

WATER PERMIT NO. 7491-3

Name of Applicant: Claremont Hutterian Brethren

Address: 46271 184th St, Castlewood SD 57223 Phone: 605 793-2352

Amount of Water Claimed: 1.78 cfs Total Acres: 136

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Hamlin

Type of Waste Disposal System:

Location: 1/2 mile south of Castlewood

PRIORITY Date Received: 10-25-12 Application/License Fee: \$ 1,050

Corrected Application Received: Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: approximate center of SW 1/4
Sec 1-T114N-R52W

Land to be Irrigated: SW 1/4 Sec 1-T114N-R52W

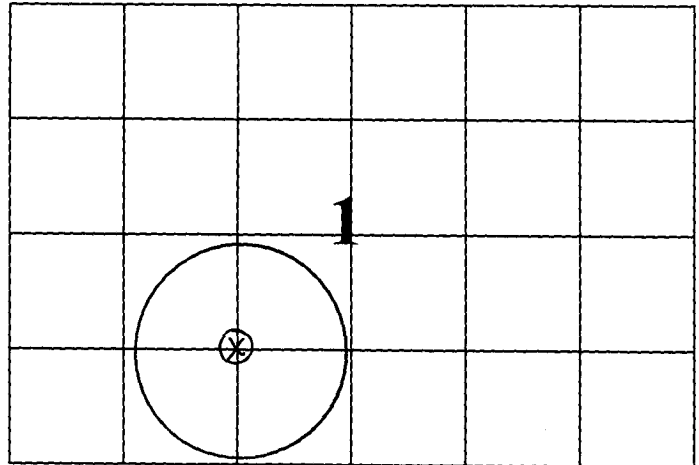
Depth of Well: 48 feet deep

Well Driller: Kaiser Well Drilling

Remarks:

Type of Map: aerial

Prepared by:



Reviewed and the Number Assigned on: 10-30-12

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	(office use only) No. <u>7491-3</u>	Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Hamlin Co Republican Castlewood</u>	
	<u>Waterford Public Opinion</u>	

RECEIVED

OCT 25 2012

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

 Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

 1. Name of Applicant CLAREMONT Hutterian Brethren Inc. Phone 605-793-2352
 (check one) ☒ Owner ☐ Tenant/lessee

 Mailing Address 46271 184th St Castlewood State S.D. 57223
 (Street, RR, or Box and City) (Zip Code)

 2. Amount of water claimed 1.78*CFS or 800 **GPM ***AF Total Acreage 136
 (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply New Well
 4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hamlin
1 new well T114N Rg 52W Sec 1 SW1/4 (approximate center)
5. County or counties where water will be used Hamlin6. Annual period during which water is to be used May 1 - Sept. 30
 7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
S.W. 1/4 of 1 Florence Twp	136		
T-114N R-52-W			

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

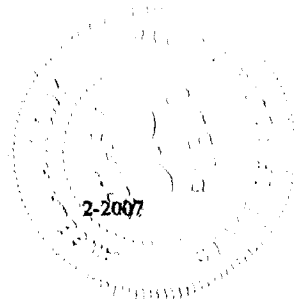
STATE OF SOUTH DAKOTA) SS

County of Hamlin

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, Jonathan Wollman the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.
Applicant's signature Jonathan WollmanSubscribed and sworn to before me this 24th day of October 20 12
Angela Anthony, now Angela Ries
 Notary Public signature

My Commission expires July 29, 2015



**SOUTH DAKOTA
WATER PERMIT NO. 7491-3**

Date of first receipt of application October 25, 2012.

Date of return to applicant for corrections, amendments or changes October 25, 2012.

Date of receipt of corrected application October 30, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7491-3 to Claremont Hutterian Brethren Inc., 46271 184th St, Castlewood SD 57223 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7491-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Big Sioux:Brookings Aquifer (48 feet deep) located in the approximate center of the SW 1/4 Section 1 for irrigation of 136 acres located in the SW 1/4 Section 1; all in T114N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is October 25, 2012.
4. The date of approval of Permit No. 7491-3 is January 28, 2013.
5. One-fifth of the construction is to be completed on or before July 28, 2015.
6. All construction is to be completed on or before January 28, 2018.
7. Water is to be put to beneficial use on or before January 28, 2022.
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 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. The well authorized by Permit No. 7491-3 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

FEB 18 2013

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24 Depth 48
- b) Casing Type PVC Diameter 16 Thickness SC440
- c) Screen Type Johnson Diameter 16 Thickness 1/2
- d) Gravel Pack 20' x 1/2" mesh Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 1
- f) Depth to Water (ground surface to water level) 6' 3"
- g) Distance to nearest existing domestic well:
- On applicants property none On property owned by others 6000' plus

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

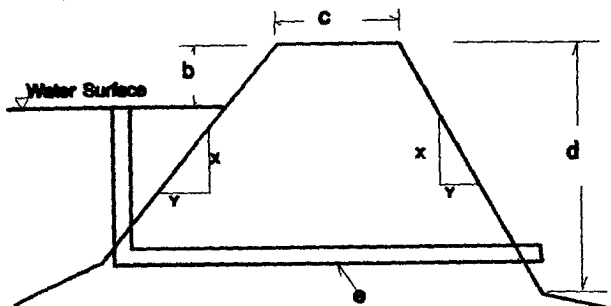
3. Dugout Information

- 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:

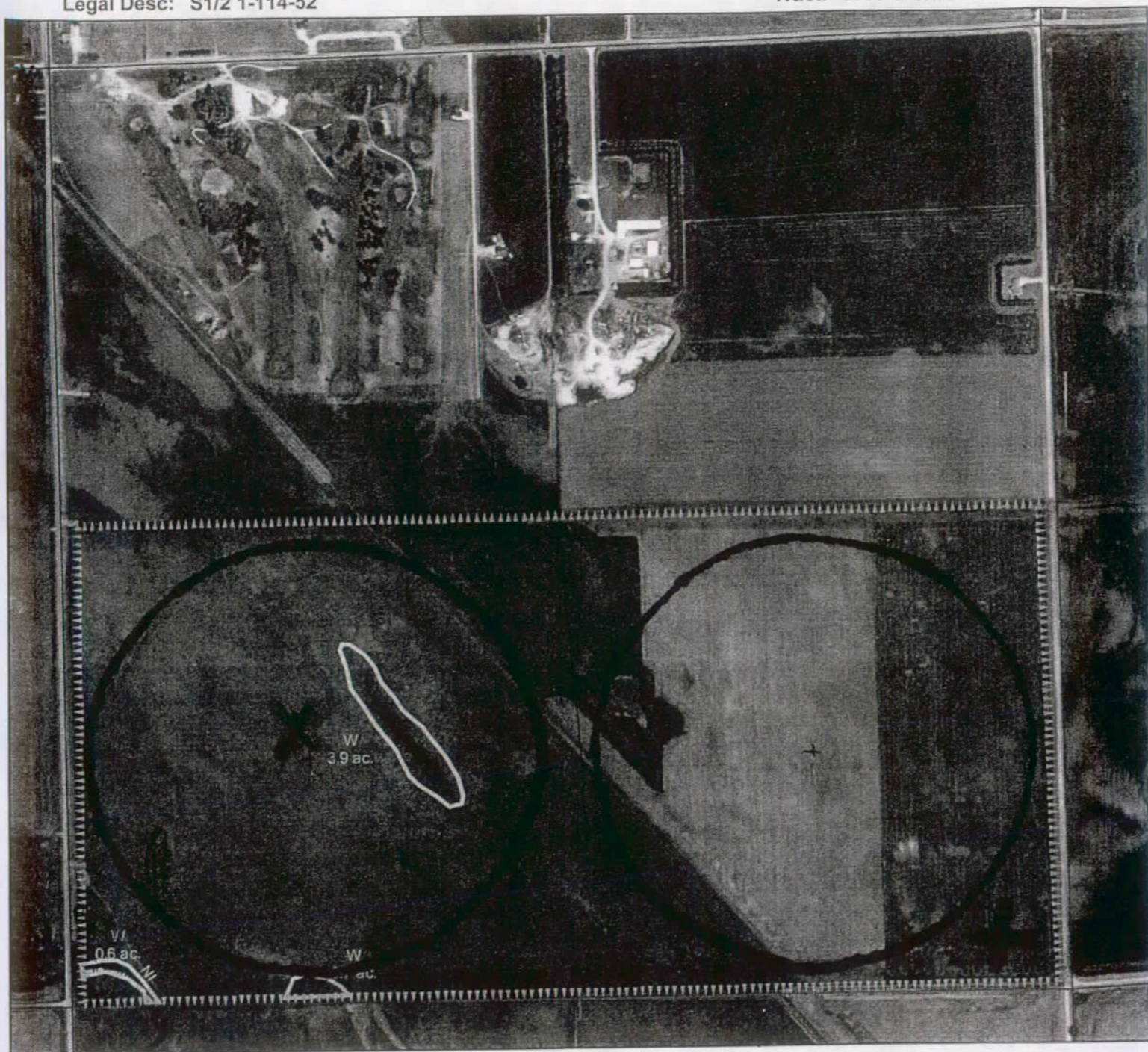


- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage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

Certified Wetland Determination

Field Office: Hayti FO
Certified By: Jessica Michalski
Legal Desc: S1/2 1-114-52

Agency: USDA-NRCS
Certified Date: 8-17-2010
Tract: 3719 & 3720



Legend

Certified Wetland
Determination Boundary

Wetlands

Wetlands

Ditch

NI

NI/Ditch

Tile

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0 225 450 900 1,350 1,800 2,250 2,700 Feet

W Wetland
FW Farmed Wetland Drained or modified & cropped
prior to 12-23-1985, but still meets wetland criteria
PC Prior Converted
NW Non Wetland
NI Not Inventoried Potential Waters of the US
See NRCS CPA-O26E for definitions and additional info.



11-02

Please return White Copy to DENR Water Rights

523 E. Capitol Ave., Pierre SD 57501

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/30, 2012

RECEIVED OF Clarmont Buttorian Brothers 46271 184th St Castlewood SD 57223

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

Fee for Application for Permit No. <u>7491-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7491-3</u>	200	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	1050	00

No. 05662

By

John Erbe
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2012

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

Dear Mr. Wollman:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* for irrigation in Hamlin County.

The application/license filing fee for each application will be \$1050.00. Please submit a total of \$2100.00

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

Karen.

