

WATER PERMIT NO. 6870-3

Name of Applicant: **Claremont Hutterian Brethren**

Address: **46271 184th St, Castlewood SD 57223**

Phone: **605 793-2352**

Amount of Water Claimed: **2.2 cfs**

Total Acres: **157 acres**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Hamlin**

Type of Waste Disposal System:

Location: **2 miles northwest of Castlewood**

PRIORITY

Date Received: **7-12-07**

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

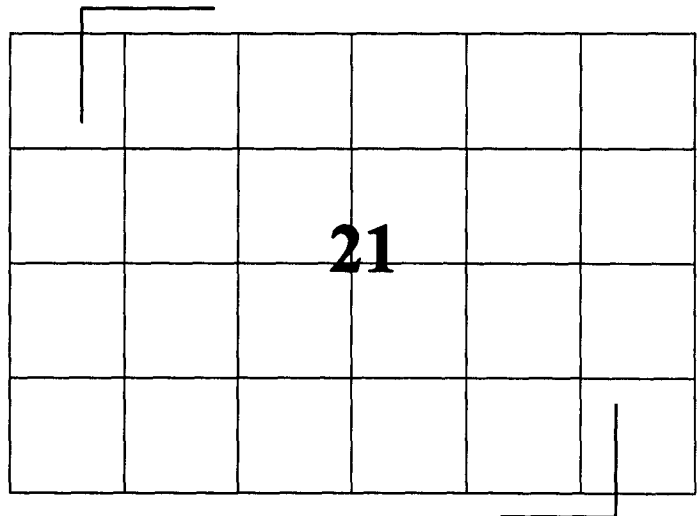
Corrected Application Received: **7-18-07**

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

Remarks:

Diversion Point: **SE ¼ Sec 21-T115N-R52W**

Land to be Irrigated: **SE ¼ Sec 21-T115N-R52W**



Depth of Well: **40 feet deep**

Well Driller: : **Kaiser Well Drilling, Inc.**

Remarks:

Type of Map: **aerial**

Prepared by: **Jesse V Rigge, NRCS**

Reviewed and the Number Assigned on: **7-18-07**

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>6820-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Liaux River</u>
	Newspaper <u>Hamlin Co. Republic PO Box 50</u>
	<u>605-793-2293 (Wed)</u> <u>Castlerock 57223</u>

RECEIVED
JUL 12 2007
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.) _____

- Name of Applicant CLAREMONT Hutterian Brethren Phone 605-793-2352
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 46271 184th St Castlerock State So. Dak 57223
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.2 *CFS or 1000 **GPM ***AF Total Acreage 157
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 2- Wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2- Wells in SE
1/4 Section 21-115N-52W County Hamlin
- County or counties where water will be used Hamlin
- Annual period during which water is to be used April 1 thru October 31
- 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>S.E. 21-115-52</u>	<u>157</u>		

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

STATE OF SOUTH DAKOTA) SS
County of Codington

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, Claremont Hutterian Brethren 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 Jonathan Walkman

Subscribed and sworn to before me this 11th day of July 2007

[Signature]
Notary Public signature

My Commission Expires 8-13-2011

**SOUTH DAKOTA
WATER PERMIT NO. 6870-3**

Date of first receipt of application July 12, 2007.

Date of return to applicant for corrections, amendments or changes July 13, 2007.

Date of receipt of corrected application July 18, 2007.

The Water Management Board approved Water Permit No. 6870-3 on December 6, 2007 for Claremont Hutterian Brethren, c/o Jonathan Wollman, 46271 184th St, Castlewood SD 57223 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. 6870-3 appropriates 2.2 cubic feet of water per second from two wells to be completed into the Big Sioux:North Aquifer (approximately 40 feet deep) located in SE 1/4 Section 21 to irrigate 157 acres located in the SE 1/4 Section 21; all in T115N-R52W.
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 12, 2007.
4. One-fifth of the construction is to be completed on or before June 6, 2010.
5. All construction is to be completed on or before December 6, 2012.
6. Water is to be put to beneficial use on or before December 6, 2016.
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 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 wells authorized by Permit No. 6870-3 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

JAN 23 2008

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16" Depth 36'-40'
- 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 0 On property owned by others Approx 1200'

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 _____

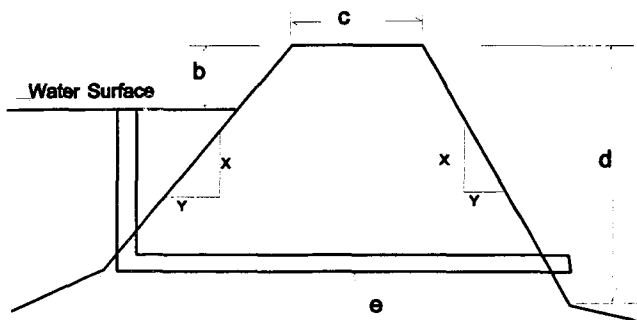
3. Dugout Information

- 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

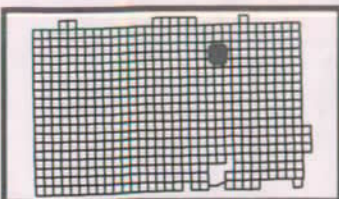
Farm # 4401 OP: CLARKMONT HUTTERIAN BRETHREN INC
Tract # 255 Cropland: 157.0
N3 SE 21-115-52

"NOT TO SCALE"

2007



United States Department of Agriculture
Farm Service Agency



**South Dakota
Hamlin County**

21-115N-52W



J.V. Ryge
Jesse V. Ryge
NRCS

April 24, 2007

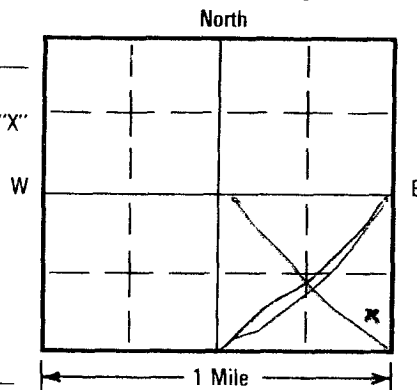
7/16/07

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 S.E. 1/4 Sec 21 Twp 115 Rg 52WCounty Hamlin

Please mark well location with an "X"



Well Completion Date

7-3-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 560 ft. from 560 ft Sand Bar (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Shallow augerCASING DATA: ☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	<u>3 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>12</u>	<u>37</u> lb./gal	<u>0</u> ft	<u>24</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure grout methodSCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ 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? _____

Laboratory sent to for water quality analysis _____

Well Owner: CLAREmont Colony
 Business Name: CLAREmont Hydraulic Breachers
 Address: 46271 184th St
Caslewood, So. Dak 57223

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>fine sand yellow</u>	<u>1</u>	<u>15</u>
<u>Medium yellow</u>	<u>15</u>	<u>23</u>
<u>Medium to coarse Gray</u>	<u>23</u>	<u>33</u>
<u>Blue clay</u>	<u>33</u>	<u>40</u>

STATIC WATER LEVEL 6 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: _____
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

JUL 18 2007

WATER RIGHTS PROGRAM

This 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: 7/16/07

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/12, 2007

RECEIVED OF CLARMONT HUTTERIAN BRETHERN 46271 184TH ST CASTLEWOOD SD 57223

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

Fee for Application for Permit No. <u>6870-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>6870-3</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	300	00

No.

