u>	50 00
Fee for Filing Transfer Form _____	
Fee for _____	
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	TOTAL
	200.00

No. 000658

By Harland Erbe
Chief Engineer gm

REPORT ON WATER PERMIT APPLICATION NO. 6395-3

For Hutterville Hutterian Brethern, Inc.

March 27, 2003

Application No. 6395-3 proposes to appropriate 0.71 cfs (320 gpm) from one well approximately 115 feet deep located in the NW ¼ SW ¼ of section 29 to irrigate 50 acres of garden located in portions of the W ½ NE ¼ of section 30 and the SW ¼ of section 29; all in T121N R61W in Brown County.

AQUIFER – PLEISTOCENE UNKNOWN (PS-U)

Very little is known about this water source. The Brown County Study (Koch, 1976) and the Spink County Study (Hamilton, 1996) combined do not indicate that an aquifer of any consequence underlies this area. Potentially this ground water source could be part of the Middle James aquifer system. Information filed with the application indicates sand beginning at a depth of about 60 feet followed by some clay breaks and coarse sand to a total depth of about 118 feet. The water level was about 30 feet below land surface and the well was capable of producing 75 gpm using air to develop. The “as built” well is completed in accordance with SD Well Construction Standards. There is no estimate available for the amount of water in storage for this aquifer and the Water Rights Program does not monitor any observation wells completed into this aquifer.

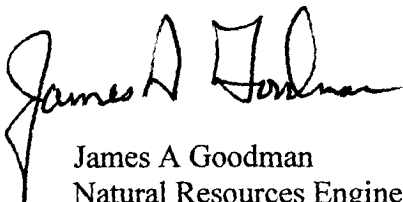
Based upon the driller’s log and information supplied with this application and also water permit application No. 6394-3, this aquifer is composed of sand and gravel and is confined and under artesian conditions. It appears that the aquifer lies in a bedrock channel that is probably isolated from the major aquifers in the area. Apparently the aquifer has been a viable source of water for many years.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only other water permit/right in this area is water permit application No. 6394-3. This application is also for the Hutterville Colony and the production wells are within 1000 feet from this application. Interference is not expected to be a concern. The only way to tell for sure would be to measure water levels during pumping. Since the Colony controls all the wells and diversion rates they can manage this system to their advantage.

CONCLUSIONS

1. Water is available from the unnamed aquifer.
2. The aquifer is under artesian conditions. Apparently the only other nearby water user from this aquifer is the colony. Interference is not expected to be adverse. This water source has been used for many years with no apparent problems.
3. Any wells not used or that are abandoned should be plugged pursuant to SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hamilton, L.J., L.W. Howells, 1996, Water Resources of Spink County South Dakota, WRI 96-4056, USGS, Rapid City SD, 57702.

Koch, N.C., W. Bradford, 1976, Geology and Water Resources of Brown County, South Dakota, Part II: Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6395-3, Hutterville 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. 6395-3, Hutterville Hutterian Brethren, Inc., c/o John Waldner, 14625 401st Avenue, Stratford SD 57474.

The Chief Engineer is recommending APPROVAL of Application No. 6395-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 1, 2003

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Alice Rents being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Notice of Application
Legal # 926681

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

Week for 2 successive Weeks

The first publication being made on the 8 day of April.

The second publication being made on the 15 day of April.

The third publication being made on the _____ day of _____.

The fourth publication being made on the _____ day of _____.

The fifth publication being made on the _____ day of _____.

The sixth publication being made on the _____ day of _____.

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 121.50, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Alice Rents

Subscribed and sworn to before me this 6 day of May, 2003.