*this Payment is for
two Irrigation Wells
Permits for*

*Claremont Colony
Castlewood S.D.*



**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. 7491-3, Claremont Hutterian Brethren**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7491-3, Claremont Hutterian Brethren, c/o Jonathan Wollman, 46271 184th Street, Castlewood SD 57223.

The Chief Engineer is recommending APPROVAL of Application No. 7491-3 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. The well authorized by Permit No. 7491-3 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
January 4, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 7490-3 and 7491-3
CLAREMONT HUTTERIAN BRETHREN
C/P JONATHAN WOLLMAN
JANUARY 2, 2013

Water Permit Application No. 7490-3 proposes to appropriate up to 272 acre-feet (ac-ft) annually at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Brookings management unit of the Big Sioux aquifer. The well is expected to be approximately 38 feet deep and is to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1 for the irrigation of 136 acres located in the SE $\frac{1}{4}$ Section 1; all in T114N-R52W in Hamlin County.

Water Permit Application No. 7491-3 proposes to appropriate up to 272 acre-feet (ac-ft) annually at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Brookings management unit of the Big Sioux aquifer. The well is expected to be approximately 48 feet deep and is to be located in the approximate center SW $\frac{1}{4}$ Section 1 for the irrigation of 136 acres located in the SW $\frac{1}{4}$ Section 1; all in T114N-R52W in Hamlin County.

AQUIFER: Brookings management unit of the Big Sioux aquifer (BS: B)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Big Sioux: Brookings is a predominantly surficial outwash aquifer that is primarily under water table conditions in the area of this application (Koch, 1980). The Big Sioux: Brookings extends south from Hamlin County into Brookings County, and east into Deuel County. The aquifer underlies approximately 191,100 acres and contains an estimated 642,230 ac-ft of recoverable water in storage with 88,500 acres underlying and 331,880 ac-ft of water in Hamlin County (Hedges et. al, 1982). The aquifer is hydraulically connected to area lakes, streams, and the Big Sioux River (Kume, 1985). Kume (1985) determined that Big Sioux: Brookings has an average thickness of 30 feet and can be encountered at generally less than 50 feet below ground surface. Kume (1985) also stated that wells completed into the Big Sioux: Brookings aquifer could yield in excess of 1,000 gpm of water that is suitable for irrigation.

The test hole log submitted with Water Permit Application No. 7490-3 indicates top soil from ground surface to three feet below grade, "fine sand yellow" from three to eight feet below grade, till from eight to 18 feet below grade, "Gray gravel mixed with some rocks" from 18 to 38 feet below grade and then blue clay from 38 feet to 45 feet below grade. The static water level in the test hole was 8' 9" below grade on 10/14/2012. The test hole log submitted with Water Permit Application No. 7491-3 indicates top soil from ground surface to one foot below grade, fine to medium sand from one to 15 feet below grade, medium to coarse sand from 15 to 20 feet below grade, fine sand from 20 to 35 feet below grade, medium to coarse sand from 35 to 48 feet below grade and blue clay from 48 to 55 feet below grade. The static water level in the test hole was 6' 3" below grade on 10/13/2012.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer.

WATER AVAILABILITY:

Water Permit Application Nos. 7490-3 and 7491-3 each propose to appropriate up to 272 ac-ft/yr (544 ac-ft/yr total) from the Big Sioux: Brookings aquifer. Although the actual water use if both of these applications are approved will most likely be less than 544 ac-ft/yr. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.

Recharge versus Discharge:

Recharge:

Recharge to the Big Sioux: Brookings is by infiltration of precipitation, and seepage from the Big Sioux River and its tributaries (Kume, 1985). Koch (1980) estimated a recharge rate of 6.57 inches per year (48,454 ac-ft/yr for Hamlin County) and Kume (1985) estimated an average annual recharge of 48,531 ac-ft/yr for the Big Sioux: Brookings aquifer in Hamlin and Deuel Counties.

Discharge:

The Big Sioux: Brookings naturally discharges through seepage to the Big Sioux River and its tributaries during periods of low flow and stage, and by evapotranspiration (Koch, 1980). There are 106 water rights/permits appropriating water, four future use permits reserving water, and one pending water permit from the Big Sioux: Brookings aquifer in Hamlin County (Water Rights, 2012b). The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming: 1) water rights/permits limited by an annual volume will pump the entire volume appropriated (1,990 ac-ft/yr), 2) water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time (3,171 ac-ft/yr), and 3) future use permits can be fully developed (883 ac-ft/yr).

Table 1 shows the irrigation withdrawal from the Big Sioux: Brookings aquifer in Hamlin County. Annual withdrawal from the Big Sioux: Brookings in Hamlin County by all appropriations is expected to total less than 10,031 ac-ft at the current appropriation amount. This is much less than estimated average annual recharge. Therefore, there is a reasonable probability that unappropriated water is available from the Big Sioux: Brookings aquifer for this proposed appropriation.

