

WATER PERMIT NO. 8266-3

Name of Applicant: Hillside Hutterian Brethren

Address: 18248 Hillside Lane, Doland SD 57436

Phone: 605 460-1136

Amount of Water Claimed: 0.09 cfs

Total Acres: 30

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 10 miles southeast of Doland

PRIORITY

Date Received: 2-16-17

Application/License Fee: \$ 300

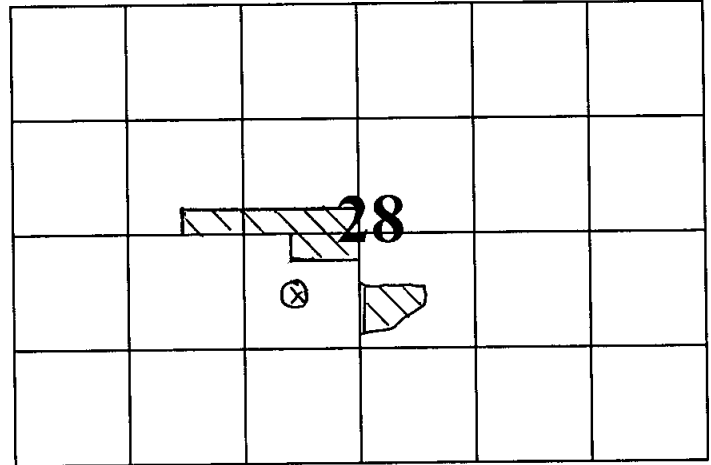
Corrected Application Received:

Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: NE 1/4 SW 1/4 Sec 28-T115N-
R60W

Land to be Irrigated: S 1/2 NW 1/4, NE 1/4 SW
1/4, NW 1/4 SE 1/4 Sec 28-T115N-R60W



Depth of Well: 90 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 2-27-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8266-3</u> (office use only) Hydrologic Unit <u>1016 0006</u>
	Basin <u>James River</u>
	Newspaper <u>Redfield Press</u> <u>605-472-0822</u>
	<u>Plainman - Huron</u> <u>605-353-7401</u>

RECEIVED
FEB 16 2017
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 Hillside Hutterian Brethren

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 18248 Hillside Lane Doland SD 57436
(Address) (City) (State) (Zip Code)

Phone 605 635-6363 Mobile 605 460-1136 Email thomasg@nrctv.com

2. Amount of water claimed 0.09 *CFS or 40 **GPM ***AF Total Acreage 30
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply existing 90 foot deep well

4. Location of point of diversion NE 1/4 SW 1/4 Section 28, T115N, R60W

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used April 1 - September 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
SW 1/4 NW 1/4 Section 28, T115N, R60W	<u>5</u>	<u>NW 1/4 SW 1/4 28 - 115N - 60W</u>	<u>1</u>
SE 1/4 NW 1/4 Section 28, T115N, R60W	<u>10</u>		
NE 1/4 SW 1/4 Section 28, T115N, R60W	<u>6</u>		
NW 1/4 SE 1/4 Section 28, T115N, R60W	<u>8</u>		

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

Use existing 90 foot well to irrigate garden, orchard, cemetery and residential area at the Colony. Well depth was measured with a tape. Pump was pulled and is rated at 40 gpm.

I, Thomas A. Sawyer SLC., the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

**SOUTH DAKOTA
WATER PERMIT NO. 8266-3**

Date of first receipt of application February 16, 2017.

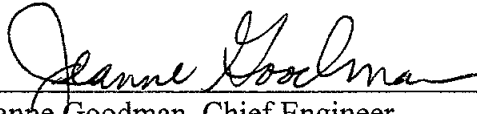
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8266-3 to Hillside Hutterian Brethren, 18248 Hillside Lane, Doland SD 57436 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8266-3 appropriates 0.09 cubic feet of water per second from one existing well completed into the Altamont Aquifer (90 feet deep) located in the NE 1/4 SW 1/4 Section 28 for irrigation of 30 acres located in the S 1/2 NW 1/4, N 1/2 SW 1/4, NW 1/4 SE 1/4 Section 28; all in T115N-R60W.
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 – September 30.
3. The date from which applicant may claim right is February 16, 2017.
4. The date of approval of Permit No. 8266-3 is April 17, 2017.
5. One-fifth of the construction is to be completed on or before October 17, 2019.
6. All construction is to be completed on or before April 17, 2022.
7. Water is to be put to beneficial use on or before April 17, 2026.
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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 01 2017
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 1 Provide copy of log(s), if available. Drilled by ____

For either Existing or Proposed Wells:

c) Well Depth (required) 90 Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest domestic well on applicant's property 50 feet Property owned by others ____

