

WATER PERMIT NO. 6539-3

Name of Applicant: Clearfield Colony

Address: 40248 293rd St, Delmont SD 57330

Phone: 605 779-2711

Amount of Water Claimed: 0.1 cfs (45 gpm)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: livestock and domestic use

County: Charles Mix

Type of Waste Disposal System:

Location: 8 miles northeast of Wagner

PRIORITY Date Received: 8-13-04

Application/License Fee: \$100

Corrected Application Received: 9-8-04

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NE ¼ SW ¼ Sec 11-T96N-R62W

Land to be Irrigated: NA

Depth of Well: 580 feet deep

Well Driller: : Huron Drilling Inc.

Remarks:

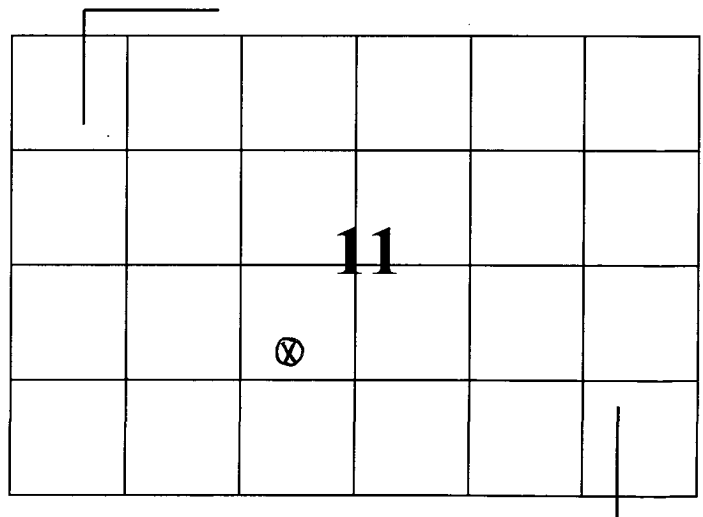
Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 9-21-04

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for uses other than irrigation
(type or print)

RECEIVED

AUG 13 2004

WATER RIGHTS
PROGRAM

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

No. 6539-3 (office use only)
Hydrologic Unit 10170101
Basin Missouri River
Newspaper Wagner Post, Wagner

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

Check use(s) of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☒ Domestic (over 18 gpm) ☐ Industrial ☐ Other Livestock

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

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

- Name of Applicant Clearfield colony (East Well) Phone 605-779-2711
(check one) Owner ☒ Tenant/lessee ☐
Mailing Address 40248 293rd St. Delmont State SD 57330
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.1 *CFS or 207025 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply groundwater (one well)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW1/4 SW1/4 H80
NE1/4 SW1/4 Sec 11-T96N-R62W
County Charles Mix
- County or counties where water will be used Charles Mix
- Annual period during which water is to be used All the time Jan 1-Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA)

County of Charles Mix 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, Albert Wurtz Jr., 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 Albert Wurtz Jr.

Subscribed and sworn to before me this 12th day of August 2004

Jamara M. Schoenfelder
Notary Public signature

2-8-2008

SOUTH DAKOTA
WATER PERMIT NO. 6539-3

Date of first receipt of application August 13, 2004.

Date of return to applicant for corrections, amendments or changes August 13, 2004.

Date of receipt of corrected application September 8, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6539-3 to Clearfield Colony, c/o Albert Wurtz, Jr., 40248 293rd St, Delmont SD 57330 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. 6539-3 appropriates 0.1 cubic feet of water per second (45 gallons per minute) from one well completed into the Codell Sandstone Aquifer (approximately 580 feet deep) located in the NE ¼ SW ¼ Section 11-T96N-R62W.
2. The water appropriated shall be used for the purpose of livestock and domestic use by the Colony and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6539-3 is December 20, 2004.
5. The date from which applicant may claim right is August 13, 2004.
6. One-fifth of the construction is to be completed on or before June 20, 2007.
7. All construction is to be completed on or before December 20, 2009.
8. Water is to be put to beneficial use on or before December 20, 2013.
9. 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. Permit No. 6539-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6539-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