Daily Circulation 18,000

Geri Valfrank

Notary Public, Brown County,

My commission expires March 20, 2007

No. 926681 - April 8, 15 - 21
NOTICE OF APPLICATION NOS. 6394-3 and 6395-3 to Appropriate Water
Notice is given that Hutterville Hutterian Brethren, Inc., 14625 401st Ave, Stratford SD 57474 have filed the following applications for a water permit:

Application No. 6394-3 proposes to appropriate 0.49 cubic feet of water per second (cfs) (220 gallons per minute) from 4 wells (Dakota Formation and Pleistocene Unknown) approximately 987, 103, 70; and 55 feet deep located in the SW 1/4 SW 1/4 Section 29 and NE 1/4 NE 1/4 Section 30 all in T121N-R61W. The water is for commercial use in animal feeding operations and domestic use at Hutterville Colony. The appropriation from the Dakota Formation well is 11 gallons per minute and the remaining 209 gallons per minute is diverted from the three shallow wells.

Application No. 6395-3 proposes to appropriate 0.71 cfs (320 gallons per minute) from 1 well (Pleistocene Unknown) 115 feet deep located in the NW 1/4 SW 1/4 Section 29 to irrigate 50 acres of garden located in portions of the W1/2 NE 1/4 Section 30 and SW 1/4 Section 29; all in T121N-R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6394-3 and 6395-3 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 these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is: "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501, (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 28, 2003. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider these applications at 10 A.M. May 7, 2003 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 the applications based on the facts presented at the public hearing. The May 7, 2003 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by April 28, 2003.

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 April 28, 2003, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an

I
These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16, 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-5-1 thru 46-5-14, 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, 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. Pinner, Secretary, Department of Environmental and Natural Resources.

RECEIVED

MAY - 8 2003

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

April 1, 2003

Aberdeen American News
PO Box 4430
Aberdeen SD 57402-4430

ATTENTION: Legal Public Notice

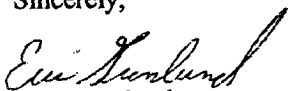
Enclosed is a Notice of Hearing on Application Nos. 6394-3 & 6395-3 to Appropriate Water to be published twice. Please publish the first notice on April 8, 2003 with the second publication 7 days later.

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 Hutterville Hutterian Brethren Inc., John Waldner, 14625 401st Ave., Stratford SD 57474 (Ph # 605-395-6580).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6394-3

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

Date _____

We are in receipt of your letter of April 1, 2003 enclosing Notice of Hearing to Appropriate Water by Application Nos. 6394-3 & 6395-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.**

April 1, 2003

Huttenerville Hutterian Brethren Inc.
John Waldner
14625 401st Ave
Stratford SD 57474

Dear M. Waldner:

Water Permit Application Nos. 6394-3 & 6395-3 for domestic and commercial use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Aberdeen American News printed at Aberdeen, SD (Ph # 605-225-4100). 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

cc: John Ries, McLaury Flannery Engineering

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.

Instruction to Newspaper - Publish first Notice on April 8, 2003 with the second publication 7 days later. The applicant is responsible for payment.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6394-3 and 6395-3 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 these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 28, 2003. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider these applications at 10 A.M. May 7, 2003 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 the applications based on the facts presented at the public hearing. The May 7, 2003 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by April 28, 2003.

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 April 28, 2003, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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



**DEPARTMENT of ENVIRONMENT
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JUN 13 2003

Huttenerville Hutterian Brethren Inc
% John Waldner
14625 401st Ave
Stratford SD 57474

Dear Mr. Waldner:

Enclosed are Water Permit Nos. 6394-3 & 6395-3 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 systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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



6395-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

January 20, 2005

NOTICE

TO: HUTTERVILLE HTTN BRETHREN, JOHN WALDNER, 14625 401ST AVE, STRATFORD, SD 57474

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6395-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6395-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6395-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **February 25, 2005**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



6395-3

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JOHN WALDNER
14625 401ST AVE
STRATFORD SD 57474

Waiver of Signature ☐ YES ☐ NO

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February 3, 2005

6395-3

John Waldner
Huttenerville Hutterian Brethren
14625 401st Ave
Stratford SD 57474

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit No. 6395-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



6395-3

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www.state.sd.us/denr

January 24, 2006

NOTICE

TO: HUTTERVILLE HTTN BRETHREN, JOHN WALDNER, 14625 401ST AVE, STRATFORD, SD 57474

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6395-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6395-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6395-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



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HUTTERVILLE HTTN BRETHREN
JOHN WALDNER
14625 401ST AVE
STRATFORD SD 57474

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Waiver of Signature ☐ YES ☐ NO

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January 26, 2006

6395-3

John Waldner
Huttenerville Hutterian Brethren
14625 401st Ave
Stratford SD 57474

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Permit No. 6395-3

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

One thing to keep in mind when completing the yearly questionnaire is that the information should be for that current crop year and not copied from the year before. It is the responsibility of the permit holder to keep accurate records throughout the growing season. We use the information submitted by irrigators each year to find out how much water is used from a particular source. The information helps us determine if new applications can be approved or if the source is nearing full appropriation.