Year	No. of Permits Reporting	Appropriation (ac-ft)	Pumpage (ac-ft)
2011	85	30544	4927.3
2010	84	30304	1681.63
2009	80	29384	3986.48
2008	75	28037.2	5934.02
2007	73	27571.2	5702.96
2006	69	26687.2	6807.48
2005	68	26573.2	5626.58
2004	66	26093.2	6106.78
2003	59	24353.2	5554.05
2002	60	24623.2	5620.65
2001	60	24623.2	3751.65
2000	62	25634.2	3778.59
1999	62	25646.2	3262.16
1998	63	26410.2	2908.97
1997	61	25867.7	2209
1996	61	25867.7	3624.86
1995	66	26997.7	2273.54
1994	65	26997.7	915.94
1993	67	28013.7	746.5
1992	67	27621.7	1289.6
1991	67	27732.7	4332.54
1990	76	32927.08	3352.82
1989	69	31952.4	7536.6
1988	64	31575.4	8181.4
1987	62	31060.9	4430.5
1986	64	33206.9	1453.82
1985	65	33462.9	1676.4
1984	65	33721.9	3948.1
Min	59	24353.2	746.5
Max	85	33721.9	8181.4
Avg	67.3	28338.9	3986.5

Table 1- Irrigation Water Use from the Big Sioux: Brookings in Hamlin County (Water Rights 1979-2012).

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors 80 observation wells completed into the Big Sioux: Brookings aquifer with 25 located in Hamlin County (Water Rights, 2012a). The nearest observation wells are HN-63A and HN-77I. Water levels in the observation wells show response to climatic conditions. The water levels rise (recharge) during wet years and gradually decline during dry years. The hydrographs show the effects of pumping, but it does not appear to be significant over the period of record. The climatic effects on water level greatly mask the temporal impacts of well withdrawal. Therefore, recharge to and natural discharge from the Big Sioux: Brookings aquifer significantly exceeds pumping. Figures 1 and 2 show the hydrographs for observation wells HN-63A and HN-77I, respectively.

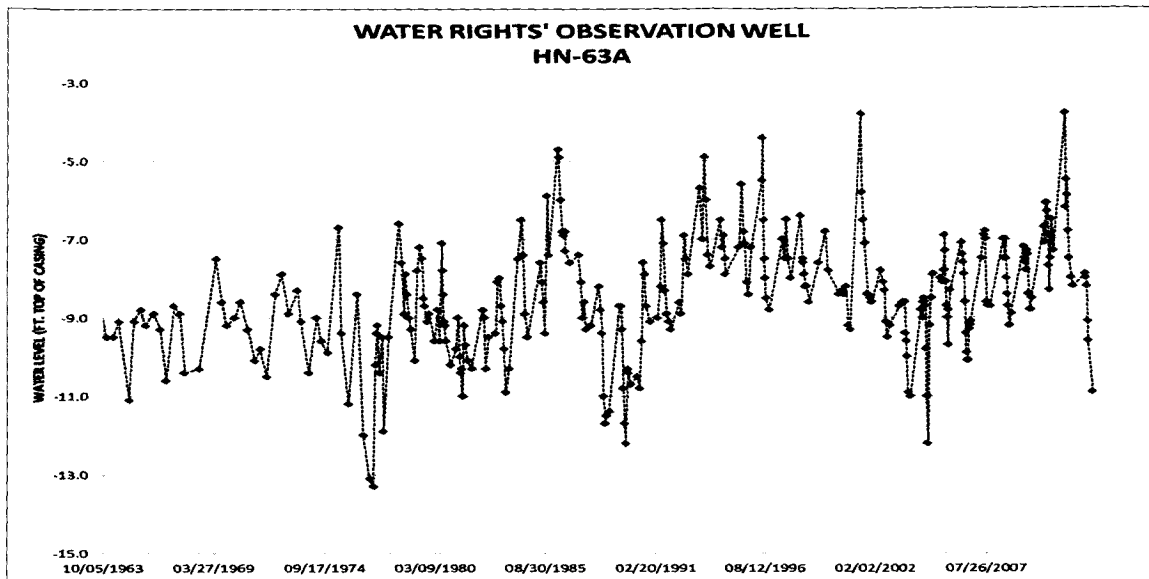


Figure 1- Hydrograph of DENR-Water Rights' observation well HN-63A (Water Rights, 2012a)