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

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

4. Water Storage Dams

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

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

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

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

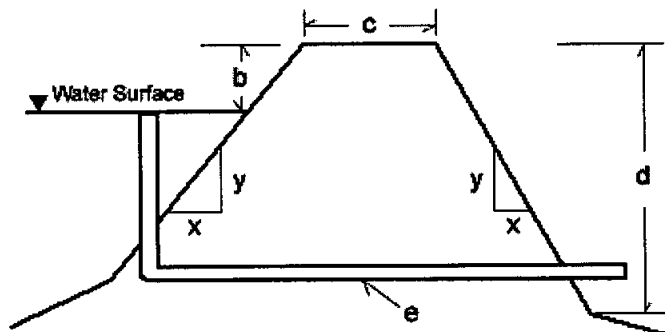
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

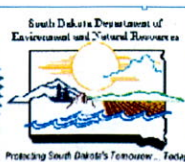
j) Drainage Area Above Dam ____ Acres



Hillside Hutterian Brethren Water Permit Application



1,300 650 0 1,300 Feet



Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
based on representation by Thomas
Glanzer and Henry Waldner

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/16, 20 17

RECEIVED OF Hillside Hutterian Brethren 18248 Hillside Lane Doland SD 57436

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

Fee for Application for Permit No. <u>8266-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>8266-3</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. _____		
5. (Any Other Work Provided by Law)	TOTAL	300 00

No. 08186

By Jean Goodman
Chief Engineer

RETURN TO
SECRETARY OF STATE
STATE CAPITOL
500 E. CAPITOL
PIERRE, S.D. 57501-5077
605-773-4845

9 3 1993 1 6 9 0 1 1 3
NONPROFIT REPORT

PLEASE TYPE OR USE BLACK INK

FILING FEE: \$10 MAKE CHECK PAYABLE TO SECRETARY OF STATE
ADDITIONAL PENALTY FEE OF \$25 APPLIES TO ALL LATE FILINGS

FILE DATE 7-28-93
RECEIPT NO. 527903

RECEIVED

JUL 28 1993

Secretary of State

1. Corporate Name, Registered Agent and Registered Address:

NS-000962 AUG/90
HILLSIDE HUTTERIAN BRETHREN, INC.
SVEN, JEFFREY T.
P.O. BOX 490
500 CAPITOL BUILDING
ABERDEEN, SD 57402-0490

Day Time Phone # 635-6363

Federal Identification #

FILING DATE: Due during the month and
Certificate of Incorporation was issued, and
delinquent the last day of the following month.

IF THE REGISTERED AGENT (CONTACT PERSON) AND/OR THE REGISTERED OFFICE ADDRESS HAS CHANGED FROM
THAT LISTED ON THE MAILING LABEL ABOVE, THE STATEMENT OF CHANGE PRINTED ON THE REVERSE SIDE OF
THIS FORM IS REQUIRED TO BE COMPLETED.

2. The nature of the affairs which the corporation is conducting in South Dakota is

Farming

3. A. The amount of property which the corporation is authorized to hold is unlimited or as set forth in the articles of incorporation.

B. The amount of property presently held by the corporation is \$ 119,205.00
* Property should include all real or personal property, or any interest therein, wherever situated.

4. The names and addresses of the corporation officers:

NAME	OFFICE	STREET ADDRESS	CITY	STATE	ZIP
<u>Walter Glanzer</u>	President	<u>RR1, Box 84</u>	<u>Doland</u>	<u>SD</u>	<u>57436</u>
	Vice President				
<u>Ruben A. Glanzer</u>	Secretary	<u>RR1, Box 84</u>	<u>Doland</u>	<u>SD</u>	<u>57436</u>
<u>Ruben A. Glanzer</u>	Treasurer	<u>RR1, Box 84</u>	<u>Doland</u>	<u>SD</u>	<u>57436</u>

5. The names and addresses of directors (State law requires a minimum of three). If the directors and officers are the same individuals, please re-list them and their addresses. Attach an additional sheet if more space is needed to list directors.

NAME	OFFICE	STREET ADDRESS	CITY	STATE	ZIP
<u>Andrew Glanzer</u>	Director	<u>RR1, Box 84</u>	<u>Doland</u>	<u>SD</u>	<u>57436</u>
<u>Ruben A. Glanzer</u>	Director	<u>RR1, Box 84</u>	<u>Doland</u>	<u>SD</u>	<u>57436</u>
<u>Jim Glanzer</u>	Director	<u>RR1, Box 84</u>	<u>Doland</u>	<u>SD</u>	<u>57436</u>

The report must be signed by the chairman of the board of directors, or its president, or any other officer in the presence of a notary public.

