

WATER PERMIT NO. 6877-3

Name of Applicant: **Pearl Creek Colony**

Address: **21085 415th Ave, Iroquois SD 57353**

Phone: **605 546-2452**

Amount of Water Claimed: **4.0 cfs**

Total Acres: **320**

Source of Water Supply: **groundwater (two wells)**

Water to be used for: **irrigation**

County: **Beadle**

Type of Waste Disposal System:

Location: **4 miles southeast of Cavour**

PRIORITY

Date Received: **8-2-07**

Application/License Fee: **\$375**

Corrected Application Received: **8-6-07**

Period of Annual Use: **June 1 – August 31**

Remarks:

Diversion Point: **center of the NE ¼ and SE ¼ Sec**
17-T110N-R59W

Land to be Irrigated: **E ½ Sec 17-T110N-R59W**

Depth of Well: **80 – 100 feet deep**

Well Driller:

Remarks:

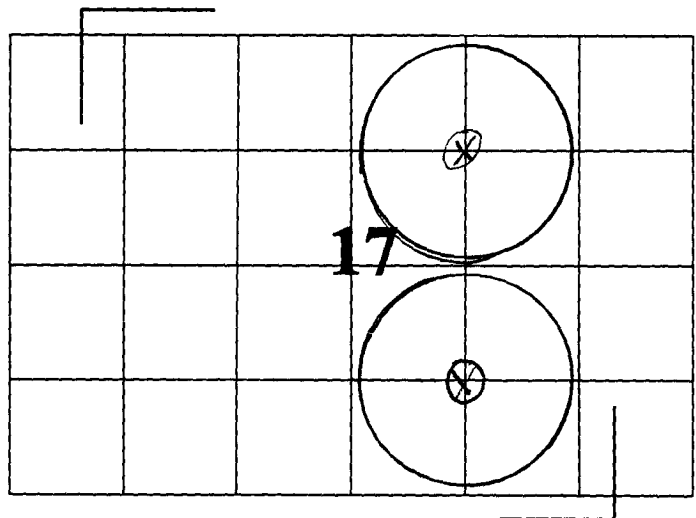
Type of Map: **aerial**

Prepared by: **Kent Vlieges, FSA**

Reviewed and the Number Assigned on: **8-6-07**

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>6877-3</u> (office use only) <u>101 60006</u>
	Basin <u>James River</u>
	Newspaper <u>The Plainsman</u> <u>Huron SD</u>
	<u>52350</u>

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AUG - 2 2007
WATER RIGHTS
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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 Pearl Creek Colony Phone 605-546-2452
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 21085 415th Ave Troquois State SD 57353
(Street, RR, or Box and City) Each well (Zip Code)
2. Amount of water claimed 4.0 *CFS or 900 **GPM ***AF Total Acreage 320
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
2 wells in E2 S4 section 17-110N-59W
County Beadle
5. County or counties where water will be used Beadle
6. Annual period during which water is to be used June 1 thru August 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 NE 1/4 17-110N-59W	40	NE 1/4 SE 1/4 17-110N-59W	40
NW 1/4 NE 1/4 17-110N-59W	40	NW 1/4 SE 1/4 17-110N-59W	40
SW 1/4 NE 1/4 17-110N-59W	40	SW 1/4 SE 1/4 17-110N-59W	40
SE 1/4 NE 1/4 17-110N-59W	40	SE 1/4 SE 1/4 17-110N-59W	40

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

STATE OF SOUTH DAKOTA) SS
County of Beadle

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, Matt Waldner, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Matt Waldner

Subscribed and sworn to before me this 31 day of July 20 07

[Signature]
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6877-3**

Date of first receipt of application August 2, 2007.

Date of return to applicant for corrections, amendments or changes August 2, 2007.

Date of receipt of corrected application August 6, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6877-3 to Pearl Creek Colony, 21085 415th Ave, Iroquois SD 57353 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. 6877-3 appropriates 4.0 cubic feet of water per second from two wells to be completed into the Floyd:Pearl Creek Aquifer (approximately 80-100 feet deep) located in centers of the NE ¼ and SE ¼ Section 17 to irrigate 320 acres located in the E ½ Section 17; all in T110N-R59W.
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: June 1 – August 31.
3. The date from which applicant may claim right is August 2, 2007.
4. The date of approval of Permit No. 6877-3 is October 29, 2007.
5. One-fifth of the construction is to be completed on or before April 29, 2010.
6. All construction is to be completed on or before October 29, 2012.
7. Water is to be put to beneficial use on or before October 29, 2016.
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. 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. 6877-3 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

NOV 05 2007

date



Supplemental Information

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(type or print in ink)

AUG - 6 2007

AUG - 6 2007

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1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" 100' Depth 80' 100'
- b) Casing Type Plastic Diameter 16" Thickness .025"
- c) Screen Type Stainless Steel Diameter 16" Thickness .025"
- d) Gravel Pack 3/4" Pea Gravel Length of Gravel Pack 10' to 20'
- 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 _____