If you have any questions, please contact me.

Sincerely,

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



6395-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 18, 2008

NOTICE

TO: HUTTERVILLE HTTN BRETHREN, JOHN WALDNER, 14625 401ST AVE, STRATFORD, SD 57474

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6395-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6395-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6395-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 3042	HUTTERVILLE HTTN BRETHREN JOHN WALDNER 14625 401ST AVE STRATFORD SD 57474	
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February 13, 2008

6395-3

John Waldner
Huttenerville Hutterian Brethren
14625 401st Ave
Stratford SD 57474

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Permit No. 6395-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

c: Greg Magera, Attorney at Law

Permit No. 6395-3
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, **May 28, 2008**, made a thorough examination of the water use system constructed by **Huttenville Hutterian Brethren, Inc.** of **14625 401st Ave., Stratford, SD 57474** holder of Permit No. **6395-3**, bearing the priority of **February 6, 2003** authorizing the diversion of **0.71** cu. ft. per second of the waters of the **Pleistocene Unknown** for **Irrigation** purposes, in **Brown** County.

Inspection contact & relationship **John Waldner 395-7580**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Huron Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **115** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **8** inches
- 2) Length **75** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Plastic**
- 2) Length **40** feet
- 3) Static water level **30** feet

Pump:

- 1) Make **Hitachi**
- 2) Model **Mfg. # 869699E**
- 3) Size **20 hp**
- 4) Capacity **120** 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 Y
3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 785 feet north and 605 feet east of the SW corner of Section 29-T121N-R61W
(N 45.25763, W -98.20461) (SW ¼ SW ¼)

The works are capable of diverting and conveying to the place of use 0.27 cu. ft. per second of water which is to be used for Irrigation use. Water has been put to beneficial use to the maximum extent as follows:

Section 30-T121N-R61W

NW ¼ NE ¼ - 18 acres

NE ¼ NE ¼ - 6.5 acres

SW ¼ NE ¼ - 15.5 acres

Section 29-T121N-R61W

SW ¼ SW ¼ - 10 acres

comprising a total of 50 acres of land and the license should be issued for 0.27 cfs.

All structures, wells and lands on map Y

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

Water from the well is pumped through underground pipe to the location of the garden area. A sprinkler system is used to apply the water for irrigation.