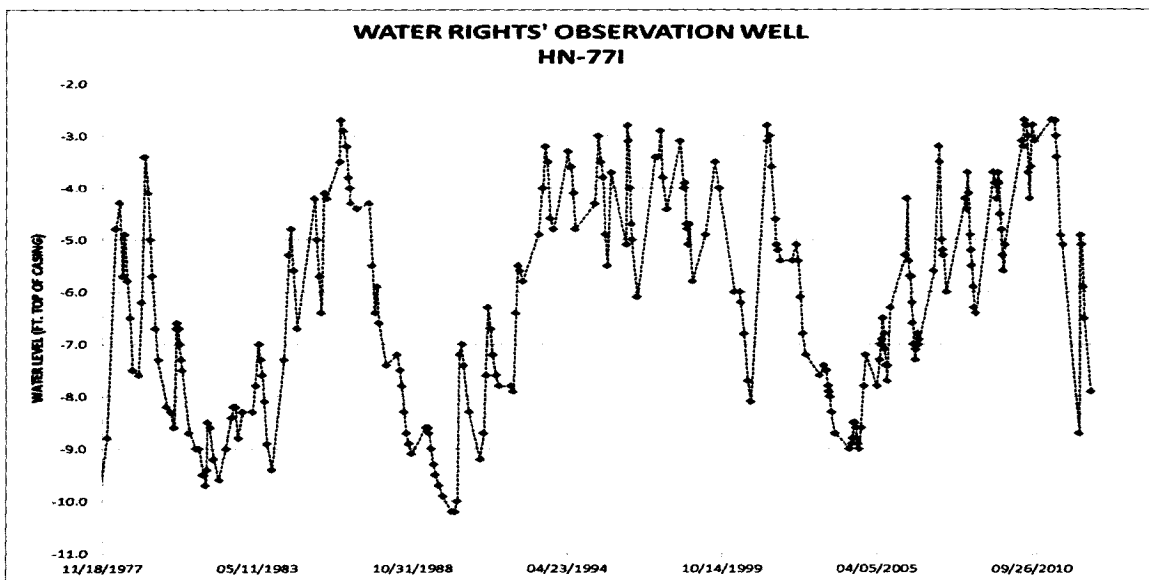


Figure 2- Hydrograph of DENR-Water Rights' observation well HN-77I (Water Rights, 2012a)

EXISTING WATER RIGHTS:

There are 13 water rights/permits authorizing wells, two future use permits reserving water, and several domestic wells on file with the DENR-Water Rights Program within approximately 2.5 miles of the proposed well sites (Water Rights, 2012b and 2012c). Table 2 shows the water rights/permits and the future use permits within approximately 2.5 miles of the proposed well sites.

Permit No.	Name	Status	Type	CFS	Acres
2578-3	Randy H. Hanson	LC	IRR	1.95	135
2579-3	Claremont Httrn Brethren	LC	IRR	1.95	135
2723-3	Wayne Janssen	LC	IRR	2	140
4682-3	Randy H. Hanson	LC	IRR	1.71	125
5094-3	Sioux Rural Water System	FU	RWS		
5098-3	Sioux Rural Water System	LC	RWS	2	
558A-3	City of Castlewood	FU	MUN		
558B-3	City of Castlewood	LC	MUN	0.56	
558D-3	City of Castlewood	LC	MUN	0.33	
5600-3	Castlewood Golf Couse	LC	IRR	0.88	78
5960-3	Sioux Rural Water System	PE	RWS	1.33	
6199-3	Randy H. Hanson	LC	IRR	1.78	108
6243-3	Todd Woertink	LC	IRR	2.22	263
6424-3	Claremont Httrn Brethren	PE	IRR	1.14	80
7296-3	Ed Aderhold	PE	IRR	1.33	110
LC = Water Right, FU= Future Use Permit, PE = Water Permit, MUN= Municipal, IRR = Irrigation, RWS= Rural Water System					

Table 2 – Water Rights/Permits within approximately two miles of the proposed well site (Water Rights, 2012b)

The hydrographs show that the impacts of pumping have not been significant over the period of record. The minimal drawdown and interference from pumping high capacity wells is clearly shown by figures 1 and 2. Figure 3 shows a map of the proposed well location, water rights/permits, and future use areas within approximately three miles of the proposed well sites (Water Rights, 2012b).

The diversions proposed by these applications should not limit the development of Future Use Permit Nos. 558A-3 and 5094-3. Each future use area is for a quarter of a section (160 acres). The nearest point of either future use area is approximately 0.8 miles away from the proposed well site. Based on the distance from the future use areas, the diversions proposed by these applications should not impede utilization of water by Future Use Permit Nos. 558A-3 and 5094-3. Therefore due to the distance between wells, there is a reasonable probability that these proposed diversions can be made without adversely impacting existing appropriative or domestic users.