Dated 7-22 1993

By Ruben Glanzer
(Signature)

Its Sec
(Title)

STATE OF South Dakota
COUNTY OF Spink ss

I, Kimberly Lewis, a notary public, do hereby certify that on this 22nd day of July 1993,

personally appeared before me Ruben Glanzer, who, being by me first duly sworn, declared that he/she is the
Secretary of Hillside Hutterian Brethren, Inc.

that he/she signed the foregoing document as officer of the corporation, and the statements therein contained are true.

My Commission Expires June 3, 2000

Kimberly Lewis
Notary Public

(Notaral Seal)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8266-3, Hillside 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. 8266-3, Hillside Hutterian Brethren, c/o Thomas A Glanzer, 18248 Hillside Lane, Doland SD 57436.

The Chief Engineer is recommending APPROVAL of Application No. 8266-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
March 30, 2017

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8266-3
HILLSIDE HUTTERIAN BRETHREN
MARCH 2, 2017**

Water Permit Application No. 8266-3 proposes to appropriate water from the Altamont aquifer for irrigation purposes. This application requests a permit authorizing diversions from an existing well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, T115N-R60W, at a maximum rate of 0.09 cubic feet of water per second (cfs). Water is to be used to irrigate 30 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, T115N-R60W.

AQUIFER: ALTAMONT (A)

GEOLOGY AND AQUIFER CHARACTERISTICS:

A well log is not available for the existing well that this application proposes as a source. Based on the geohydrologic data available for this area, a well at the location specified in the application would likely be supplied by either glacial outwash or from the Dakota aquifer. The applicant reports a measured well depth of 90 feet but does not provide a static water level or water quality analysis for the well. Based on other borings from this immediate area (Water Rights, 2017a, and Lithologic Logs Database) the base of the outwash deposit found in this area is expected to be shallower than 90 feet below grade so the well depth is somewhat suspicious. Although a water level and water analysis would be useful to confirm the source aquifer, it is assumed that the measured depth of 90 feet was the total depth of the well instead of the depth of an obstruction in the casing of a deeper Dakota aquifer well. Therefore, it is further assumed that this existing well is completed into the glacial outwash.

The glacial outwash in this area was originally presented as part of the Altamont aquifer by Hedges and others, (1982). The Altamont aquifer is a buried outwash deposit that is a part of the Basal System introduced by Hedges and others, (1982). Aquifers in the Basal System generally occupy the bedrock low areas and are usually in direct contact with the underlying bedrock units. In this area, the outwash was delineated as a channel deposit 2-2.5 miles wide connecting the main body of the Altamont in Clark County with the Tulare: East James aquifer in Spink County (Figure 1). Hedges and others, (1982) estimated the Altamont aquifer underlies 11,200+ acres of Spink County and contains an estimated 16,800 + acre-feet of recoverable water in storage in Spink County.

The outwash in this area was later mapped as an extension of the Tulare aquifer by Hamilton and Howells (1996), see Figure 2.

Subsequent evaluation of the hydrogeological data for the area by Schulz (2001) presents an outwash constricted in areal extent from the aquifer delineations of Hedges (1982) and Hamilton and Howells (1996) (Figure 3).

Borings completed since Shultz's evaluation indicate that outwash likely underlies an area including the site of the well that this application proposes as a source.