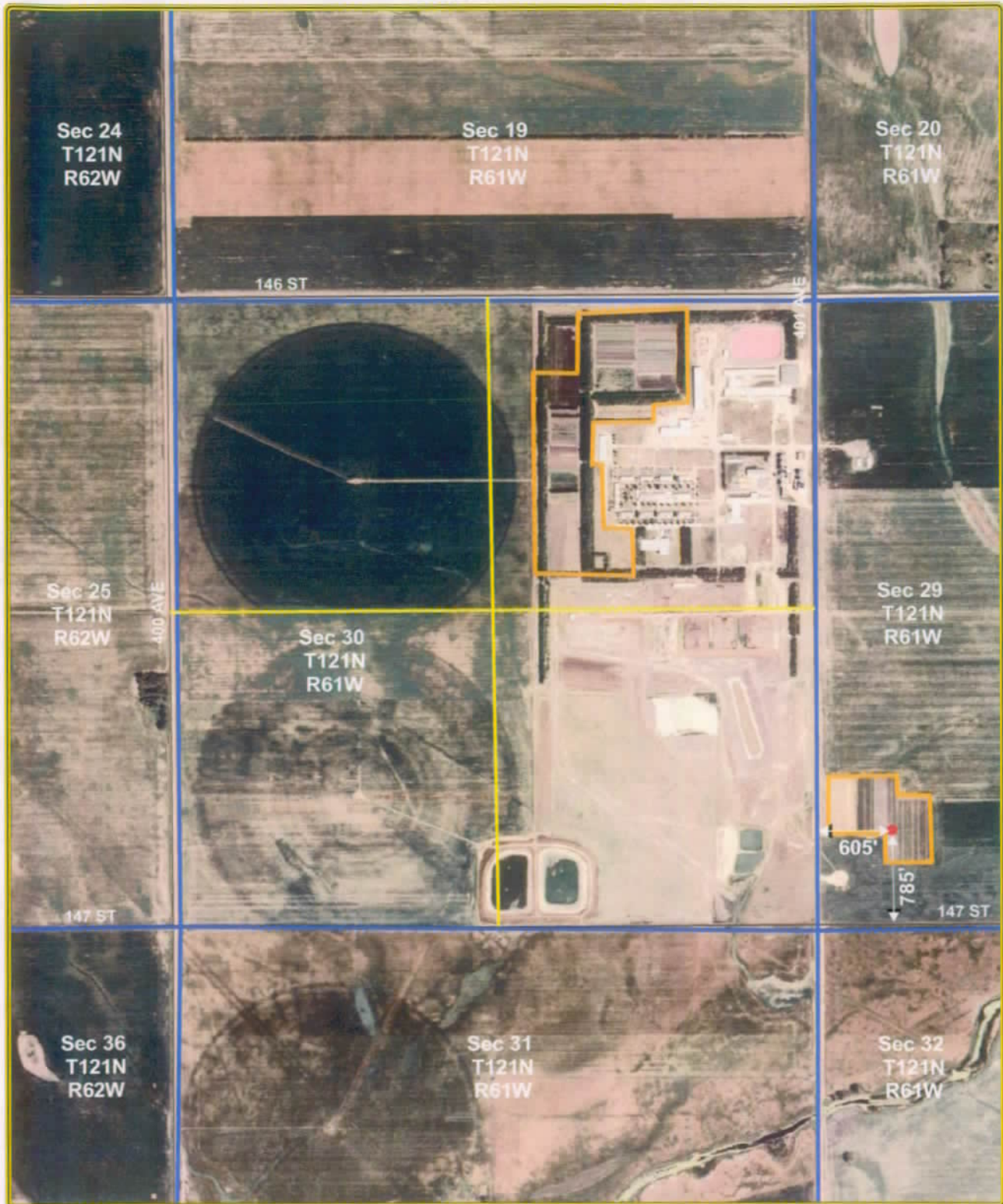
Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: August 24, 2009

Water Permit No. 6395-3

Huttenville Colony
14625 401st Ave
Stratford, SD 57474



0 500 1,000 2,000 3,000 4,000 Feet

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
August 24, 2008



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

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Hutterville Hutterian Brethren

ADDRESS: 14625 401st Ave., Stratford, SD 57474

DATE: August 24, 2009 **COUNTY:** Brown **TELEPHONE:** 395-6580

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 Pleistocene Unknown aquifer which is the same aquifer as was permitted. The permit originally indicated the location of the diversion point to be in the NW ¼ SW ¼ Section 29-T121N-R61W. At the time of the inspection, the actual location of the well was in the SW ¼ SW ¼ Section 29-T121N-R61W.

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

The same 50 acres are being irrigated as was originally permitted.

- **Review of Existing Diversions**

There are no existing water rights/permits in this area which obtain water from the Pleistocene Unknown aquifer. Interference will not be a concern.

