

WATER PERMIT NO. 6692-3

Name of Applicant: Hillside Colony

Address: 18248 Hillside Lane, Doland SD 57436

Phone: 605 635-6363

Amount of Water Claimed: no add'l

Total Acres: 10

Source of Water Supply: Foster Creek runoff

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 11 miles south of Doland

PRIORITY

Date Received: 2-6-06

Application/License Fee: \$150

Corrected Application Received: 2-10-06

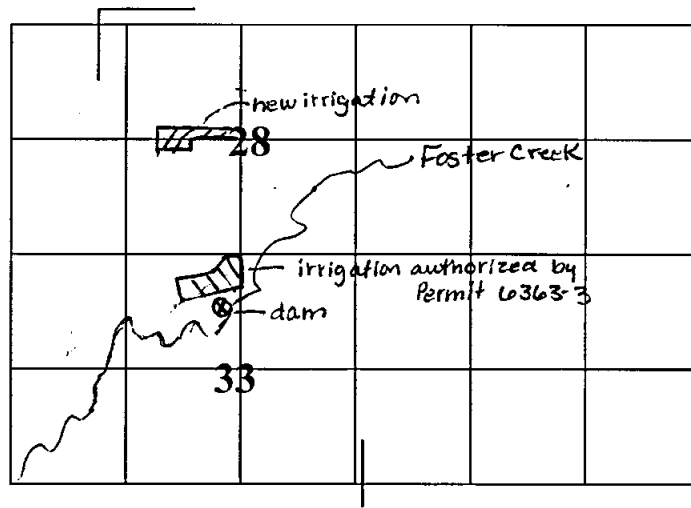
Period of Annual Use: May 1 – September 30

Remarks: using the diversion point authorized by Wer Permit No. 6363-3

Diversion Point: E ½ NW ¼ Sec 33-T115N-R60W

Land to be Irrigated: S ½ NW ¼ N ½ SW ¼ Sec

28-T115N-R60W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 2-13-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6692-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>The Redfield Press, Redfield</u>

RECEIVED
FEB 06 2006
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 Hillside Colony Phone 605-635-6363
(check one) X Owner Tenant/lessee
- Mailing Address 18248 Hillside Lane Doland State S. Dak 57436
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed *CFS or no add **GPM ***AF Total Acreage 10
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Foster Creek runoff
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Capitula township
diversion works authorized by Water Permit No 6363-3
E1/2 NW1/4 Sec 33 - T115N-R60W County Spink
5. County or counties where water will be used Spink
6. Annual period during which water is to be used May 1 - September 30
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)

Between these two quarters

Land Description	Acres	Land Description	Acres
NW 1/4 section 28 T115N R60W	10	SW NW all in Sec 28 - T115N - R60W	3
SW 1/4 section 28 T115N R60W	 	SE NW	6
 	 	NW SW	0.5
 	 	NE SW	0.5

8. Give a description of the project. (Attach sheet if more space is needed)
water diverted up to Section 28 to irrigate garden area. Will alternate irrigating
area in Section 28 and Section 33. Application also serves to clarify WP. 6363-3 to
authorize a concrete dam structure (as shown in picture) instead of a rock dam. Dam is able to bypass
low flow through a gated 12" x 12" box opening

STATE OF SOUTH DAKOTA)

SS

County of Spink

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, Timothy Glanger, 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 Hillside Colony Timothy Glanger