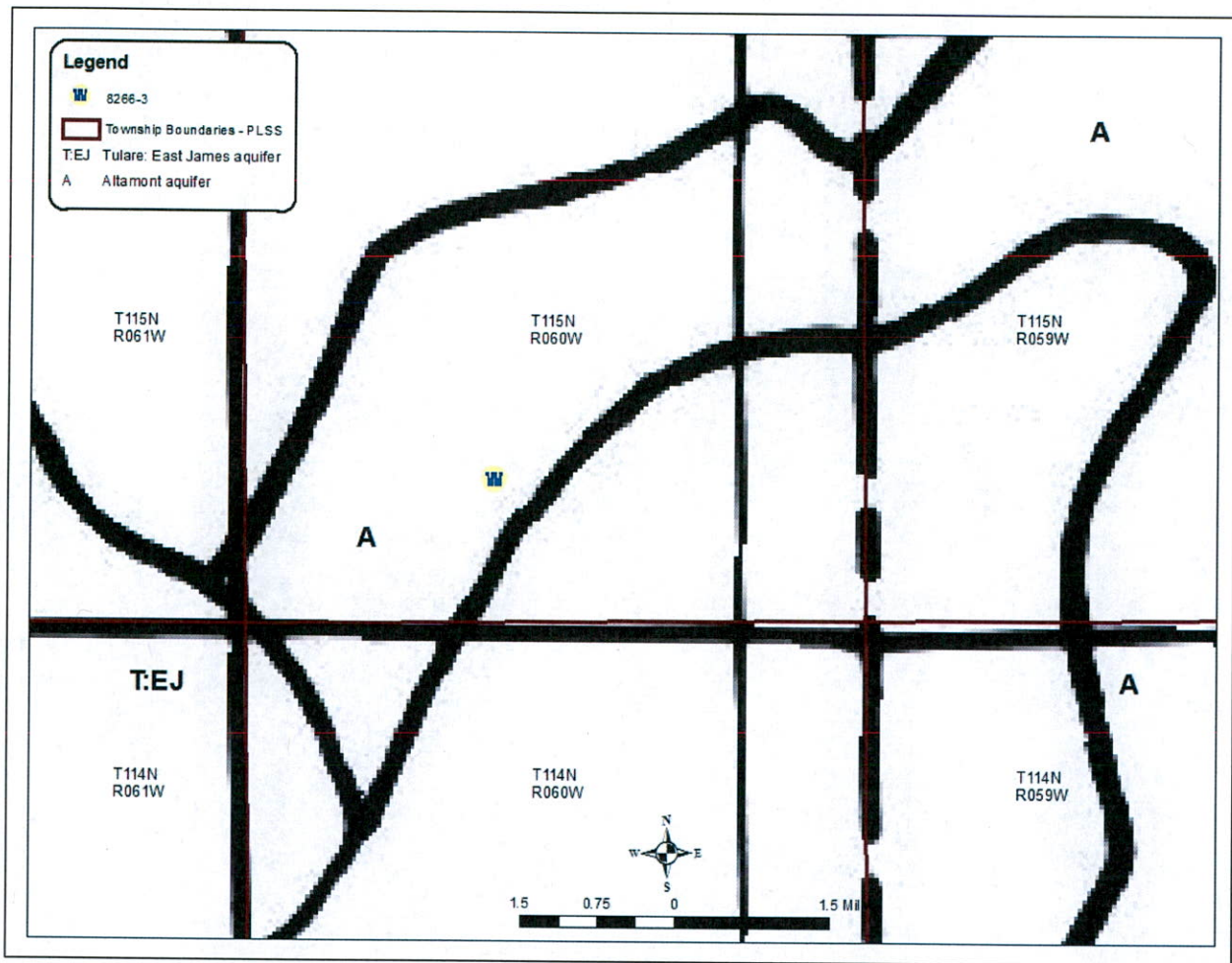


Figure 1. The location of the well that Application No. 8266-3 proposes to use in relation to the Tulare: East James aquifer and the Altamont aquifer as presented by Hedges and others (1982).