WATER MANAGEMENT BOARD

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

APR 01 2005

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 $\frac{7}{8}$ Depth 580'
- b) Casing Type PVC Diameter 4 5 Thickness $\frac{1}{4}$
- c) Screen Type Manufactured PVC Diameter 2" Thickness
- d) Gravel Pack Yes Length of Gravel Pack
- e) Depth to Top of Water Bearing Material
- f) Depth to Water (ground surface to water level) 340
- g) Distance to nearest existing domestic well:
- On applicants property 500' On property owned by others

2. Wastewater Disposal System Information

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

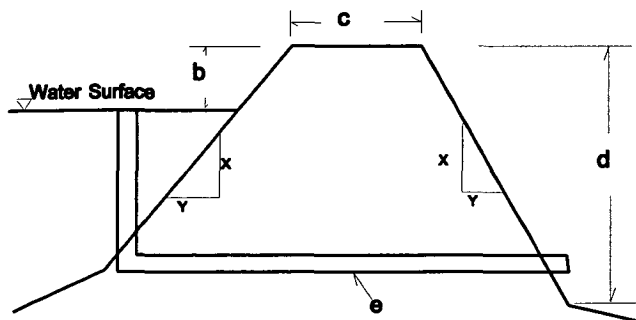
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard
- c) Crest Width
Crest Length
- d) Height
- e) Primary Outlet Capacity
If pipe, diameter
- f) Secondary Spillway Capacity
Spillway Width
- g) X & Y Slope
Upstream
Downstream
- h) Surface Area of Impoundment
- i) Storage Acre Feet
- j) Drainage Area Above Dam Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date SEPTEMBER 8, 20 04

RECEIVED OF Clearfield Fetterman Brethren Inc., 40248 293rd St., Delmont SD 57330

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

Fee for Application for Permit No. <u>6539-3</u> 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. <u>6539-3</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	100.00

No.

