

WATER PERMIT NO. 7505-3

Name of Applicant: Grassland Hutterian Brethren

Address: 11865 370th Ave, Westport SD 57481

Phone: 605 434-3221

Amount of Water Claimed: 0.22 cfs

Total Acres: 158

Source of Water Supply: Snake Creek

Water to be used for: irrigation

County: McPherson

Type of Waste Disposal System: .

Location: 8 miles southeast of Leola

PRIORITY

Date Received: 10-26-2012

Application/License Fee: \$1050

Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: Applicant plans to divert at a rate of 100 gpm (0.22 cfs) from Snake creek into 2 storage ponds. The application rate from the ponds to the land will be 650 gpm (1.44 cfs)

Diversion Point: SE 1/4 SW 1/4 Sec 4-T125N-R66W

Land to be Irrigated: SW 1/4 Sec 9-T125N-R66W

Depth of Well: NA

Well Driller:

Remarks:

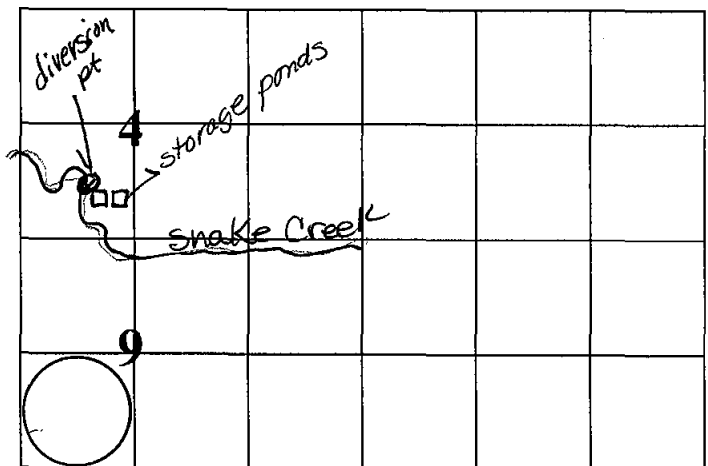
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-6-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7505-3</u>	(office use only) Hydrologic Unit <u>10160003</u>
	Basin <u>James River</u>	<u>605-439-3121</u>
	Newspaper <u>McPherson Co. Herald Box 170 Loda</u>	
	<u>American News Box 4430 Aberdeen 605-225-4100</u>	

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OCT 26 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 to Appear on Irrigation Permit Grassland Hutterian
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)
- Mailing Address 11865 370th Ave Westport SD 57481
(Address) (City) (State) (Zip Code)
- Home Phone 605-439-3224 Cell 605-380-0627 Email georgewaldner57@gmail.com
2. Amount of water claimed 0.22 *CFS or 100 **GPM ***AF Total Acreage 158
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Foot Creek into Ponds
4. Location of point of diversion Ponds in Section 4 SW 1/4 T125-R66(NE 1/4 SW 1/4)
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
Foot Creek div. point SE 1/4 SW 1/4 Sec 4 T125N-R66W County McPherson
5. County or counties where water will be used McPherson
6. Annual period during which water is to be used Ongoing April 1 - Oct. 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>125N 66W 9 - SW 1/4</u>	<u>158</u>		

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

Divert at a rate of 100 gpm from Creek to ponds
application rate from ponds to land will be 650 gpm (1.44 cfs)

I, George Waldner Jr., the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7505-3**

Date of first receipt of application October 26, 2012.

Date of return to applicant for corrections, amendments or changes October 29, 2012.