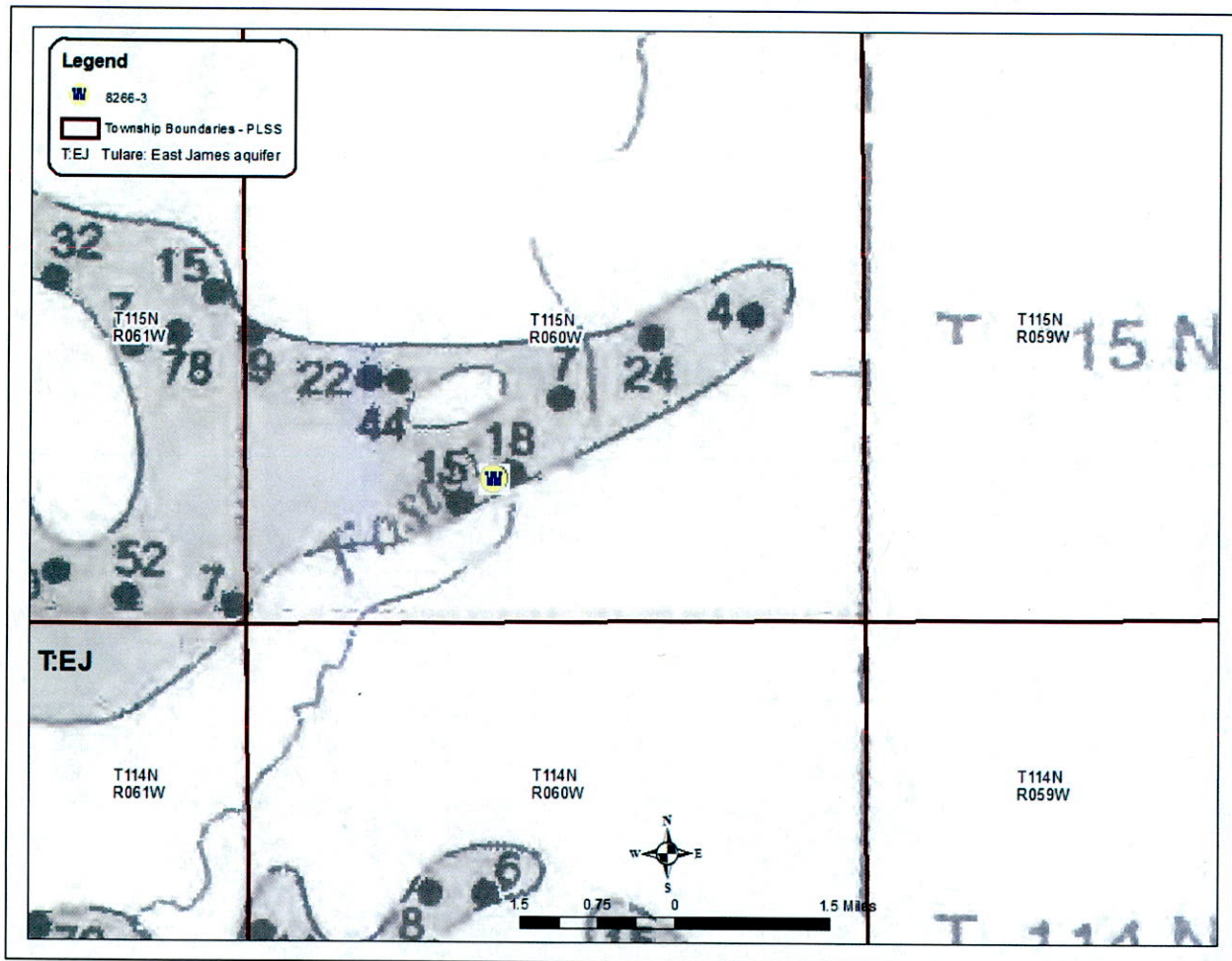


Figure 2. The location of the well that Application No. 8266-3 proposes to use in relation to the Tulare: East James aquifer as presented by Hamilton and Howells (1996).