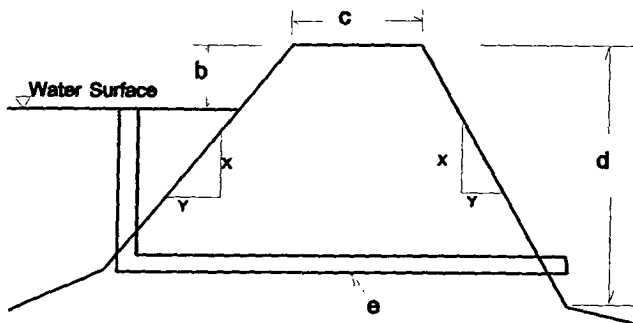
3. Dugout Information

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

4. Water Storage Dams

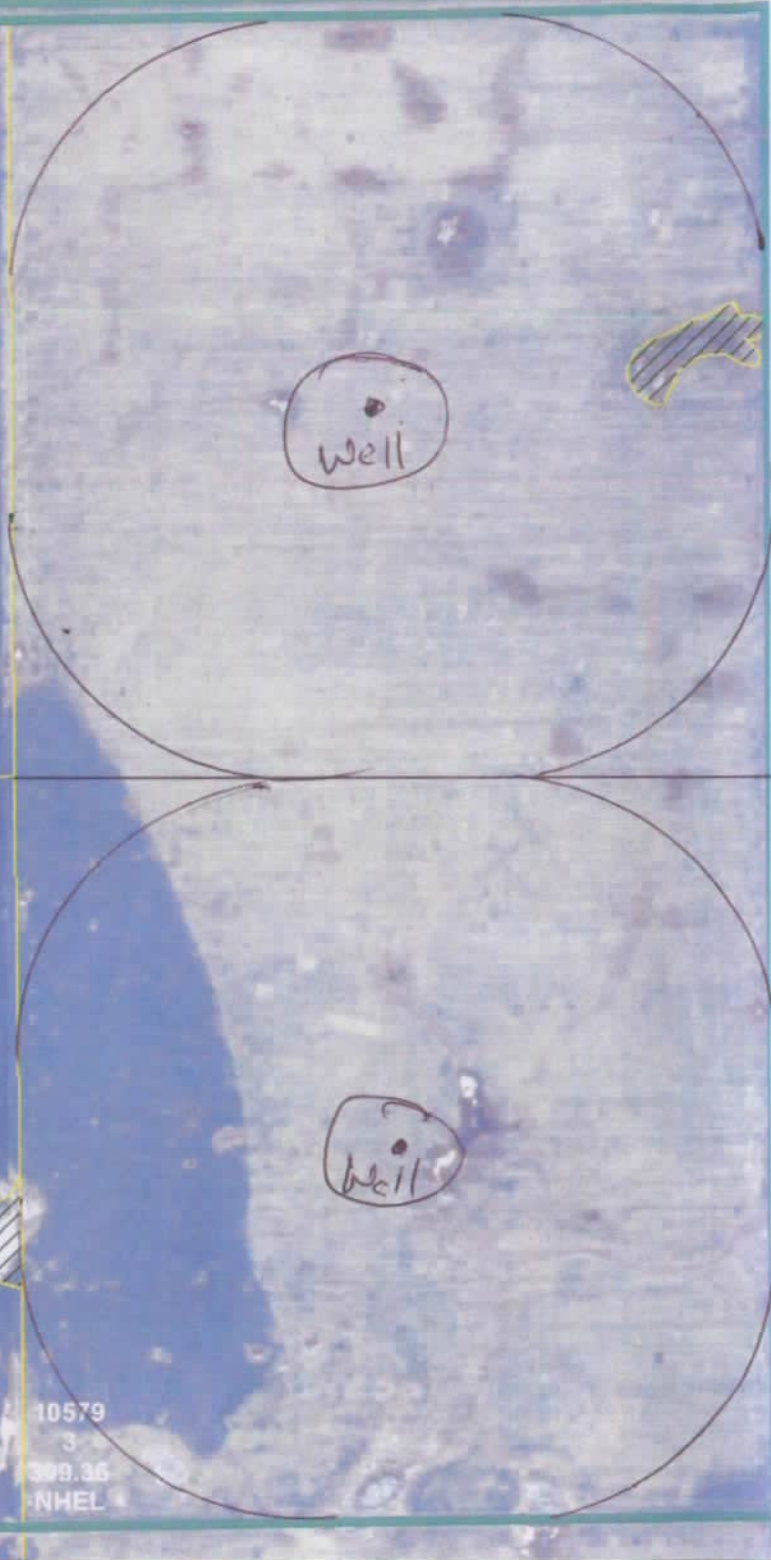
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



- 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

NRCS District Conservationist
 Kent Vlieger
 Zentlin #352-2998



10579
 2
 155.96
 NHEL

10579
 1
 154.79
 NHEL

10579
 3
 159.36
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USDA U.S. Dept. of Agriculture
 Farm Service Agency

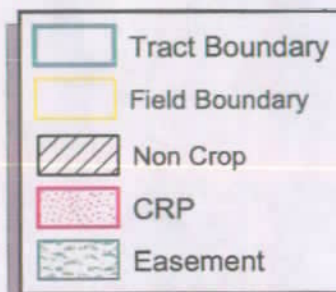


17-110N-59W

Beadle County South Dakota

March 13, 2006

2004 Digital Orthophotography
 1 inch equals 625 feet



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/6, 2007

RECEIVED OF Pearl Creek Colony 21085 415th Ave Iroquois SD 57353

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

Fee for Application for Permit No. <u>6877-3</u> to Appropriate Water, to construct and to put water to beneficial use	325	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>6877-3</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	375 00

No.

03109

By

Garland Erbe

Chief Engineer



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 2, 2007

Pearl Creek Colony
c/o Matt Waldner
21085 415th Ave
Iroquois SD 57353

Dear Mr. Waldner:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* for irrigation. In order to complete the applications the following is required.

Enclosed are two Form 2A's. Please complete the top section of the form regarding the Well Information – Proposed Construction. If available, please submit a well log or test hole logs signed by a licensed South Dakota well driller.

On each of the applications regarding the amount of water claimed, you indicate 900 gallons per minute (gpm). Is this 900 gpm from each well or a total of 900 gpm from both wells?

Enclosed is your check for \$1200.00. The application/license filing fee for each application will be \$375.00, for a total of \$750.00. Please resubmit the correct fee.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6877-3, Pearl Creek 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. 6877-3, Pearl Creek Colony, c/o Matt Waldner, 21085 415th Avenue, Iroquois SD 57353.

The Chief Engineer is recommending APPROVAL of Application No. 6877-3 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. 6877-3 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
October 4, 2007

REPORT ON WATER PERMIT APPLICATION NOS. 6876-3 AND 6877-3
For Pearl Creek Colony
August 28, 2007

Application No. 6876-3 proposes to appropriate 4.0 cfs from two wells approximately 80-100 feet deep located in the centers of the NE ¼ and the SE ¼ of section 20 to irrigate 320 acres located in the E ½ of section 20; all in T110N R59W in Beadle County.

Application No. 6877-3 proposes to appropriate 4.0 cfs from two wells approximately 80-100 feet deep located in the centers of the NE ¼ and the SE ¼ of section 17 to irrigate 320 acres located in the E ½ of section 17; all in T110N R59W in Beadle County.

AQUIFER – FLOYD PEARL CREEK (F-PC)

The Floyd Pearl Creek is a small management unit of the Floyd East James aquifer in Beadle County. The Floyd Pearl Creek aquifer underlies 11,000 acres and contains an estimated 45,000 acre-feet of recoverable water in storage (Hedges, 1982). The aquifer can be buried under artesian or water table conditions in this area and consists of outwash (sand and gravel). Even though the entire aquifer system appears to be hydraulically connected, the ground water flow system for the Pearl Creek management unit justifies the distinction from the rest of the aquifer.

Recharge to the aquifer has been estimated to range from 0.22 to 0.90 inches per year (Hedges, 1983) (200 to 825 acre-feet annually) and a more recently (Emmons, 1988) estimated a rate of approximately 2.5 inches per year (2,290 acre-feet annually). Water use for the aquifer for irrigation was reported at 1,532 acre feet in 1988. More recently in 2006 the water use was reported to be 870 acre-feet. The amount of irrigated land has been licensed for 1,441 acres for the Floyd Pearl Creek aquifer. It would seem reasonable to assume that 8.2 inches of annual water use for irrigation (used for Tulare East James aquifer in Spink County) would be a good long term average (Goodman, 2006). This would equate to about 1,000 acre-feet of estimated water use for the entire acreage. The last five years for the Floyd Pearl Creek aquifer the reported water use for irrigation has averaged 686 acre-feet per year. This data only includes nine irrigation permits for the total of 1,441 acres. This is a very small sampling to attempt to get average water use and can be significantly impacted by a few permit holders not reporting water use.