Subscribed and sworn to before me this 5 day of Feb 2006

Ruth Glanger
Notary Public Signature

SOUTH DAKOTA
WATER PERMIT NO. 6692-3

Date of first receipt of application February 6, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6692-3 to Hillside Colony, 18248 Hillside Lane, Doland SD 57436 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. 6692-3 authorizes irrigation of 10 additional acres. Water Permit No. 6363-3 authorizes 0.44 cubic feet of water per second (cfs) from Foster Creek located in the E ½ NW ¼ Section 33 to irrigate a 10 acre garden located in the NE ¼ NW ¼ Section 33; all in T115N-R60W. This permit authorizes irrigation 10 additional acres located in the S ½ NW ¼, N ½ SW ¼ Section 28-T115N-R60W from the existing Foster Creek diversion point. Water will be diverted at a concrete dam presently in place. The storage capacity of the dam is less than 5 acre-feet of water.
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: May 1 – September 30.
3. The date from which applicant may claim right is February 6, 2006.
4. The date of approval of Permit No. 6692-3 is April 10, 2006.
5. One-fifth of the construction is to be completed on or before October 10, 2008.
6. All construction is to be completed on or before April 10, 2011.
7. Water is to be put to beneficial use on or before April 10, 2015.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 6692-3 authorizes a concrete dam on Foster Creek with a storage capacity of not more than 5.0 acre feet of water. A concrete structure is constructed on Foster Creek instead of a rock dam as specified in Permit No. 6363-3.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 6363-3 and 6692-3 authorize a maximum diversion rate of 0.44 cfs for the irrigation of a total of 20 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbe

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

APR 27 2008

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

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

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- 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

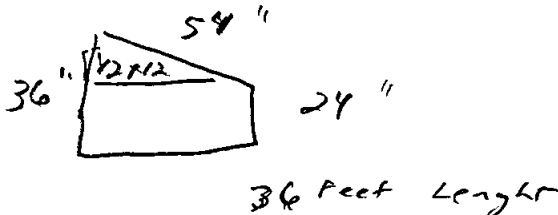
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



WATERTOWN TITLE AND ESCROW

20 South Maple • P.O. Box 1444 • Watertown, SD 57201-6444
605-886-8406 • Fax 605-882-3473
www.watertowntitle.com • email: mail@watertowntitle.com



- b) Freeboard _____
- c) Crest Width 54"
Crest Length 36 feet
- d) Height 36" Back 24" Front
- e) Primary Outlet Capacity 12" x 12"
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 February 10, 2006

RECEIVED OF Hillside Hutterian Brethren Inc., 18248 Hillside Ln., Doland SD 57436

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

Fee for Application for Permit No. <u>6692-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
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	150.00

No. 02298

By

Darland Eide
Chief Engineer

gm

Karen

Keep Note

Mr. Glanzer came in the office
Monday. I helped him to complete
the application for add'l acres.

He'll be sending us the fee. I only
requested \$150 because \$50 licensing
fee is included in 6363-3

Hillside Colony's Water Permit Application



Representation of the location of the additional acres and the dam on Foster Creek based on information provided by Timothy Glanzer of Hillside Colony



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
February 6, 2005

1,692-3



REPORT ON WATER PERMIT APPLICATION No. 6692-3

**Hillside Colony
February 27, 2006**

Water Permit Application No. 6692-3 proposes to irrigate 10 additional acres to what is currently authorized by Water Permit No. 6363-3. The existing diversion point is located on Foster Creek in Spink County in the E½ NW¼ Section 33-T115N-R60W. Acres to be irrigated are located in the S½ NW¼, N½ SW¼ Section 28-T115N-R60W. The period of annual use would be from May 1 to September 30.

No increase in the developed diversion rate is authorized if this application is approved.

Review of the Project and Existing Water Rights

The applicant proposes to irrigate the additional 10 acres by diverting water from an existing concrete dam structure on Foster Creek. The dam is able to bypass low flows through a gated 12" x 12" box opening. The dam stores less than 5 acre-feet of water.

The diversion point located in the E½ NW¼ Section 33 -T115N-R60W is authorized by Water Permit No. 6363-3. This water permit authorizes the diversion of 0.44 cubic feet of water per second (197.5 gpm) from Foster Creek to irrigate a 10-acre garden plot in the NE¼ NW¼ Section 33- T115N-R60W. The diversion rate is greater than the State of South Dakota statutory limit of 1 cubic foot per second for 70 acres.

This application and Water Permit No. 6363-3 combined require a diversion rate greater than the statutory limit. SDCL 46-5-6 allows a greater than 1 cubic foot of water per second per 70 acres diversion rate if the method of irrigation, time constraints, or type of soils so requires.

This application does not require an increase in the developed diversion rate. Therefore, adverse impacts to existing water rights would not be expected.