Date of receipt of corrected application October 30, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7505-3 to Grassland Hutterian Brethren, c/o George Waldner, Jr, 11865 370th Ave, Westport SD 57481 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. 7505-3 appropriates 0.22 cubic feet of water per second (cfs) from Foot Creek located in the SE 1/4 SW 1/4 Section 4 into two ponds which are components of the animal confinement facility located in the SE 1/4 SW 1/4 Section 4; all in T125N-R66W. The permit holder is authorized to divert from Foot Creek at a rate of 0.22 cfs into the two storage ponds for irrigation of 158 acres located in the SW 1/4 Section 9- T125N-R66W. Water may be diverted from the ponds at an application rate of 1.44 cfs to the land.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is October 26, 2012.
4. The date of approval of Permit No. 7505-3 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. The diversion of water shall be in accordance with any written orders issued by the Chief Engineer.
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 19 2013

date



Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____

c) Well Depth ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well:

On applicant's property ____ On property owned by others ____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) ____

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

b) Depth to water (ground surface to water level) ____

4. Water Storage Dams

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

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

b) Freeboard 12'

c) Crest Width 12'

Crest Length 600'

d) Height 16

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

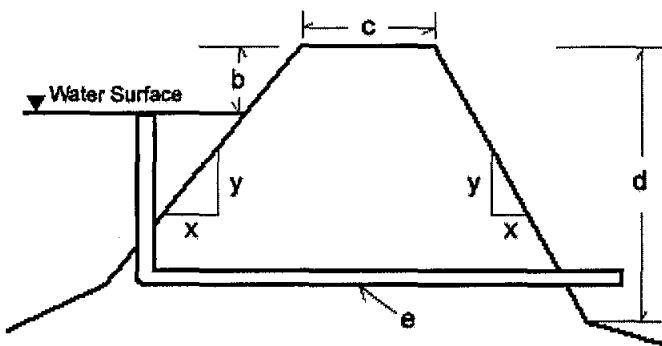
Upstream 3-1

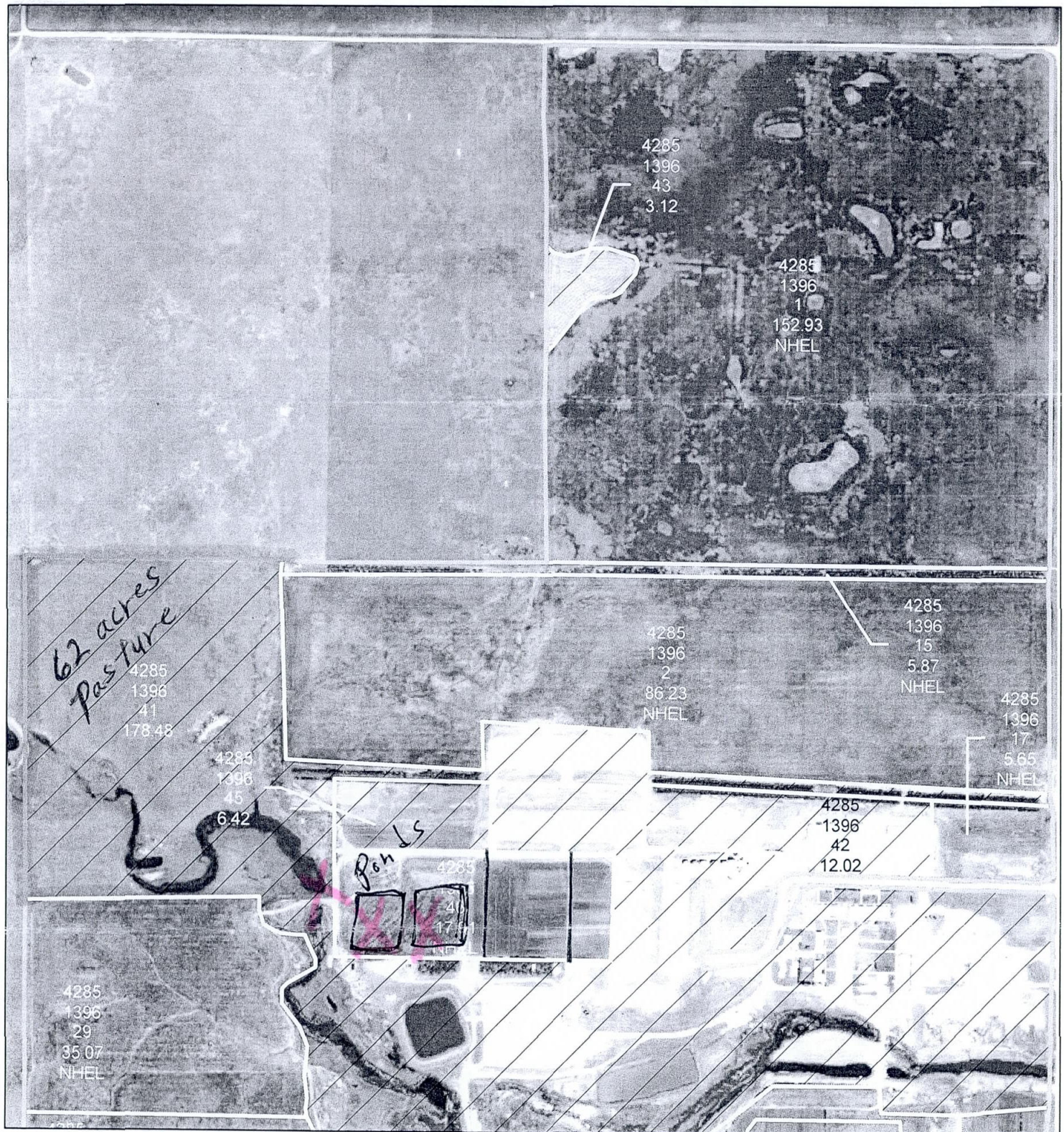
Downstream 3-1

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres





South Dakota McPherson Coun

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OCT 26 2012 42

Farm Number

4285

ty WATER RIGHTS PROGRAM

Township-Range-Section

125N66W4

Legend

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

-  CLU Field Boundary
 Tract Boundary

1:8,054

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2008 orthorectified imagery for South Dakota. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs.

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

Mar 18, 2009

United States Department of Agriculture Farm Service Agency