03193

By

Leland Erbe

Chief Engineer



July 13, 2007

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

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WATER RIGHTS
PROGRAM

Claremont Hutterian Brethren
c/o Jonathan Wollman
46271 184th St
Castlewood SD 57223

Dear Mr. Wollman:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

- Please outline the acres to be irrigated and mark the proposed location of the 2 wells in the SE ¼ Section 21-T115N-R52W.
- 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 USDA, Farm Service Agency office).
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

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

enclosure

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JUL 18 2007

WATER RIGHTS
PROGRAM

~~Dear~~

Eric, or who it may concern.

Claremont Colony Applied for a
Permit for ~~drigation~~ in S.E. 1/4 Section 21-T115N-R52W

the Map shows the appropriate Location for Well or Wells.
We would Like ~~approval~~ for Well Drilling Prior to ~~being~~
Permitted if possible

Thank you

Jonathan Wallma
Claremont Colony



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 25, 2007

Jonathan Wollman
Claremont Hutterian Brethren
46271 184th St.
Castlewood, SD 57223

Dear Mr. Wollman:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Claremont Hutterian Brethren is authorized to construct a test well in the SE¼ Section 21, T115N-R52W prior to approval of a water permit. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

A SD Water Permit must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6870-3, Claremont 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. 6870-3, Claremont Hutterian Brethren, c/o Jonathon Wollman, 46271 184th Street, Castlewood SD 57223.

The Chief Engineer is recommending APPROVAL of Application No. 6870-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6870-3 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
August 17, 2007

Report on Application for Water Right
Permit # 6870-3
Claremont Hutterian Brethren of Castlewood, SD. 57223

27 July 2007

Application No. 6870-3 is a new application proposing to appropriate 2.2 cfs from the Big Sioux North aquifer in Hamlin County, SD. The water is to be used for irrigation on 157 acres of land located at SE ¼ of Sec 21-T115N-R52W near the city of Castlewood, SD. The proposed diversion consists of two wells to be constructed to the Big Sioux -North aquifer. The proposed period of use is April 1st to October 31st of each year.

Aquifer – Big Sioux North (BS-N)

The Big Sioux North aquifer is a surficial aquifer located in eastern South Dakota and hydraulically connected to the Big Sioux River (Hedges, 1982). The aquifer varies in thickness from 0 to 30 feet in the area of section 21-T115N-R52W (Kume, 1985) which lies west of the town of Castlewood and west of the Big Sioux River. This aquifer underlies 83,500 acres of Hamlin, Codington, Grant and Roberts Counties and contains 187,880 acre-feet of recoverable water (Hedges, 1982).

The water rights program maintains an observation well constructed to the Big Sioux North aquifer in Codington County (CD-79B) as well as an observation well constructed to the Big Sioux -Brookings aquifer in Hamlin County (HN-77B), both within three miles of the proposed site. Township 115N Range 52 W is highlighted in **figure 1** showing the connection of the Big Sioux -North and the Big Sioux- Brookings aquifers in the area of the proposed diversion.

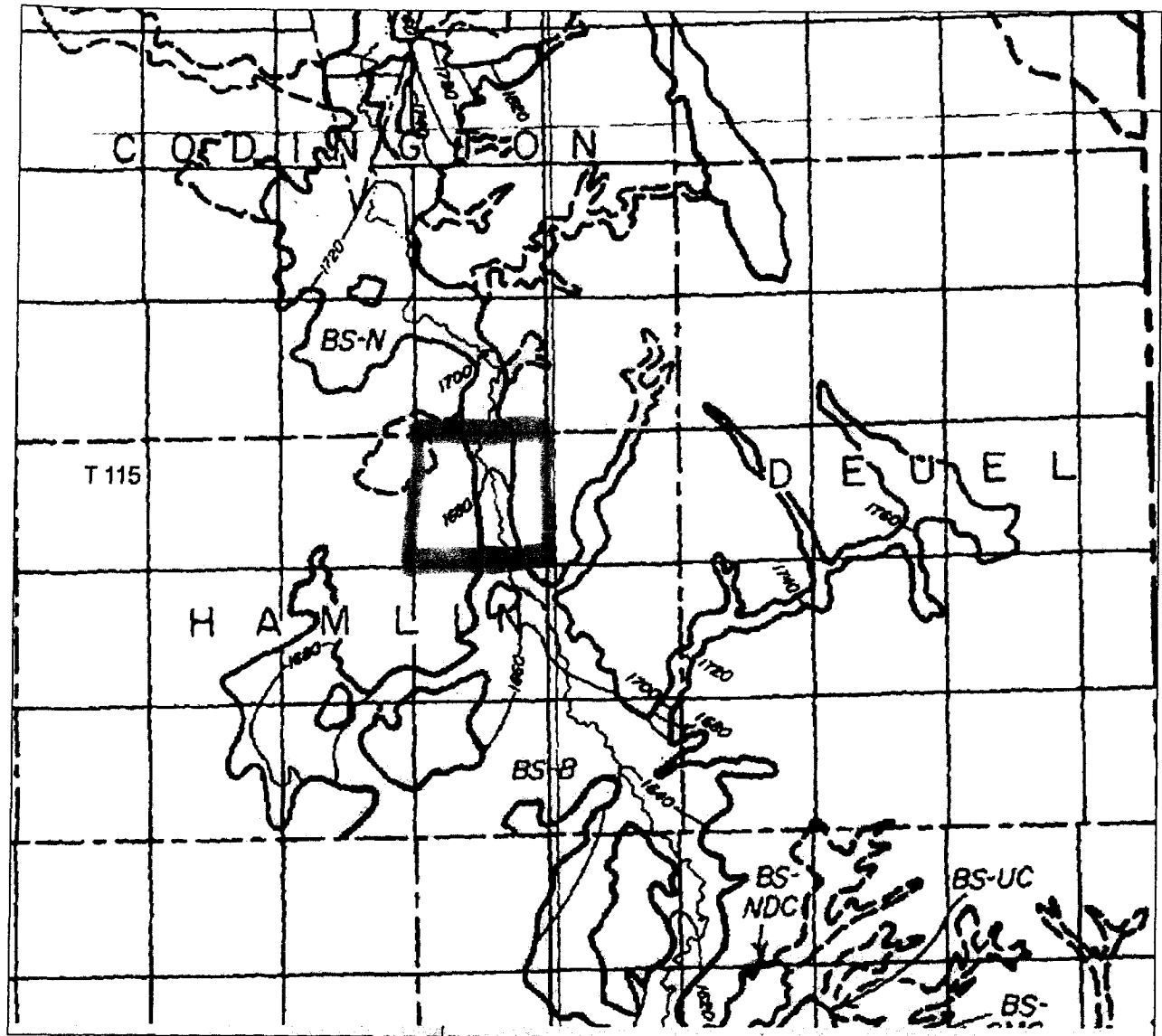


Figure 1: Aquifer boundary map

It is believed that data from an observation well completed to either management unit of the Big Sioux aquifer in the vicinity of the proposed site will provide a good indication of the impact of well pumping to the water table if any exists.

