

WATER PERMIT NO. 6925-3

Name of Applicant: **Tschetter Colony**

Address: **27709 Tschetter Ave, Olivet SD 57052**

Phone: **605 928-7430**

Amount of Water Claimed: **0.167 cfs**

Total Acres: **NA**

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

Water to be used for: **domestic**

County: **Hutchinson**

Type of Waste Disposal System:

Location: **13 miles west of Freeman**

PRIORITY

Date Received: **12-14-07**

Application/License Fee: **\$200**

Corrected Application Received: **12-18-07**

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **N ½ NW ¼ Sec 27-T99N-R58W**

Land to be Irrigated: **NA**

Depth of Well: **215 feet deep**

Well Driller: **Marion Well Drilling**

Remarks:

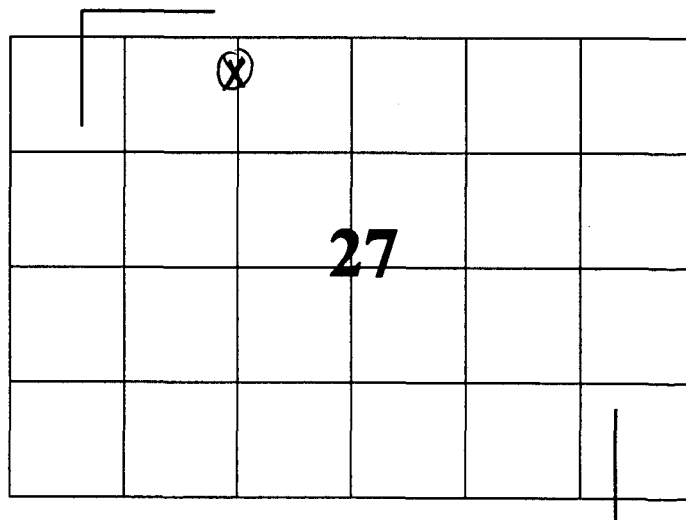
Type of Map: **aerial**

Prepared by: **Martin ?, Hutchinson Co FSA**

Reviewed and the Number Assigned on: **12-19-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6925-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Freeman Courier</u> PO Box <u>950</u> <u>605-925-7033 (Wed)</u> <u>Freeman SD 57029</u>

RECEIVED
DEC 14 2007
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

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

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

- Name of Applicant Tschetter Colony Phone 605-928-7430
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 27709 Tschetter Ave Olivet State SD 57052
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.167 *CFS or 75,400 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Under Ground Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SE 1/4 NW 1/4
22-99-58 N 1/2 NW 1/4 County Hutchinson
- County or counties where water will be used Hutchinson
- Annual period during which water is to be used year around Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA)

County of Hutchinson) SS

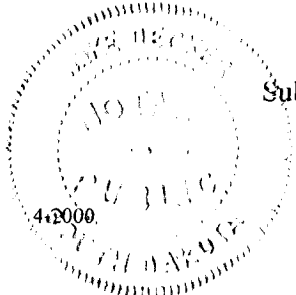
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Tschetter Colony, 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 Arion Hoffer Tschetter Colony

Subscribed and sworn to before me this 26th day of November 20 07

Mike Decker
Notary Public signature



**SOUTH DAKOTA
WATER PERMIT NO. 6925-3**

Date of first receipt of application December 14, 2007.

Date of return to applicant for corrections, amendments or changes December 17, 2007.

Date of receipt of corrected application December 18, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6925-3 to Tschetter Colony, c/o Aaron Hofer, 27709 Tschetter Ave, Olivet SD 57052 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. 6925-3 appropriates 0.167 cubic feet of water per second from one well completed into the Lower James:Missouri Aquifer (215 feet deep) located in N ½ NW ¼ Section 27-T99N-R58W.
2. The water appropriated shall be used for the purpose of commercial use for livestock watering and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6925-3 is February 11, 2008.
5. The date from which applicant may claim right is December 14, 2007.
6. One-fifth of the construction is to be completed on or before August 11, 2010.
7. All construction is to be completed on or before February 11, 2013.
8. Water is to be put to beneficial use on or before February 11, 2017.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6925-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6925-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