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South Dakota McPherson County

OCT 26 2012
WATER RIGHTS
PROGRAM

Farm Number
4285

Township-Range-Section
125N66W9

Legend

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions
- CLU Field Boundary
- Tract Boundary



1:8,065

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2008 ortho rectified imagery for South Dakota. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs. 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.

Mar 18, 2009

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/26, 20 12

RECEIVED OF Grassland Hutterian Brethren 11865 370th Ave Westport SD 57481

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

Fee for Application for Permit No. <u>7505-3</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>7505-3</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. 05652

By

Leland Erskine
Chief Engineer

Schlaak, Karen

From: Gronlund, Eric
Sent: Tuesday, October 30, 2012 1:21 PM
To: Schlaak, Karen
Subject: FW: Grassland Hutterian's water right permit application

From: George Waldner Jr. [<mailto:georgewaldner57@gmail.com>]
Sent: Tuesday, October 30, 2012 1:20 PM
To: Gronlund, Eric
Subject: RE: Grassland Hutterian's water right permit application

Hi Eric, we have a nutrient management plan in place that would go in correspondence with this project
We would use approximately 100 gallons per minute from Snake Creek and the rest we would blend from our ponds
with a total of 650 gal per min

Irrigation period would be from April 1 – Oct 31 Thanks George

From: Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Monday, October 29, 2012 4:16 PM
To: 'George Waldner Jr.'
Subject: Grassland Hutterian's water right permit application

George – your response leads to more questions and comments.

The application in its current form does not request to divert from Snake Creek as your email suggests. The diversion from Snake Creek will require a water right permit to be obtained. Diverting solely from the ponds without a “clean” water diversion into the ponds from Snake Creek is a effluent disposal issue that does not require a water right permit. However, please be aware that Grassland Hutterian will need to make sure the nutrient management plan which is part of general water pollution control permit allows land application on to these acres. The general water pollution control permit is regulated by the Surface Water Quality Program of DENR (605 773-3351).