Water Availability

The likelihood of there being unappropriated water in this aquifer will be determined by reviewing available data from observation wells in the vicinity of the proposed site as well as by comparing the recharge rate and appropriated withdrawals from the Big Sioux North aquifer. The historical data from two observation wells near the proposed site are presented in **figures 2 and 3**.

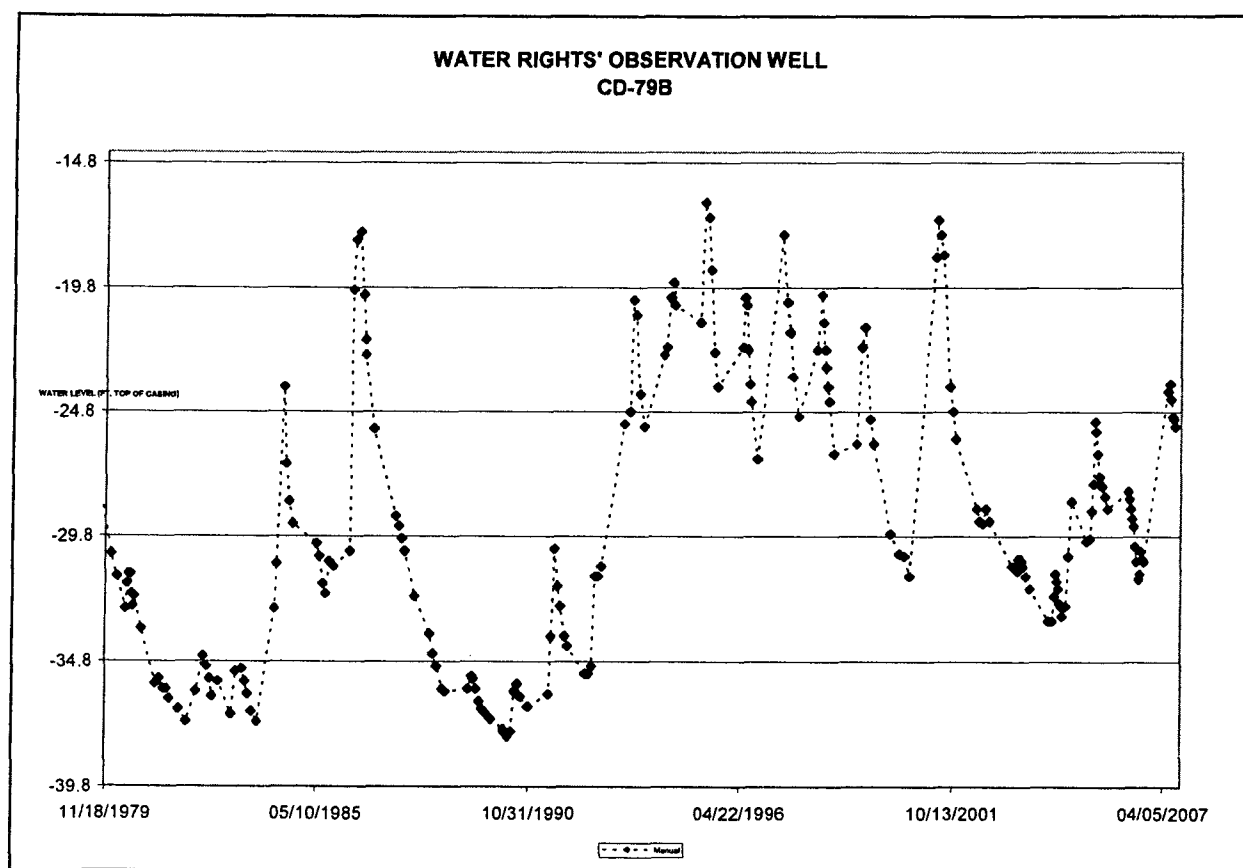


Figure 2: Observation well completed to Big Sioux North aquifer

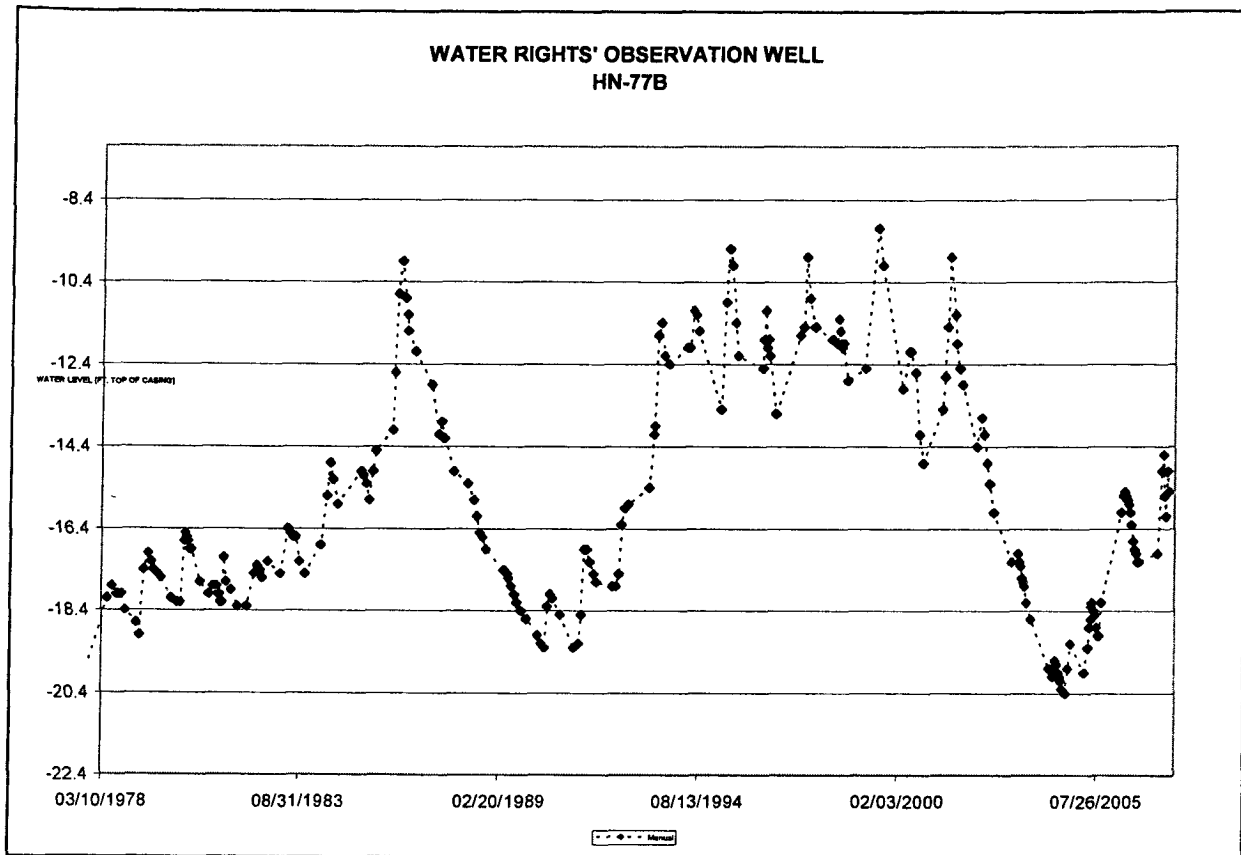


Figure 3: Observation well completed to Big Sioux Brookings aquifer

Individual years show local high points and low points in both records. These high and low points likely reflect the seasonal variation of the water table throughout the course of individual years. It is expected that a general downward trend would appear in the data if the aquifer were not able to sustain the withdrawals that are taking place. The peaks of the graphs in **figures 2 and 3** suggest that the water table is responding to climatic conditions. High peaks are seen in the years of 1991 to 1997, reflecting times of increased precipitation. Similarly, dry years have relatively low peaks that correspond with lower precipitation years.

