

WATER PERMIT NO. 6431A-3

Name of Applicant: **Huron Hutterian Brethren, Inc.**

Address: **40068 Huron Colony Lane, Huron SD 57350**

Phone: **605 352-5647**

Amount of Water Claimed: **1 cfs**

Total Acres: **91 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Beadle**

Type of Waste Disposal System: **NA**

Location: **12 miles north of Huron**

PRIORITY

Date Received: **2-16-10**

Application/License Fee: **\$300**

Corrected Application Received: **2-25-10**

Period of Annual Use: **April 1 – October 31**

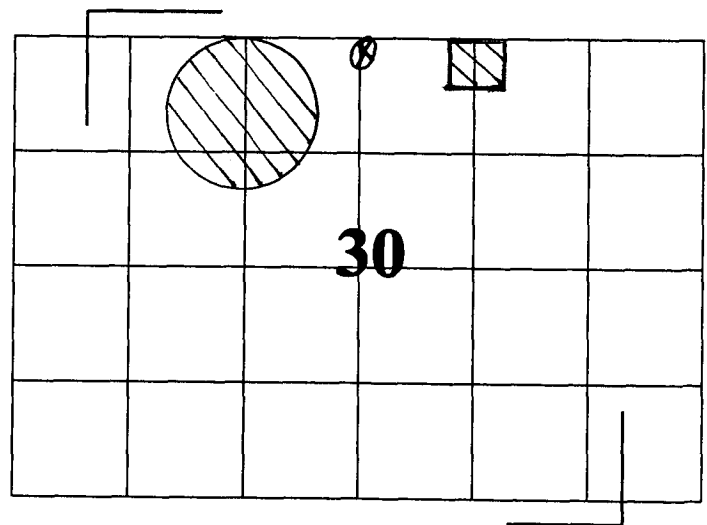
Remarks: **Moving acreage and diversion authority authorized by Water Permit No. 6431A-3 to a different location**

Diversion Point: **near N $\frac{1}{4}$ corner of Sec 30-**

T113N-R61W

Land to be Irrigated: **NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 30-**

T113N-R61W



Depth of Well: **120 feet deep**

Well Driller: **Pullman Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Mark Bierman, Beadle Co NRCS**

Reviewed and the Number Assigned on: **2-25-10**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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>6431A-3</u> (office use only)
	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>The Plainsman, Huron SD</u>

RECEIVED
FEB 16 2010
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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.)

1. Name of Applicant Huron Hutterian Brethren Inc. Phone 605-352-5647
(check one) Owner Tenant/lessee
- Mailing Address 40068 Huron Colony Lane Huron State S.D 57350
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1 *CFS or **GPM ***AF Total Acreage 91
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Ground Water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 Well North Central of Sec 30-113N-61W to provide
Water for Irrigation through a pivot system County Beadle
(near the N1/4 corner)
5. County or counties where water will be used Beadle
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NW 1/4 Sec 30-T113N-R61W</u>	<u>81</u>		
<u>NE 1/4</u>	<u>10</u>		
		<u>Total</u>	<u>91</u>

8. Give a description of the project. (Attach sheet if more space is needed)

Direct Water from 1 well to provide water for Irrigation
through a pivot system for the land described above.

STATE OF SOUTH DAKOTA)

County of Beadle SS

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

I, Martin Wallman, 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 Martin Wallman

Subscribed and sworn to before me this 22nd day of FEBRUARY 20 10

Shari Mortensen
Notary Public signature
Shari Mortensen

Expires: 11-2-15

**SOUTH DAKOTA
WATER PERMIT NO. 6431A-3**

Date of first receipt of application February 16, 2010.

Date of return to applicant for corrections, amendments or changes February 16, 2010.

Date of receipt of corrected application February 25, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6431A-3 to Huron Hutterian Brethren, Inc., c/o Marvin Wollman, 40068 Huron Colony Lane, Huron SD 57350 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6431A-3 amends Water Permit No. 6431-3. Water Permit No. 6431-3 appropriates 1.0 cubic feet of water per second from one well to be completed into the Tulare:East James Aquifer located in the NE 1/4 SW 1/4 Section 13 to irrigate 91 acres located in the SE 1/4 NW 1/4, SW 1/4 Section 13; all in T113N-R62W. This permit authorizes moving the location of the 91 acres approximately 1 1/2 miles southeast with the well to be near the north 1/4 corner of Section 30 to irrigate 91 acres located in the NW 1/4, N 1/2 NE 1/4 Section 30; all in T113N-R61W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
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 – October 31.
3. The date from which applicant may claim right is July 16, 2003 (established by Water Permit No. 6431-3).
4. The date of approval of Permit No. 6431A-3 is May 28, 2010.
5. All construction is to be completed on or before June 7, 2010.
6. Water is to be put to beneficial use on or before June 7, 2014.
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. The well authorized by Permit No. 6431A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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 01 2010

date



Form 2A
(Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- Drill Hole Diameter 24" Depth 120
- Casing Type PVC Diameter 16" (ID) Thickness Sch. 40
- Screen Type SS Diameter 16" Thickness
- Gravel Pack 3/16 x 1/4" Pea Rock Length of Gravel Pack 100'
- Depth to Top of Water Bearing Material 85'
- Depth to Water (ground surface to water level) 25'
- Distance to nearest existing domestic well:
 - On applicants property YES
 - On property owned by others