The email response indicates a diversion rate of 100 gpm. Is that from Snake Creek or from the ponds to irrigate the 158 acres? Generally, center pivot irrigation of this number of acres requires 650 – 800 gpm to operate a pivot. So where do you come up with 100 gpm? If that is from Snake Creek, then what is the diversion rate in gallons per minute to apply to the land?

The attached map will need to mark the proposed diversion point from Snake Creek.

Item No. 6 on the application seeks to define the period during which water will be used. Is it correct to state that diversion from Snake Creek will occur year round when weather permits and there is abundant water in the creek and actual irrigation from the ponds will occur during the irrigation season of April 1 – October 31?

Eric

From: George Waldner Jr. [<mailto:georgewaldner57@gmail.com>]
Sent: Monday, October 29, 2012 3:49 PM
To: Gronlund, Eric
Subject: RE: water right permit application

Hi Eric, the intended rate to be pumped is about 100 gallons per min.

Each pond holds about 2,000,000 gallons

The ponds are secondary ponds from our hog lagoon and also run off from turkey manure pile also we would like to pump water from snake creek when abundant water is available. Thanks George

From: Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]

Sent: Monday, October 29, 2012 2:15 PM

To: georgewaldner57@gmail.com

Cc: Schlaak, Karen

Subject: water right permit application

Mr. Waldner:

The Water Rights Program received the water permit application filed by GrassLand Hutterian Brethren. A couple questions:

- 1) What is the intended maximum diversion rate in gallons per minute from the ponds to irrigate the 158 acres.
- 2) What is the storage capacity of each pond in gallons?
- 3) Is the source for irrigation - clean water ponds or wastewater ponds associated with GrassLand's animal confinement facility? The reason I ask is disposal of effluent from a wastewater pond is not considered to be irrigation unless other water "clean" is used along with the effluent water. In other words, if these are wastewater ponds, a water right permit is not required. If they are clean water ponds that are filled by surface runoff or diversion of a well into them, then a water right permit is required.

Please contact me if you have questions about what I am asking for or for clarification of when a water right permit is required as stated in No. 3.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 31, 2012

Grassland Hutterian Brethren
c/o George Waldner
11865 370th Ave
Westport SD 57481

Dear Mr. Waldner:

Enclosed is the map submitted with your Application for a Permit to Appropriate Water in McPherson County. On the map, please mark the location of the proposed diversion point on Snake Creek with an "X".

Enclosed is a postage prepaid envelope for returning the map to us.

If you have any questions, please call Eric Gronlund or me.

Sincerely,

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

enclosure

Gronlund, Eric

From: George Waldner <georgewaldner57@gmail.com>
Sent: Friday, November 16, 2012 3:36 PM
To: Gronlund, Eric
Subject: Re: Question on water permit application

Yes, I am sorry it is Foot Creek

George Waldner Jr.

On Nov 16, 2012, at 3:27 PM, "Gronlund, Eric" <Eric.Gronlund@state.sd.us> wrote:

In an email regarding the Grassland's water right permit application you refer to the water source as "Snake Creek". Is that what you call it locally? Our records refer to it as Foot Creek. Is Foot Creek correct?

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us



**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. 7505-3, Grassland 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. 7505-3, Grassland Hutterian Brethren, c/o George Waldner, Jr., 1865 379th Avenue, Westport SD 57481.