Table 1: Average irrigation from Big Sioux North

Irrigation Questionnaires Big Sioux Aquifer North			
Year	Number of Permits	Appropriated (ac-ft)	Reported Pumped (ac-ft)
1996	30	13472.8	1497.96
1997	31	13612.8	1656
1998	35	14117.8	1702.52
1999	35	14047.6	2593.1
2000	36	14116	3013.88
2001	36	14116	2558.91
2002	37	14129.5	2835.49
2003	37	14113.5	3662.11
2004	38	14673.5	2448.79
2005	40	15250.5	2886.7
2006	38	15134.5	4285.97
Average	36	14253.14	2649.22

A review of the annual irrigation questionnaires for irrigators that have permits to divert waters from the Big Sioux -North aquifer reveals that the period of 1996 to 2006 saw an average of 36 permits, appropriating an average annual diversion of 14253.14 ac-ft of water (**table 1**). The actual amount of water diverted for use averaged only 2649.42 ac-ft. or 18.6 % of the permitted diversion. It has been suggested that the average annual recharge for the Big Sioux is between 4 and 10 inches per year. The US Geological Survey has settled on an average annual rate of 6.57 inches per year (Koch, 1980). With a recharge rate of 6.57 inches per year and an area equal to 83,500 acres, the average annual recharge of this aquifer is 45,716 acre-feet.

Review of Existing Permits

There are two existing water rights in the vicinity of the proposed site. Both existing water rights are located in Sec22-T115N-R52W. The nearest water appropriation to the proposed location is water right No. 6408-3 located 2,000 feet to the north-east. Water right No. 6408-3 appropriates 3.56 cfs from four wells completed to the big Sioux-North aquifer.

The other existing water right in the area, water right No. 5441-3, appropriates 2.11 cfs from two wells located approximately 5,000 feet north-east of the proposed site is completed to the Big Sioux-North aquifer.

Conclusions

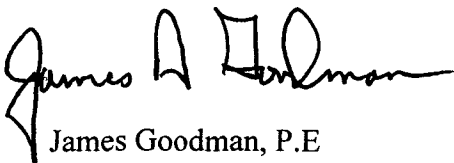
1. The Big Sioux-North aquifer is under water table conditions and hydraulically connected to the Big Sioux-Brookings aquifer in this area
2. Hydrographs of observation wells in the area indicate that the wells are responding to climatic conditions. There is no obvious impact of pumping from the aquifer present in the well data.
3. Unappropriated water is available from the Big Sioux-North aquifer.
4. Draw down from a well constructed on the proposed site is expected to be localized and not extending far from the well. Interference is not expected to be a problem.
5. Any well constructed relative to this permit is to be constructed in accordance with South Dakota well construction standards.



Mark Costello

Natural Resources Engineer

Reviewed by:



James Goodman, P.E

Natural Resources Engineer

Bibliography

Hedges, L. S. et al., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Big Sioux River, South Dakota and Iowa, for Planning Division, U.S Army Corps of Engineers, SDDENR, SDGS, Vermillion, SD. 57069.

Koch, N., 1980, Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, SD., Huron, SD.57350

Kume, J., 1980, Water Resources of Deuel and Hamlin Counties, South Dakota, Water Resources Investigations Report 84-4069, Huron,SD.

Water Rights, Observation Well Information. South Dakota Department of Environment and Natural Resources Pierre, SD. 57501. Accessed 06 August 2007.

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SEP 07 2007

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SS

I, Luanne Archer

certify that the attached printed Notice was taken

from the Hamlin County
Republican

printed and published in Castlewood

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Aug. 29, 2007

Sept. 5, 2007

Cost of Printing \$41.58

Luanne Archer
(Signature)

Published
(Title)

9-5-07
(Date Signed)

**NOTICE OF
APPLICATION NO. 6870-3
TO APPROPRIATE WATER**

Notice is given that Claremont Hutterian Brethren, c/o Jonathan Wollman, 46271 184th St, Castlewood SD 57223 has filed an application for a water permit to appropriate 2.2 cubic feet of water per second from two wells to be completed into the Big Sioux: North Aquifer (approximately 40 feet deep) located in SE 1/4 Section 21 to irrigate 157 acres located in the SE 1/4 Section 21; all in T115N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6870-3 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 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 recommendations 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 September 17, 2007.

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. Pitner, Secretary
Department of Environment and Natural Resources
(publish aug. 29 and sept. 5, 2007)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 21, 2007

Hamlin County Republican
PO Box 50
Castlewood SD 57223

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6870-3 to Appropriate Water to be published twice. Please publish the first notice on August 29, 2007 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 Claremont Hutterian Brethren, c/o Jonathon Wollman, 46271 184th St, Castlewood SD 57223 (Ph # 605-793-2352).

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. 6870-3

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

Date _____

We are in receipt of your letter of August 21, 2007 enclosing Notice to Appropriate Water by Application No. 6870-3 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 August 29, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6870-3 to Appropriate Water

Notice is given that Claremont Hutterian Brethren, c/o Jonathan Wollman, 46271 184th St, Castlewood SD 57223 has filed an application for a water permit to appropriate 2.2 cubic feet of water per second from two wells to be completed into the Big Sioux:North Aquifer (approximately 40 feet deep) located in SE ¼ Section 21 to irrigate 157 acres located in the SE ¼ Section 21; all in T115N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6870-3 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 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 recommendations 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 September 17, 2007.

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

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

August 21, 2007

Claremont Hutterian Brethren
c/o Jonathan Wollman
46271 184th St
Castlewood SD 57223

Dear Mr. Wollman:

Water Permit Application No. 6870-3 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 Hamlin County Republican printed at Castlewood SD (Ph # 605-793-2293). 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 is 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 applications.

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.