2. Wastewater Disposal System Information

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

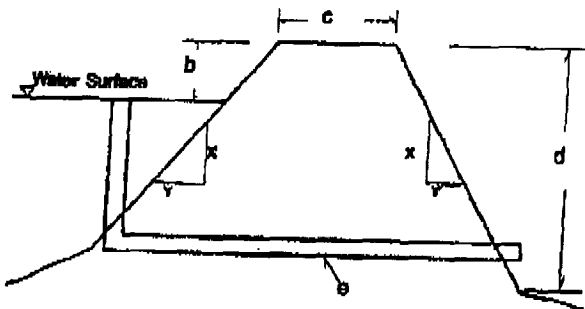
3. Dugout Information

- Surface Dimensions Depth
- Depth to water (ground surface to water level)

4. Water Storage Dams

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

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



- Freeboard
- Crest Width
Crest Length
- Height
- Primary Outlet Capacity
If pipe, diameter
- Secondary Spillway Capacity
Spillway Width
- X & Y Slope
Upstream
Downstream
- Surface Area of Impoundment
- Storage Acre Feet
- Drainage Area Above Dam Acres

352-6852

To Hunon Colony
ATT. Jozy

RECEIVED
FEB 16 2010
WATER RIGHTS
PROGRAM

From Pullman Well Drilling
I.E.

16" PUC Irrigation Well in Sec. 30
T-113-n R-61-W Beadle County.

1- 16" PUC Well Drilled and Cased
Estimated depth 190' Deep. with 135⁰⁰ pr. ft. \$16,200.00
16" Johnson Stainless Screen.
(15') at 210⁰⁰ pr. ft. extra \$3150⁰⁰
Test pump \$1000.00

Test holes (Dry) \$12⁵⁰ pr. ft.
Test hole (Cased) 3" \$15⁰⁰ pr. ft.

Thank you
Rick Grace
Pullman Well Drilling



USDA - Farm Service Agency

Beadle County, SD

September 20, 2007

2006 Digital Imagery

1 inch equals 642 feet

RECEIVED

FEB 16 2010

WATER RIGHTS PROGRAM



30-113N-61W

USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability of the data. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Legend

- Tract Boundary
- Field Boundary
- Non Crop
- CRP
- Easement

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7-25, 2014

RECEIVED OF Huron Butte Farm, Inc. 40068 Huron Colony Lane, Huron SD 57350

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

Fee for Application for Permit No. <u>6431A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>6431A-3</u>	200	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	300.00

No.

04494

By

Harlan E. Ebel

Chief Engineer

(RS)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 2010

Huron Hutterian Brethren, Inc.
c/o Joey Waldner
40068 Huron Colony Lane
Huron SD 57350

RECEIVED

FEB 25 2010

WATER RIGHTS
PROGRAM

Dear Mr. Waldner:

Thank you for submitting the *Application for a Permit to Appropriate Water* for the amendment of Water Permit No. 6431-3. In order to complete the application the following is required.

- We are returning the application because the bottom portion of the form needs to be signed and notarized.
- Also, enclosed is the aerial photo map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).
- The application/license filing fee will be \$300.00.

Enclosed is your Receipt No. 4478 in the amount of \$50.00 for the Transfer of Ownership on Water Permit No. 6431-3. The transfer has been completed. The water permit formerly listed in the name of Bradley N Tschetter is now listed in the name of Huron Hutterian Brethren Inc.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

Paid
CK# 21283

\$ 300.00

enclosure

2-22-2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6431A-3, Huron Hutterian Brethren**

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. 6431A-3, Huron Hutterian Brethren, c/o Marvin Wollman, 40068 Huron Colony Lane, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 6431A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) 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. The well authorized by Permit No. 6431A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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 30, 2010

REPORT ON WATER PERMIT APPLICATION NO. 6431A-3
For Huron Hutterian Brethren, Inc.
April 20, 2010

Application No. 6431A-3 proposes to amend Water Permit No. 6431-3. Water Permit No. 6431-3 appropriates 1.0 cfs from one well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 13 to irrigate 91 acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ of section 13; all in T113N R62W in Beadle County. This application proposes to move the location of the 91 acres approximately 1 $\frac{1}{2}$ miles southeast with the well to be located near the north $\frac{1}{4}$ corner of section 30 to irrigate 91 acres located in the NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ of section 30; all in T113N R61W. No increase in the diversion rate or the number of irrigated acres is authorized by this amendment.

AQUIFER – TULARE EAST JAMES (T-EJ)

The Tulare East James aquifer is considered fully appropriated based upon water use as determined by the Water Management Board at their July 12, 2006 hearing (Goodman, 2006). The Tulare East James is primarily a surficial outwash (sand and gravel) under water table conditions in the area to the north of the application.

SDCL 46-5-34 allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land.