001114

By

Darwand Eide

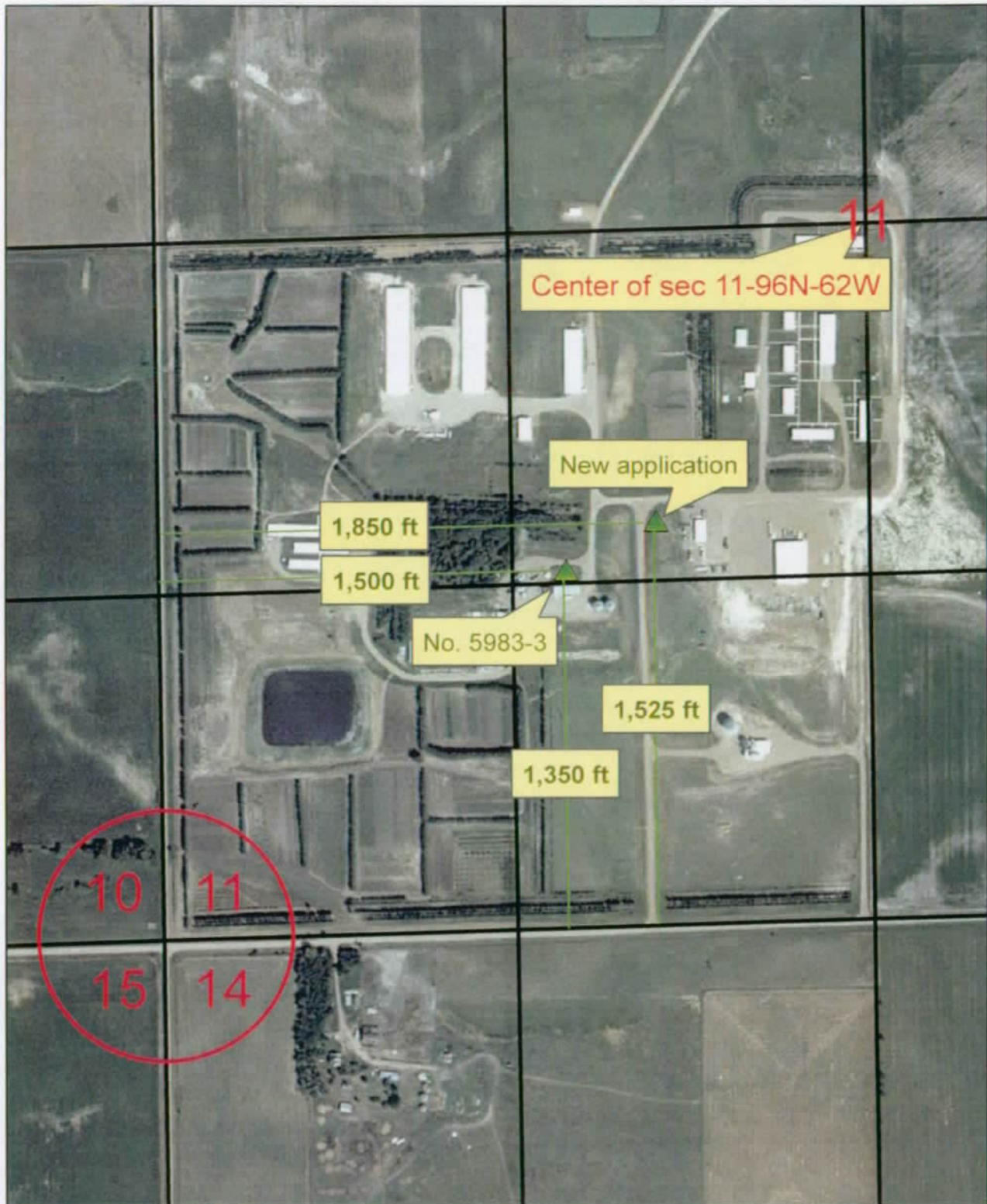
Chief Engineer

gm

Scale: 1 inch equals 561 feet

790

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall, Natural Resources Engineer
Water Rights Program

**Water Right No. 5923-3
& pending application**

6539-3

Diversion point(s) located using GeoExplorer II GPS

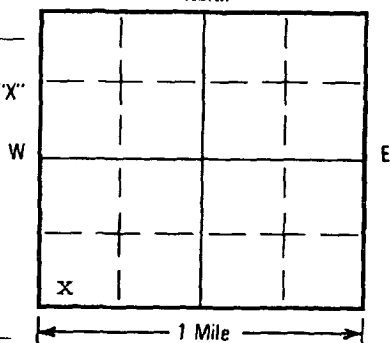
Date: August 31, 2004

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 11 Twp 96 Rg 62
County NorthCharles Mix

Please mark well location with an "X"



Well Completion Date

1-19-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 350 ft. from septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☒ Steel ☐ Plastic ☒ OtherIf other describe stainless steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>540</u> FT	<u>8</u> IN
<u>304</u> LB/FT	<u>2</u> IN	<u>540</u> FT	<u>580</u> FT	<u>5</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>50</u>	_____ lb./gal	<u>0</u> ft	<u>540</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 2 IN Length 40 FEETMaterial stainless steelSlot Size .25 Set From 540 Feet to 580 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: HTH

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

Pierre, SDWell Owner: Clearfield Colony

Business Name: _____

Address: 40248 293rd St.Delmont, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top soil</u>	<u>0</u>	<u>5</u>
<u>Blue clay</u>	<u>5</u>	<u>180</u>
<u>Chalk</u>	<u>180</u>	<u>290</u>
<u>Shale</u>	<u>290</u>	<u>540</u>
<u>Code11 Sandstone</u>	<u>540</u>	<u>580</u>

STATIC WATER LEVEL 330 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: compressed air☐ Bailed☐ Other

Pumping Level Below Land Surface

400 ft. After 12 Hrs. pumped 15 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 15 GPM

REMARKS

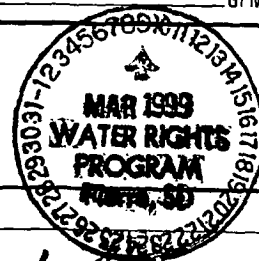
This well was drilled under license # 94

And this report is true and accurate.

Drilling firm Huron Drilling, Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 1-19-99



August 13, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Albert Wurtz, Jr.
Clearfield Colony
40248 293rd St
Delmont SD 57330

Dear Mr. Wurtz:

Thank you for submitting the *Application for a Permit to Appropriate Water* for livestock watering use. A review of our files indicates that Water Permit No. 5983-3 was issued to Clearfield Colony for 45 gallons per minute from one well located in the SW ¼ SW ¼ Section 11-T96N-R62W for domestic use and a livestock confinement facility. Enclosed is a copy of the water permit and the aerial photo map. I have highlighted the location of the well in yellow.