Conclusions

1. Water Permit Application No. 6692-3 proposes to irrigate an additional 10 acres to what is authorized by Water Permit No. 6363-3.
2. Water Right Application No. 6692-3 does not require an increase in the developed diversion rate. Therefore, adverse impacts to existing water rights would not be expected.
3. Water Right Application No. 6692-3 and Permit No. 6363-3 combined require a greater than the State of South Dakota statutory limit of 1 cubic foot per second for 70 acres.



Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6692-3, Hillside 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. 6692-3, Hillside Colony, c/o Timothy Glanzer, 18248 Hillside Lane, Doland SD 57436.

The Chief Engineer is recommending APPROVAL of Application No. 6692-3 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. Water Permit No. 6692-3 authorizes a concrete dam on Foster Creek with a storage capacity of not more than 5.0 acre feet of water. A concrete structure is constructed on Foster Creek instead of a rock dam as specified in Permit No. 6363-3.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit Nos. 6363-3 and 6692-3 authorize a maximum diversion rate of 0.44 cfs for the irrigation of a total of 20 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
4. 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
March 13, 2006

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

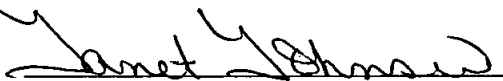
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

132 Timothy Glanzer, Water Appropriation,

A printed copy of which is hereto attached, printed and published in said newspaper in successive issues, to wit: The first publication made on March 22, 2006 and the last publication being made on March 29, 2006 that the full amount of Forty - One and 07/100 Dollars, insures benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding in division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 22nd day of March, 2006.



Notary Public, South Dakota

My commission expires 11/10/09

Notice to Appropriate Water

#132 NOTICE OF APPLICATION NO. 6692-3 to Appropriate Water

Notice is given that Hillside Colony, c/o Timothy Glanzer, 18248 Hillside Lane, Doland SD 57436 has filed an application for a water permit to irrigate 10 additional acres. Water Permit No. 6363-3 authorizes 0.44 cubic feet of water per second from Foster Creek located in the E 1/2 NW 1/4 Section 33 to irrigate a 10 acre garden located in the NE 1/4 NW 1/4 Section 33; all in T115N-R60W. This application proposes to irrigate 10 additional acres located in the S 1/2 NW 1/4, N 1/2 SW 1/4 Section 28-T115N-R60W from the existing Foster Creek diversion point. Water will be diverted at a concrete dam presently in place. The storage capacity of the dam is less than 5 acre-

feet of water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6692-3 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 April 10, 2006.

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.
(March 22, 29)

RECEIVED
APR 16 2006
WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on March 22, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6692-3 to Appropriate Water

Notice is given that Hillside Colony, c/o Timothy Glanzer, 18248 Hillside Lane, Doland SD 57436 has filed an application for a water permit to irrigate 10 additional acres. Water Permit No. 6363-3 authorizes 0.44 cubic feet of water per second from Foster Creek located in the E ½ NW ¼ Section 33 to irrigate a 10 acre garden located in the NE ¼ NW ¼ Section 33; all in T115N-R60W. This application proposes to irrigate 10 additional acres located in the S ½ NW ¼, N ½ SW ¼ Section 28-T115N-R60W from the existing Foster Creek diversion point. Water will be diverted at a concrete dam presently in place. The storage capacity of the dam is less than 5 acre-feet of water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6692-3_ 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.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 14, 2006

The Redfield Press
PO Box 440
Redfield SD 57469-0440

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6692-3 to Appropriate Water to be published twice. Please publish the first notice on March 22, 2006 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 Hillside Colony, % Timothy Glanzer, 18248 Hillside Lane, Doland, SD (Ph # 605-635-6363).

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. 6692-3

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

Date _____

We are in receipt of your letter of March 14, 2006 enclosing Notice to Appropriate Water by Application No. 6692-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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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.