No test holes have been drilled at this proposed site. Geologic data from the area is sketchy but there is an existing irrigation well located about one mile to the northwest that is 58 feet deep. Also some scattered geologic drill hole data indicates possibly gravel from 60 to 80 feet in section 20 (about one mile east) and from 90 to 112 feet in section 30 (about $\frac{1}{2}$ mile to the southeast) all from this proposed site. It would appear that potentially there is sand and gravel underlying this site but this source may be from a different aquifer than the Tulare East James. The well will have to be completed and tested to determine if connected to the Tulare East James aquifer in this area.

The applicant indicates the proposed well will be 120 feet deep with a depth to water of 25 feet with the top of the aquifer at 85 feet. That information is based upon the form 2A filed with the application and not upon a drill log.

The Water Rights Program does monitor an observation well BD-77I located about three miles north and completed into the Tulare East James aquifer. A hydrograph for this observation well is included with this report. In general, the hydrograph indicates the aquifer is capable of sustaining this withdrawal (Water Rights, 2010).

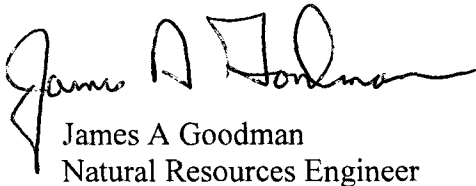
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing water permit No. 3268C-3 (1.56 cfs, 113 acres) located about one mile northwest of this proposed site. Interference is not expected to be a concern but this

will need to be demonstrated by developing and pumping the new well. Huron Colony holds the existing permit and is the applicant for this proposed permit.

CONCLUSIONS

1. The statutes allow for permit No. 6431-3 to be amended.
2. There is virtually no time left to develop this application. The construction deadline for No. 6431-3 is June 7, 2010. The time may need to be extended to allow for development but the applicant did not ask for an extension.
3. The Tulare East James aquifer is the source of water for Water Permit No. 6431-3. Until this well is drilled and tested it can not be determined if the proposed site will be completed into the Tulare East James aquifer or Deep James aquifer. This proposed site could be in either aquifer.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
5. Any existing well or new well that was constructed under water permit No. 6431-3 that has been abandoned must be plugged in accordance with SD Well Construction Standards.



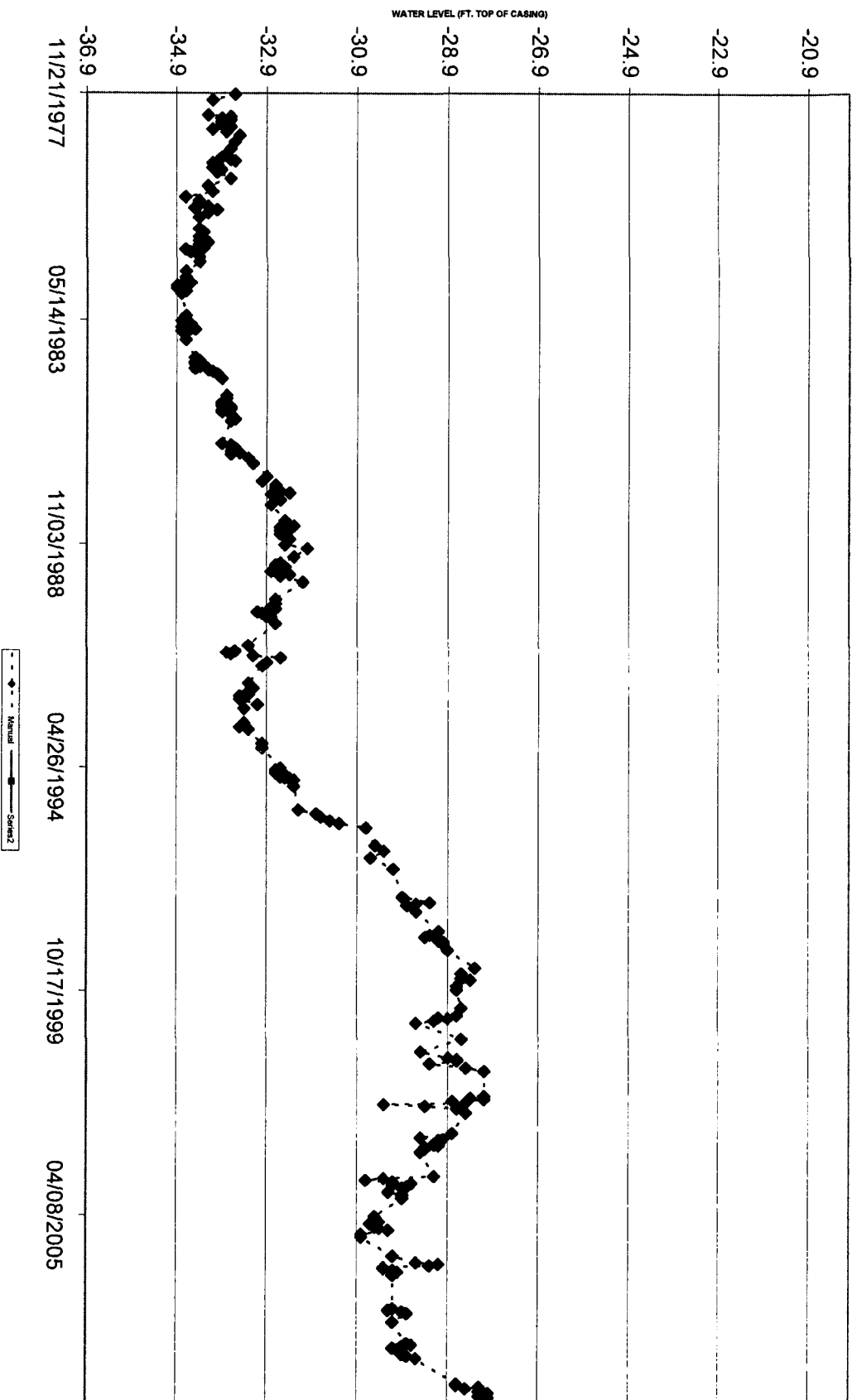
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Goodman, J.A., 2006, Report on Water Permit Application No. 6711-3 for Oscar, Inc. and Nos. 6712-3 and 6713-3 for Peterson Farms, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Water Rights, 2010, Unpublished Observation Well Data for the Tulare East James Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
BD-771**