WATER MANAGEMENT BOARD

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

APR 03 2008
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 215
- b) Casing Type Plastic Diameter 5" Thickness 200#
- c) Screen Type Plastic Diameter 5" Thickness 250#
- d) Gravel Pack yes Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 125'
- f) Depth to Water (ground surface to water level) 115'
- g) Distance to nearest existing domestic well:
On applicants property 1/8 MILE On property owned by others 1 1/4 MILE

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 _____

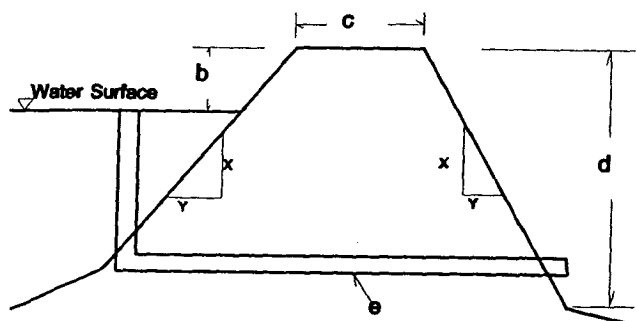
3. Dugout Information

- 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



USDA - Farm Service Agency

Hutchinson, SD

27-99N-58W

1:7,968

September 12, 2007



Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions



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

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

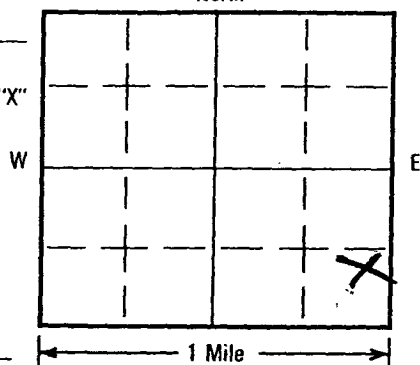
Handwritten red text: "well" with a star, "Mont", "1000", and "FSA/USDA".

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NW 1/4 Sec 27 Twp 99 Rg 58County AUTCHON North

Please mark well location with an "X"



Well Completion Date

11-15-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 150 ft. from LA 9000 (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

ROTARYCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>215</u> FT	<u>10</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>PORTLAND CEMENT</u>	<u>10</u>	_____ lb./gal	<u>5</u> ft	<u>125</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 5 IN Length 40' FEETMaterial PLASTICSlot Size 1/16 Set From 185 Feet to 215 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: CHLORINATED☐ NO, Why Not? _____

Laboratory sent to for water quality analysis

STATE HEALTH LABWell Owner: TSCHESTER COLONY

Business Name: _____

Address: 27709 TSCHESTER AVE
OLIVET S.D. 57052

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>0-27 Yellow Clay</u>	<u>0</u>	<u>27</u>
<u>Blue Clay</u>	<u>27</u>	<u>81</u>
<u>Rock</u>	<u>81</u>	<u>83</u>
<u>Blue Clay</u>	<u>83</u>	<u>125</u>
<u>SAND</u>	<u>125</u>	<u>215</u>

STATIC WATER LEVEL 115' 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:

☒ PumpedDescribe: Jet Sub Pump☐ Bailed☐ Other

Pumping Level Below Land Surface

125 ft. After 12 Hrs. pumped 30 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ **RECEIVED** GPM

REMARKS

NOV 26 2007**WATER RIGHTS PROGRAM**This well was drilled under license # 515

And this report is true and accurate.

Drilling firm MARION Well DRILLINGSignature of License Representative [Signature]Signature of Well Owner or Equitable Property Holder: Arson HeplerDate: 11-17-07

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/17, 2007

RECEIVED OF Tschetter Hutterian Brethren Inc 27709 Tschetter Ave Oliver SD 57052

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

Fee for Application for Permit No. <u>6925-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6925-3</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	200 00

No.

03259

By Michael 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

December 17, 2007

Tschetter Colony
c/o Aaron Hofer
27709 Tschetter Ave
Olivet SD 57052

Dear Mr. Hofer:

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

- The application states the well is located in the SE ¼ NW ¼ Section 27-T99N-R58W. From the location marked with an "X" on the aerial photo map, it appears that the well is located in the N ½ NW ¼ Section 27-T99N-R58W. Do you agree with making this location change on your application?
- We have received the check for \$200.00. The application/license filing fee is based on the amount of water claimed (100 gallons per minute) and will be \$275.00. Please submit an additional \$75.00.