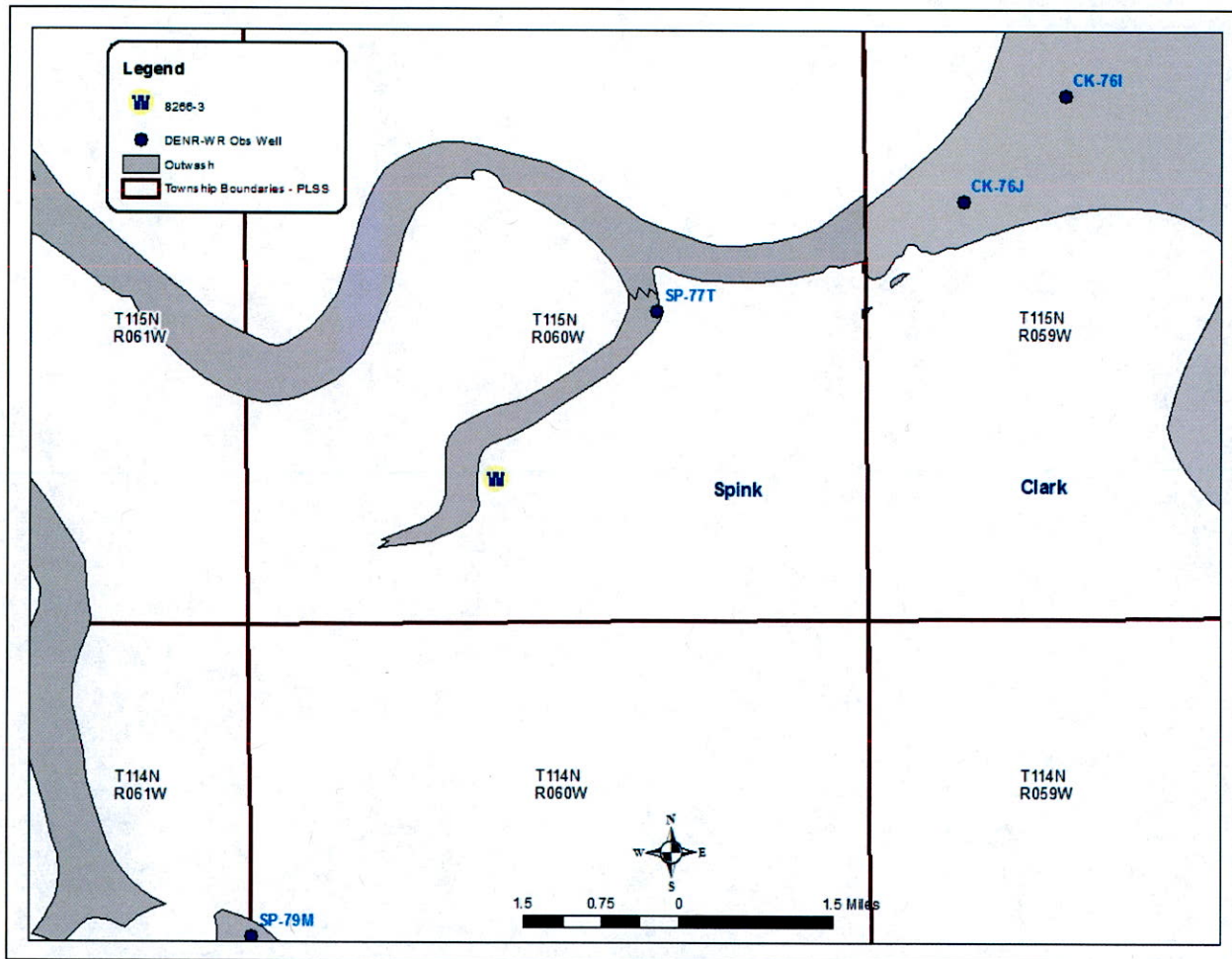


Figure 3. The location of the well that Application No. 8266-3 proposes to use in relation to the outwash deposits presented by Schulz (2001).

Limited water level data for the outwash deposit that is likely the source for the well that this application proposes to use (Water Rights, 2017a, and Water Rights, 2017c) suggests that the direction of groundwater flows in the aquifer is from south to north. The aquifer has an areal extent of approximately 830 acres from its southernmost extent to just north of Water Rights' Observation Well SP-77I where the outwash appears to converge with a larger, east-west trending channel deposit. Water well completion reports and geothermal borings in this area show that the Altamont aquifer is buried and confined in this area, although a short distance to the east of this well site near Foster Creek, the aquifer appears to be surficial and unconfined.

SOUTH DAKOTA CODIFIED LAW (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:

This application proposes to appropriate water from a portion of the Altamont aquifer. The application is requesting authority to divert water at a maximum rate of 0.09 cfs during an annual water use period of April 1 through September 30. Continuous pumping at a rate of 0.09 cfs for the 182 day water use period would result in a total withdrawal of approximately 32.5 acre-feet. It is likely that withdrawals will be less than continuous pumping. By way of comparison, reasonable domestic use can withdraw approximately 29 acre-feet/year (ac-ft/yr) or approximately 14.5 ac-ft over the 182 day water use period proposed by this application.

The probability that there is up to 32.5 ac-ft/yr of unappropriated water available from this portion of the Altamont aquifer can be evaluated by considering SDCL 46-6-3.1, which requires that an application to appropriate groundwater may only be approved if according to the best information reasonably available the quantity of water withdrawn annually from a groundwater source will not exceed the quantity of average estimated annual recharge of water to the groundwater source. The statute provides an exception, stating that if the source of the groundwater is older or lower than the Greenhorn formation and will be used for a water distribution system, recharge and withdrawal does not need to be considered. Here, a water distribution system is not involved and the aquifer is above the Greenhorn formation so the issue of withdrawals from the aquifer compared to recharge will be considered.

Recharge to this portion of the Altamont aquifer likely occurs where the aquifer is not buried, due to precipitation falling on the surface of the aquifer and through streamflow losses from Foster Creek and its tributaries. A recharge rate has not been estimated for this portion of the Altamont aquifer.

There are no existing water rights/permits appropriating water from this portion of the Altamont aquifer and the DENR-Water Rights Program does not have record of any domestic wells that appear to be completed into the aquifer. Discharge from this portion of the Altamont aquifer is through evapotranspiration where the aquifer is at or near ground surface and groundwater outflow.

The best information available to compare recharge and discharge to this aquifer is through consideration of observation well data. DENR-Water Rights' Observation Well SP-77T appears to be completed into the same portion of the Altamont aquifer as the well that this application proposes to use. The observation well was installed in 1977; approximately two miles northeast of the well that this application is proposing as a source (see Figure 3). The hydrograph for the observation well is shown in Figure 4.