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 30, 2010

The Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6431A-3 to Appropriate Water to be published twice. Please publish the first notice on May 7, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Huron Hutterian Brethren, c/o Joey Waldner, 40068 Huron Colony Lane, Huron SD 57350 (Ph # 605-352-5647).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6431A-3

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

Date _____

We are in receipt of your letter of April 30, 2010 enclosing Notice to Appropriate Water by Application No. 6431A-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
denr.sd.gov

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

April 30, 2010

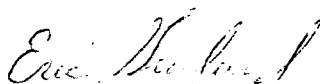
Huron Hutterian Brethren
c/o Joey Waldner
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Waldner:

Water Permit Application No. 6431A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plainsman printed at Huron SD (Ph # 605-352-6401). 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 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 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. 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
eric.gronlund@state.sd.us

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.

Instruction to Newspaper - Publish first Notice on May 7, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 6431A-3 to Amend Water Permit No. 6431-3

Notice is given that Huron Hutterian Brethren, Inc., c/o Joey Waldner, 40068 Huron Colony Lane, Huron SD 57350 has filed an application for a water permit to amend Water Permit No. 6431-3. Water Permit No. 6431-3 appropriates 1.0 cubic feet of water per second from one well to be completed into the Tulare:East James Aquifer located in the NE 1/4 SW 1/4 Section 13 to irrigate 91 acres located in the SE 1/4 NW 1/4, SW 1/4 Section 13; all in T113N-R62W. This application proposes to move the location of the 91 acres approximately 1 1/2 miles southeast with the well to be near the north 1/4 corner of Section 30 to irrigate 91 acres located in the NW 1/4, N 1/2 NE 1/4 Section 30; all in T113N-R61W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is requested by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6431A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 May 24, 2010.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.

WATER RIGHT PROGRAM
SOUTH DAKOTA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Plainsman	Eric Gronlund
COMPANY:	DATE:
	04/30/2010
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
352-7754	3
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
	(605) 773-3352
RE:	SENDER'S FAX NUMBER:
Public Notice of water permit application	(605) 773-4068

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ AS YOU REQUESTED

NOTES/COMMENTS:

Attached is the cover letter and public notice for Water Permit Application No. 6431A-3 for Huron Colony.

I am unsure of the email address to send the WORD file to. If you want it emailed to the newspaper, please contact Gail Jacobson at 773-3352 or email her at gail.jacobson@state.sd.us.

Instruction to Newspaper - Publish first Notice on May 11, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

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Notice is given that Huron Hutterian Brethren, Inc., c/o Joey Waldner, 40068 Huron Colony Lane, Huron SD 57350 has filed an application for a water permit to amend Water Permit No. 6431-3. Water Permit No. 6431-3 appropriates 1.0 cubic feet of water per second from one well to be completed into the Tulare:East James Aquifer located in the NE 1/4 SW 1/4 Section 13 to irrigate 91 acres located in the SE 1/4 NW 1/4, SW 1/4 Section 13; all in T113N-R62W. This application proposes to move the location of the 91 acres approximately 1 1/2 miles southeast with the well to be near the north 1/4 corner of Section 30 to irrigate 91 acres located in the NW 1/4, N 1/2 NE 1/4 Section 30; all in T113N-R61W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is requested by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6431A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 May 28, 2010.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 6431A-3, Huron Colony

ADDRESS: COUNTY: Clay

DATE: May 7, 2010 TELEPHONE:

RE: Call from the Plainsman on publication notice of Application No. 6431A-3

Ruby with the Plainsman called. She indicated that the Plainsman just got contacted by Huron Colony to authorize publication of the notice. However the publication was to be today so they missed getting it in the newspaper. I changed the dates to publish to May 11, 2010 and the date to intervene to May 28th and emailed her the publication notice.

Normally, this would not be a big issue but the time to construct work on Permit No. 6431-3 is June 7th and this amendment to transfer acres will not be approved at best until May 28th. I have tried contacting Huron Colony to let them know about the time crunch but have been unable to get a call back.