The Chief Engineer is recommending APPROVAL of Application No. 7505-3 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. The diversion of water shall be in accordance with any written orders issued by the Chief Engineer.
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 ON WATER PERMIT APPLICATION NO. 7505-3

Grassland Hutterian Brethren
11865 370th Avenue
Westport, SD57481
December 18, 2012

Water Permit Application No. 7505-3, proposes to appropriate 0.22 cubic feet per second (cfs) of water from Foot Creek located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 into two ponds which are components of the animal confinement facility located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; all in T125N-R66W. The applicant proposes to divert from Foot Creek at a rate of 0.22 cfs into the two storage ponds for irrigation of 158 acres located in the SW $\frac{1}{4}$ Section 9-T125N-R66W. Water may be diverted from the ponds at an application rate of 1.44 cfs to the land.

The requested annual period of use is April 1 through October 31.

Review of the Water Source and Existing Water Rights

The source of water for this application is from Foot Creek. The creek has a drainage area of approximately 45 square miles upstream from the diversion point. This drainage area includes several unnamed creeks which confluence with Foot Creek upstream from the proposed diversion point. The United States Geological Survey (USGS) has designated these waterways as intermittent streams. Intermittent streams are streams that flow only at certain times when they receive water from springs or from some surface water source such as melting snow or runoff from rainfall. These streams can carry water a considerable portion of the time, but cease to flow occasionally or seasonally because bed seepage and evapotranspiration exceed the available water supply. During dry periods, intermittent streams cannot be considered a reliable source of water.

The annual yield for this 45 square mile drainage area with a 50 percent chance of occurrence, or 1 out of 2 years is 768 acre-feet. The annual yield with an 80 percent chance of occurrence, or 8 out of 10 years is 288 acre feet and the annual yield with a 10 percent occurrence, or 1 out of 10 years is 3,840 acre-feet.

Foot Creek is a tributary to the James River. Foot Creek flows into Moccasin Creek and eventually into the James River. There are two existing water rights between the proposed diversion point and the confluence with the James River.

Water Right No. 5937-3 is located approximately 11 miles downstream of this applicant's diversion point and is licensed to store 125.9 acre-feet of water and Vested Water Right No. 1844-3 held by the SD Game Fish and Parks for Richmond Lake is located 15 miles downstream of this applicant's diversion point allows for storage of 3,036 acre-feet for recreational purposes.

Water Right No. 5937-3 has a drainage area of approximately 80 square miles. The annual yield for this drainage area with a 50 percent chance of occurrence, or 1 out of 2 years is 1,551 acre-

feet. The annual yield with an 80 percent chance of occurrence, or 8 out of 10 years is 560 acre feet and the annual yield with a 10 percent occurrence, or 1 out of 10 years is 7,757 acre-feet.

The drainage for Vested Water Right No. 1844-3 for Richmond Lake is approximately 159 square miles and the lake has a surface area of 1,012 acres. The annual yield for this drainage area with a 50 percent chance of occurrence, or 1 out of 2 years is 2,713 acre-feet. The annual yield with an 80 percent chance of occurrence, or 8 out of 10 years is 1,017 acre feet and the annual yield with a 10 percent occurrence, or 1 out of 10 years is 13,566 acre-feet.

Discussion

The applicant has applied for 0.22 cfs (~ 100 gpm) to supplement the holding ponds for effluent disposal for irrigation of the 158 acres. The applicant states the ponds are secondary ponds from their hog lagoon and also receives run-off from the turkey manure pile. The applicant also states they only applied for 0.22 cfs from Foot Creek because the remaining water for irrigation would be effluent from the ponds for the 650 gpm needed to operate the pivot system. The applicant indicates they already have a nutrient management plan in place for this project.

Since this application proposes to utilize a small amount of water on the 45 square mile watershed upstream of this application Water Right No. 5937-3 and Vested Water Right No. 1844-3 will be able to use the remaining water bypassing this project plus have access to the drainage below this application for storage.

This application, at the proposed diversion rate and location should have little or no effect on these water rights; however, sufficient water may not be available throughout the entire requested period of use, particularly during dry periods and still protect downstream domestic use. The possibility exists that pumping of water from the creek could, in dry climatic conditions, dry up the creek. If approved, the water permit should contain a qualification that at all times sufficient flow must be bypassing the diversion point while pumping to protect domestic use downstream.