March 14, 2006

Hillside Colony
% Timothy Glazer
18248 Hillside Lane
Doland SD 57436

Dear Mr. Glazer:

Water Permit Application No. 6692-3 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 Redfield Press printed at Redfield, SD (Ph # 605-472-0822). 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**

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www.state.sd.us/denr

APR 27 2006

Hillside Colony
% Timothy Glanzer
18248 Hillside Lane
Doland SD 57436

Dear Mr. Glanzer:

Enclosed is Water Permit No. 6692-3 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 5-18-06

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

FROM: Hill side Colony o/a Timothy Glanzer
(name)
18248 Hillside Lane
(address)
Doland, South Dakota 57436 1-605-635-6363
(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. 6692-3 states that the water use system is to be constructed by
April 10 2011, and water is to be put to beneficial use by April 10 2015.
(date) (date)

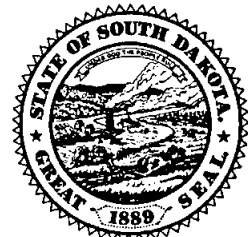
The water use system was completed on 9-11-2003.
(date)

Applying the water to beneficial use was completed on 7-16-05.
(date)

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

Timothy Glanzer
(signature)

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MAY 22 2006
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PROGRAM





6692-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: HILLSIDE COLONY, TIMOTHY GLANZER, 18248 HILLSIDE LANE, DOLAND, SD 57436
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6363-3 & 6692-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6363-3 & 6692-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6363-3 & 6692-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

Water Rights Program - DENR
Conversation File Documentation

Nos. 6363-3 & 6692-3

NAME OF PERSON OR FILE: Hillside Colony, Water Permit Nos. 6363-3 & 6692-3

ADDRESS: COUNTY: Spink County

DATE: January 31, 2017 TELEPHONE:

RE: Office visit by Thomas Glanzer and Henry Waldner

Mr. Glanzer and Mr. Waldner stopped in the office to discuss Hillside Colony's water rights.

Hillside holds two water permits to divert water from Foster Creek for irrigation of garden areas. The area authorized by Permit No. 6363-3 is no longer a garden area since it is susceptible to flooding. The area authorized by No. 6692-3 is supplied by a well. Foster Creek has not been used as a source for irrigation since about 2006. Mr. Glanzer believes the reason Foster Creek is not used as a water supply is that too many weeds occurred in the garden area as a result of using this source.

Mr. Glanzer and Mr. Waldner were agreeable to cancellation of the irrigation portion of the Permit Nos. 6363-3 and 6692-3. However, both permits authorize the existing dam with a storage capacity of up to 5 acre feet of water on Foster Creek. The impounded water is used for livestock watering. I explained SDCL 46-5-31.3 which allows when the irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder. They indicated a desire to retain the storage dam on the permit. I explained they'd receive notice of cancellation of the irrigation portion and once the irrigation component is cancelled, the permit will be reissued for solely the dam for livestock watering.

There is continuing dialogue regarding the use of the well for drip irrigation. If the diversion does not exceed 18 gpm by drip irrigation for noncommercial purposes, a permit is not required.

NAME: Eric Hummel



6692-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 1, 2017

6363-3
6692-3

Thomas Glanzer
Hillside Colony
18248 Hillside Lane
Doland SD 57436

Dear Mr. Glanzer:

Thank you for stopping by the office with Mr. Waldner on Monday to talk about the colony's water permits and also to submit the 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning the irrigation questionnaire annual reporting requirements for Water Permit Nos. 6363-3 and 6692-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



6692-3

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

January 20, 2022

NOTICE

TO: HILLSIDE COLONY, THOMAS A GLANZER, 18248 HILLSIDE LANE, DOLAND, SD 57436

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6363-3, 6692-3 & 8266-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6363-3, 6692-3 & 8266-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6363-3, 6692-3 & 8266-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: PWYDGW**

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

6692-3



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

January 24, 2022

6363-3
6692-3
8266-3

Thomas A Glanzer
Hillside Colony
18248 Hillside Ln
Doland SD 57436

Dear Mr. Glanzer:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 6363-3, 6692-3 and 8266-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6692-3**

I have this day, November 5, 2025, made a thorough examination of the water use system constructed by Hillside Colony, 18248 Hillside Ln, Doland, SD 57436 of Permit No. 6692-3, bearing the priority of February 6, 2006 authorizing the diversion of 0.44 cu. ft. per second of the waters of the Foster Creek for irrigation purposes, in Spink County.