NAME: 

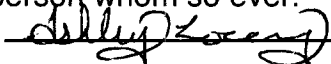
OK
PRINTER'S AFFIDAVIT

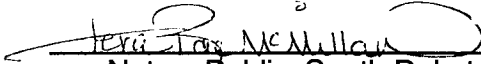
STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

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

HURON COLONY - WATER RIGHTS APPLICATION

Was published for Two days, once each week, on the same day, in said newspaper, and not in any supplement of the said newspaper. The first publication being the 11th day of MAY 2010 and the last publication was on the 18th day of MAY 2010. That the full amount of the fee charged for publishing is: SEVENTY FIVE & 54/100 Dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.


Subscribed and sworn to before me this 25th day of MAY, 2010


Notary Public, South Dakota

My term expires 08/27/2010

Legal # 193

RECEIVED

MAY 26 2010

WATER RIGHTS
PROGRAM

F.P. 05-11-10
L.P. 05-18-10

NOTICE OF APPLICATION

NO. 6431A-3 to Amend

Water Permit No. 6431-3

Notice is given that Huron Hutterian Brethren, Inc., c/o Joey Waldner, 40068 Huron Colony Lane, Huron SD 57350 has filed an application for a water permit to amend Water Permit No. 6431-3. Water Permit No. 6431-3 appropriates 1.0 cubic feet of water per second from one well to be completed into the Tulare:East James Aquifer located in the NE 1/4 SW 1/4 Section 13 to irrigate 91 acres located in the SE 1/4 NW 1/4, SW 1/4 Section 13; all in T113N-R62W. This application proposes to move the location of the 91 acres approximately 1 1/2 miles southeast with the well to be near the north 1/4 corner of Section 30 to irrigate 91 acres located in the NW 1/4, N 1/2 NE 1/4 Section 30; all in T113N-R61W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is requested by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6431A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water

Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 May 28, 2010.

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. Contact Eric Gronlund at the above Water Rights Program

address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

No. 193 (adv.)
Published twice at the total approximate cost of \$75.85.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 01 2010

Huron Hutterian Brethren, Inc.
c/o Marvin Wollman
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Wollman:

Enclosed is Water Permit No. 6431A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

As stated in the permit "All construction is to be completed on or before June 7, 2010."

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return the completed form after the city has 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,

A handwritten signature in cursive script that reads "Garland Erbele".

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

enclosures

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 6431A-3, Huron Colony

ADDRESS: 40068 Huron Colony Lane, Huron SD COUNTY: Beadle

DATE: Jun 1, 2010 TELEPHONE: 350-6875

RE: Telephone conversation with Joey Waldner

Joey Waldner with Huron Colony called regarding Water Permit No. 6431A-3. I explained that the water permit was just issued but also explained that since this was a transfer based on Water Permit No. 6431-3 the time to complete construction is June 7, 2010 just 6 days away. I explained that about a month ago I had left voice messages for Mr. Waldner to discuss this issue but never got called back. Mr. Waldner said he never received the message.

Huron Colony had only obtained the ability to transfer the water right in February and filed the application which was received by DENR on February 26, 2010

Mr. Waldner was concerned that with only 6 days to complete construction that they couldn't get construction complete. He wanted to know if DENR could give them a month to get the system constructed. My answer was that state law (SDCL 46-2A-8) was specific in regard to the five year period to complete construction and the only way I knew for them to obtain extra time was to file for an extension of time. The extension of time application would need to be public noticed. Mr. Waldner stated that if they could just get four days extra days, they could probably get the system completed without going through the formal extension of time process. He stated it is tough to get a well driller on line at a moments notice. I told him I would check with the Chief Engineer and get back to him in one half hour.

Upon discussion with Chief Engineer Garland Erbele, we concluded that the law does not provide DENR the ability to administratively grant a brief extension of time. Therefore, I called Mr. Waldner back to inform him that if construction necessary to put the water to beneficial use is not completed by June 7, 2010, Huron Colony needs to file for an extension of time. Mr. Waldner had since been on the phone with a well driller who was going to be on site Wednesday morning (June 2nd). He thought the well would be completed by Monday, June 7th. He then asked if the pump will need to be in place. I reiterated that any construction necessary to put the water to beneficial use must be completed by that date so I believe that includes a pump so that water can be applied to the land.

I told Mr. Waldner if the completion of the well does not go as planned, Huron Colony should be prepared to submit an application for an extension of time prior to June 7th. He asked what that entailed. I told him a standard application and agreed to send him a partially completed application. This was put in the mail at 5:00 PM on Tuesday, June 1st.

I also told him to keep in contact with me if things don't go as planned.

NAME: Eric Hunkund

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 6431A-3, Huron Colony

ADDRESS: 40068 Huron Colony Lane, Huron SD COUNTY: Beadle

DATE: June 7, 2010 TELEPHONE: 350-6875

RE: Telephone conversation with Joey Waldner

Joey Waldner with Huron Colony called regarding Water Permit No. 6431A-3. He said they completed the well on Saturday and the pump will be installed and operational by noon today so they can start applying water if needed.