Conclusions

1. Water Permit Application No. 7505-3 proposes to appropriate 0.22 cubic feet per second (cfs) of water from Foot Creek located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 into two ponds which are components of the animal confinement facility located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4; all in T125N-R66W. The applicant proposes to divert from Foot Creek at a rate of 0.22 cfs into the two storage ponds for irrigation of 158 acres located in the SW $\frac{1}{4}$ Section 9-T125N-R66W. Water may be diverted from the ponds at an application rate of 1.44 cfs to the land.
2. The USGS has designated this waterway as an intermittent stream that flows only at certain times when they receive water from springs or from some surface water source such as melting snow or runoff from rainfall, but which cease to flow occasionally or seasonally because bed seepage and evapotranspiration exceed the available water supply. During dry periods, intermittent streams cannot be considered a reliable source of water.

3. The possibility exists that pumping of water from the creek at the requested rate could, in dry climatic conditions, dry up the creek. If approved, the water permit should contain a qualification that low flows as needed for domestic use; including livestock watering and prior water rights must be bypassed.



Mike DeFea
Natural Resources Engineer II
DENR, Water Rights Program

Reviewed by:



Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

Affidavit of Publication

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STATE OF SOUTH DAKOTA

County of McPherson

FEB 1 2013

WATER RIGHTS PROGRAM

being first duly sworn, on oath says: That the McPherson County Herald is a weekly newspaper of general circulation, and a legal newspaper as defined by Section 7070, 1919 Revised Code printed and published in Leola in said County

and State by _____ and has been such newspaper during the time hereinafter mentioned, and that

I, _____, the undersigned am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit, and that the advertisement headed:

Notice of Application

a printed copy of which is hereto attached was printed and published in the said newspaper for 1 successive issues, to-wit: The first publication being made on

January 16, 2013

the second on _____

the third on _____

the fourth on _____

the fifth on _____

the sixth on _____

That the full amount of the fees charged for publishing the same,

to-wit: the sum of \$ 34.85 inures solely to the benefit of the publisher of the McPherson County Herald. That no agreement or understanding of any division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

CAROL KINDELSPERGER
NOTARY SEAL
PUBLIC

Publisher

Subscribed and sworn to before me this 30 day of January, 19 2013

Carol Kindelsperger
Notary Public

My commission expires 5-1-2016, 19

NOTICE OF APPLICATION

NO. 7505-3 to

Appropriate Water

Notice is given that Grassland Hutterian Brethren, c/o George Waldner, Jr, 11865 370th Ave, Westport SD 57481 fillin " " \d " " has filed an application for a water permit to appropriate 0.22 cubic feet of water per second (cfs) from Foot Creek located in the SE 1/4 SW 1/4 Section 4 into two ponds which are components of the animal confinement facility located in the SE 1/4 SW 1/4 Section 4; all in T125N-R66W. The applicant proposes to divert from Foot Creek at a rate of 0.22 cfs into the two storage ponds for irrigation of 158 acres located in the SW 1/4 Section 9-T125NR66W. Water may be diverted from the ponds at an application rate of 1.44 cfs to the land.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7505-3 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 January 28, 2013.

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 once at the total approximate cost of \$34.85.

RECEIVED

FEB - 4 2013

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Brown) SS

I, May Baskin

certify that the attached printed Notice was taken

from the Aberdeen News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was published

in the newspaper on the following date:

1/16/13

Cost of Printing 47.59

May Baskin
(Signature)

Adv. Billing Specialist
(Title)

2/1/13
(Date Signed)

(No. 1502111)
(Jan. 16, 2012 - 1T)

NOTICE OF APPLICATION NO. 7505-3
to Appropriate Water

Notice is given that Grassland Hutterian Brethren, c/o George Waldner, Jr, 11865 370th Ave, Westport SD 57481 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second (cfs) from Foot Creek located in the SE 1/4 SW 1/4 Section 4 into two ponds which are components of the animal confinement facility located in the SE 1/4 SW 1/4 Section 4; all in T125N-R66W. The applicant proposes to divert from Foot Creek at a rate of 0.22 cfs into the two storage ponds for irrigation of 158 acres located in the SW 1/4 Section 9-T125N-R66W. Water may be diverted from the ponds at an application rate of 1.44 cfs to the land.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7505-3 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 January 28, 2013.