There are also two existing water permits for commercial use and one municipal use from the Floyd Pearl Creek aquifer. The commercial use permits Nos. 5801-3 and 5956-3 are for a total of 0.256 cfs (185 acre feet) and Nos. 5010-3 and 5623-3 for 61 acre-feet reserved for the Town of Iroquois. The Iroquois permits are now held for standby purposes because the town is supplied by rural water.

No test holes were drilled for these applications. The mapping done for both the Iroquois City Study (Green, 1983) and the Emmons study both indicate the aquifer may be present near these requested sites but more than likely the selected sites are close to the edge of the aquifer. This can not be answered until test wells are completed.

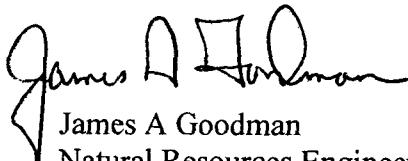
The Water Rights Program monitors four observation wells, BD-77E, BD-76R, BD-77B and BD-77F completed into the Floyd Pearl Creek aquifer. Observation well BD-77B is located within one-half mile northeast of application No. 6877-3 and observation well BD-77F is located about one and one-half miles south of application No. 6878-3. The aquifer in the northern portion is under water table conditions and to the extreme south is under artesian conditions. This is shown by the observation well hydrographs and the amount of fluctuation measured. The water level record indicates the aquifer does recharge and is capable of sustaining existing withdrawals. Hydrographs for all four observation wells are included with this report (Water Rights, 2007).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are nine existing water permits/rights for irrigation from the Floyd Pearl Creek aquifer. With the proposed spacing given between proposed permits and existing wells interference is not expected to be a concern. This spacing should be maintained especially in the area further to the south where the aquifer goes to artesian conditions.

CONCLUSIONS

1. Water is available from the Floyd Pearl Creek aquifer.
2. These wells must be constructed in accordance with SD Well Construction Standards.
3. Recharge to the aquifer appears to be about 2,290 acre feet annually (2.5 inches per year). Water use is estimated at about 1,000 acre feet per year for irrigation (using 8.2 inches use annually developed for the Tulare East James aquifer in Spink County) and 246 acre feet for commercial and municipal uses. This means that about 1,246 acre-feet of the 2,290 acre feet available has been committed. Approval of these permits would leave about 500 acre-feet additional water available for appropriation.
4. This aquifer is very close to being fully appropriated based upon use. Only by using an average use of less than 16 inches per year for the presently approved 1,441 acres plus the three other permits leaves water remaining from the aquifer.
5. Interference is not expected to be a concern. However, the locations of the proposed wells need to be maintained in order to optimize well spacing especially at the south end of this aquifer where artesian conditions exist. Because no test wells were drilled it is not even known if the proposed sites are on the aquifer.