18174 457th Ave
Castlewood, SD 57223
September 4, 2007

RECEIVED
SEP 06 2007
WATER RIGHTS
PROGRAM

Claremont Hutterian Brethren
c/o Jonathan Wollman
46271 184th St
Castlewood, SD 57223

Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Dear Sirs:

We, as land owners in the S 698' of N 1636' of N 1187' of SW ¼, do not entirely object to the application for a water permit. We do object to the following:

1. Location of the well. It is less than 600 feet from our residence. This is a concern because of the ground water well that we use. The permit for approximate depth of 40 feet will affect our sand point of a depth of 19 feet. With the livestock we presently have and the livestock we plan on purchasing, we will rely on the well that is presently in use on our acreage. With the acres of land to be irrigated, there is ample space in other locations to place the well. It appears to be located as close as possible to the right of way line that is adjacent to our property. There are presently 3 wells within ½ mile or ¼ mile of our sand point, this already puts a strain on the aquifer.
2. Pump selection. It is our understanding that a diesel engine is the engine of choice. This is a concern for the noise level. Our bedroom facility is located on the west side of our home which is directly in line with the said pump. One prime reason for living in the country is for the quality of peace and quiet. Again, by placing the pump in another location, such as along the low maintenance road south of this property to be irrigated, no homes would be affected.
3. Water dispersion. The two pivot systems already in use to the north of our property already propel water across the county road. Our concern is that when this pivot system comes to the county road, our mailbox will be right in line with the dispersed water. Not only are ruts created in the gravel road, but our federally protected mail will be a saturated.
4. Snow accumulation. Electrical housing used to control irrigation systems are approximately 4 feet high. With the location of the proposed well as of this date, a snow drift is inevitable at the end of our drive way. Snow fences must be place 100 feet from the right of way line. Therefore, control units should also fall in to this category.

We appreciate the need to irrigate land in NE South Dakota. However, by working well with the neighboring members of the farming community, all can live together and meet the needs of each other.

Sincerely,

A handwritten signature in cursive script that reads "Doug Hyde".

Doug Hyde

A handwritten signature in cursive script that reads "Lois Hyde".

Lois Hyde



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 10, 2007

NOTICE

TO: Jonathan Wollman
Claremont Hutterian Brethren
46271 184th Street
Castlewood SD 57223

Doug and Lois Hyde
18174 457th Avenue
Castlewood SD 57223

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Notice of Hearing on Water Permit Application No. 6870-3, Claremont Hutterian Brethren

A petition to intervene has been filed in response to the public notice of Water Permit Application No. 6870-3 filed by Claremont Hutterian Brethren. This notice schedules a hearing before the Water Management Board to consider Application No. 6870-3. Enclosed is a copy of the staff report, recommendation and petition to intervene.

As specified in the publication notice, Application No. 6870-3 proposes to appropriate 2.2 cubic feet of water per second from two wells to be completed into the Big Sioux:North Aquifer (approximately 40 feet deep) located in SE 1/4 Section 21 to irrigate 157 acres located in the SE 1/4 Section 21; all in T115N-R52W.

The Water Management Board will conduct a hearing to consider Application No. 6870-3 at 2:30 PM on October 3, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The hearing time is an estimate and may be delayed due to prior agenda items. Notice will be provided to all parties of record of any change in the hearing time or date.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6870-3 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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the evidence presented at the public hearing.

The October 3, 2007, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any party who timely filed a petition opposing the application. The request for an automatic delay must be filed by September 24, 2007.

This hearing may be an adversarial proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Notice is further given to individual with disabilities that this hearing is being held in a physically accessible facility. Please notify Eric Gronlund at (605) 773-3352 by September 24, 2007, if you have any questions about the hearing process or have special needs for which the department will make arrangements.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

enclosures

c: Diane Best, Assistant Attorney General

NOTE: Since this matter does not involve a monetary controversy in excess of \$2,500.00 or termination of a property right in accordance with SDCL 1-26-18.3, the Chief Engineer has determined this contested case need not be referred to the Office of Hearing Examiners. If any party disagrees with this determination, the Chief Engineer shall be notified by September 24, 2007.

CERTIFICATION

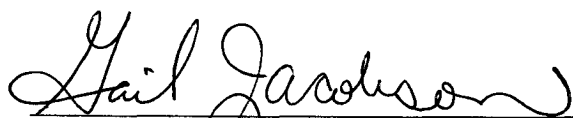
I hereby certify that on September 10, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 10, 2007, regarding scheduling of hearing for Water Right Permit Application No. 6870-3, Claremont Hutterian Brethren, as addressed below and on the attached parties of record.

Jonathan Wollman
Claremont Hutterian Brethren
46271 184th Street
Castlewood SD 57223

Doug and Lois Hyde
18174 457th Avenue
Castlewood SD 57223

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501



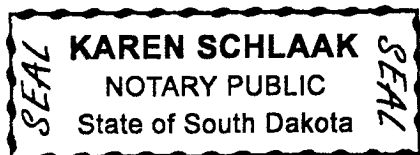
Gail Jacobson, Secretary
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of September, 2007.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



RECEIVED

OCT 19 2007

WATER RIGHTS
PROGRAM

SIEGEL, BARNETT & SCHUTZ, L.L.P.

ATTORNEYS AT LAW

415 S. MAIN STREET - 400 CAPITOL BUILDING

P.O. BOX 490

ABERDEEN, SOUTH DAKOTA 57402-0490

TELEPHONE (605) 225-5420

FAX (605) 226-1911

Web Site: www.sbslaw.net

RAYMOND M. SCHUTZ
HARVEY C. JEWETT
JEFFREY T. SVEEN
JOSEPH P. BARNETT
REED RASMUSSEN
GREGG C. MAGERA
KATHRYN J. HOSKINS
JULIA M. DVORAK*
RODRICK L. TOBIN
MATTHEW T. TOBIN

*Also Licensed in North Dakota
• Also licensed in Montana

October 3, 2007

DB

297476

Attorney General

OCT - 4 2007

STAN SIEGEL (1928-1996)
JOSEPH H. BARNETT (1931-1985)
TERENCE A. O'KEEFE (1938-1999)

SIoux FALLS OFFICE
300 NORTH DAKOTA AVENUE, SUITE 606
P.O. BOX 1286
SIoux FALLS, SOUTH DAKOTA 57101
TELEPHONE (605) 335-6250
FAX (605) 335-6749
[E-mail: siegellawsf@sbslaw.net]

Ms. Diane Best
Attorney General's Office
500 Capitol Avenue
Pierre, SD 57501

Re: Clarmont Hutterian Brethren, Inc. (Clarmont Colony)

Dear Diane:

Thank you for your voice mail messages to me concerning Clarmont Colony. I spoke with Jonathan Wollman, Jr., of Clarmont Colony on Wednesday, October 3. He did receive word that the hearing before the Water Management Board has been postponed. Based upon your information, I told him that the hearing would in all likelihood be scheduled for either December 4, 5 or 6.

I would appreciate it if you could forward to me any and all materials you have regarding this application, as well as the intervenor's information.

I believe you also noted in your voice mail that there may have been preliminary approval for the Colony's application. If that is not the case, please let me know. Thank you for your calls. We appreciate you letting us know about this situation.

Very truly yours,



Gregg Magera
of SIEGEL, BARNETT & SCHUTZ, L.L.P.
gmagera@sbslaw.net

GM/ks

pc: Mr. Jonathan Wollman, Jr.

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

Phone (605) 773-3215
Fax (605) 773-4106
TTY (605) 773-6585
www.state.sd.us/atg

LARRY LONG
ATTORNEY GENERAL

October 17, 2007

Gregg Magera
Attorney at Law
P.O. Box 490
Aberdeen, SD 57402-0490

Re: Claremont Hutterian Brothren, Inc.

Dear Gregg:

Thank you for your letter of October 3, 2007. In response to your letter I am enclosing a copy of the file on CD-ROM.