If you have any questions, please contact me.

Sincerely,

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

enclosure

Water Rights Program - File Documentation

NAME: Tschetter Colony

ADDRESS: Olivet SD

DATE: 12-18-07 **COUNTY:** Hutchinson **TELEPHONE:** 605 928-7430

RE: pending application

COMMENTS:

Aaron Hofer with the Colony called stating the map indicated the correct well location which is the **N ½ Section 27-T99N-R58W**. The driller helped fill out the application and he just put in the legal description that he had put on the well log.

Mr. Hofer also indicated that he would like to change the amount of water claimed to **75 gallons per minute**. I told Mr. Hofer that no additional fee was required and we would proceed with processing his application.



Karen Schlaak
Environmental Scientist

6925-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6925-3, Tschetter Colony

ADDRESS: Olivet SD COUNTY: Hutchinson

DATE: December 19, 2007 TELEPHONE: 928-7430

RE: Telephone Conversation with Aaron Hofer

I contacted Mr. Hofer regarding the use of water from this well. Mr. Hofer stated the well is use exclusively for livestock being raised at the colony. The water from this well is not used as a potable supply for colony residents.

NAME: Eric Thornlund



6925-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 13, 2007

Aaron Hofer
Tschetter Colony
27709 Tschetter Road
Olivet, SD 57052

Dear Mr. Hofer:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Tschetter Colony is authorized to construct a test well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27, T99N-R58W prior to approval of a water permit. The well will be completed into the Lower James Missouri aquifer (approximately 170 feet deep). 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.

Authorization 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**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6925-3, Tschetter 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. 6925-3, Tschetter Colony, c/o Aaron Hofer, 27709 Tschetter Avenue, Olivet SD 57052.

The Chief Engineer is recommending APPROVAL of Application No. 6925-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 6925-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 6925-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

See report on application for additional information.

Garland Erbele, Chief Engineer
January 16, 2008

NOTE: The map submitted with the application shows Tschetter Colony has a number of existing livestock barns. If any of these facilities are supplied by a well diverting at a rate greater than 25 gallons per minute, a water right permit will need to be obtained for the use of water. I encourage you to contact Eric Gronlund of my staff at (605) 773-3352 to discuss whether additional water right permitting is necessary for any of the colony's other facilities.

REPORT ON WATER PERMIT APPLICATION NO. 6925-3
For Tschetter Colony
January 15, 2008

Application No. 6925-3 proposes to appropriate 0.167 cfs (75 gpm) from one well approximately 215 feet deep located in the N ½ NW ¼ of section 27, T99N R58W for commercial use (livestock watering).

AQUIFER – LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a buried outwash (sand and gravel) that is under artesian conditions at this site. The aquifer underlies 268 square miles and contains an estimated 3.367 million acre-feet of water in storage in Hutchinson County (Lindgren, 1990). The aquifer blends into the Choteau aquifer to the west, extends into Hanson County to the north and Yankton County to the south and is hydraulically connected to the Niobrara aquifer in the subsurface in the southeastern portion of Hutchinson County. The aquifer also appears to be hydraulically connected to the James River in the northern portion of Hutchinson County. Ground water movement is from west to east in the area of this application (Lindgren, 1990).

The test well log filed with the application indicates sand and gravel from 125 feet to 215 feet below land surface. The completed well had a static water level of 115 feet below land surface and was capable of producing 30 gpm with a drawdown of 10 feet. This well was completed in accordance with SD Well Construction Standards.