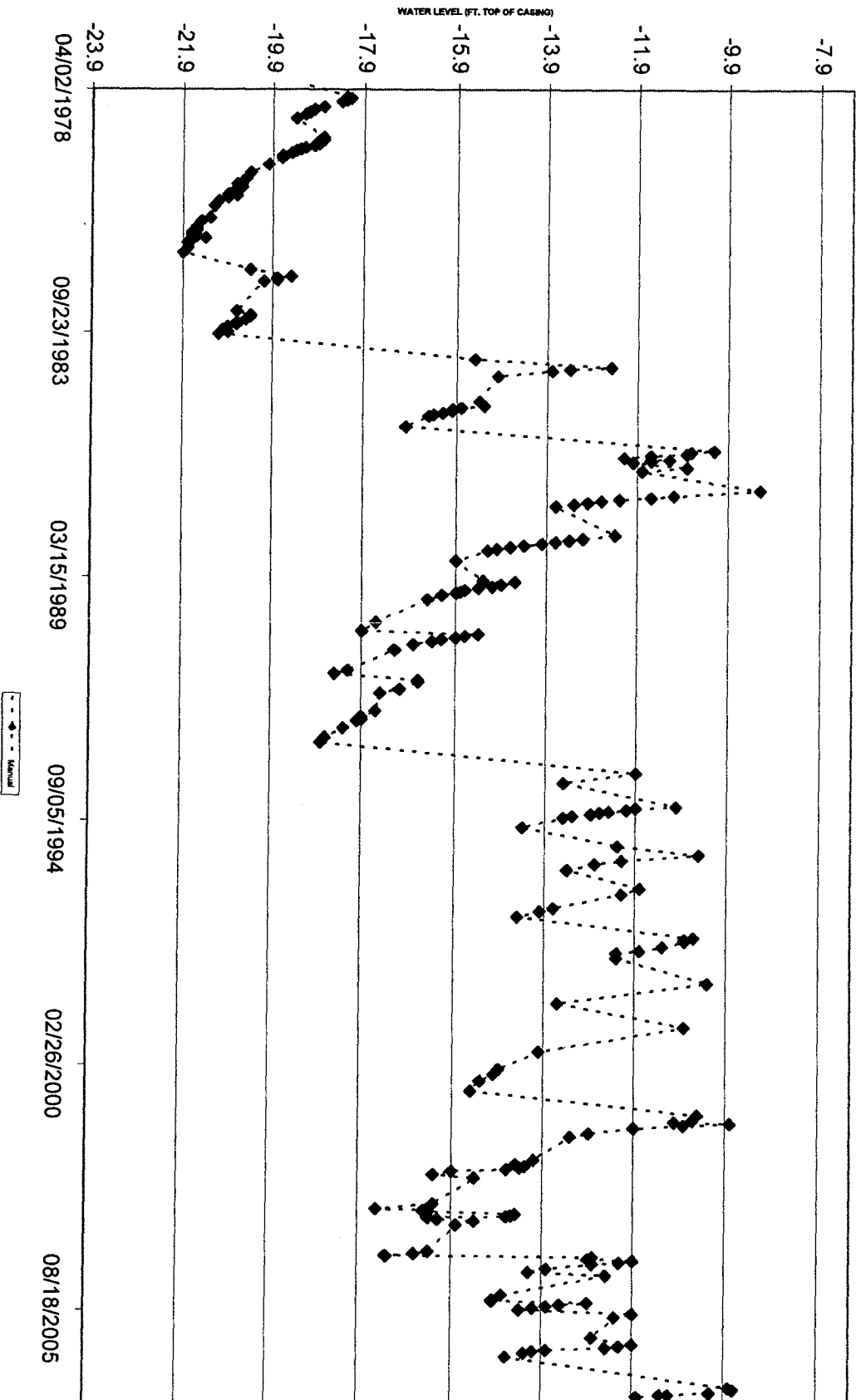


James A Goodman
Natural Resources Engineer

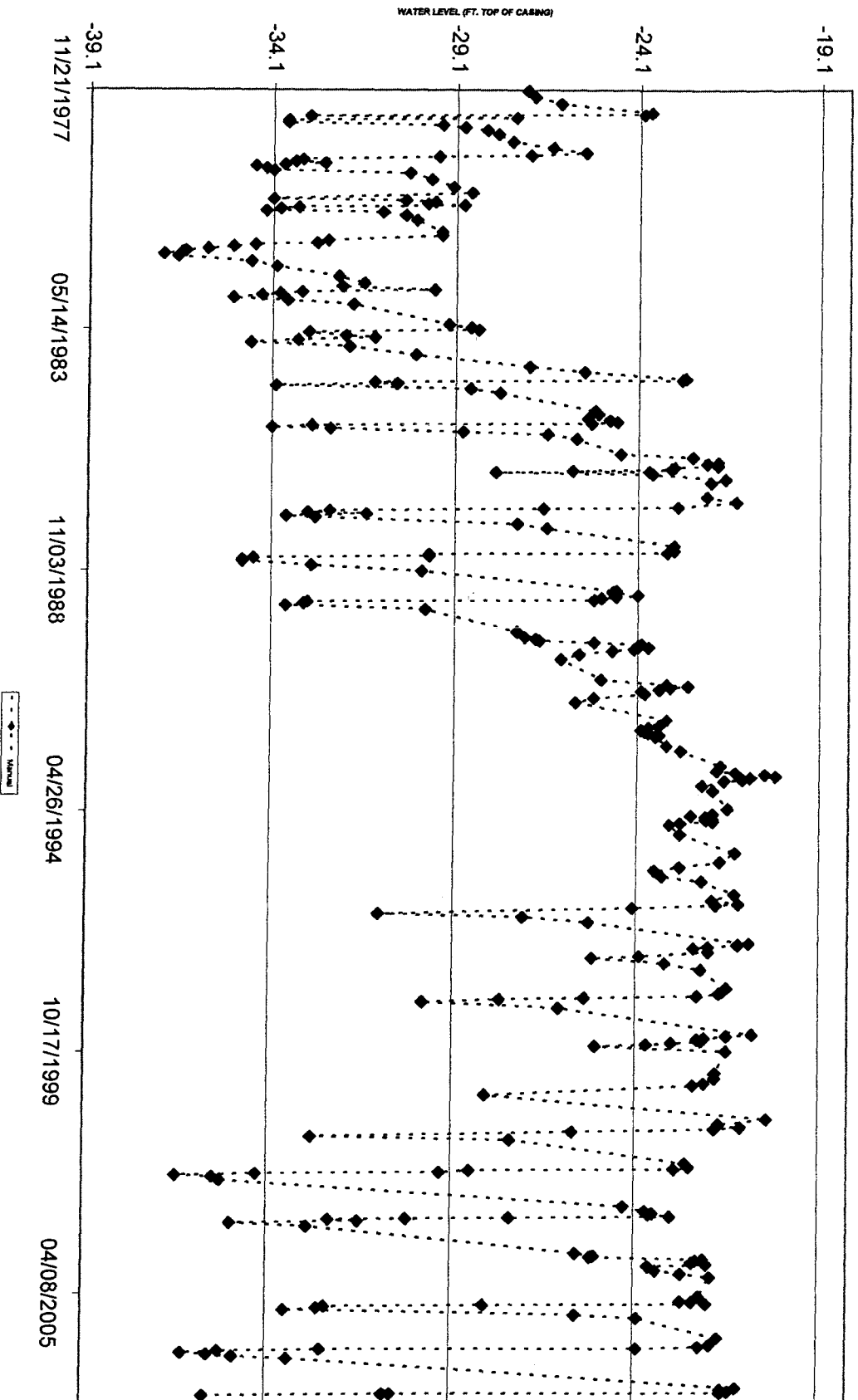
BIBLIOGRAPHY

- Emmons, P.J., 1988, A Digital Simulation of the Glacial-Aquifer System in Sanborn and Parts of Beadle, Miner, Hanson, Davison, and Jerauld Counties, SD, WRI 87-4082, USGS, Huron, SD, 57350.
- Goodman, J.A., 2006, Report on Water Permit Application No. 6711-3 for Oscar Inc and Nos. 6712-3 and 6713-3 for Peterson Farms, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.
- Green, S.A., 1983, Ground-Water Study for the City of Iroquois, South Dakota, Open-File Report No. 36-UR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S. and others, 1983, Same, Task 7: Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 2007, Unpublished Observation Well Data for Beadle County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