Your letter also inquires as to any preliminary approval for the colony's application. The file contains a copy of the Chief Engineer's recommendation of approval in this matter. The Chief Engineer has recommended approval of the application. The Chief Engineer's recommendation is not binding in any way on the Board. Further, it does not constitute any type of water right pending the formal board proceeding. If you have any questions about this matter please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Diane Best".

Diane Best
Assistant Attorney General

DB:js
Enclosure



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 6, 2007

NOTICE

TO: Jonathan Wollman
Claremont Hutterian Brethren
46271 184th Street
Castlewood SD 57223

Doug and Lois Hyde
18174 457th Avenue
Castlewood SD 57223

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Hearing on Water Permit Application No. 6870-3, Claremont Hutterian Brethren

The October 3rd hearing before the Water Management Board on Water Permit Application No. 6870-3 filed by Claremont Hutterian Brethren has been rescheduled for December 6, 2007, at 8:30 AM, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. Notice will be provided to parties if there is a change in the hearing time.

Applicable provisions of the public notice published August 29 and September 5, 2007 in the Hamlin County Republican and the notice dated September 10, 2007 will still apply. This hearing may be an adversarial proceeding. Any party of record has the right to be present and 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.

I am enclosing a copy of the report, recommendation and petition in the matter of Water Permit Application No. 2620-2. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. The enclosed material is the same information being sent to the Board members in advance of the hearing.

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

c: Diane Best, Assistant Attorney General
Greg Magera, Siegel, Barnett & Schutz LLP, PO Box 490, Aberdeen SD 57402-0490

CERTIFICATION

I hereby certify that on November 6, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated November 6, regarding scheduling of hearing for Water Permit Application No. 6870-3, Claremont Hutterian Brethren, as addressed below and on the attached parties of record.

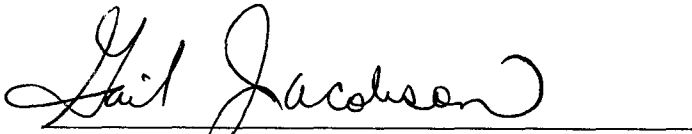
Jonathan Wollman
Claremont Hutterian Brethren
46271 184th Street
Castlewood SD 57223

Doug and Lois Hyde
18174 457th Avenue
Castlewood SD 57223

Greg Magera
Siegel, Barnett & Schutz LLP
PO Box 490
Aberdeen SD 57402-0490

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501



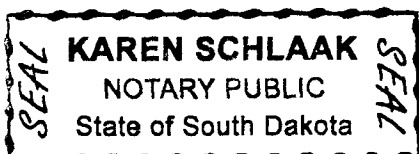
Gail Jacobson, Secretary
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of November, 2007.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 23 2006

Claremont Hutterian Brethren
Jonathan Wollman
46271 184th St
Castlewood SD 57223

Dear Mr. Wollman:

Enclosed is Water Permit No. 6870-3 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

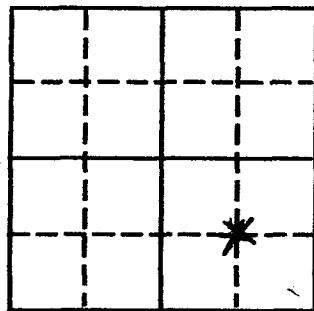
6870-3
11-02

Location 1/4 SE 1/4 Sec 21 Twp 115 N Rg 54 W

County

Hamlin

North



Please mark well location with an "X"

Well Completion Date

5-14-08

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

2500 ft. from Ind. Well (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Boring Rig

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5440 LB/FT</u>	<u>16 IN</u>	<u>1266 FT</u>	<u>26 FT</u>	<u>30 IN</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>80</u>	<u>54 Lb/gal</u>	<u>0 FT</u>	<u>20 FT</u>
		Lb/gal	FT	FT

Describe grouting procedure

Pressure Grout Method

SCREEN: ☐ Perforated pipe ☐ Manufactured
Diameter 16 Inches Length 10 Feet
Material plastic
Slot Size .085 Set From 26 Feet to 36 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 Tablets

Lab sample sent to for water quality analysis ☐ No, Why Not?

Well Owner: Charmant Colony

Business Name:

Address: 46271 184th St.

City, State, Zip: Castlewood SD 57223

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top So. 1</u>	<u>0</u>	<u>2</u>
<u>Sandy yellow gravel</u>	<u>2</u>	<u>14</u>
<u>Clean yellow gravel</u>	<u>14</u>	<u>20</u>
<u>Gray fine sand</u>	<u>20</u>	<u>26</u>
<u>Medium gray</u>	<u>26</u>	<u>36</u>
<u>Blue clay</u>	<u>36</u>	<u>38</u>

STATIC WATER LEVEL 12' 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:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

16 Ft. After 8 Hrs. pumped 500 GPM

18 Ft. After 4 Hrs. pumped 600 GPM

If pump installed, pump rate: 400 GPM

REMARKS

This well was drilled under license # 689

And this report is true and accurate.

Drilling firm: Kaiser Well Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIVED
FEB - 6 2009
WATER RIGHTS
PROGRAM

SOUTH DAKOTA WATER WELL COMPLETION REPORT

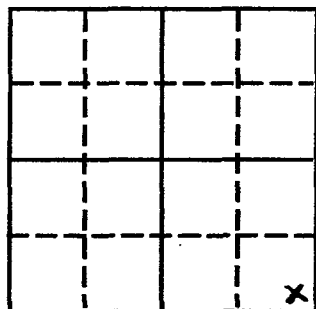
6870-3
11-02

Location SE 1/4 SE 1/4 Sec 21 Twp 15N Rg 50W

County

Hawkins

North



Please mark well location with an "X"

Well Completion Date

5-19-08

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

7500 ft. from For. Well (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Boring Rig

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
Sch LB/FT	18 IN	1525 FT	28 FT	30 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>portland</u>	<u>80</u>	<u>54</u> Lb/gal	<u>0</u> Ft	<u>20</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

pressure grouting with

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 18 Inches Length 10 Feet

Material plastic

Slot Size 1.085 Set From 28 Feet to 38 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 Tablets

☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Charmant Colony

Business Name:

Address: 46271 184th St

City, State, Zip: Custerwood SD 57223

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
yellow sandy clay	1	5
yellow sand	5	10
Medium to coarse	10	38
Blue clay	38	40

STATIC WATER LEVEL 5 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:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

20 Ft. After 8 Hrs. pumped 1000 GPM

20 Ft. After 10 Hrs. pumped 1000 GPM

If pump installed, pump rate: 400 GPM

8RTLC2 Goulds 20Hp

REMARKS

RECEIVED
FEB - 6 2009
WATER RIGHTS
PROGRAM

This well was drilled under license # 689

And this report is true and accurate.

Drilling firm: Kaiser Well Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:



6870-3
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 24, 2012

NOTICE

TO: CLAREMONT COLONY, JONATHAN WOLLMAN, 46271 184th ST, CASTLEWOOD, SD 57223

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2579-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4353-3, 5774-3, 6424-3, 6606-3, 6870-3 & 7193-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 4353-3, 5774-3, 6424-3, 6606-3, 6870-3 & 7193-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2579-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, 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.