Is this the same well you are making application for? If so, the application we received today is not needed. If you are applying for an additional well, then the following is necessary to complete the application.

- A map showing the location of the well in relation to a government section corner or quarter corner by direction and distance is required. 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. Our suggestion is to go to the Natural Resources Conservation Service office located in Lake Andes.
- The application/license filing fee will be \$100.00

Mr. Wurtz, I understand this is somewhat confusing. If you have any questions, please contact Eric Gronlund or me so we may answer any questions you have.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 2, 2004

Albert Wurtz, Jr.
Clearfield Colony
40248 293rd Street
Delmont SD 57330

Mr. Wurtz:

I am writing in response to my visit with you on August 24, 2004. Thank you for taking time to show me the wells in use by the colony.

Enclosed is a map I prepared showing the location of the well covered by your existing Water Permit No. 5983-3 and the East well for which you have a pending application. The map is yours to keep. As we discussed, I will modify your application to apply for 45 gallons per minute and I will correct the legal description of the well. According to the enclosed map, the East well is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ rather than in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ as written on your permit application.

The fee for your new application and to combine both permits into a single water right covering both wells is \$100.00. After receipt of the fee, we will begin processing your application which includes a public notice in a local newspaper. The Wagner paper is an official county newspaper and can be used for purposes of publishing your notice. The notice that goes in the paper will be mailed to you and the paper after we are done processing your application.

Please remit the \$100.00 as soon as possible to complete your application. Thank you again for your hospitality.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 6539-3
For Clearfield Colony
November 10, 2004

Application No. 6539-3 proposes to appropriate 0.10 cfs (45 gpm) from one well approximately 580 feet deep located in the NE 1/4 SW 1/4 of section 11, T96N R62W in Charles Mix County. The water is for domestic and livestock use by the Colony.

AQUIFER – CODELL SANDSTONE (CDLL)

The Codell sandstone consists of a brown, light-brownish gray, and dark-greenish black, friable to indurated, medium to fine-grained sandstone (Kume, 1977). The aquifer is confined and under artesian conditions in this area. The aquifer underlies 1,134 square miles and contains an estimated 1.45 million acre-feet of recoverable water in storage in Charles Mix County (Hedges, 1982). The aquifer extends into Bon Homme to the east and into Hutchinson and Douglas Counties to the north. A well log filed with the application indicates the top of the aquifer at 540 feet and extending to a depth of 580 feet below land surface. The completed well had a static water level of 330 feet below land surface and was capable of producing 15 gpm with 70 feet of drawdown. This well appears to have been completed in accordance with SD Well Construction Standards.

The Water Rights Program does monitor three observation wells completed into the Codell aquifer and located within 20 miles of this application. Observation wells, HT-87D, is located about 10 miles northeast of this application observation well HT-83E is located about 16 miles east of this application and observation well DG-80F is located about 16.5 miles northwest of this application. Water levels for these wells show good response to climatic conditions. Hydrographs for these observation wells are included with this report. The record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004).

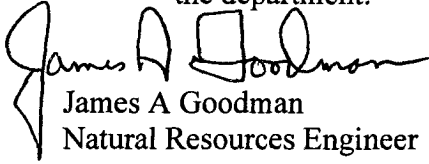
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit is No. 5983-3 also for Clearfield Colony. The distance between wells appears to be about 390 feet. At this distance drawdown should be measurable when pumping either well. However, the pumping rates are relatively small and should not create any problems. Interference is not expected to be a concern. There are no other nearby permitted users from the Codell aquifer. The town of Tripp uses Codell water for their municipal needs and is located about 10 miles northeast of this application.

CONCLUSIONS

1. Water is available from the Codell aquifer.
2. The aquifer is under confined conditions at this site. Drawdown is not expected to be significant at this pumping rate. Interference is not a concern. The nearest existing diversion is also for Clearfield Colony.

3. This is an existing well and has been constructed in accordance with SD Well Construction Standards.
4. Plans and specifications for this facility have been reviewed by and approved by the department.