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

The irrigated garden acreage has been moved from Section 33 to Section 28 (See Permit 8266-3) due to Foster Creek flooding issues.

This Permit should be terminated.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: November 14, 2025

File No. 6363-3, 6692-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Hillside Colony, C/O Tim Glanzer, 18248 Hillside Lane, Doland, SD 57436

DATE: June 11, 2026

TELEPHONE: 605-460-1136

RE: Cancellation

COMMENTS:

I reached out and spoke with Mr. Glanzer about these two properties after receiving the Inspection report from one of our field engineers. Mr. Glanzer stated that both properties have been moved due to Foster Creek flooding and the water is very dirty. He is now using his well water for irrigation. He stated he would like to cancel both of these permits because he has no intention of ever using Foster Creek for irrigation purposes.



Shannon Konst
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 4, 2026

NOTICE OF CANCELLATION

TO: Hillside Colony, C/O Timothy Glanzer, 18248 Hillside Lane, Doland, SD 57436

FROM: Amanda Dewell, Permitting Administrator
SD DANR – Water Rights Program 

SUBJECT: Cancellation of Water Permit Nos. 6363-3 & 6692-3

Water Permit No. 6363-3, authorizes the diversion of 0.44 cubic feet of water per second from Foster Creek for irrigation of a 10-acre garden. Water Permit No. 6692-3 authorizes an additional 10 acres to what was authorized by Water Permit No. 6363-3. The gardens were to be located in portions of Sections 28 & 33; all in T115N-R60W. During a recent phone conversation with Water Rights Program staff, you confirmed that both above-mentioned permits could be cancelled since you are now irrigating from a well, with no intention of resuming use of Foster Creek for irrigation. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit Nos. 6363-3 & 6692-3 due to abandonment.

The Water Management Board will consider cancellation of Water Permit Nos. 6363-3, 6692-3 at **9:30 am, Wednesday, October 7, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate, and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit Nos. 6363-3, 6692-3, based upon facts presented at the public hearing. Our records show you to be the owner of the property covered by these water permits. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by **September 14, 2026**. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

September 4, 2026
Water Permit Nos. 6363-3 & 6692-3

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

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by **September 14, 2026**.

Prior to **September 14, 2026**, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by **September 14, 2026**.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

RECOMMENDATION OF THE CHIEF ENGINEER

FOR WATER PERMIT NOS. 6363-3 & 6692-3, HILLSIDE COLONY

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Nos. 6363-3 & 6692-3.

Water Rights Program staff reached out and spoke with Mr. Glanzer regarding Water Permit Nos. 6363-3 and 6692-3. He stated that due to Foster Creek flooding and how dirty the water is, he is now using a well for irrigation. He agreed to the cancellation of both Permit Nos. 6363-3 & 6692-3 and has no intention of using Foster Creek for irrigation.

The Chief Engineer is recommending cancellation of the above water permits due to abandonment.

Adam Mathiowetz, PE
Chief Engineer, Water Rights Program
SD Department of Agriculture and Natural Resources
September 4, 2026

Note:

Cancellation of these water permits does not prohibit a new application for this project in the future.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF CANCELLATION & RECOMMENDATION dated September 4, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on September 4, 2026.

WP No. 8165-3

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark SD 57225

WP No. 6468-3

Town of Alpena
c/o Finance Officer
PO Box 75
Alpena SD 57312

WR Nos. 293-2 & 294-2

GCC Dacotah Inc
c/o Steve Zellmer
PO Box 360
Rapid City SD 57709

WR No. 5577-3

Curtis Foster
42430 116th St
Britton SD 57430

WR No. 881-2

Ryan Edwards
749 W 5th St
Winner SD 57580

WP No. 2800-2

Janice Tetherow
105 W 2nd St
Valentine NE 69201

WR No. 2482-3 & WP No. 6789-3

Allen & Becky Walth
13640 Walth Bay Rd
Glenham SD 57631

WP No. 7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

WR No. 950-2

Malon Burtz
30310 Pahapesto Buttes Rd
Winner SD 57580

WR No. 2370-2

KW Holding LLC
c/o Kory Weisbeck
2453 S Plaza Dr
Rapid City SD 57702

WR No. 5579-3

Nels J Sorensen
c/o Grant Sorensen
200 Mickelson Ave
Vermillion SD 57069

WP No. 7429-3

Sorensen Family Farm LLC
c/o Grant Sorensen
2903 Sorensen Ave
Vermillion SD 57069

