

WATER PERMIT NO. 7153-3

Name of Applicant: **Hillside Colony**

Address: **18248 Hillside Ln, Doland SD 57436** Phone: **605 635-6363**

Amount of Water Claimed: **0.22 cfs** Total Acres: **NA**

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

Water to be used for: **commercial** County: **Spink**

Type of Waste Disposal System: **NA**

Location:

PRIORITY Date Received: **5-12-09**

Application/License Fee: **\$275**

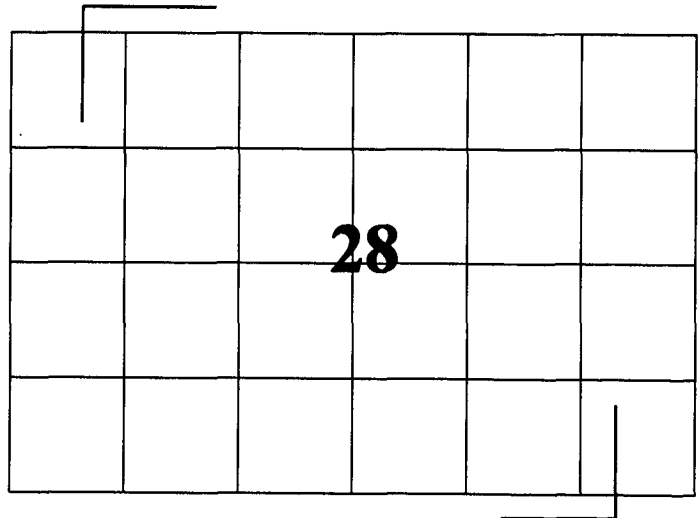
Corrected Application Received: **7-31-09**

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

Remarks: **will supply turkey, hog and cattle operation**

Diversion Point: **NE ¼ SW ¼ Sec 28-T115N-
R60W**

Land to be Irrigated: **NA**



Depth of Well: **900 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Russell Simon, Spink Co FSA**

Reviewed and the Number Assigned on: **8-3-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>7153-3</u>	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Redfield Press</u> <u>PO Box 440</u> <u>605-472-0822</u> <u>57469</u>	

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MAY 12 2009

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 Hillside Colony Phone 1-605-635-6363
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 18248 Hillside Ln Deland, S.D. State S.D. 57436
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.22 *CFS or 80-100 **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 Ground Water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NE 1/4 SW 1/4 Section 28 TWP 115-N R60W
County Spink
- County or counties where water will be used Spink
- Annual period during which water is to be used Year round 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)
This well will supply water to turkey & hog operation and cattle

STATE OF SOUTH DAKOTA)

County of Spink) 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, Loren 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 Loren Waldner

Subscribed and sworn to before me this 11 day of May 20 09

Ruben Blang

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7153-3**

Date of first receipt of application May 12, 2009.

Date of return to applicant for corrections, amendments or changes May 12, 2009.

Date of receipt of corrected application July 31, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7153-3 to Hillside Colony, c/o Loren Waldner, 18248 Hillside Lane, Doland SD 57436 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7153-3 appropriates 0.22 cubic feet of water per second from one well to be completed into the Dakota Formation (approximately 900 feet deep) located in NE ¼ SW ¼ Section 28-T115N-R60W.
2. The water appropriated shall be used for commercial use to supply a turkey, hog and cattle operation 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. 7153-3 is November 2, 2009.
5. The date from which applicant may claim right is July 31, 2009.
6. One-fifth of the construction is to be completed on or before May 2, 2012.
7. All construction is to be completed on or before November 2, 2014.
8. Water is to be put to beneficial use on or before November 2, 2018.
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. 7153-3 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. 7153-3 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

JAN 13 2010

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 7/8" Depth 900 ft
- b) Casing Type PVC Diameter 5 inch Thickness Sch 80
- c) Screen Type ~~SS~~ SS Diameter 2 inch Thickness Sch 80
- d) Gravel Pack Yes around screen Length of Gravel Pack 60 ft
- e) Depth to Top of Water Bearing Material 900 ft
- f) Depth to Water (ground surface to water level) 40 ft
- g) Distance to nearest existing domestic well:

On applicants property Don't Have any

On property owned by others Unknown

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Hillside Colony ALUMS
- b) System Capacity (gallons) _____ Year Constructed 2000
- c) Connected to the City of _____ Sanitary System _____

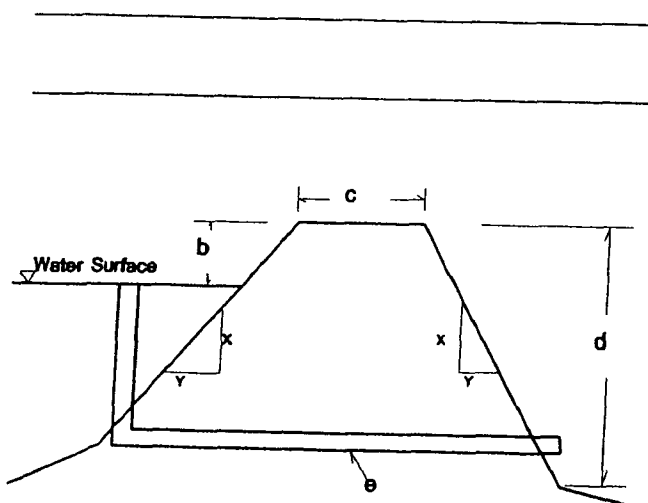
3. Dugout Information

- 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:

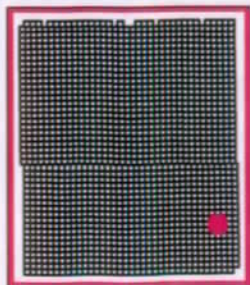


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

NHEL

NHEL

NHEI



USDA USDA - Farm Service Agency
Spink County, SD

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PROGRAM

28-115N-60W

April 14, 2009

1:8,072

Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- 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 warranty, 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 risk 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 damages 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 area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

0 8 4.88 NHEL

7.58 NHEL

3
143.39
NHEL

4.32 NHEL

*Location
of Railroad
Well site*



*Russell Senior
FSA
4-28-09*

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 NW 1/4 Sec 28 Twp 115 Rg 60
 County SPINK

Please mark well location with an "X"

Well-Completion Date 6-4-09

LOCATION:
 Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.) None ft from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:
Mud Rotary

casing DATA: ☐ Steel ☒ Plastic ☒ Other
 other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1 1/2 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>820 FT</u>	<u>7 7/8 IN</u>
<u>5.5 LB/FT</u>	<u>2 IN</u>	<u>820 FT</u>	<u>880 FT</u>	<u>4 1/2 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

ROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>112</u>	<u>15 lb./gal</u>	<u>0</u> ft	<u>820</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

describe grouting procedure Pumped Through 5"

SCREEN: ☐ Perforated pipe ☒ Manufactured

diameter 2 IN Length 60 FEET

material Stainless Steel

or Size 20 Set From 820 Feet to 880 Feet

other information Screen is Gravel Packed

AS A PACKER OR SEAL USED? ☒ YES ☐ NO

so, what material? Pipe is Cemented

scribe packer(s) and location? _____

SINFECTANT: Was well disinfected upon completion?
☒ YES, How: _____
☐ NO, Why Not? Chlorine

oratory sent to for water _____
 ility analysis _____

Well Owner: Hillside Colony
 Business Name: _____
 Address: 18248 Hillside Ln.
Doland S.D. 57436

FORMATION	DEPTH	
	FROM	TO
<u>Yellow Clay</u>	<u>5</u>	<u>35</u>
<u>Sand</u>	<u>35</u>	<u>60</u>
<u>Shale</u>	<u>75</u>	<u>570</u>
<u>Greenhorn</u>	<u>570</u>	<u>580</u>
<u>Dakota</u>	<u>820</u>	<u>880</u>

STATIC WATER LEVEL 42 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: Air

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

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This well was drilled under license # 722

And this report is true and accurate.