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 once at the total approximate cost of \$47.59



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

McPherson County Herald
PO Box 170
Leola SD 57456

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7505-3 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 Grassland Hutterian Brethren, c/o George Waldner Jr., 11865 370th Ave., Westport SD 57481 (Ph # 605-439-3221).

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

American News
PO Box 4430
Aberdeen SD 57402

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7505-3 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 Grassland Hutterian Brethren, c/o George Waldner Jr., 11865 370th Ave., Westport SD 57481 (Ph # 605-439-3221).

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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

Grassland Hutterian Brethren
George Waldner Jr
11865 370th Ave
Westport SD 57481

Dear Mr. Waldner:

Water Permit Application No. 7505-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the McPherson County Herald printed at Leola SD (Ph # 605-439-3131) and the American News printed at Aberdeen SD (Ph # 605-225-4100). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(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 has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

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 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 NO. 7505-3 to Appropriate Water

Notice is given that Grassland Hutterian Brethren, c/o George Waldner, Jr, 11865 370th Ave, Westport SD 57481 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second (cfs) from Foot Creek located in the SE 1/4 SW 1/4 Section 4 into two ponds which are components of the animal confinement facility located in the SE 1/4 SW 1/4 Section 4; all in T125N-R66W. The applicant proposes to divert from Foot Creek at a rate of 0.22 cfs into the two storage ponds for irrigation of 158 acres located in the SW 1/4 Section 9- T125N-R66W. Water may be diverted from the ponds at an application rate of 1.44 cfs to the land.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7505-3 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 January 28, 2013.

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 once at the total approximate cost of _____.



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and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

FEB 19 2013

Grassland Hutterian Brethren
George Waldner Jr
11865 370th Ave
Westport SD 57481

Dear Mr. Waldner:

Enclosed is Water Permit No. 7505-3 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

RECEIVED

JUL 18 2013

WATER RIGHTS
PROGRAM

RECEIVED

JUL 18 2013

NOTICE OF COMPLETION OF WORKS
APPLICATION OF WATER TO BENEFICIAL USEDate 7-16-13

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

FROM: Grassland Colony
(name)
11865 370th Ave
(address)
Westport SD 57481
(city, state, zip)

605-439-3001
(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.

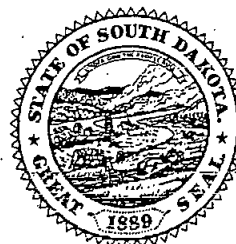
Water Permit No. 7505-3 states that the water use system is to be constructed by
7-15-13, and water is to be put to beneficial use by 7-30-13
(date) (date)

The water use system was completed on 7-15-13
(date)

Applying the water to beneficial use was completed on 7-15-13
(date)

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

George Walden Jr.
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

July 19, 2013

7505-3

George Waldner Jr.
Grassland Colony
11865 370th Ave
Westport SD 57481

Dear Mr. Waldner:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

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

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

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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



7505-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: GRASSLAND HTRN BRTH, GEORGE WALDNER JR, 11865 370TH AVE, WESTPORT, SD 57481

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7505-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 7505-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 7505-3 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 3, 2016** 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: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 24, 2016

7505-3

Grassland Hutterian Brethren
c/o George Waldner Jr.
11865 370th Ave
Westport SD 57481

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit No. 7505-3. 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
email: genny.mcmath@state.sd.us