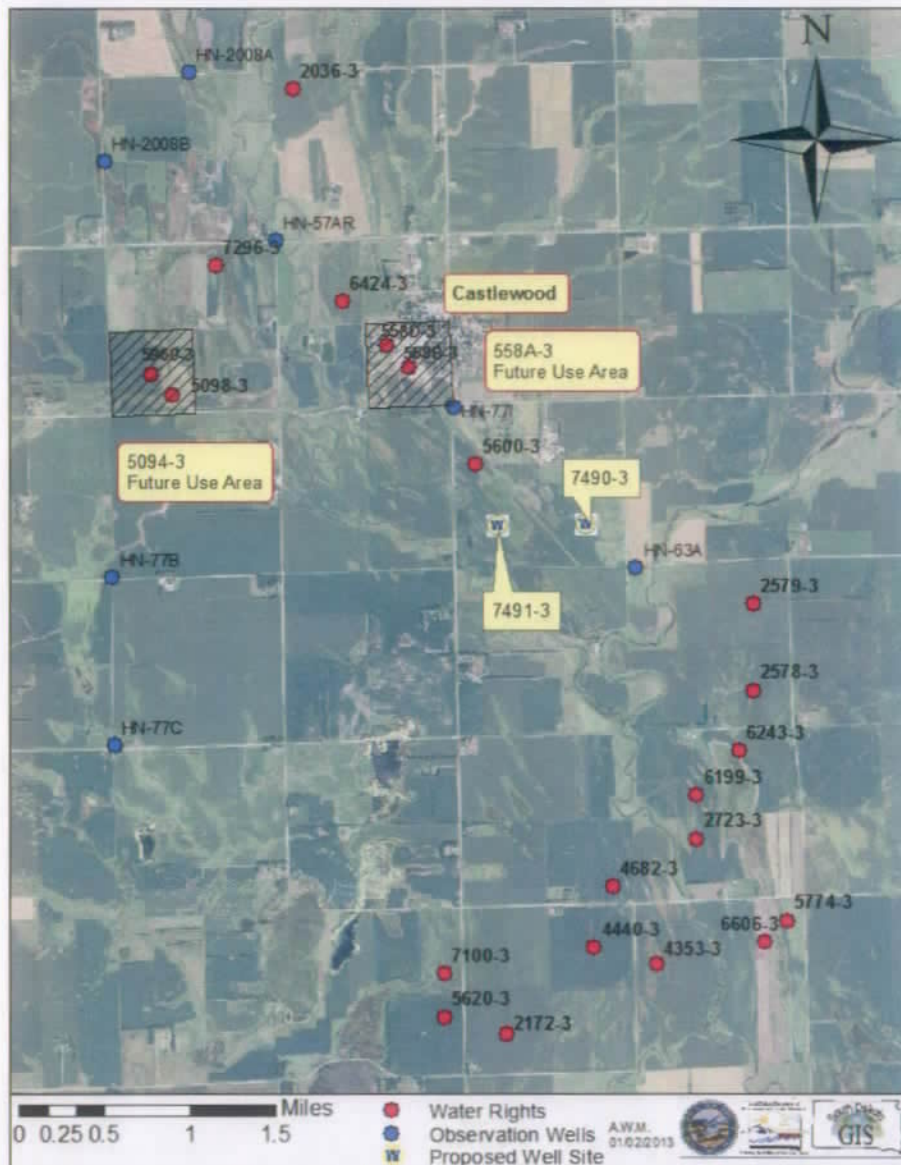


Figure 3- Map of the proposed well site, water rights/permits, and future use areas within approximately three miles (Water Rights, 2012b).

CONCLUSIONS:

1. Water Permit Application No. 7490-3 proposes to appropriate 272 acre-feet annually for the irrigation of 136 acres at a maximum diversion rate of 1.78 cfs.
2. Water Permit Application No. 7491-3 proposes to appropriate 272 acre-feet annually for the irrigation of 136 acres at a maximum diversion rate of 1.78 cfs.
3. There is a reasonable probability that unappropriated water is available from the Big Sioux: Brookings aquifer to supply these proposed diversions.
4. There is a reasonable probability that the diversions requested by these applications can be made without adversely affecting existing water rights or domestic users.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Koch, N.C. 1980. Appraisal of the Water Resources of the Big Sioux Aquifer, Brookings, Deuel, and Hamlin Counties, South Dakota. Water-Resources Investigations Report 80-100. USGS, Huron, SD.
- Kume, J. 1985. Water Resources of Deuel and Hamlin Counties, South Dakota. Water-Resources Investigations Report 84-4069. USGS, Huron SD.
- Water Rights. 1979-2012. "1979-2011 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2012a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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JAN 22 2013

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, LeeAnne Dufek

certify that the attached printed Notice was
taken

from the Hamlin County
Republican

printed and published in Castnewood

County of Hamlin and

state of South Dakota. The notice was
published

in the newspaper on the following date:

Jan. 16, 2013

Cost of Printing \$26.73

LeeAnne Dufek
(Signature)

NOTICE OF APPLICATION NOS. 7490-3 AND 7491-3 TO APPROPRIATE WATER

Notice is given that Claremont Hutterian Brethren, c/o Jonathan Wollman, 46271 184th St. Castlewood SD 57223 has filed the following applications for a water permit.

Application No. 7490-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux: Brookings Aquifer (38 feet deep) located in SE 1/4 SE 1/4 Section 1 for irrigation of 136 acres located in the SE 1/4 Section 1; all in T114N-R52W.

Application No. 7491-3 proposes to appropriate 1.78 cfs from one well to be completed into the Big Sioux: Brookings Aquifer (48 feet deep) located in the approximate center of the SW 1/4 Section 1 for irrigation of 136 acres located in the SW 1/4 Section 1; all in T114N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7490-3 and 7491-3 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 application or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. 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 "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 28, 2013.

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 El Gornlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.
Published Jan. 16, 2013, at total cost of \$26.73.

RECEIVED

JAN 25 2013

WATER RIGHTS
PROGRAM

Form 8

**DEPARTMENT
OF ENVIRON-
MENT AND
NATURAL
RESOURCES**

**NOTICE OF APPLICATION
NOS. 7490-3 and 7491-3 to
Appropriate Water**

Notice is given that
Claremont Hutterian
Brethren, c/o Jonathan
Wollman, 46271 184th St,
Castlewood SD 57223 has
filed the following applica-
tions for a water permit.

Application No. 7490-3 pro-
poses to appropriate 1.78
cubic feet of water per sec-
ond (cfs) from one well to be
completed into the Big
Sioux:Brookings Aquifer (38
feet deep) located in SE 1/4
SE 1/4 Section 1 for irrigation
of 136 acres located in the
SE 1/4 Section 1; all in
T114N-R52W.

Application No. 7491-3 pro-
poses to appropriate 1.78 cfs
from one well to be complet-
ed into the Big
Sioux:Brookings Aquifer (48
feet deep) located in the
approximate center of the
SW 1/4 Section 1 for irriga-
tion of 136 acres located in
the SW 1/4 Section 1; all in
T114N-R52W.