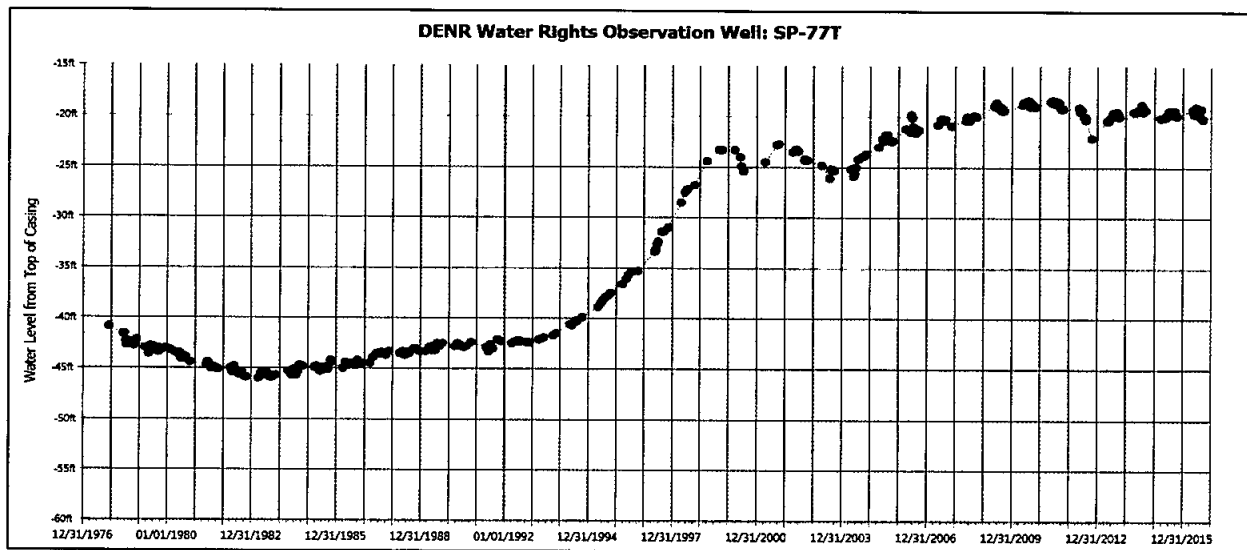


Figure 4. Hydrograph for observation well SP-77T which is completed into the same portion of the Altamont aquifer as the well that Application No. 8266-3 proposes to use is supplied from (Water Rights, 2017a).

The hydrograph documents that the water levels in the aquifer responded to the wetter conditions that prevailed in the second half of the well's period of record. Since the aquifer is under confined conditions at the observation well site, water levels are a measure of artesian pressure. A small volume of water can result in a fairly large change in artesian pressure. Never the less, the hydrograph does document that there is more water in storage in the aquifer since 1995 than there was between 1977 and 1995.

Since there are no well withdrawals from this aquifer, it is assumed to be in a natural state of equilibrium. Any future well withdrawals from the aquifer will induce more recharge, decrease natural discharge, reduce the amount of water in storage in the aquifer or some combination of the three until a new equilibrium is established.

Although water level data for this portion of the Altamont aquifer is very limited, there appears to be a significant gradient showing flow from the south to the north. Typically a steep groundwater gradient implies either low transmissivity within an aquifer or a significant groundwater flow rate. Well development rates and post development water level recovery data for observation well SP-77T provide evidence that this aquifer is fairly transmissive, therefore it is assumed that there is significant groundwater outflow from this portion of the Altamont aquifer. Considering the relatively small appropriation requested by this application, it is likely that groundwater outflow can be captured for this appropriation and unappropriated water is available.

Existing Water Rights/Permits:

There are no existing water rights/permits appropriating water from this portion of the Altamont aquifer. The only record on file with the DENR-Water Rights Program of a domestic well completed into this portion of the Altamont aquifer is for a stock well completed for Hillside Colony in 1989.

CONCLUSIONS:

1. Water Permit Application No. 8266-3 proposes to appropriate water from a portion of the Altamont aquifer.
2. This application proposes to divert water from an existing well at a maximum diversion rate of 0.09 cfs.
3. This application proposes to irrigate 30 acres of garden, orchard, cemetery and residential area at the Hillside Hutterian Brethren Colony.
4. Continuous pumping at a rate of 0.09 cfs for the 182 day water use period would result in a total withdrawal of approximately 32.5 acre-feet. It is likely that withdrawals will be less than continuous pumping.
5. There is a reasonable probability that unappropriated water is available from the aquifer for this proposed use.
6. There are no existing water rights/permits appropriating water from this portion of the Altamont aquifer.
7. The DENR-Water Rights Program does not have any record of domestic wells owned by other parties, completed into this portion of the Altamont aquifer.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Hamilton, L.J., and Howells, L.W., 1996, Water Resources of Spink County, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 96-4056, 68 p.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources 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:
- Lithologic Logs Database*. SD DENR-Geological Survey, n.d. Web. 15 Mar. 2017. <<http://cf.sddenr.net/lithdb/>>.
- Schulz, L.D., 2001, First Occurrence of Aquifer Materials in Spink County, South Dakota: SD Geological Survey AM-05, Scale 1:100,000
- Water Rights, 2017a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2017b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2017c, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

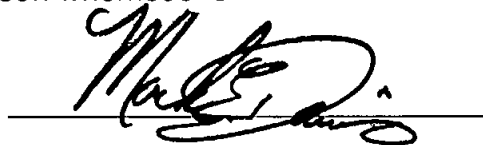
APR 20 2017

WATER RIGHTS
PROGRAM

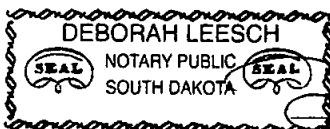
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield,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

#2371 NOTICE OF APPLICATION

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on April 5th, 2017, that Twenty-four and .99/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 5th day of April, 2017.