Drilling firm Stretch's Well Service Inc.

Signature of License Representative: Tom Stretch

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

20-8-09

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 31, 20 09

RECEIVED OF Hillside Butterina Brethren, Inc., 18248 Hillside Lane, Doland SD 57436

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

Fee for Application for Permit No. <u>7153-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>7153-3</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	275.00

No. 04186

By *Harold Erbe*
Chief Engineer

(K5)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 12, 2009

Hillside Colony
c/o Loren Waldner
18248 Hillside Lane
Doland SD 57436

Dear Mr. Waldner:

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

- The application/license filing fee will be \$275.00.
- Are you proposing to drill a new well or will you be using an existing well?

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 22, 2009

Hillside Colony
c/o Loren Waldner
18248 Hillside Lane
Doland SD 57436

Dear Mr. Waldner:

On May 12, 2009, you submitted *an Application for Permit to Appropriate Water Within the State of South Dakota* for commercial use to supply a livestock operation. You were notified an application/license fee of \$275.00 would be required. Also, are you proposing to drill a new well or using an existing well? To date, we have not received a response.

Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact me.

Sincerely,

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

File No.

Water Rights Program - File Documentation

NAME: Loren Waldner, Hillside Colony

ADDRESS: Doland SD

DATE: 7-31-09 **COUNTY:** **TELEPHONE:** 605 635-6363

RE: Pending application

COMMENTS:

Loren Waldner called regarding my reminder letter dated July 22, 2009. Mr. Waldner stated the application is for a new well. It has been recently drilled by Stretch Well Drilling. He did not have a well log at this time. He said he'd put the check in the mail today.

I told Mr. Waldner I'd check to see if we had received the well log.



Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7153-3, Hillside Colony**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7153-3, Hillside Colony, c/o Loren Waldner, 18248 Hillside Lane, Doland SD 57436.

The Chief Engineer is recommending APPROVAL of Application No. 7153-3 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, 4) it is in the public interest. The recommendation for approval includes 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.
3. Permit No. 7153-3 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.
4. Permit No. 7153-3 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
September 30, 2009

REPORT ON WATER PERMIT APPLICATION NO. 7153-3
For Hillside Colony
September 22, 2009

Application No. 7153-3 proposes to appropriate 0.22 cfs (100 gpm) from one well approximately 880 feet deep located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 28, T115N R60W in Spink County. The water is for commercial use to supply a turkey, hog and cattle operation.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand, sandstone and shale under artesian conditions in this area. The aquifer underlies 1,511 square miles and contains an estimated 19.3 million acre-feet of recoverable water in storage in Spink County (Hedges, 1982). The aquifer is probably more than 200 feet thick in this area and the direction of water movement appears to be from east to west in this area of Spink County (Hamilton, 1996). Hamilton reports that water levels have declined about 350 feet in Lake Dakota Plain area of South Dakota in the last 100 years. Also Hamilton reports that since about 1982 water levels appear to have stabilized or even risen. Hamilton attributes that to farms using rural water or less domestic use from the Dakota Aquifer. This is true but also some municipal use has switched to rural water like the towns of Redfield and Miller. All this does impact water levels but primarily the reason for stabilizing water levels is that recharge to the aquifer is approaching discharge from the aquifer. As water levels declined, flows decreased and that in turn caused water level decline to decrease. All things considered the aquifer should easily supply the amount of water requested.

The driller's log filed with the application indicates that 5 inch diameter casing was installed to a depth of 820 feet and was grouted from bottom to top. A stainless steel screen was installed from 820 feet to 880 feet and was gravel packed. No pumping data was provided but the well had a static water level of 42 feet below land surface. This well has been completed in accordance with SD Well Construction Standards.