James A Goodman
Natural Resources Engineer

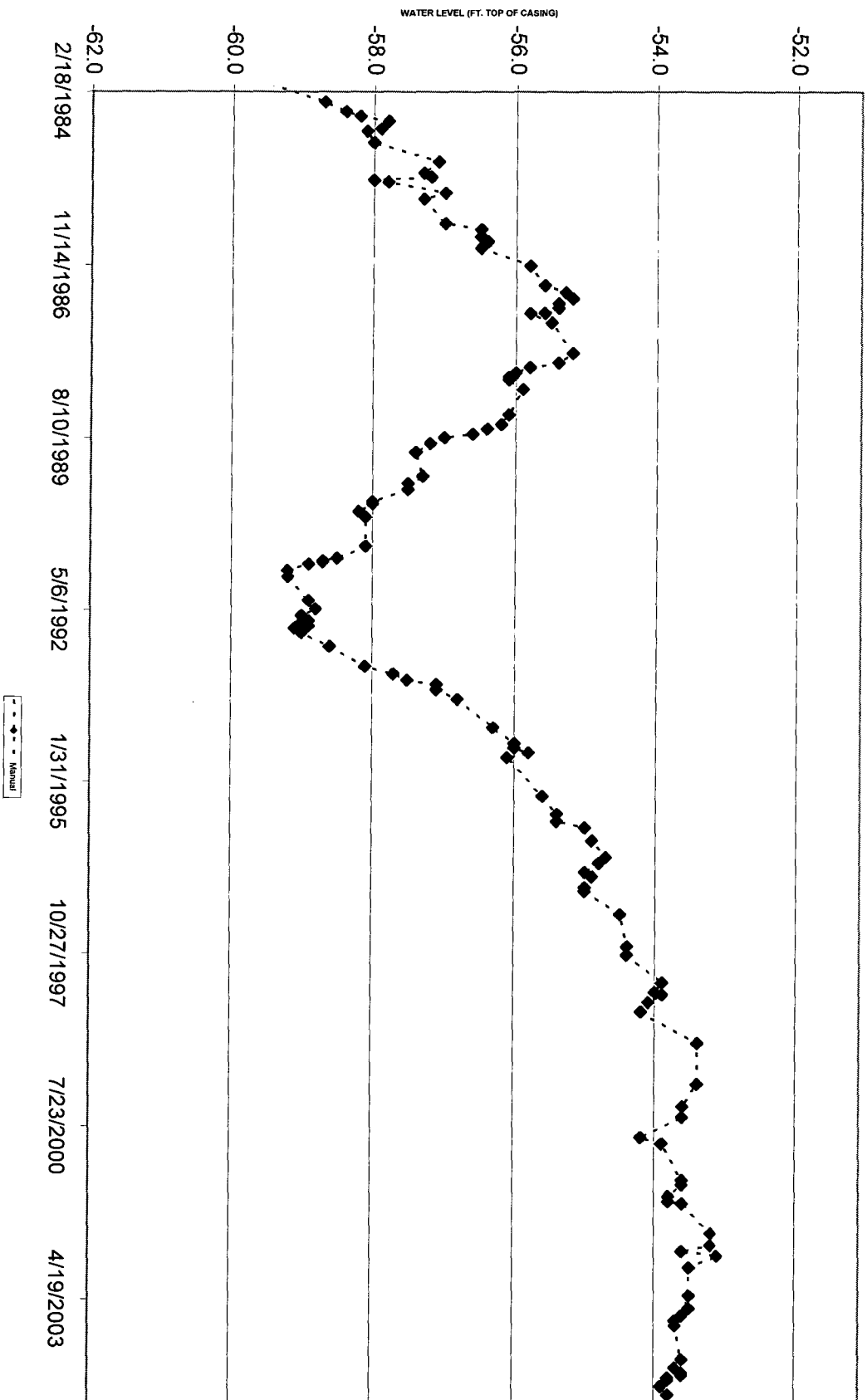
BIBLIOGRAPHY

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

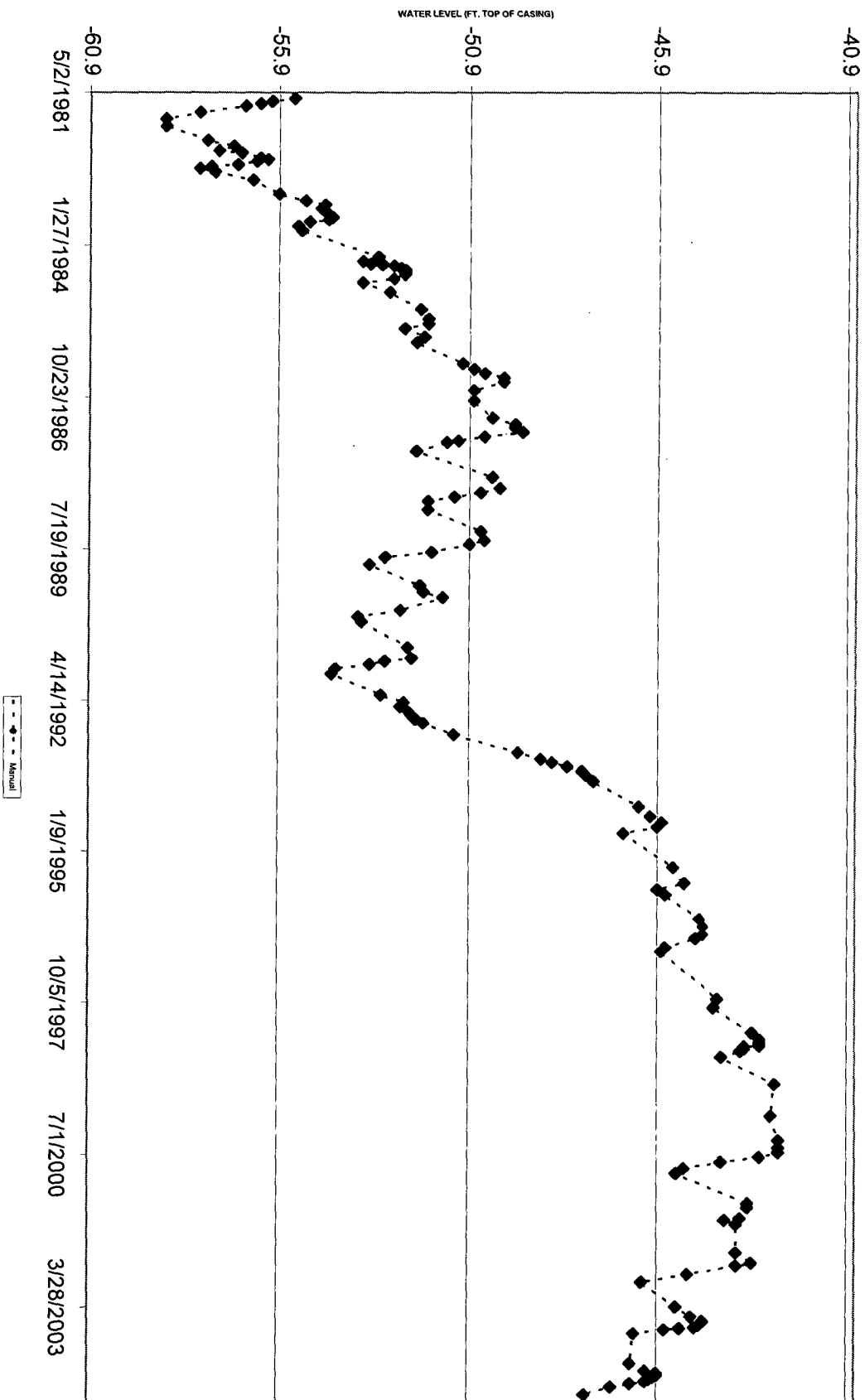
Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Bulletin 22, Part II : Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2004, Unpublished Observation Well Data for the Codell Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
HT-83E



WATER RIGHTS' OBSERVATION WELL
DG-80F



WATER LEVEL (FT. TOP OF CASING)

Date	Manual (ft. top of casing)	Automated (ft. top of casing)
4/26/1987	-235.4	-235.4
1/20/1990	-235.4	-235.4
10/16/1992	-233.4	-233.4
7/13/1995	-231.4	-231.4
4/8/1998	-229.4	-229.4
1/2/2001	-227.4	-227.4
9/29/2003	-223.4	-223.4

Manual



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6539-3, Clearfield Colony**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6539-3, Clearfield Colony, c/o Albert Wurtz, Jr., 40248 293rd Street, Delmont SD 57330.