Deborah Leesch
Notary Public, South Dakota

My commission expires 10/09/2019

Notice Of Application

#2371

NOTICE OF APPLICATION

NO. 8266-3 to Appropriate Water

Notice is given that Hillside Hutterian-Brethren, c/o Thomas A Glanzer, 18248 Hillside Lane, Doland SD 57436 has filed an application for a water permit to appropriate 0.09 cubic feet of water per second (cfs) from one existing well completed into the Altamont Aquifer (90 feet deep) located in the NE 1/4 SW 1/4 Section 28 for irrigation of 30 acres located in the S 1/2 NW 1/4, N 1/2 SW 1/4, NW 1/4 SE 1/4 Section 28; all in T115N-R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8266-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 April 17, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary
Department of Environment and
Natural Resources

Published one time at the total approximate cost of \$24.99. (April 5)

PRINTER'S AFFIDAVIT

RECEIVED

APR 26 2017

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

WATER RIGHTS
PROGRAM

I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD ENVIRONMENTAL- #2971 WATER
RIGHTS- GLANZER**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 5TH Day APRIL 2017. That the full amount of the fee charged for publishing THIRTY-SEVEN & 29/100 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.

Subscribed and sworn to me before this 25TH Day
of APRIL 2017.



Notary Public, South Dakota

My term expires 03/11/2022
Legal #2971

F. P. 04-05-17

**NOTICE OF
APPLICATION
NO. 8266-3 to**

Appropriate Water

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Steven M. Pirner,
Secretary, Department
of Environment and
Natural Resources,
No. 2971 (adv.)
Published once at the
total approximate cost of
\$37.29.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, March 31, 2017 8:21 AM
To: 'office.redpress@midconetwork.com' (office.redpress@midconetwork.com)
Subject: 8266-3, Hillside Hutterian Brethren
Attachments: 8266-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on April 5, 2017.

Hillside Hutterian Brethren, c/o Thomas A Glanzer, 18248 Hillside Lane, Ddoland SD 57436 (605 635-6363 or cell 605 460-1136) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, March 31, 2017 8:22 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: 8266-3, Hillside Hutterian Brethren
Attachments: 8266-3public.short.docx; FORM8.FRM.doc

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Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

March 30, 2017

Hillside Hutterian Brethren
c/o Thomas A Glanzer
18248 Hillside Lane
Doland SD 57436

Dear Mr. Glanzer:

Water Permit Application No. 8266-3 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 Redfield Press printed at Redfield SD (Ph # 605 472-0822) and the Plainsman printed at Huron SD (Ph # 605 353-7401). 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.

NOTICE OF APPLICATION NO. 8266-3 to Appropriate Water

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

MAY 01 2017

Hillside Hutterian Brethren
Thomas A Glanzer
18248 Hillside Lane
Doland SD 57436

Dear Mr. Glanzer:

Enclosed is Water Permit No. 8266-3 authorizing construction of the 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,

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

enclosures

Form 10

RECEIVED

MAY - 9 2017

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5-8-17TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Hillside Colony
(name)18248 Hillside Lane
(address)Doland S.D 57436
(city, state, zip)605-635-6363
(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. 8266-3 states that the water use system is to be constructed by
February 16-2017 , and water is to be put to beneficial use by 4-1-17
(date) (date)

The water use system was completed on 2-16-17
(date)

Applying the water to beneficial use was completed on 4-1-17
(date)

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

Thomas A. Blanger
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 18, 2017

8266-3

Thomas A Glanzer
Hillside Colony
18248 Hillside Lane
Doland SD 57436

Dear Mr. Glanzer:

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 cursive script that reads "Genny McMath".

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

8266-3



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: HILLSIDE COLONY, THOMAS A GLANZER, 18248 HILLSIDE LANE, DOLAND, SD 57436

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) 6363-3, 6692-3 & 8266-3. 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) 6363-3, 6692-3 & 8266-3 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) 6363-3, 6692-3 & 8266-3 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: PWYDGW**

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.

8266-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2022

6363-3
6692-3
8266-3

Thomas A Glanzer
Hillside Colony
18248 Hillside Ln
Doland SD 57436

Dear Mr. Glanzer:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 6363-3, 6692-3 and 8266-3. 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