Pursuant to SDCL 46-2A-2,
the Chief Engineer recom-
mends APPROVAL of
Application Nos. 7490-3 and
7491-3 because 1) unappro-
priated 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 recommen-
dations. If a petition oppos-
ing the applications or con-
testing the recommendations
is filed, then a hearing will be
scheduled and the Water
Management Board will con-
sider these applications.
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 recommenda-
tions must file a written peti-
tion with BOTH the applicant
and Chief Engineer. The
applicant must file a petition
if contesting the Chief
Engineer's recommenda-
tions. 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 January 28, 2013.

The petition may be infor-
mal, but must include a state-
ment describing the petition-
er's interest in the applica-
tions, the petitioner's rea-
sons for opposing or support-
ing the applications, and the

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following date:

January 16th, 2013

Cost of Printing 59.91

(Signature)

Bookkeeper

(Title)

January 16th, 2013

(Date Signed)

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.

Published once at the
approximate cost of \$61.00.
(January 16, 2013)

All legal notices in the Public
Opinion and other South
Dakota newspapers can be
found at
www.sdpublicnotices.com



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 7, 2013

Hamlin County Republican
PO Box 50
Castlewood SD 57223

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7490-3 and 7491-3 to Appropriate Water. Please publish the notice once on January 16, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Claremont Hutterian Brethren, c/o Jonathan Wollman, 46271 184th St., Castlewood SD 57223 (Ph # 605-793-2352).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 7, 2013

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7490-3 and 7491-3 to Appropriate Water. Please publish the notice once on January 16, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Claremont Hutterian Brethren, c/o Jonathan Wollman, 46271 184th St., Castlewood SD 57223 (Ph # 605-793-2352).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.**

January 7, 2013

Claremont Hutterian Brethren
Jonathan Wollman
46271 184th St
Watertown SD 57201

Dear Mr. Wollman:

Water Permit Application Nos. 7490-3 and 7491-3 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 Hamlin County Republican printed at Castlewood SD (Ph # 605-793-2293) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper(s) 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 applications.

Instruction to Newspaper - Publish the Notice on January 16, 2013. 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 NOS. 7490-3 and 7491-3 to Appropriate Water

Notice is given that Claremont Hutterian Brethren, c/o Jonathan Wollman, 46271 184th St, Castlewood SD 57223 has filed the following applications for a water permit.

Application No. 7490-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Big Sioux:Brookings Aquifer (38 feet deep) located in SE 1/4 SE 1/4 Section 1 for irrigation of 136 acres located in the SE 1/4 Section 1; all in T114N-R52W.

Application No. 7491-3 proposes to appropriate 1.78 cfs from one well to be completed into the Big Sioux:Brookings Aquifer (48 feet deep) located in the approximate center of the SW 1/4 Section 1 for irrigation of 136 acres located in the SW 1/4 Section 1; all in T114N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7490-3 and 7491-3 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 these applications. 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 recommendations. 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 January 28, 2013.

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.

Published once at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Dear Mr. Wollman:

Enclosed are Water Permit Nos. 7490-3 and 7491-3 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's, *Notice 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 a water right.

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

Sincerely,

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

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

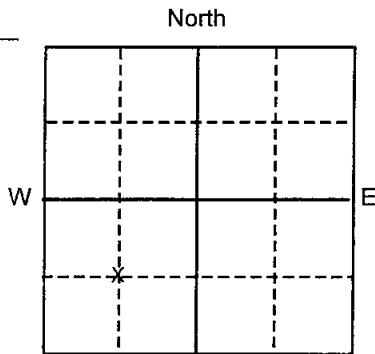
SD EForm - 1621LD V1

11-02

Location 1/4 SW 1/4 Sec 1 Twp 114N Rg 52W

County HAMLIN

Please mark well location with an "X"



Well Completion Date

5-21-13

← 1 Mile →

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
2,500.0 ft. from WELL (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:
 DIRECT ROTARY DRILL

CASING DATA:

If other describe ☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
40.0 LB/FT	16.00 IN	0.0 FT	33.0 FT	24.00 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
GWDF	20	54.0 Lb/gal	0.0 Ft	33.0 Ft

Describe grouting procedure
 TREMIE PPM

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16.00 Inches Length 15.0 Feet
 Material STAINLESS STEEL
 Slot Size .080 Set From 33.0 Feet to 48.0 Feet
 Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☐ No
 If so, what material?
 Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?
☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: CLAREMONT HUTTERIAN COLONY

Business Name:

Address: 46271 184TH ST

City, State, Zip: CASTLEWOOD SD 57223

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	1
FINE - MED YELLOW	1	15
MED YELLOW GRAVEL	15	20
FINE YELLOW SAND	20	30
MED - COURSE GRAVEL	30	48

STATIC WATER LEVEL 8.0 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 PUMP
☐ Bailed
☐ Other

Pumping Level Below Land Surface

26.0 Ft. After 3.0 Hrs. pumped 1,200.0 GPM

 Ft. After Hrs. pumped GPM

If pump installed, pump rate: 800.0 GPM

REMARKS

RECEIVED
JAN 31 2014
WATER RIGHTS PROGRAM

This well was drilled under license # 689 and this report is true and accurate.

Drilling firm: KAISER WELL DRILLING INC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7491-3

I have this day, March 31, 2015, made a thorough examination of the water use system constructed by Claremont Hutterian Brethren, 46271 184th St., Castlewood SD 57223 of Permit No. 7491-3, bearing the priority of October 25, 2012 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Big Sioux Brookings aquifer for irrigation purposes, in Hamlin County.