NAME: Erici Tranter

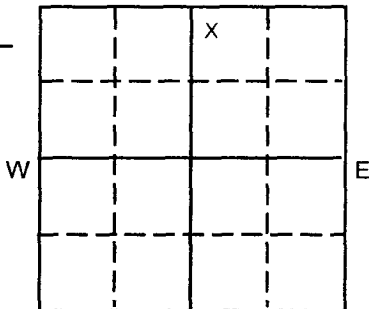
SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location NW 1/4 NE 1/4 Sec 30 Twp 113 Rg 61

County

Beadle

North

Please mark well
location with an "X"

Well Completion Date

6/4/2010

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? _____ ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel
 ☒ Plastic
 ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00	0.0	76.0	24.00
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0 Ft	71.0 Ft
Smooth	47			
		Lb/gal	Ft	Ft

Describe grouting procedure
Line

SCREEN:

☐ Perforated pipe
 ☒ Manufactured
 Diameter 16.00 Inches Length 20.0 FeetMaterial PVCSlot Size .057 Set From 76.0 Feet to 96.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ NoIf so, what material? Pearock

Describe packer(s) and location

Pearock from 71-96

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____☐ No, Why Not? _____Lab sample sent to for
water quality analysisWell Owner: Huron Colony

Business Name: _____

Address: 40068 Huron Co LaneCity, State, Zip: Huron SD 57350

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay	0	20
Blue Clay	20	23
Blue Clay w/ Gravel Streaks	23	33
Blue Clay	33	63
Blue Clay w/ Sand Streaks	63	71
Coarse Sand	71	73
Coarse sand w/ Gravel	73	93
Gravel	93	96
Blue Clay	96	

STATIC WATER LEVEL

If flowing: closed in pressure 40 FEET

GPM flow _____ through _____ PSI

Controlled by ☐ Valve ☐ Reducers ☐ Other _____ Inch pipe

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JUL - 8 2010

WATER RIGHTS
PROGRAMThis well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Drilling Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

RECEIVED

MAY - 2 2014

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>6431A-3</u> (office use only)
	Hydrologic Unit _____
	Basin _____
	Newspaper _____

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6431A-3
(Use predates Mar 2, 1955)

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

Adding a Helper Well

1. Name to Appear on Irrigation Permit Huron Hutterian Brothers
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address 40068 Huron Colony Lane Huron S.D. 57350
(Address) (City) (State) (Zip Code)

Home Phone 605-352-5647 Cell 605-350-6875 Email HuronFarms@yahoo.com

2. Amount of water claimed _____ *CFS or no additional **GPM _____ ***AF Total Acreage no additional
(*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

4. Location of point of diversion 1 helper well in sec 30 NW 1/4 T113N-R61W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
County Beadle

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used April 1 to Oct 31

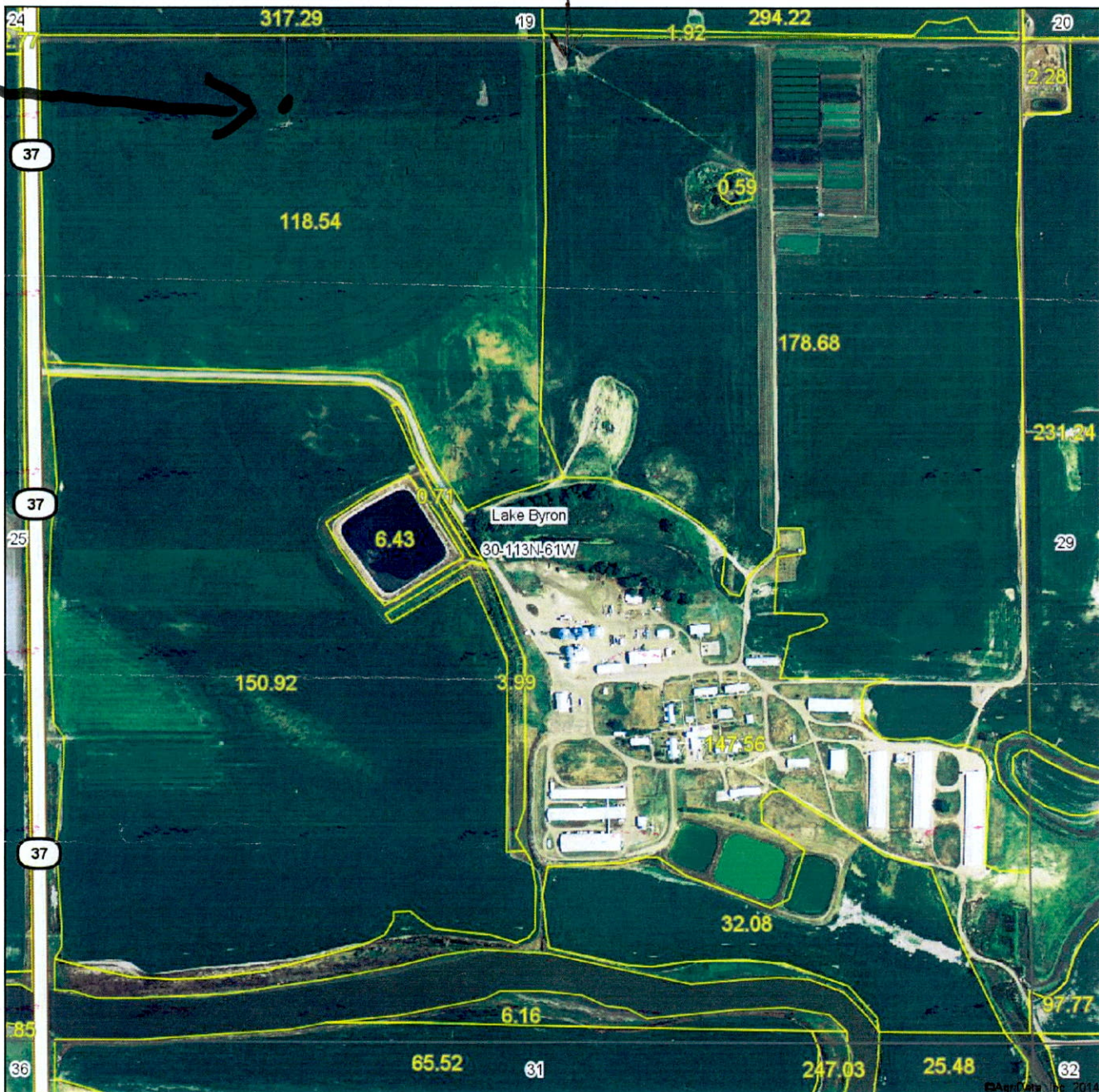
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres

8. Give a description of the project. (Attach sheet if more space is needed)

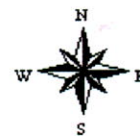
I, Joey Walker, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

Huron Farms



map center: 44° 34' 1.38, 98° 12' 35.75
scale: 9501

30-113N-61W
Beadle County
South Dakota



4/30/2014

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

Agency as of 5/21/2008
RECEIVED
MAY - 2 2014

RIGHTS
PROGRAM

RECEIVED
MAY - 2 2014
WATER RIGHTS
PROGRAM

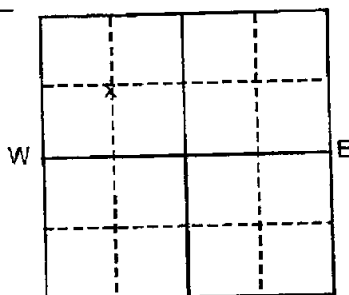
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 30 Twp 113N Rg 61WCounty Beadle

North

Please mark well
location with an "X"

Well Completion Date _____

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

DIRECT ROTARY DRILL

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
40.0 LB/FT	8.00 IN	0.0 FT	70.0 FT	14.00 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
GWDF	16	54.0 Lb/gal	0.0 Ft	70.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
TREMIE PPM

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 8.00 Inches Length 20.0 FeetMaterial PVCSlot Size _____ Set From 70.0 Feet to 90.0 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? _____☐ No, Why Not? _____Lab to which water
quality sample sent for analysis _____Well Owner: HURON HUTTERIAN COLONY

Business Name: _____

Address: 40068 HURON COLONY LANECity, State, Zip: HURON SD 57350

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	1
YELLOW SANDY CLAY	1	12
SAND	12	18
YELLOW CLAY	18	23
YELLOW SANDY MIX FINE-MED	23	65
GREY SAND MIXED FINE-MED	65	90

STATIC WATER LEVEL 12.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: AIR 200+
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

MAY - 2 2014

WATER RIGHTS
PROGRAMThis well was drilled under license # 689 and this
report is true and accurate.Drilling firm: KAISER WELL DRILLING INC

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

File No. 6431A-3

Approval of Additional Diversion Point

NAME: Huron Hutterian Brethren

ADDRESS: 40068 Huron Colony Lane

DATE: May 9, 2014

COUNTY: Beadle

TELEPHONE: (605) 352 5647

BACKGROUND:

Water Permit No. 6431A-3 appropriates 1.0 cubic foot per second (cfs) from one well completed into the East James Management Unit of the Tulare aquifer at a depth of approximately 96 feet below ground surface. This well, located in the NW ¼ NE ¼ of Section 30, T113N-R61W is intended to supply water to irrigate 91 acres in the NW ¼ (81 acres), N ½ NE ¼ (10 acres) of Section 30, T113N-R61W. The original permit was conditioned with standard well interference, well construction and irrigation questionnaire qualifications.

The Huron Hutterian Brethren submitted a request to add a second well in the N ½ NW ¼ of Section 30, T113N-R61W. The basis behind this request is that the existing well is not always capable of providing the 1.0 cfs that has been permitted. The new well has been completed to a similar depth as the existing well and will divert water from the same source, the Tulare: East James aquifer.

AUTHORITY:

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

- **Developed water source is the same as licensed source and no additional water is appropriated.**

The water source authorized by Water Permit No. 6431A-3 is the Tulare: East James aquifer. Both the existing and new diversion locations will be drawing water from the Tulare: East James aquifer.

No additional appropriation of water is authorized. Water Right No. 6431A-3 appropriates 1.0 cfs and no additional diversion rate authority is being requested.

Review of Existing Diversions

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights/permits on file. There are no existing water rights/permits withdrawing water from the Tulare: East James aquifer within two miles of the existing or new diversion points for Water Permit No. 6431A-3 that are not owned by the Huron Colony. Therefore, water rights/permits in the area owned by other entities are not expected to be impacted by this additional well. The nearest domestic well not owned by the Huron Colony is located

approximately 1.3 miles to the northeast. Given that additional diversion authority is not being requested, and this new well is no closer to the domestic well than the main well, the potential for unlawful interference of existing domestic wells is not expected to increase with the construction of this new well.