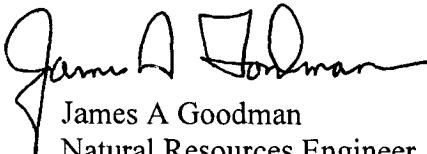
The Water Rights Program does not monitor any observation wells completed into the Dakota Formation near this area. The closest two program observation wells are located near Mina Lake and near Rose Hill dam (Water Rights, 2009). Both are about 50 miles northwest and southwest of this application respectively. Water levels for these two wells show that the aquifer is stabilizing and that in some instances is actually recovering as Hamilton discussed.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no nearby water permits/rights for water from the Dakota Formation in this area. The nearest permitted users are the Town of Doland (located about 11 miles to the north) and United Feeders (located about 11 miles northwest) of this application. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The well constructed for this application has been built in accordance with SD Well Construction Standards.
3. The aquifer is under artesian condition at this site. Drawdown will occur as a result of pumping. This is not expected to be significant nor impact any existing water permit/right. Interference is not a concern.
4. This facility is an existing approved and permitted AWMS.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hamilton, L.J., L.W. Howells, 1996, Water Resources of Spink County, South Dakota, Water Resources Investigations Report 96-4056, USGS, Rapid City, SD, 57702.
- 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.
- Water Rights, 2009, Unpublished Observation Well Data for the Dakota Formation, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

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OCT 23 2009

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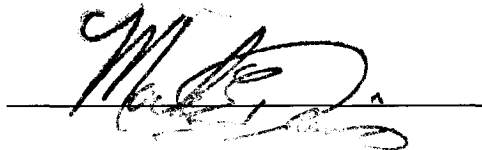
Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

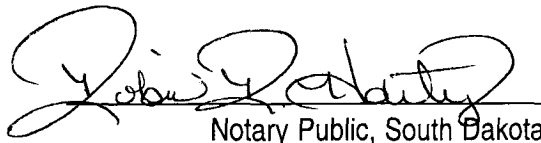
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield,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

480 Notice

A printed copy of which is hereto attached, was printed and published in said newspaper in 2 successive issues, to wit: The first publication being made on Oct. 14th and the last publication being made on Oct. 21st that the full amount of Forty and 48/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 14th day of Oct.,
2009.


Notary Public, South Dakota

My commission expires 06/20/2012

Notice

#480

NOTICE OF APPLICATION NO. 7153-3 to Appropriate Water

Notice is given that Hillside Colony, c/o Loren Waldner, 18248 Hillside Ln, Doland SD 57436 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from one well to be completed into the Dakota Formation (approximately 900

feet deep) located in NE 1/4 SW 1/4 Section 28-T115N-R60W. The water is for commercial use to supply a turkey, hog and cattle operation.

Pursuant to SDCL 46-2A-2; the Chief Engineer recommends APPROVAL of Application No. 7153-3 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 recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 2, 2009.

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.

Published twice at the total approximate cost of \$40.48. (Oct. 14, 21)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 1, 2009

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

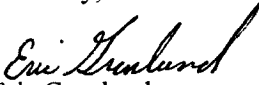
Enclosed is a Notice on Application No. 7153-3 to Appropriate Water to be published twice. Please publish the first notice on October 7, 2009 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Hillside Colony, c/o Loren Waldner, 18248 Hillside Ln., Doland SD 57436. (Ph # 605-635-6363).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 7153-3

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

Date _____

We are in receipt of your letter of October 1, 2009 enclosing Notice to Appropriate Water by Application No. 7153-3 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
denr.sd.gov

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

October 1, 2009

Hillside Colony
c/o Loren Waldner
18248 Hillside Ln
Doland SD 57436

Dear Mr. Waldner:

Water Permit Application No. 7153-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Redfield Press printed at Redfield SD (Ph # 605-472-0822). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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.

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 October 7, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7153-3 to Appropriate Water

Notice is given that Hillside Colony, c/o Loren Waldner, 18248 Hillside Ln, Doland SD 57436 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from one well to be completed into the Dakota Formation (approximately 900 feet deep) located in NE ¼ SW ¼ Section 28-T115N-R60W. The water is for commercial use to supply a turkey, hog and cattle operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7153-3 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 recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 26, 2009.