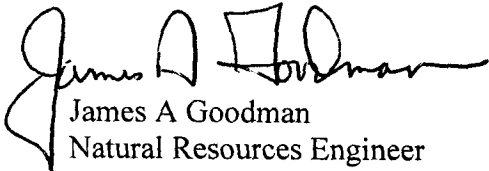
The Water Rights Program monitors three observation wells within three miles of this site completed into the Lower James Missouri aquifer. These are HT-83C (located about two miles southwest), HT-82B (located about three miles southeast) and HT-82C (located about two miles northeast). Water levels for these wells show good response to climatic conditions that is rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). Hydrographs for these three observation wells area included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water permit No. 6699-3 (5.82 cfs, irrigation of 408 acres) with one well potentially located about one-half mile south of this proposed diversion point. The existing permit and this application are both for Tschetter Colony. Interference is not expected to be a concern. There will be drawdown created by pumping but this is not expected to be significant. The thickness of the aquifer should be sufficient to maintain the requested production rates. Also the observation wells in the area do not indicate that there is a large amount of fluctuation due to pumping for irrigation in the area.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer is under artesian conditions at this site. However, there is only ten feet of head pressure at the production well site. Interference is not a concern. The large amount of saturated thickness at this site (100 feet), the distance between this well and the proposed irrigation well and the relatively small rate of diversion for this application (75 gpm) all reinforce the idea that drawdown caused by pumping of this well should not be significant at this site.
3. This well has been constructed in accordance with SD Well Construction Standards.
4. Plans and specifications for this hog confinement expansion for Tschetter Colony have been submitted to and approved by the Department for this facility. The facility has not been permitted (not constructed yet).



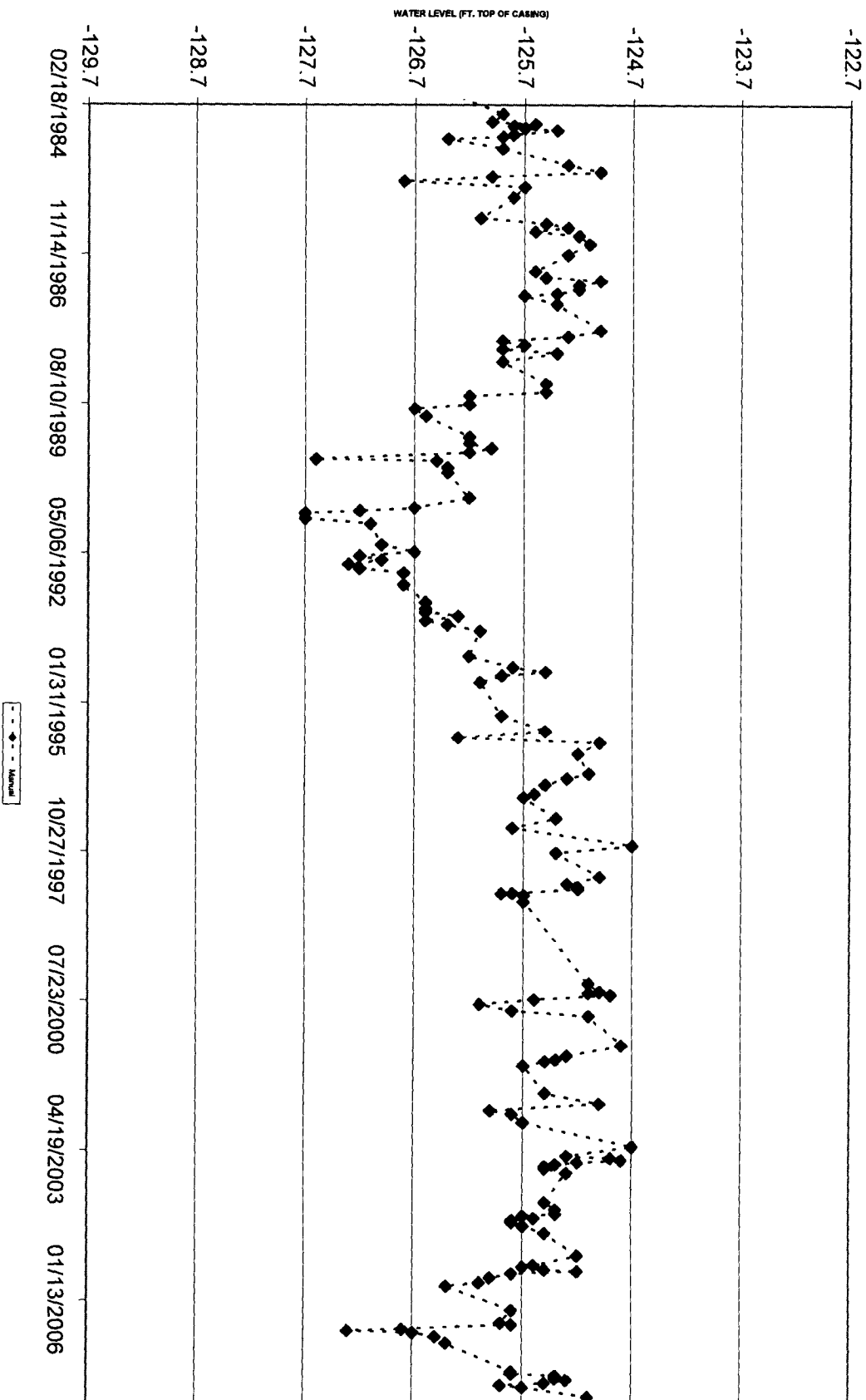
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