RECOMMENDED ACTION

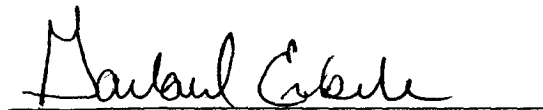
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mike DeFea, Natural Resources Engineer
Water Rights Program

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

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



Garland Erbele, Chief Engineer
Water Rights Program



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SEP 24 2009

6395-3

Huttenerville Hutterian Brethren Inc
c/o John Waldner
14625 401st Ave
Stratford SD 57474

Dear Mr. Waldner:

Enclosed is Water License No. 6395-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6395-3

(1) Huttenville Hutterian Brethren, Inc., 14625 401st Ave, Stratford SD 57474 made Application No. 6395-3, February 6, 2003 for a water permit to divert 0.71 cubic feet of water per second from groundwater (one well), Brown County, South Dakota for irrigation purposes. Permit No. 6395-3, with a priority date of February 6, 2003 was approved May 7, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 7, 2008 and for the application to beneficial use of water on or before May 7, 2012.

An investigation conducted for licensing purposes found the diversion point developed outside of the area authorized under Water Permit No. 6395-3. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of the diversion point does not increase the potential for interference with existing water rights.

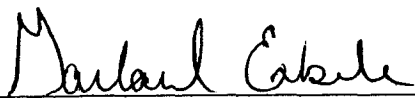
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6395-3 is issued a license, bearing a priority date of February 6, 2003 to appropriate 0.27 cubic feet of water per second from groundwater (one well) to irrigate 50 acres.

The diversion point is located: 785 feet north and 605 feet east of the southwest corner Section 29-T121N-R61W (SW ¼ SW ¼). The acres authorized for irrigation are as follows:

\Section 30-T121N-R61W		Section 29-T121N-R61W	
NW ¼ NE ¼	18.0 acres	SW ¼ SW ¼	10 acres
NE ¼ NE ¼	6.5 acres		
SW ¼ NE ¼	15.5 acres	Total 50 acres	

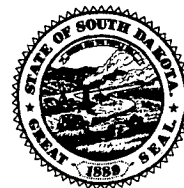
(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6395-3 including the following now applicable qualifications:

- 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

SEP 24 2009

date



STEVEN D. SANDVEN

LAW OFFICE P C

PRINCIPAL
STEVEN D. SANDVEN

*Admitted in South Dakota,
Minnesota & Washington D.C.*

3600 SOUTH WESTPORT AVENUE, SUITE 200
SIOUX FALLS, SOUTH DAKOTA 57106-6344
TELEPHONE (605) 332-4408
FACSIMILE (605) 332-4496
SSANDVENLAW@AOL.COM

July 16, 2013

Tim Tollefsrud, Director
DENR
523 E Capitol Pierre, SD 57501
(605) 773-3151
tim.tollefsrud@state.sd.us

Re: Information Request

Dear Mr. Tollefsrud:

This memorandum is provided to request copies of all public records regarding permit compliance issues for land owned by Hutterville Hutterian Brethren, Inc. including all communication with Siegel Barnett & Shutz. Please provide the anticipated date for providing requested information.

Please contact me if there are any questions.

Sincerely,

Steven D. Sandven
Attorney for Hutterville Hutterian Brethren, Inc.

Cc: Client
David Bradley Olsen/Court Anderson, Henson & Efron PA, Attorneys for Hutterville Hutterian Brethren, Inc.

6395-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 17, 2013

Steven D Sandven
3600 South Westport Avenue, Suite 200
Sioux Falls SD 57106-6344

Dear Mr. Sandven:

You made an information request to Tim Tollefsrud with the Department of Environment and Natural Resources (DENR) for all public records regarding permit compliance issues for land owned by Hutterville Hutterian Brethren, Inc. I am responding to the water rights held in the name of Hutterville Hutterian Brethren. The Surface Water Quality Program of DENR will be responding separately on the general water pollution control permit.

Hutterville Hutterian Brethren holds Water Permit No. 6394-3 for wells to supply the animal feeding operations and domestic use at the colony. In addition, they hold Water License No. 6395-3 for wells to irrigate the garden area.

I hope this information is helpful. Please let me know if you have further questions regarding water rights.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 21, 2017

6395-3

Tom Waldner
Huttenville South Dakota Inc
14625 401st Ave
Stratford SD 57474

Dear Mr. Waldner:

Recently upon sending in the 2017 irrigation questionnaire for Water Right No. 6395-3, you indicated the name on the water right should be changed to Huttenville South Dakota Inc.