The Chief Engineer is recommending APPROVAL of Application No. 6539-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The 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. Permit No. 6539-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6539-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 19, 2004

RECEIVED

DEC 17 2004

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Charles Mix) SSI, Jackie Beesoncertify that the attached printed Notice was
takenfrom the Wagner Postprinted and published in WagnerCounty of Charles Mix and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Dec 1, 2004Dec 8, 2004Cost of Printing 23.80/wkJanet Likowski
(Signature)Managing Editor
(Title)12-15-04
(Date Signed)NOTICE OF
APPLICATION NO. 6539-3
TO APPROPRIATE WATER

Notice is given that Clearfield Colony, 40248 293rd St., Delmont, SD 57330 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second (45 gallons per minute) from one well completed into the Codell Sandstone Aquifer (approximately 580 feet deep) located in the NE 1/4 SW 1/4 Section 11-T96N-R62W. The water is for livestock and domestic use by the Colony.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6539-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the 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 the 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 December 20, 2004.

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

WEDI

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
Pub: Dec. 1, 8, 2004



**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.**

November 22, 2004

Clearfield Colony
% Albert Wurtz Jr
40248 293rd St
Delmont SD 57330

Dear Mr. Wurtz Jr.:

Water Permit Application No. 6539-3 for livestock and domestic 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 Wagner Post printed at Wagner, SD (Ph # 605-384-5616). 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 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

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 22, 2004

Wagner Post
PO Box 187
Wagner SD 57380-0187

ATTENTION: Legal Public Notice

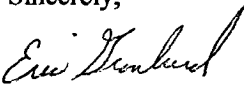
Enclosed is a Notice on Application No. 6539-3 to Appropriate Water to be published twice. Please publish the first notice on December 1, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Clearfield Colony, % Albert Wurtz Jr., 40248 293rd St, Delmont SD (Ph # 605-779-2711).

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. 6539-3

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

Date _____

We are in receipt of your letter of November 22, 2004 enclosing Notice to Appropriate Water by Application No. 6539-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on December 1, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6539-3 to Appropriate Water

Notice is given that Clearfield Colony, 40248 293rd St, Delmont SD 57330 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second (45 gallons per minute) from one well completed into the Codell Sandstone Aquifer (approximately 580 feet deep) located in the NE ¼ SW ¼ Section 11-T96N-R62W. The water is for livestock and domestic use by the Colony

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6539-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the 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 the 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 December 20, 2004.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 01 2005

Clearfield Colony
% Albert Wurtz Jr
40248 293rd St
Delmont SD 57330

Dear Mr. Wurtz Jr.:

Enclosed is Water Permit No. 6539-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

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

Date 4-13-05

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

FROM: Clearfield Colony
(name)
40248 293rd St.
(address)
Delmont SD 57330 605-779-2711
(city, state, zip) (phone)

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

Water Permit No. 6539-3 states that the water use system is to be constructed by

1-19-99, and water is to be put to beneficial use by 1-20-99.
(date) (date)

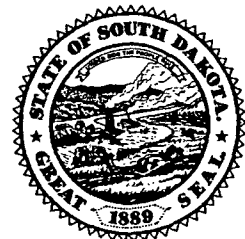
The water use system was completed on 1-19-99.
(date)

Applying the water to beneficial use was completed on 1-20-99.
(date)

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

Albert Wurt Jr.
(signature)

RECEIVED
APR 18 2005
WATER RIGHTS
PROGRAM



Permit No. 6539-3
Missouri 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, July 12, 2006, made a thorough examination of the water use system constructed by Clearfield Colony of 40248 293rd St, Delmont SD 57330 holder of Permit No. 6539-3 and 5983-3, bearing the priority of August 13, 2004 and February 20, 1997, respectively, each authorizing the diversion of 0.10 cu. ft. per second of the waters of ground water (Codell Sandstone) for commercial and domestic purposes, in Charles Mix County.