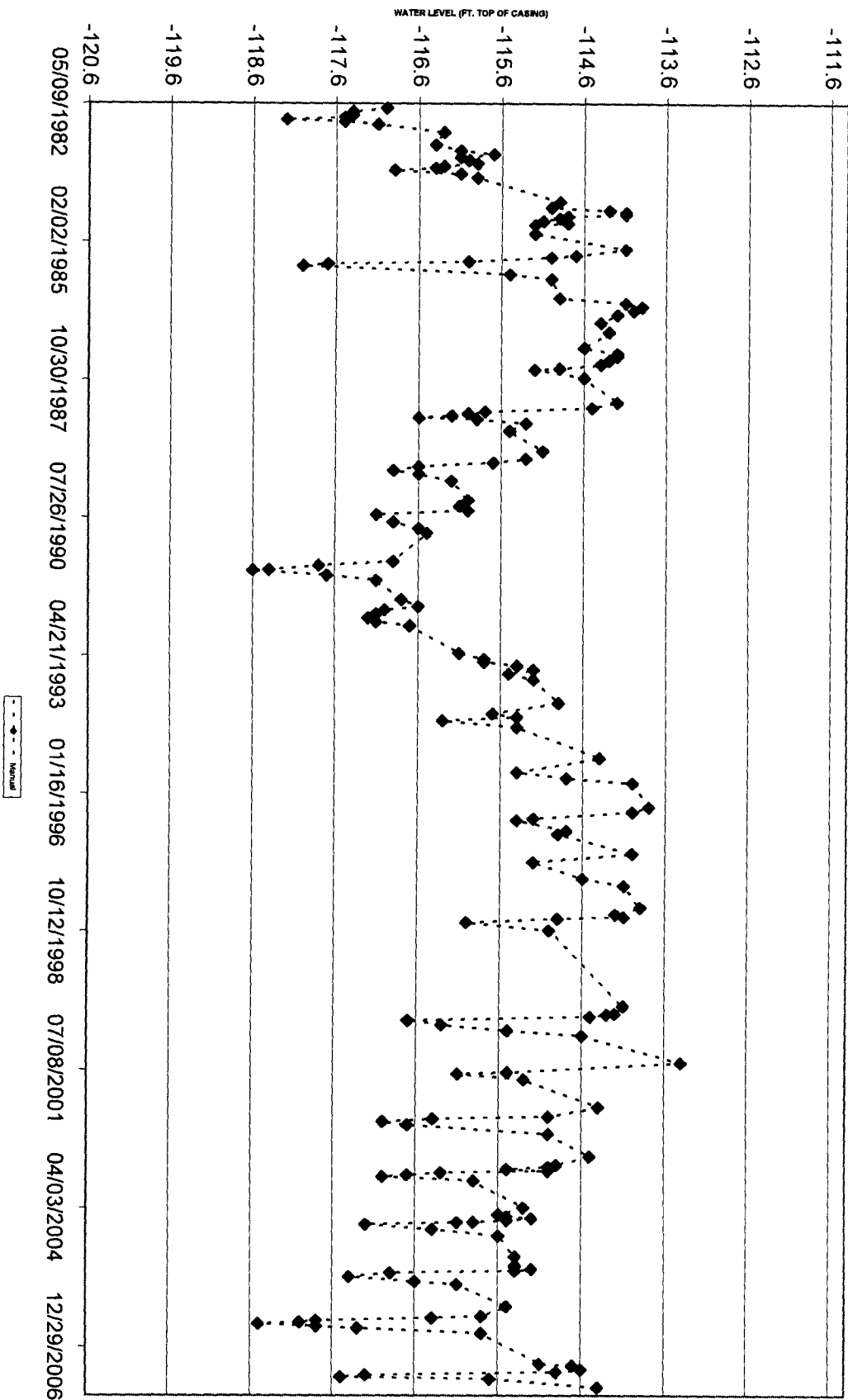
Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, Water-Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.