WP Nos. 6363-3 & 6692-3

Hillside Colony
c/o Timothy Glanzer
18248 Hillside Ln
Doland SD 57436

WP No. 8886-3

Pronghorn Land LLC
c/o Brian Top
2132 32nd Ave
Brookings SD 57706

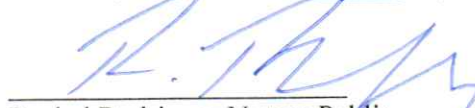
WR No. 2130-2

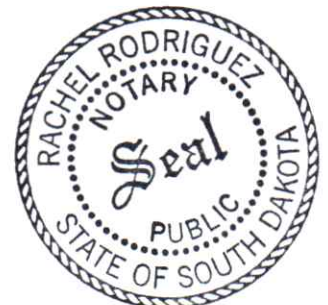
Sandee & Tom Yordy
21436 297th St
Martin SD 57551


Laura Laufenberg
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of September, 2026.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 8, 2026

No. 6363-3 & No. 6692-3

NOTICE OF ENTRY OF ORDER

Hillside Colony
C/O Timothy Glanzer
18248 Hillside Lane
Hitchcock, SD 57348

Dear Mr. Glanzer:

This will notify you that on October 7, 2026, the Water Management Board cancelled your Water Permit Nos. 6363-3 & 6692-3 . This action was taken under the conditions outlined in our notice to you dated September 4, 2026.

If you have any questions concerning the Board action, please contact Amanda Dewell, with our program, at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE, Chief Engineer
SD DANR – Water Rights

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF ENTRY OF ORDER dated October 8, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on October 8, 2026.

WP No. 8165-3

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark SD 57225

WP No. 6468-3

Town of Alpena
c/o Finance Officer
PO Box 75
Alpena SD 57312

WR Nos. 293-2 & 294-2

GCC Dacotah Inc
c/o Steve Zellmer
PO Box 360
Rapid City SD 57709

WR No. 5577-3

Curtis Foster
42430 116th St
Britton SD 57430

WR No. 881-2

Ryan Edwards
749 W 5th St
Winner SD 57580

WP No. 2800-2

Janice Tetherow
105 W 2nd St
Valentine NE 69201

WR No. 2482-3 & WP No. 6789-3

Allen & Becky Walth
13640 Walth Bay Rd
Glenham SD 57631

WP No. 7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

WR No. 950-2

Malon Burtz
30310 Pahapesto Buttes Rd
Winner SD 57580

WR No. 2370-2

KW Holding LLC
c/o Kory Weisbeck
2453 S Plaza Dr
Rapid City SD 57702

WR No. 5579-3

Nels J Sorensen
c/o Grant Sorensen
200 Mickelson Ave
Vermillion SD 57069

WP No. 7429-3

Sorensen Family Farm LLC
c/o Grant Sorensen
2903 Sorensen Ave
Vermillion SD 57069

WP Nos. 6363-3 & 6692-3

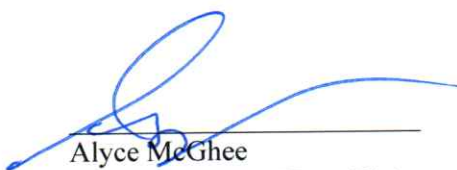
Hillside Colony
c/o Timothy Glanzer
18248 Hillside Ln
Doland SD 57436

WP No. 8886-3

Pronghorn Land LLC
c/o Brian Top
2132 32nd Ave
Brookings SD 57706

WR No. 2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551


Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 8th day of Oct, 2026


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029