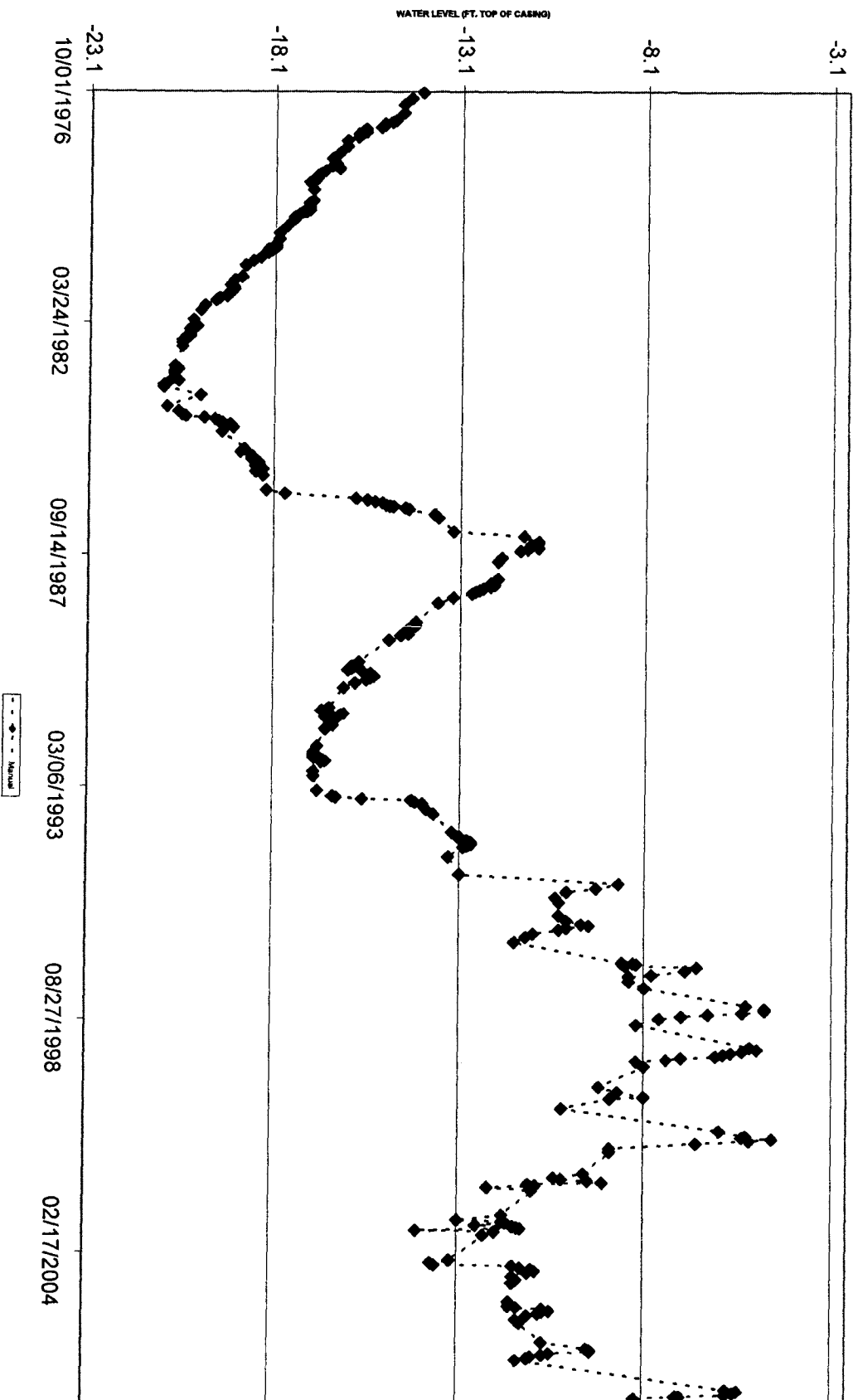
**WATER RIGHTS' OBSERVATION WELL
BD-77E**



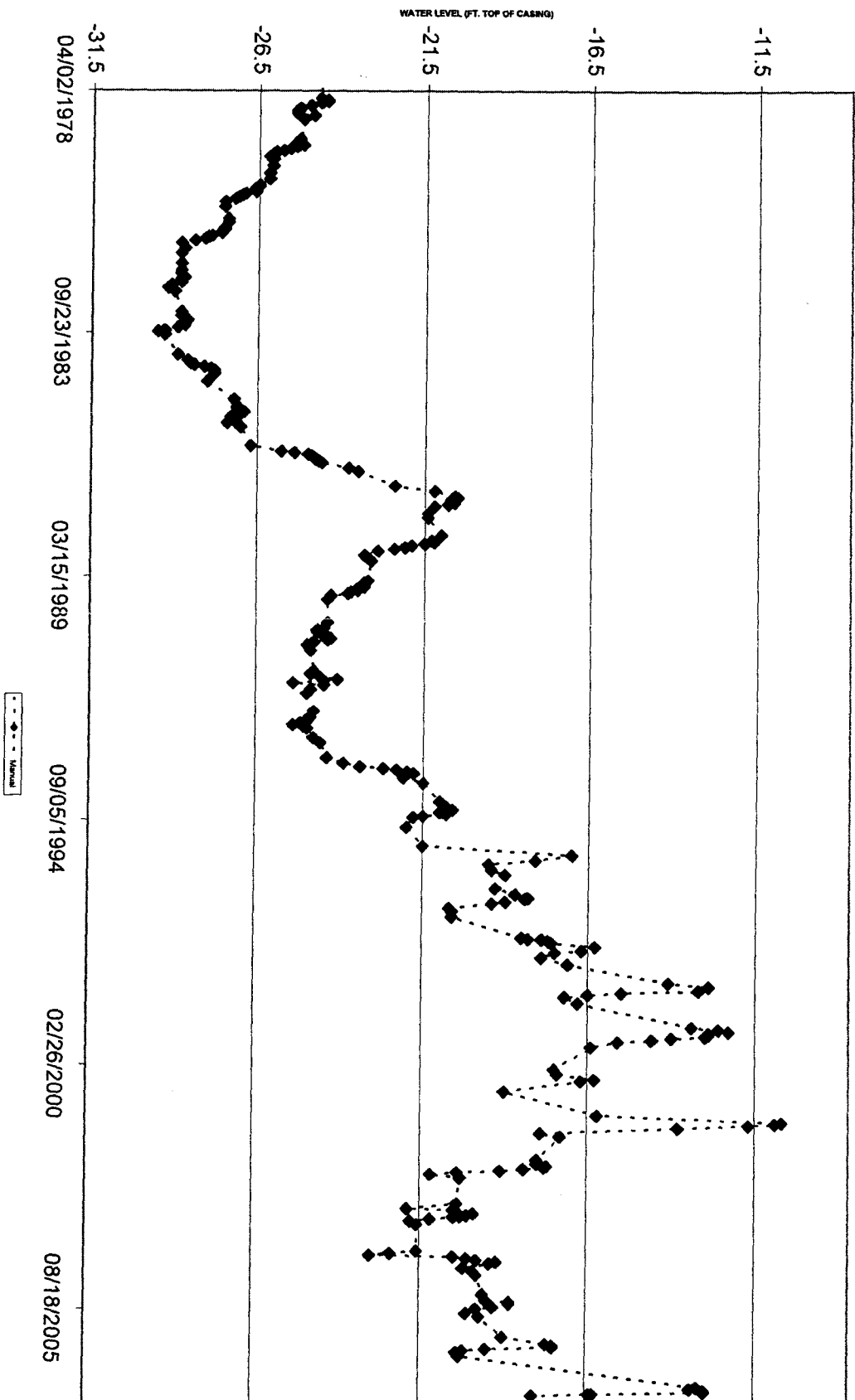
**WATER RIGHTS' OBSERVATION WELL
BD-77F**



**WATER RIGHTS' OBSERVATION WELL
BD-76R**



**WATER RIGHTS' OBSERVATION WELL
BD-77B**



RECEIVED

OCT 24 2007

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Beadle) SS

I, Kara Rae Piner

certify that the attached printed Notice was
taken

from the Plainsman

printed and published in Huron, SD

County of Beadle and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

Oct. 12th, 2007

Oct. 19th, 2007

Cost of Printing 1st Publ - 34.66

2nd Publ - 27.76

Total of - \$62.38

Kara Rae Piner
(Signature)

Bus Manager
(Title)

10-20-07
(Date Signed)

F.P. 10-12-07 L.P. 10-19-07

NOTICE OF APPLICATION NOS. 6876-3 AND 6877-3 to Appropriate Water

Notice is given that Pearl Creek Colony, 210 85 415th Ave, Iroquois, SD 57353 has filed the following applications for a water permit.