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.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 13 2010

Hillside Colony
c/o Loren Waldner
18248 Hillside Lane
Doland SD 57436

Dear Mr. Waldner:

Enclosed is Water Permit No. 7153-3 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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7153-3

I have this day, November 5, 2025, made a thorough examination of the water use system constructed by Hillside Colony, 18248 Hillside Ln, Doland, SD 57436 of Permit No. 7153-3, bearing the priority of July 31, 2009 authorizing the diversion of 0.22 cu. ft. per second of the waters of the Dakota Formation for commercial (turkey, hogs & cattle) purposes, in Spink County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Stretch's Well Service
- 2) No. of Wells 1
- 3) Depth(s) 880 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 inches
- 2) Length 820 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 60 feet
- 3) Static water level 42 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 40 GPM

Motor:

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

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

- 1) Type Buried PVC
- 2) Size Unknown inches
- 3) Length Unknown feet

C. Works used to apply water to beneficial use:

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) 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: **WELL LOCATION**
From the SW corner Sec 28 T115N R60W "N" 1920 ft N & 1843 ft E, Lat 44.738419 Long -
98.051312 (NE ¼ SW ¼)
2. The works are capable of diverting and conveying to the place of use 0.09 cu. ft. per second of water which is to be used for commercial use. The license should be issued for 0.09 cfs.
3. All structures, wells and lands on map Y

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

Used FSA photos and ArcGPS to construct map.

Talked to Mr. Tom Glanzer (605/460-1136) during the field visit.

Mr. Joseph Glanzer (605/460-1132) is a water contact person who estimated the well flow at 40 gpm (0.09 cfs).

Mailing address and phone number are current.

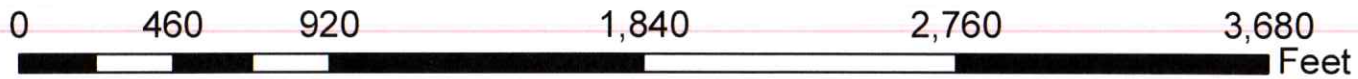


Darrell DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: November 14, 2025



WELL LOCATION
 From the SW corner
 Sec 28 T115N R60W
 1920 ft N & 1,843 ft E
 Lat 44.7738419 Long -98.051312





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 27 202

7153-3

Hillside Colony
C/O Loren Waldner
18248 Hillside Lane
Doland, SD 57436

Dear Mr. Waldner:

Enclosed is Water License No.7153-3. 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.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact Amanda Dewell, Permitting Administrator (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE
Acting Chief Engineer
Water Rights Program

Enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7153-3

(1) Hillside Colony, 18248 Hillside Lane, Doland, SD 57436, made Application No. 7153-3, May 12, 2009, for a water permit to divert 0.22 cubic feet of water per second from groundwater, one well, (Dakota Aquifer), Spink County, for commercial use in an animal confinement operation. Permit No. 7153-3, with a priority date of July 31, 2009, was approved on November 2, 2009, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 2, 2014, and for the application to beneficial use of water on or before November 2, 2018.

(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 0.09 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,920 ft N & 1,843 ft E of the SW corner Section 28-T115N-R60W (NE ¼ SW ¼)
(Latitude 44.738419 & Longitude -98.051312)

(3) The amount of the appropriation may not exceed the amount of water needed for beneficial use. The water is to be used during the following described annual period: January 1 – December 31.

(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(5) Pursuant to South Dakota Water Law 46-5-30.1, Hillside Colony, the holder and/or owner of Water Right No. 7153-3 is issued a license to appropriate water, the right to use 0.09 cubic feet of water per second, from groundwater, one well, (Dakota Aquifer), with a priority date of July 31, 2009, from the location specified in (2) of this license for commercial use in an animal confinement operation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No 7153-3 and subject to 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 well or in adequate wells having prior water rights.
2. Permit No. 7153-3 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. 7153-3 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
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



Adam Mathiowetz, PE
Acting Chief Engineer
Department of Agriculture and Natural Resources

APR 27 2026

date