In order to make a name change or an ownership change, a transfer form will need to be filed with our office. Enclosed is a partially completed Notice of Transfer of Ownership form for filing the change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as we receive the completed form and filing fee, Water Right No. 6395-3 can be changed over to the correct name. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 13 2017

WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6395-3

Date: 12/11/2017

I/We request that Water Right No. 6395-3

formerly owned by: Huttenville Hutterian Brethren, Inc

be transferred to: (name & address) Huttenville South Dakota Inc., 14625 401st Ave,
Stratford SD 47474

Telephone No. 605 395-6580

Title to the following described land(s)/property has been transferred as described above:

50 acres – portions of the NE ¼ Section 30 and SW ¼ SW ¼ Section 29, T121N, R61W

I/We understand that the validity of Water Right No. 6395-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

Huttenville
I/We South Dakota Inc., the new owner, certify that the above information is true and correct.

Tom Waldner

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 14, 2017

RECEIVED OF Huttenerville South Dakota, Inc. 14625 401st Ave Stratford 57474-7204

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 6395-3		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08391**

By Jeanne Goodman
Chief Engineer *Jm*



South Dakota Secretary of State
SHANTEL KREBS

Filing Information

Name: **Huttenerville South Dakota, Inc.**

General Information

SOS Business ID **FN030390**
Filing Type: Nonprofit Corporation - Foreign
 09/24/2014
Delayed Effective Date: 09/24/2014 11:23 AM
Status: Good Standing
Duration Term: Perpetual

Registered Agent Address	Principal Address
C T CORPORATION SYSTEM	14625 401ST AVE
319 S COTEAU ST	1075
PIERRE, SD 57501-3187	STARATFORD, SD 57474-7204

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
08/02/2017	2017 Annual Report	B0037-0721
08/25/2016	2016 Annual Report	
09/17/2015	2015 Annual Report	
09/24/2014	Initial Filing (Delayed Date 09/24/2014)	FN030390



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 22, 2017

6395-3

Tom Waldner
Huttenville South Dakota Inc
14625 401st Ave
Stratford SD 57474

Dear Mr. Waldner:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted to change the name on Water Right No. 6395-3.

The transfer has been completed. Water Right No. 6395-3, formerly listed under Huttenville Hutterian Brethren Inc., is now listed in the name of Huttenville South Dakota Inc.

Enclosed for your records is Receipt No. 08391 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosure



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: HUTTERVILLE SOUTH DAKOTA INC, TOM WALDNER, 14625 401ST AVE,
STRATFORD, SD 57474

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6395-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6395-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6395-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: YWZTTT**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 13, 2024

6395-3

Huttenerville South Dakota Inc.
c/o Tom Waldner
14625 401st Ave
Stratford SD 57474

Dear Mr. Waldner:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 6395-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: HUTTERVILLE SOUTH DAKOTA INC, TOM WALDNER, 14625 401ST AVE,
STRATFORD, SD 57474

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6395-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6395-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6395-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: CKPAYH**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 20, 2025

6395-3

Huttenerville South Dakota Inc
c/o William Waldner
14625 401st Ave
Stratford SD 57474

Dear Mr. Waldner:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 6395-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

Dewell, Amanda

From: Dewell, Amanda
Sent: Thursday, February 20, 2025 2:21 PM
To: HUTTERVILLESINC@GMAIL.COM
Subject: Water Right No. 6395-3_Huttenville SD Inc

William,

Thank you for taking my call today regarding Water Right No. 6395-3, held by Huttenville SD Inc. At present, Water Right No. 6395-3 authorizes the diversion of water from one well located in the SW ¼ SW ¼ Section 29-T121N-R61W, for the irrigation of 50 acres located within portions of the NE ¼ Section 30 & SW ¼ Section 29; all in T121N-R61W.

I have included an image of the license and map. On the map, the areas outlined in dark yellow/gold are the irrigated areas and the red dot is the well site. If Huttenville SD Inc has abandoned the use of irrigation in these areas, from the well, our program would move forward with cancellation of the water right. We would also want to know the current disposition of the well.