Application No. 6876-3 proposes to appropriate 4.0 cubic feet of water per second from two wells to be completed into the Floyd: Pearl Creek Aquifer (approximately 80-100 feet deep) located in centers of the NE 1/4 and SE 1/4 Section 20 to irrigate 320 acres located in the E 1/2 Section 20; all in T110N-R59W.

Application No. 6877-3 proposes to appropriate 4.0 cubic feet of water per second from two wells to be completed into the Floyd: Pearl Creek Aquifer (approximately 80-100 feet deep) located in centers of the NE 1/4 and SE 1/4 Section 17 to irrigate 320 acres located in the E 1/2 Section 17; all in T110N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6876-3 and 6877-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, the 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 these applications 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 October 29, 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 applications, 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 these applications.

Steve M. Piner,
Secretary, Department of
Environment and Natural
Resources
No. 370 (adv.)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 5, 2007

The Daily Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6876-3 and 6877-3 to Appropriate Water to be published twice. Please publish the first notice on October 12, 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 Pearl Creek Colony, Matt Waldner, 21085 415th Ave, Iroquois SD 57353 (Ph # 605-546-2452).

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-----

Nos. 6876-3 & 6877-3

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

Date _____

We are in receipt of your letter of October 12, 2007 enclosing Notice to Appropriate Water by Application Nos. 6876-3 & 6877-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

October 5, 2007

Pearl Creek Colony
Matt Waldner
21085 415th Ave
Iroquois SD 57353

Dear Mr. Waldner:

Water Permit Application Nos. 6876-3 and 6877-3 for irrigation use have 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 Daily Plainsman printed at Huron SD (Ph # 605-352-6401). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, recommendations 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 recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on October 12, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6876-3 AND 6877-3 to Appropriate Water

Notice is given that Pearl Creek Colony, 210 85 415th Ave, Iroquois SD 57353 has filed the following applications for a water permit.

Application No. 6876-3 proposes to appropriate 4.0 cubic feet of water per second from two wells to be completed into the Floyd:Pearl Creek Aquifer (approximately 80-100 feet deep) located in centers of the NE ¼ and SE ¼ Section 20 to irrigate 320 acres located in the E ½ Section 20; all in T110N-R59W.

Application No. 6877-3 proposes to appropriate 4.0 cubic feet of water per second from two wells to be completed into the Floyd:Pearl Creek Aquifer (approximately 80-100 feet deep) located in centers of the NE ¼ and SE ¼ Section 17 to irrigate 320 acres located in the E ½ Section 17; all in T110N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6876-3 and 6877-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations 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 these applications 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 October 29, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. 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

NOV 05 2007

Pearl Creek Colony
Matt Waldner
21085 415th Ave
Iroquois SD 57353

Dear Mr. Waldner:

Enclosed are Water Permit Nos. 6876-3 and 6877-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10, *Notices of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of water rights.

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

RECEIVED

SEP - 3 2008

WATER RIGHTS
PROGRAMDate 8-20-08

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

FROM:

Pearl Creek Colony
(name)

21085 415th Ave
(address)

Troquois, SD 57353
(city, state, zip)

605-546-2452
(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. 6877-3 states that the water use system is to be constructed by

10-29-12
(date)

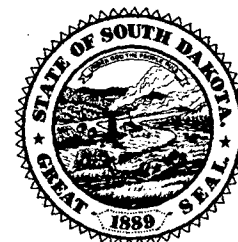
, and water is to be put to beneficial use by 10-29-2016
(date)

The water use system was completed on 8-10-08
(date)

Applying the water to beneficial use was completed on 8-10-08
(date)

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

Matt Waldner
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 3, 2008

6876-3
6877-3

Matt Waldner
Pearl Creek Colony
21085 415th Ave
Iroquois SD 57353

Dear Mr. Waldner:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know that you are completed with your irrigation systems as authorized by Water Permit Nos. 6876-3 and 6877-3.

The systems are now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6877-3

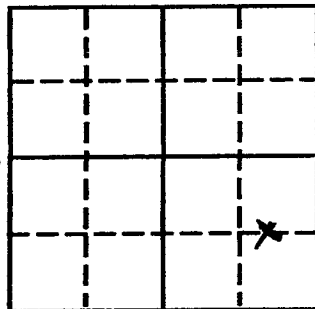
11-02

Location SE 1/4 SW 1/4 Sec 17 Twp 110N Rg 54W

County



North



Please mark well location with an "X"

Well Completion Date

6-2-08

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

2600 ft. from ERRWELL (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>440 LB/FT</u>	<u>12 IN</u>	<u>6" FT</u>	<u>58 FT</u>	<u>17 3/4 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>65</u>	<u>54 Lb/gal</u>	<u>0 FT</u>	<u>40 FT</u>
		Lb/gal	FT	FT

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☒ Manufactured
 Diameter 12 inches Length 20 Feet
 Material Stainless Steel
 Slot Size 10/100 Set From 58 Feet to 78 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: Pearl Creek Colony

Business Name: Pearl Creek Colony

Address: 21085 415th AVE

City, State, Zip: Froggus SD 57353

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>yellow sticky clay</u>	<u>1</u>	<u>18</u>
<u>Shale</u>	<u>18</u>	<u>25</u>
<u>Gray fine mixed coal</u>	<u>25</u>	<u>37</u>
<u>Blue clay</u>	<u>37</u>	<u>40</u>
<u>Coarse to medium</u>	<u>40</u>	<u>50</u>
<u>Soft clay</u>	<u>50</u>	<u>52</u>
<u>Coarse Gray</u>	<u>52</u>	<u>58</u>
<u>Blue gray</u>	<u>58</u>	<u>60</u>
<u>Medium to coarse</u>	<u>12</u>	<u>78</u>
STATIC WATER LEVEL	<u>60</u>	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: Sub
☐ Bailed
☐ Other

Pumping Level Below Land Surface

<u>44</u>	Ft. After <u>12</u>	Hrs. pumped <u>800</u>	GPM
<u>44</u>	Ft. After <u>24</u>	Hrs. pumped <u>800</u>	GPM

If pump installed, pump rate:

700

GPM

60 RCLC Gould 40 HP

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:

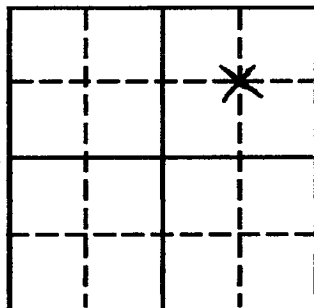
SOUTH DAKOTA WATER WELL COMPLETION REPORT