6870-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2012

Jonathan Wollman
Claremont Colony
46271 184th St
Castlewood SD 57223

RE: Water Permit or Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3 & 7193-3

Dear Mr. Wollman:

I am writing to acknowledge receipt of the 2011 irrigation questionnaires for Claremont Colony.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3 and 7193-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6870-3

I have this day, March 31, 2015, made a thorough examination of the water use system constructed by Claremont Hutterian Brethren, 46271 184th St., Castlewood SD 57223 of Permit No. 6870-3, bearing the priority of July 12, 2007 authorizing the diversion of 2.20 cu. ft. per second of the waters of the Big Sioux North aquifer for irrigation purposes, in Hamlin County.

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

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells 2
- 3) Depth(s) 36 and 38 feet
- 4) Well log is available Yes. If no, explain in comments

Casing (North Well):

- 1) Diameter 16 inches
- 2) Length 20 feet
- 3) Type Plastic

Screen:

- 1) Type Plastic
- 2) Length 10 feet
- 3) Static water level 12 feet

Pump:

- 1) Make 20 hp submersible

Casing (South Well):

- 1) Diameter 18 inches
- 2) Length 28 feet
- 3) Type Plastic

Screen:

- 1) Type Plastic
- 2) Length 10 feet
- 3) Static water level 5 feet

Pump:

- 1) Make 30 hp submersible

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 1,465 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley

- 2) Number of towers 7

- 3) End gun Yes

4) Pivot Capacity 750 GPM

Chemigation Equipment:

1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes List any extended period of nonuse: none
- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: North Well: 1,350 feet north and 1,300 feet west from the SE corner section 21-T115N-R52W (NE1/4 SE1/4 – Longitude -97.07255, Latitude 44.74974); South Well: 575 feet north and 50 feet west from the SE corner section 21-T115N-R52W (SE1/4 SE1/4 – Longitude -97.06774, Latitude 44.74766).

2. The works are capable of diverting and conveying to the place of use 1.67 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in section 21-T115N-R52W

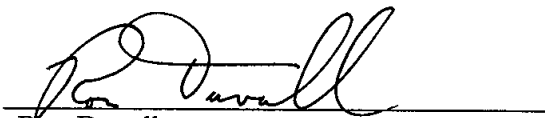
<u>NE1/4 SE1/4</u>	<u>34 acres</u>
<u>NW1/4 SE1/4</u>	<u>34 acres</u>

<u>SW1/4 SE1/4</u>	<u>30 acres</u>
<u>SE1/4 SE1/4</u>	<u>34 acres</u>

comprising a total of 132 acres of land and the license should be issued for 1.67 cfs.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: none



Ron Duvall

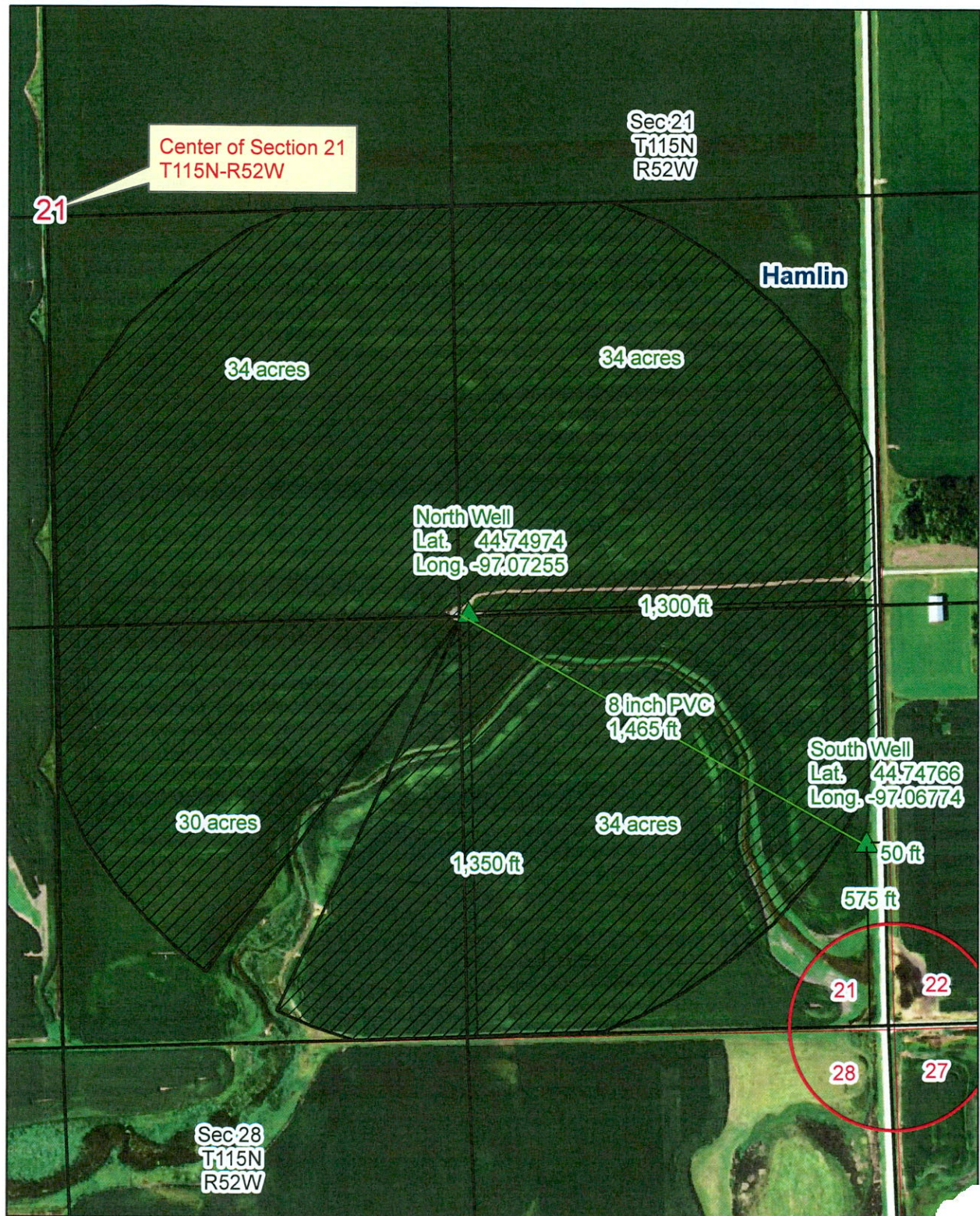
Water Rights Permitting Administrator
DENR, Water Rights Program

Date report completed: January 6, 2016

Scale: 1 inch = 477 feet

670

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:


Ron Duvall, WR Permitting Administrator
Water Rights Program

Diversion point(s) located using a Garmin eTrex 10 GPS

Date: Dec 29, 2015

Water Right No. 6870-3



6870-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

6606-3, 6870-3, 7193-3
7490-3 and 7491-3

MAY 03 2016

Claremont Hutterian Brethren
c/o Jonathan Wollman
46271 184th St
Castlewood SD 57223

Dear Mr. Wollman:

Enclosed are Water License Nos. 6606-3, 6870-3, 7193-3, 7490-3 and 7491-3. These are the final water right documents completing your process of obtaining a Water Right. Also, included with each license is a map prepared by the staff engineer who conducted the investigations.