Inspection contact & relationship to permit holder, if applicable: **Jonathon Wurtz**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 580 feet
- 4) Well log is available Y
- 5) Comment: No. 6539-3

Casing:

- 1) Diameter 5 inches
- 2) Length 540 feet
- 3) Type Steel

Well Information:

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 590 feet
- 4) Well log is available Y
- 5) Comment: No. 5983-3

Casing:

- 1) Diameter 5 inches
- 2) Length 550 feet
- 3) Type Steel

Screen:

- 1) Type Stainless steel
- 2) Length 40 feet
- 3) Static water level 330 feet

Motor/Pump:

- 1) Make Submersible
- 2) Model unknown
- 3) Size 7.5 hp
- 4) Capacity 45 GPM

Screen:

- 1) Type Stainless steel
- 2) Length 40 feet
- 3) Static water level 330 feet

Motor/Pump:

- 1) Make Submersible
- 2) Model unknown
- 3) Size 7.5 hp
- 4) Capacity 45 GPM

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

Water is stored in a 27,000 gallon cistern and is used to supply colony housing and livestock.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: none

Report of Examination of Works

Permit No. 6539-3

The system is in good condition with the points of diversion located as follows: Well for No. 6539-3: 1,525 feet N and 1,850 feet E (Latitude 43.14452, Longitude -98.14111 -- NE $\frac{1}{4}$ SW $\frac{1}{4}$); Well for No. 5983-3: 1,350 feet N and 1,500 feet E (Latitude 43.14402, Longitude -98.14238 -- NE $\frac{1}{4}$ SW $\frac{1}{4}$) both from the SW corner section 11-T96N-R62W. The works are each capable of diverting and conveying to the place of use 0.10 cu. ft. per second of water which is to be used for commercial and domestic use. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.20 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: Water Permit No. 5983-3 is incorporated into No. 6539-3. See attached diversion point location correction for No. 5983-3.



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: September 11, 2006

Scale: 1 inch equals 454 feet

640

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Sept. 11, 2006

Water Right No. 6539-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 01 2006

6539-3

Clearfield Colony
% Jonathon Wurtz
40248 293rd St
Delmont SD 57330

Dear Mr. Wurtz:

Enclosed is Water License No. 6539-3. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6539-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

Note: The applicable portions of No. 5983-3 are incorporated into Water License No. 6539-3.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6539-3

(1) Clearfield Colony, Jonathon Wurtz, 40248 293rd St, Delmont SD 57330 made Application No. 6539-3, August 13, 2004 for a water permit to divert 0.10 cubic feet of water per second (cfs) from groundwater (one well), Charles Mix County, South Dakota for domestic use and commercial purposes. Permit No. 6539-3, with a priority date of August 13, 2004 was approved December 20, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 20, 2009 and for the application to beneficial use of water on or before December 20, 2013.

Water Permit No. 5983-3, with a priority date of February 20, 1997, authorized diversion of 0.10 cfs from one well. An investigation conducted for licensing purposes found the well under Water Permit No. 5983-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

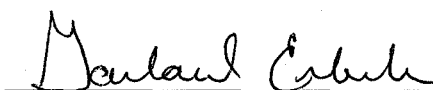
The applicable portions of No. 5983-3 are incorporated into this Water License No. 6539-3.

(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 Incorporated Water Right No. 6539-3 is issued a license, bearing priority dates of February 20, 1997 (0.10 cfs) and August 13, 2004 (0.10 cfs) to appropriate a total of 0.20 cfs from groundwater (two wells) for domestic use at the colony and commercial (livestock watering) purposes.

The diversion points are located: Well for No. 6539-3: 1,525 feet north and 1,850 feet east and Well for No. 5983-3: 1,350 feet north and 1,500 feet east: both from the southwest corner of Section 11-T96N-R62W (NE ¼ SW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 6539-3 including the following now applicable qualifications:

- The wells will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 6539-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Permit No. 6539-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions.



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

NOV 01 2006

date



October 23, 2006

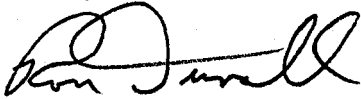
Mr. Jonathon Wurtz:

During my inspection of your water permits you asked me to check to see what water rights were held by the Greenwood Colony. I found that Greenwood Colony has two water rights for irrigation in the N½ section 14 and SE¼ section 13; both in T97N-R63W.

No water permits were found for livestock or domestic uses at the colony. A permit is needed for livestock or domestic (household) uses if the use exceeds either a pump rate of 25 gallons per minute or 25,920 gallons of water per day (18 gallons per minute over a 24 hour period).

Please let me know if you have any questions. I can be reached by phone at (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall", with a stylized, cursive script.

Ron Duvall
Natural Resources Engineer
Water Rights Program