Water Rights, 2008, Unpublished Observation Well Data for Hutchinson County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

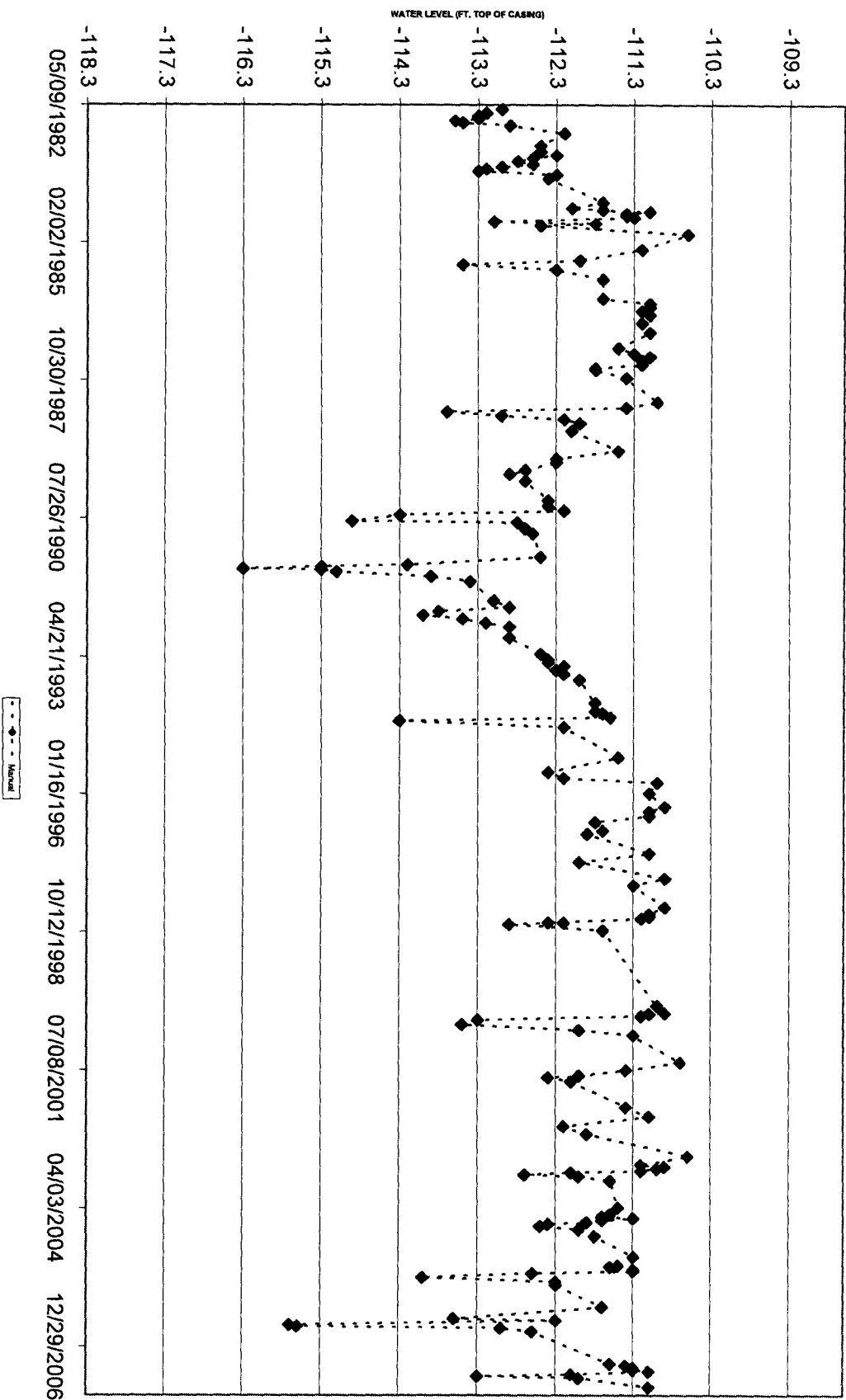
WATER RIGHTS' OBSERVATION WELL HT-83C



WATER RIGHTS' OBSERVATION WELL HT-82C



WATER RIGHTS' OBSERVATION WELL HT-82B



AFFIDAVIT OF PUBLICATION

County of Hutchinson)
) ss.
State of South Dakota)