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

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

Sincerely,

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

NOTE: Regarding Water Right No. 7193-3 The investigation found this irrigation system is capable of diverting 1.67 cubic feet of water per second (cfs) which is equivalent to approximately 750 gallons per minute (gpm). The permit was originally issued for only 1.33 cfs (equivalent to 600 gpm). Diversion of water under this water license is limited to 1.33 cfs.

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6870-3

(1) Claremont Hutterian Brethren, c/o Jonathan Wollman, 46271 184th St, Castlewood SD 57223 made Application No. 6870-3, July 12, 2007 for a water permit to divert 2.20 cubic feet of water per second from two wells - Big Sioux:North Aquifer, Hamlin County, South Dakota for irrigation purposes. Permit No. 6870-3, with a priority date of July 12, 2007 was approved December 6, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 6, 2012 and for the application to beneficial use of water on or before December 6, 2016.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6870-3 is issued a license, bearing a priority date of July 12, 2007 to appropriate 1.67 cubic feet of water per second from two wells - Big Sioux:North Aquifer to irrigate 132 acres.

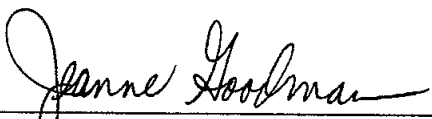
The diversion points are located: North well: 1,350 feet north and 1,300 feet west from the SE corner Section 21-T115N-R52W (NE 1/4 SE 1/4); South well: 575 feet north and 50 feet west from the SE corner of Section 21-T115N-R52W (SE 1/4 SE 1/4). The acres authorized for irrigation are as follows:

Section 21-T115N-R52W	NE 1/4 SE 1/4	34 acres	SW 1/4 SE 1/4	30 acres
	NW 1/4 SE 1/4	34 acres	SE 1/4 SE 1/4	34 acres

Total 132 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6870-3 including the following qualifications:

- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 6870-3 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. *The wells were drilled by Kaiser Well Drilling in May, 2008. Copies of the logs are on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

MAY 03 2016

date





6870-3
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 23, 2020

NOTICE

TO: CLAREMONT COLONY, JONATHAN WOLLMAN, 46271 184th ST, CASTLEWOOD, SD 57223

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2579-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2579-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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://denr.sd.gov/iq> using this password: MVHIMM**

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.



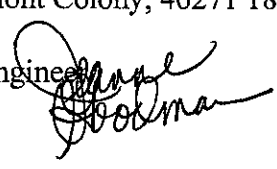
6870-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2020

NOTICE OF ENTRY OF ORDER
FOR AMENDMENT AND ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Amendment of Water Right No. 2579-3 and One Year Suspension of Water Right Nos. 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3

On February 26, 2020, the Water Management Board took the following actions on Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3

The Board amended Water Right No. 2579-3 to add the following qualification effective immediately:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The Board also ordered:

Effective March 26, 2020, Water Right Nos. 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3 be suspended for the 2020 irrigation season for failure to submit the 2019 irrigation questionnaires.

If the 2019 irrigation questionnaires are received prior to March 26, 2020, the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2020 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2020 unless the 2019 irrigation questionnaires are submitted by March 26th.

After March 26th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2019 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2020, in Pierre, SD. The letter should include your reasons for not completing the 2019 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place. Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2020 regarding Water Management Board action taken February 26, 2020 for Irrigation Questionnaire violations addressed as stated below:

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

Water Right No. 5947-3

Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

Water Permit Nos. 7008A-3 and 7009A-3

Roger D Hanson, 615 E 72nd St., Kansas City MO 64131

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

Water Right No. 876-1

Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

Water Right No. 1213B-1

Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 410B-2

Kathi Koester, PO Box 206, Custer SD 57730-0206

Water Permit No. 8253-3

James Makens, Makens Oak Tree LLP, 42563 168th St, Clark SD 57225

Water Permit Nos. 5849-3 and 6194-3

Josh Oakley, Meadow Creek Golf Course, PO Box 511, Volga SD 57071-0511

Water Right Nos. 2521-3 and 2934-3

Henry Decker, Pembroke Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

Water Right Nos. 5566-3 & 7615-3 and Water Permit No. 7616-3

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

Water Right No. 4737-3

RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley IA 51247

Water Right No. 2954-3

Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

Water Right Nos. 2631A-3 and 5451-3
Merritt Ulmer, PO Box 433, Menno SD 57045-0433
Merritt & Marie Ulmer, 1402 S Cage #217, Pharr TX 78577

Water Right No. 553-1
Richard W Kieffer, 14555 Hamlet Pl, Sturgis SD 57785

Three Year Suspensions:

Water Right No. 6168-3
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

Water Right No. 2106-2
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701

Amendments:

Water Right Nos. 804-2 & 995-2
Robert Berry, 23331 Hwy 14, Midland SD 57552

Water Right No. 766-2
Gene Fortune, PO Box 60, Interior SD 57750 0060

Water Right Nos. 516-1 and 715-1
Lawrence Woodward, PO Box 220, Dupree SD 57623 0220

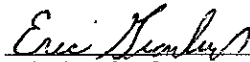
Both Suspend and Amendments

Water Right No. 960-3 and Water Permit No. 472A-3
Chad Binger, 18309 383rd Ave, Tulare SD 57476

Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3
Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766



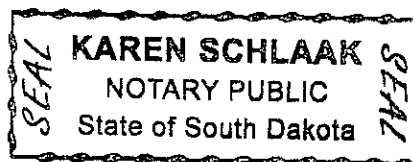
Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

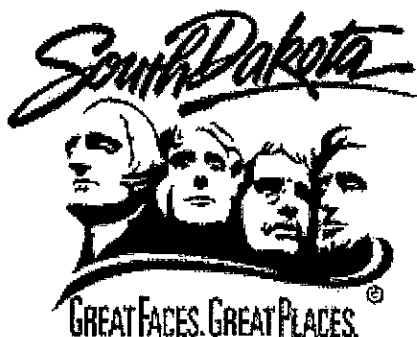
Sworn to, before me, this 27th day of February, 2020.



Karen Schlaak
Notary Public
My Commission expires April 1, 2025



6870-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2020

Jonathan Wollman
Claremont Colony
46271 184th St
Castlewood SD 57223

RE: Water Right Nos. 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3

Dear Mr. Wollman:

On February 26th the Water Management Board ordered the above listed Water Rights suspended if the 2019 irrigation questionnaires were not received prior to March 26, 2020. The questionnaire information for your water rights has been received.

Since the irrigation questionnaires are on file, no violations have occurred, and no suspensions will take place. You may irrigate during the 2020 irrigation season.

If you have any questions, please contact us.

Sincerely,

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

Genny McMath
Water Rights Program
605 773-3352

6870-3



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: CLAREMONT COLONY, JONATHAN WOLLMAN, 46271 184th ST, CASTLEWOOD, SD 57223

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) 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3. 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) 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3 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) 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3 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: NNMIGU**

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.

6870-3



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

March 1, 2022

Jacob Wollman
Claremont Colony
46271 184th St
Castlewood SD 57223

RE: Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3, 7491-3

Dear Mr. Wollman:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3. 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