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

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 48 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 33 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 15 feet
- 3) Static water level 8 feet

Pump:

- 1) Make 50 hp submersible

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

Well at pivot center.

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Number of towers 7
- 3) End gun Yes
- 4) Capacity 700 GPM at 35 psi

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes

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

E. Condition and Location:

1. The system is in good condition with the point of diversion located as follows: Well: near center of SW1/4 section 1-T114N-R52W (Longitude -97.02161, Latitude 44.70667).
2. The works are capable of diverting and conveying to the place of use 1.56 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in section 1-T114N-R52W

NE1/4 SW1/4 34 acres

NW1/4 SW1/4 34 acres

SW1/4 SW1/4 34 acres

SE1/4 SW1/4 34 acres

comprising a total of 136 acres of land and the license should be issued for 1.56 cfs.

3. All structures, wells and lands on map Yes

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



Ron Duvall

Water Rights Permitting Administrator
DENR, Water Rights Program

Date report completed: December 28, 2015

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

Date

3/31/2015

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

FROM:

Claremont Hutterian Brethren
(name)

46271 184th St
(address)

Castlewood SD 57223
(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. 7491-3 states that the water use system is to be constructed by

1/28/2018
(date)

, and water is to be put to beneficial use by

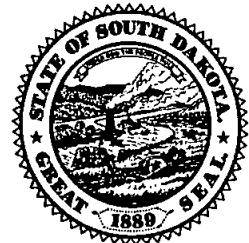
1/28/2022
(date)

The water use system was completed on 2013
(date)

Applying the water to beneficial use was completed on 2013
(date)

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

Jonathan Hollman
(signature)



Scale: 1 inch = 467 feet

650

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall, WR Permitting Administrator
Water Rights Program

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

Date: Dec 28, 2015

Water Right No. 7491-3



7491-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

MAY 03 2016

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

Dear Mr. Wollman:

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

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

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

Sincerely,

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

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7491-3

(1) Claremont Hutterian Brethren, c/o Jonathan Wollman, 46271 184th St, Castlewood SD 57223 made Application No. 7491-3, October 25, 2012 for a water permit to divert 1.78 cubic feet of water per second from one well - Big Sioux:Brookings Aquifer, Hamlin County, South Dakota for irrigation purposes. Permit No. 7491-3, with a priority date of October 25, 2012 was approved January 28, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 28, 2018 and for the application to beneficial use of water on or before January 28, 2022.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on March 31, 2015. The *Notice* stated the diversion system was completed in 2013 and the water placed to beneficial use in 2013.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 7491-3 is issued a license, bearing a priority date of October 25, 2012 to appropriate 1.56 cubic feet of water per second from one well - Big Sioux:Brookings Aquifer to irrigate 136 acres.

The diversion point is located: Near the approximate center of the SW 1/4 Section 1-T114N-R52W. The acres authorized for irrigation are as follows:

Section 1-T114N-R52W	NE 1/4 SW 1/4	34 acres	SW 1/4 SW 1/4	34 acres
	NW 1/4 SW 1/4	34 acres	SE 1/4 SW 1/4	34 acres

Total 136 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7491-3 including 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.
- The well authorized by Permit No. 7491-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled by Kaiser Well Drilling in May, 2013. A copy of the log is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

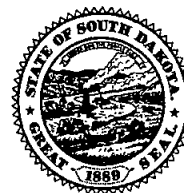


Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

MAY 03 2016

date





7491-3 ~~XXXXXXX~~
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

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

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

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

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2579-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: MVHIMM**

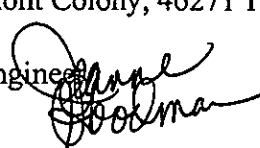
Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 27, 2020

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

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

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

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

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

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

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

The Board also ordered:

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

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

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

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

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

XXXXXX
777-5

CERTIFICATION

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

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

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

Water Right No. 5947-3

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

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

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

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

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

Water Right No. 876-1

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

Water Right No. 1213B-1

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

Water Right No. 410B-2

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

Water Permit No. 8253-3

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

Water Permit Nos. 5849-3 and 6194-3

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

Water Right Nos. 2521-3 and 2934-3

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

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

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

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

Water Right No. 4737-3

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

Water Right No. 2954-3

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

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

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

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

Three Year Suspensions:

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

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

Amendments:

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

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

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

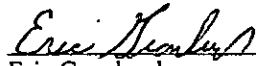
Both Suspend and Amendments

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

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

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

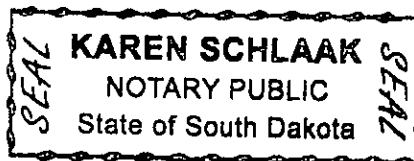
Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766


Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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


Karen Schlaak
Notary Public
My Commission expires April 1, 2025





7491-3 ~~XXXXXX~~

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2020

Jonathan Wollman
Claremont Colony
46271 184th St
Castlewood SD 57223

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

Dear Mr. Wollman:

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

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

If you have any questions, please contact us.

Sincerely,

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

Genny McMath
Water Rights Program
605 773-3352

7491-3



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

January 20, 2022

NOTICE

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

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

7491-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 1, 2022

Jacob Wollman
Claremont Colony
46271 184th St
Castlewood SD 57223

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

Dear Mr. Wollman:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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