Tim L. Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Freeman Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Tim L. Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Tim L. Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed **Appropriate Water**

a printed copy of which is hereto attached, was printed and published in the said newspaper for two successive issues to-wit:

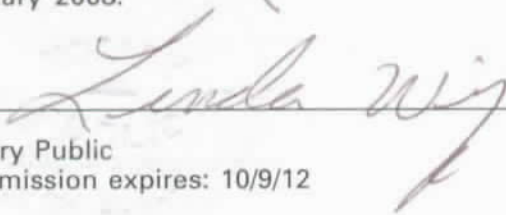
The first publication on:
January 23, 2008

the second publication on:
January 30, 2008

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of **\$39.51** insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of **\$39.51** is the rate for publishing legal notices.


Subscribed and sworn to before me this 31st day of January 2008.


Notary Public
Commission expires: 10/9/12

Publication fee: **\$39.51**
Notary fee:
Total: **\$39.51**

RECEIVED

JAN 31 2008

WATER RIGHTS
PROGRAM

Notice of Application No. 6925-3 to Appropriate Water

Notice is given that Tschetter Colony, c/o Aaron Hofer, 27709 Tschetter Ave., Olivet, SD 57052 has filed an application for a water permit to appropriate 0.167 cubic feet of water per second from one well completed into the Lower James: Missouri Aquifer (215 feet deep) located in N 1/2 NW 1/4 Section 27-T99N-R58W for the commercial use of livestock watering.

Pursuit to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6925-3 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 must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also 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 February 11, 2008.

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

January 17, 2008

Freeman Courier
PO Box 950
Freeman SD 57029

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6925-3 to Appropriate Water to be published twice. Please publish the first notice on January 23, 2008 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 Tschetter Colony, c/o Aaron Hofer, 27709 Tschetter Ave, Olivet SD 57052 (Ph # 605-928-7430).

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. 6925-3

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

Date _____

We are in receipt of your letter of January 17, 2008 enclosing Notice to Appropriate Water by Application No. 6925-3 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.

January 17, 2008

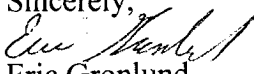
Tschetter Colony
Aaron Hofer
27709 Tschetter Ave
Olivet SD 57052

Dear Mr. Hofer

Water Permit Application No. 6925-3 for commercial livestock 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 Freeman Courier printed at Freeman SD (Ph # 605-925-7033). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

The map submitted with the application shows Tschetter Colony has a number of existing livestock barns. If any of these facilities are supplied by a well diverting at a rate greater than 25 gallons per minute, a water right permit will need to be obtained for the use of water.

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.

Instruction to Newspaper - Publish first Notice on January 23, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6925-3 to Appropriate Water

Notice is given that Tschetter Colony, c/o Aaron Hofer, 27709 Tschetter Ave, Olivet SD 57052 has filed an application for a water permit to appropriate 0.167 cubic feet of water per second from one well completed into the Lower James:Missouri Aquifer (215 feet deep) located in N ½ NW ¼ Section 27-T99N-R58W for the commercial use of livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6925-3 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 February 11, 2008.

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.



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www.state.sd.us/denr

APR 03 2008

Tschetter Colony
c/o Aaron Hofer
27709 Tschetter Ave
Olivet SD 57052

Dear Mr. Hofer:

Enclosed is Water Permit No. 6925-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

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

RECEIVED

JUL 21 2008

WATER RIGHTS
PROGRAMDate 7-17-08

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

FROM:

Tschetter Colony
(name)27709 Tschetter Ave
(address)Olivet SD 57052-5902 605-928-7430
(city, state, zip) (phone)

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

Water Permit No. 6925-3 states that the water use system is to be constructed by

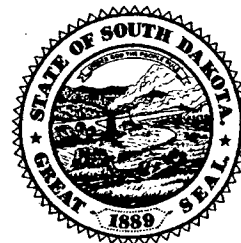
2-11-2013, and water is to be put to beneficial use by 2-11-2017.
(date) (date)