Observation Well Data

The Water Rights Program monitors a series of observation wells completed into the Tulare: East James aquifer. The closest observation well (BD-77I) is located approximately three miles to the north of the well sites in Section 30. This well has been in place since 1977 and shows static water level fluctuations of 23 to 34 feet below the top of the casing. Historic water levels in BD-77I show that aquifer levels are primarily climatically controlled with very little visible effects of pumping.

CONCLUSION:

- The additional diversion point does not propose to appropriate additional water.
- The additional diversion point will be pumping water out of the same source, the Tulare: East James aquifer.
- Unlawful impairment of existing water rights/permits and domestic wells is not expected to occur.

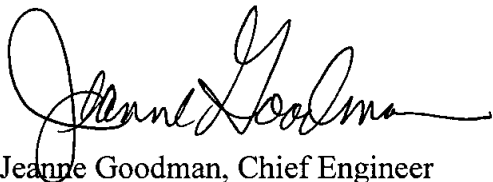
RECOMMENDED ACTION:

Based on the above criteria, it is recommended that the request for an additional diversion point in the N ½ NW ¼ of Section 30, T113N-R61W be approved.



Bracken Capen
Natural Resources Engineer

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14:01 that: The additional diversion point does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



May 9, 2014

6431A-3

Huron Hutterian Brethren
40068 Huron Colony Lane
Huron, SD 57350

Dear Mr. Waldner:

Water Permit No. 6431A-3 appropriates 1.0 cubic foot per second (cfs) of water from one well completed into the East James Management Unit of the Tulare aquifer at a depth of approximately 96 feet below ground surface. This well is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T113N-R61W and supplies water to irrigate 91 acres in the NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 30, T113N-R61W.

The colony has submitted a request for an additional well in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 30, T113N-R61W. The basis of this request is that the current well is incapable at times of supplying the entire 1.0 cfs. The new well is located approximately 1,200 feet to the west of the existing well.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well location is authorized without application or publication of a notice of hearing pursuant to SDCL 45-2A-4. No increase in the authorized diversion rate of 1.0 cfs or the number of irrigated acres (91 acres) under Water Permit No. 6431A-3 has been requested or approved. If the total diversion rate or the number of acres irrigated increases, a new water permit will need to be obtained from the SD DENR Water Rights Program. However, given the current appropriative status of the Tulare: East James aquifer, DENR will likely not recommend favorably on new applications.

If you have any questions, please contact Bracken Capen at (605) 773-3352.

Sincerely,

Jeanne Goodman
Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 17 2015

Huron Hutterian Brethren
c/o Marvin Wollman
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Wollman:

Enclosed are Water Permit Nos. 7369A-3, 7369B-3 and 7369C-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms 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,

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

Note: Water Permit No. 7369A-3 incorporates Water Permit No. 3268C-3.
Water Permit No. 7369B-3 incorporates Water Permit No. 6431A-3.
Water Permit No. 7369C-3 incorporates Water Permit No. 7368-3.

enclosures

SOUTH DAKOTA
WATER PERMIT NO. 7369B-3 FOR IRRIGATION

Date of first receipt of application February 17, 2015.

The Water Management Board approved Water Permit No. 7369B-3 on May 7, 2015 for Huron Hutterian Brethren, c/o Marvin Wollman, 40068 Huron Colony Lane, Huron SD 57350 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7369B-3 transfers 1.0 cubic feet of water per second (cfs) of diversion rate authority and 61 acres from Water Permit No. 7369-3 to a new location. Water Permit No. 6431A-3 appropriates 1.0 cfs from two wells completed into the Tulare:East James Aquifer located near the in the NE ¼ NW ¼, NW ¼ NE 1/4 of Section 30 to irrigate 91 acres (81 acres by center pivot and 10 acre garden) located in the NW 1/4, N 1/2 NE 1/4 Section 30; all in T113N-R61W. The permit transfers 1.0 cfs of diversion rate authority from its current authorized location to the wells authorized by Water Permit No. 6431A-3. The transfer of acres will allow the existing irrigation system authorized by Permit No. 6431A-3 to make a full rotation into S 1/2 SW 1/4 Section 19-T1113N-R61W irrigating 129 acres and increase the size of a garden area located in the E 1/2 NE 1/4 Section 30-T113N-R61W to 23 acres. This permit will allow for diversion of 2.0 cfs from the two wells authorized by Permit No. 6431A-3 for irrigation of a total of 152 acres.
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 – October 31.
3. The dates from which applicant may claim right are May 31, 2012 for irrigation of 61 acres and 1.0 cfs (original 1.0 cfs to irrigate 91 acres retains the July 16, 2003 priority date established by Water Permit No. 6431A-3).
4. One-fifth of the construction is to be completed on or before November 7, 2017.
5. All construction is to be completed on or before May 7, 2020.
6. Water is to be put to beneficial use on or before May 7, 2024.
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 wells approved under this Water Permit Nos. 6431A-3 and 7369B-3 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.
3. Water Permit No. 7369B-3 incorporates Water Permit No. 6431A-3.

WATER MANAGEMENT BOARD

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

AUG 17 2015
date