6877-3
11-02Location NE 1/4 NW 1/4 Sec 17 Twp 10N Rg 59

County

Dend

North



Please mark well location with an "X"

Well Completion Date

6-2-08

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

? ft. from (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct RotaryCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>40 LB/FT</u>	<u>12 IN</u>	<u>16 1/2 FT</u>	<u>53 FT</u>	<u>10 3/4 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>2 part</u>	<u>65</u>	<u>54 Lb/gal</u>	<u>0 FT</u>	<u>4 1/2 FT</u>
		Lb/gal	FT	FT

Describe grouting procedure

SCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 53 Inches Length 20 FeetMaterial Stainless SteelSlot Size 10/100 Set From 53 Feet to 73 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: Pearl Creek ColonyBusiness Name: Pearl Creek ColonyAddress: 21085 415TH AVECity, State, Zip: Fargo SD 58103

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Yellow Sandy Clay	1	18
Grey fine sand	18	20
Blue clay	20	22
Grey fine sand coal	22	35
fine to medium	35	45
Medium	45	55
Rocks coarse	55	60
Medium to coarse	60	73

STATIC WATER LEVEL 10 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: Sub☐ Bailed☐ Other

Pumping Level Below Land Surface

42 Ft. After 12 Hrs. pumped 800 GPM42 Ft. After 24 Hrs. pumped 800 GPMIf pump installed, pump rate: 700 GPM69 RCLC could 40 HP

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:

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6877-3**

I have this day, December 4, 2018, made a thorough examination of the water use system constructed by Pearl Creek Colony, 21085 415th Avenue, Iroquois, SD 57353, holder of Permit No. 6877-3, bearing the priority of August 2, 2007 authorizing the diversion of 4.0 cu. ft. per second of the waters of groundwater (Floyd: Pearl Creek Aquifer) for irrigation purposes, in Beadle County.

Inspection contact: Conrad Waldner, Pearl Creek Colony

A. Works used to divert the water:

Well Information:

North Well (NE1/4)

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 73 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 53 feet
- 3) Type PVC

Screen:

- 1) Type Stainless Steel
- 2) Length 20 feet
- 3) Static water level 10 feet

Pump:

- 1) Make Gould
- 2) Model 69RCLC
- 3) Capacity 800 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating 40 hp

South Well (SE1/4)

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 78 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 58 feet
- 3) Type PVC

Screen:

- 1) Type Stainless Steel
- 2) Length 20 feet
- 3) Static water level 12 feet

Pump:

- 1) Make Gould
- 2) Model 69RCLC
- 3) Capacity 800 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating 40 hp

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

North System	1) Type <u>Galvanized</u>	2) Size <u>8</u> inches	3) Length <u>15</u> feet
South System	1) Type <u>PVC</u>	2) Size <u>8</u> inches	3) Length <u>920</u> feet

C. Works used to apply water to beneficial use:

Center pivot:

North Pivot

- 1) Make Valley
- 2) Overall length 1,298 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 GPM

South Pivot

- 1) Make Valley
- 2) Overall length 1,298 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate No

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
- 3) Exceptions to compliance are: None

E. Condition and Location:

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

North Well: 1,360 feet west and 1,340 feet south of the northeast corner of Section 17-T110N-R59W (Latitude 44.33596, Longitude -97.93898 – NE1/4):

South Well: 425 feet west and 3,960 feet south of the northeast corner of Section 17-T110N-R59W (Latitude 44.32875, Longitude -97.93548 – SE1/4).

2. The works are capable of diverting and conveying to the place of use 3.56 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: all in Section 17-T110N-R59W

<u>NW1/4NE1/4</u>	<u>33 acres</u>
<u>SW1/4NE1/4</u>	<u>34 acres</u>
<u>NW1/4SE1/4</u>	<u>34 acres</u>
<u>SW1/4SE1/4</u>	<u>34 acres</u>

<u>NE1/4NE1/4</u>	<u>33 acres</u>
<u>SE1/4NE1/4</u>	<u>34 acres</u>
<u>NE1/4SE1/4</u>	<u>34 acres</u>
<u>SE1/4SE1/4</u>	<u>34 acres</u>

comprising a total of 270 acres of land and the license should be issued for 3.56 cfs.

3. All structures, wells and lands on map Yes

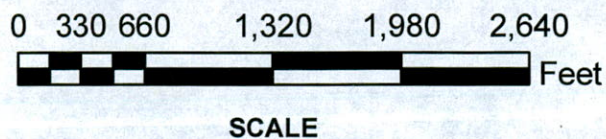
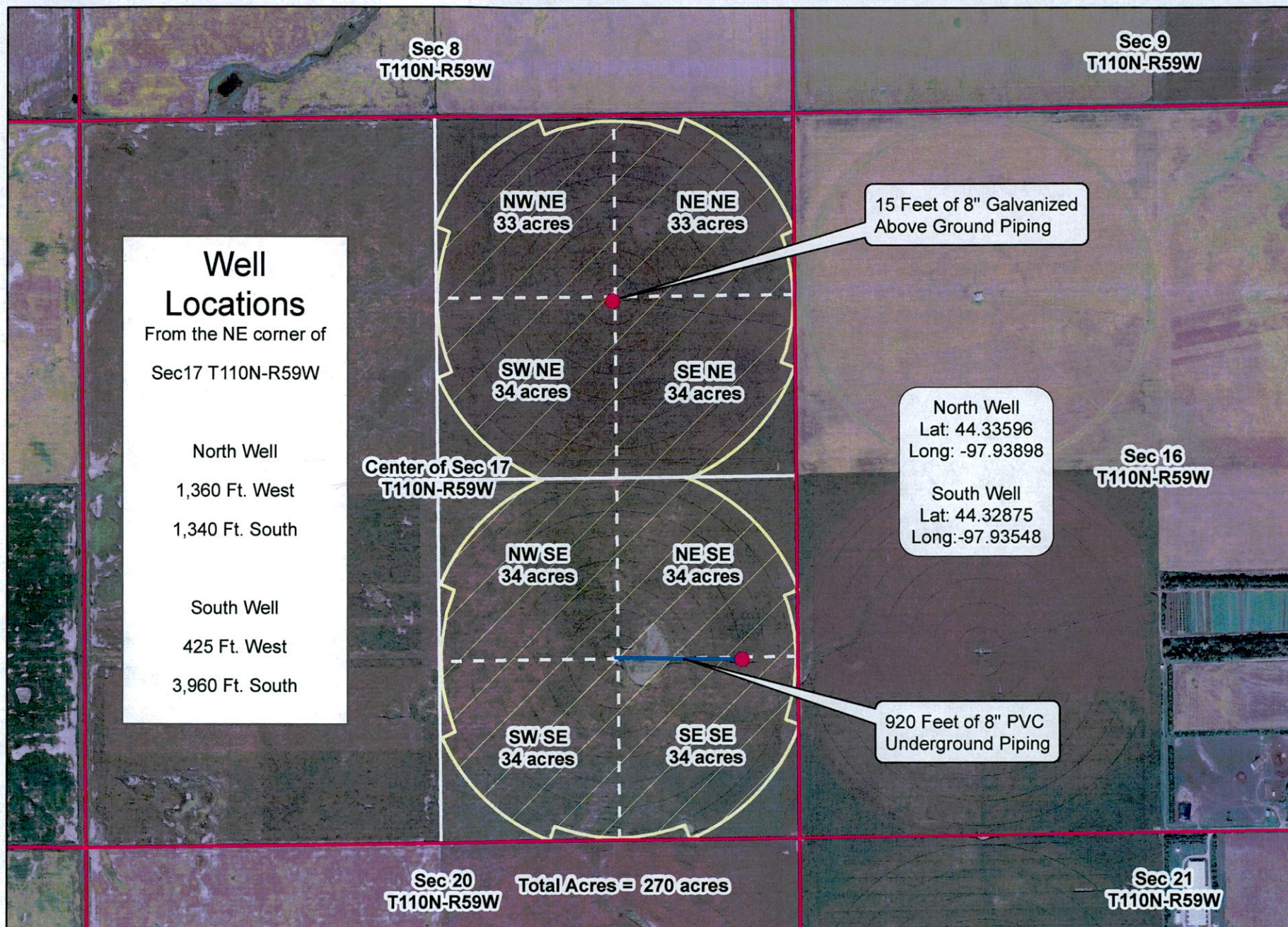
F. Comments or other permit(s) associated with the project: None