The water use system was completed on 6-11-08.
(date)

Applying the water to beneficial use was completed on 7-15-08.
(date)

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

by Tschetter Colony
Aaron Hofer
(signature)





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and NATURAL RESOURCES**

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www.state.sd.us/denr

July 21, 2008

6925-3

Aaron Hofer
Tschetter Colony
27709 Tschetter Ave
Olivet SD 57052-5902

Dear Mr. Hofer:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with the system authorized by Water Permit No. 6925-3.

The system is 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

Permit No. 6925-3
James River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, September 29, 2014, made a thorough examination of the water use system constructed by Tschetter Colony of 27709 Tschetter Ave., Olivet, SD 57052 holder of Permit No. 6925-3, bearing the priority of December 14, 2007 authorizing the diversion of 0.167 cu. ft. per second of water of the Lower James:Missouri Aquifer for Commercial Use purposes, in Hutchinson County.

Inspection contact & relationship **Herman Decker**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Marion Well drilling
- 2) No. of Wells 1
- 3) Depth(s) 215 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 inches
- 2) Length 185 feet
- 3) Type Plastic

Screen:

- 1) Type Plastic
- 2) Length 30 feet
- 3) Static water level 115 feet

Pump:

- 1) Make Unknown Submersible
- 2) Size 3 hp
- 3) Capacity 30 GPM

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y

Report of Examination of Works

Permit No. 6925-3

2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA

3) Exceptions to compliance are: None

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

Approximately 745 feet south and 1,925 feet east of the NW corner of Section 27-T99N-R58W
(N 43.36979, W -97.69136) (NE ¼ NW ¼)

The works are capable of diverting and conveying to the place of use 0.07 cu. ft. per second of water which is to be used for Commercial use.

The license should be issued for 0.07 cfs.

All structures, wells and lands on map Y

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

Well driller was contacted on December 10, 2014, regarding pump information for licensing of this permit. The driller informed me the pump was a 3 hp pump capable of producing 30 gpm.


Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: December 10, 2014

Tschetter Colony

Water Permit No. 6925-3



0 625 1,250 2,500 Feet

Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
December 9, 2014



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 01 2015

6925-3

Herman Decker
Tschetter Colony
27709 Tschetter Ave
Olivet SD 57052

Dear Mr. Decker:

Enclosed is Water License No. 6925-3. 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 the owner of an existing well, such as the well authorized by Water Right No. 6925-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6925-3

(1) Tschetter Colony, 27709 Tschetter Ave., Olivet SD 57052 made Application No. 6925-3, December 14, 2007 for a water permit to divert 0.167 cubic feet of water per second from ground water (one well, Lower James Missouri Aquifer), Hutchinson County, South Dakota for commercial purposes. Permit No. 6925-3, with a priority date of December 14, 2007 was approved February 11, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 11, 2013 and for the application to beneficial use of said water on or before February 11, 2017.

The Permit holder submitted a *"Notice of Completion of Works and Application of Water to Beneficial Use"* on July 21, 2008. The *"Notice"* stated the water use system was completed on June 11, 2008 and the water placed to beneficial use on July 15, 2008.

(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 0.07 cubic feet of water per second for beneficial use.

The location of the diversion point is approximately 745 feet south and 1,925 feet east of the NW corner of Section 27, T99N, R58W (NE ¼ NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a commercial livestock facility.

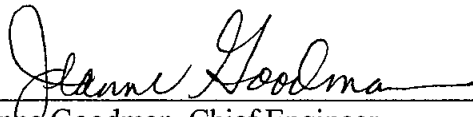
(4) Pursuant to South Dakota Water Law 46-5-30.1 Tschetter Colony, 27709 Tschetter Ave., Olivet SD 57052 the holder and/or owner of Water Right No. 6925-3 is issued a license to appropriate water, the right to use 0.07 cubic feet of water per second from ground water (one well, Lower James Missouri Aquifer) with a priority date of December 14, 2007 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6925-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights
- Permit No. 6925-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.

continued

- Permit No. 6925-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



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

JUN 30 2015

date