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: December 12, 2018

Water Permit No. 6877-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
December 12, 2018

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

NAME: Pearl Creek Hutterian Brethren

ADDRESS: 21085 415th Avenue, Iroquois, SD 57353

DATE: December 18, 2018 **COUNTY:** Beadle **TELEPHONE:**

AUTHORITY:

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

Water Permit No. 6877-3 appropriated 4.0 cubic feet of water per second from two well completed into the Floyd:Pearl Creek aquifer for irrigation of 320 acres located in the E ½ Section 17-T110N-R59W. The wells were to be located in the approximate center of the NE ¼ and SE ¼ of this same section. However, Keith DeJong's licensing investigation found a well located in the center of the NE ¼ as authorized while the other well about 900 feet east of the center of the SE ¼ along the 1/16 line in the E ½ SE ¼ Section 17-T110N-59W.

- **Developed water source same as permitted source and no additional water appropriated**

Based on the well depths, both wells are constructed into the Floyd:Pearl Creek aquifer which is the water source authorized.

Water Permit No. 6877-3 appropriate 4.0 cfs. The licensing investigation found 3.56 cfs being applied to beneficial use.

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

No new land is irrigated. Water Permit No. 6877-3 authorizes irrigation of 320 acres and 270 acres were found being irrigated based on Keith DeJong's December 4, 2018, site visit.

- **Review of Existing Diversions**

The nearest water right held by someone other than Pearl Creek Colony is located slightly less than two miles south of the well sites.

There is observation well BD-77B located in the NE corner of Section 17-T110N-R59W completed in the Floyd:Pearl Creek aquifer. This observation well is located about just over ¾ mile north of the well site that require the change of diversion point. The hydrograph for this observation well show water levels are dominated by climatic conditions with only minor fluctuation due to pumping.

RECOMMENDED ACTION

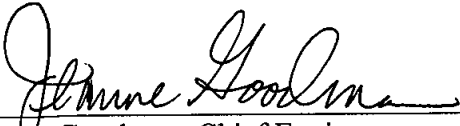
Based on the above criteria, it is recommended that the diversion point be licensed as developed.



Eric Gronlund, Engineer III
Water Rights Program

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

This change in location does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAR 19 2019

6877-3

Matt Waldner
Pearl Creek Colony
21085 415th Ave
Iroquois SD 57353

Dear Mr. Waldner:

Enclosed is Water License No. 6877-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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,

A handwritten signature in black ink that reads 'Jeanne Goodman'. The signature is written in a cursive, flowing style.

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6877-3

(1) Pearl Creek Colony, 21085 415th Ave, Iroquois SD 57353 made Application No. 6877-3, August 2, 2007 for a water permit to divert 4.00 cubic feet of water per second from ground water, two wells (Floyd Pearl Creek Aquifer), Beadle County, South Dakota for irrigation purposes. Permit No. 6877-3, with a priority date of August 2, 2007 was approved October 29, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 29, 2012 and for the application to beneficial use of water on or before October 29, 2016.

Water Permit No. 6877-3 was approved to authorize two wells located in the centers of the NE ¼ and SE ¼ Section 17, T110N, R59W. An investigation conducted for licensing purposes found the diversion point in the SE ¼ to be 900 feet east of the center of the quarter along the 1/16th line in the E ½ SE ¼ Section 17. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01 the Chief Engineer made a finding that the change in location of the well does not impair existing water rights and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.56 cubic feet of water per second for beneficial use. The location of the diversion points are:

- 1,360'W & 1,340'S of the NE corner of Section 17, T110N, R59W (approximate center of the NE ¼)
Latitude 44.33596, Longitude -97.93898;
- 425'W & 3,960'S of the NE corner of Section 17, T110N, R59W (E ½ SE ¼)
Latitude 44.32875, Longitude -97.93548

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T110N, R59W Section 17	NW ¼ NE ¼	33 acres	NW ¼ SE ¼	34 acres
	NE ¼ NE ¼	33 acres	NE ¼ SE ¼	34 acres
	SW ¼ NE ¼	34 acres	SW ¼ SE ¼	34 acres
	SE ¼ NE ¼	34 acres	SE ¼ SE ¼	34 acres

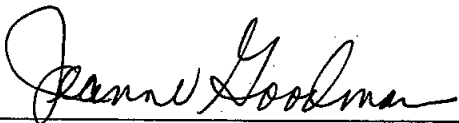
Total 270 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Pearl Creek Colony, 21085 415th Ave, Iroquois SD 57353 the holder and/or owner of Water Right No. 6877-3 is issued a license to appropriate water, the right to use 3.56 cubic feet of water per second from ground water, two wells (Floyd Pearl Creek Aquifer) with a priority date of August 2, 2007 from the locations specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6877-3 and subject to 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. 6877-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. ***Both wells were drilled in June, 2008 by Kaiser Well Drilling. Copies of the well completion reports 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

MAR 19 2019
date

