

WATER PERMIT NO. 8269-3

Name of Applicant: **Hillcrest Hutterian Brethren Inc.**

Address: **1004 Hillcrest Dr, Garden City SD 57236** Phone: **605 880-8876**

Amount of Water Claimed: **1.33 cfs** Total Acres: **160 acres**

Source of Water Supply: **groundwater (1 well)**

Water to be used for: **irrigation** County: **Clark**

Type of Waste Disposal System:

Location: **8 miles north of Clark**

PRIORITY Date Received: **3-15-17** Application/License Fee: **\$ 1050**

Corrected Application Received: Period of Annual Use: **July 1 – Sept 1**

Remarks: **Proposing a subsurface drip irrigation system**

Diversion Point: **SE 1/4 SW 1/4 Sec 23-T118N-**

R58W

Land to be Irrigated: **SW 1/4 Sec 23-T118N-R58W**

Depth of Well: **72 feet deep**

Well Driller:

Remarks:

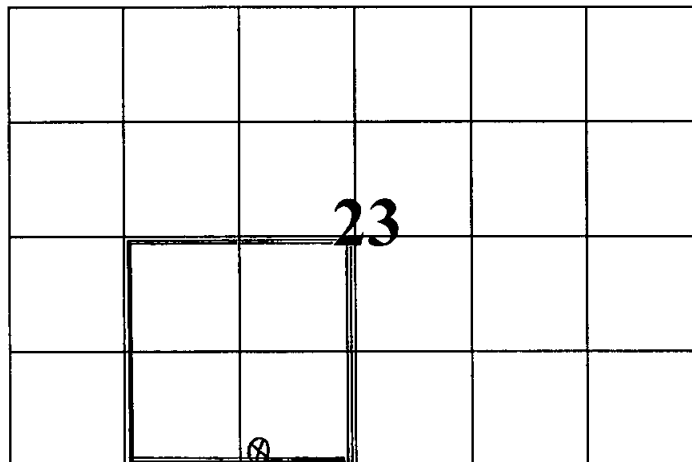
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **3-15-17**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

RECEIVED

MAR 15 2017

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8269-3</u> (office use only) Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>
	Newspaper <u>Clark County Courier-Clark</u> <u>605-532-3654</u>
	<u>Public Opinion - Watertown</u> <u>605-886-6901</u>

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 HILLCREST HUTTERIAN BRETHERN INC.

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

Mailing Address 1004 HILLCREST DRIVE GARDEN CITY SD 57236
(Address) (City) (State) (Zip Code)

Phone 605 880-8876 Mobile 605 880-8876 Email _____

2. Amount of water claimed 1.33 *CFS or 600 **GPM 107.2 ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 72' DEEP WELL IN PRAIRIE COTEAU I AQUIFER

4. Location of point of diversion 1 WELL IN SE 1/4 of SW 1/4 SECTION 23 T118N R58W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County CLARK

5. County or counties where water will be used CLARK

6. Annual period during which water is to be used JULY 1 - SEPTEMBER 1

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 SECTION 23 T118N R58W	160		

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

INSTALLATION OF ONE WELL IN THE PRAIRIE COTEAU I AQUIFER TO SUPPLY WATER FOR IRRIGATION OF THE SW 1/4 23 T118N R58W THROUGH A SUBSURFACE DRIP IRRIGATION SYSTEM. A WITHDRAW RATE OF 600 GPM IS REQUESTED, AS IS A TOTAL ANNUAL USE OF 107.2 AF.

I, David Walden Form manager, 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. 8269-3

Date of first receipt of application March 15, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8269-3 to Hillcrest Hutterian Brethren Inc., c/o Jacob Waldner, 1004 Hillcrest Drive, Garden City SD 57236 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. 8269-3 appropriates 1.33 cubic feet of water per second from one well to be completed into the Vermillion East Fork:Reid Lake Aquifer (72 feet deep) located in the SE 1/4 SW 1/4 Section 23 for irrigation of 160 acres located in the SW 1/4 Section 23; all in T118N-R58W.
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: July 1 – September 1.
3. The date from which applicant may claim right is March 15, 2017.
4. The date of approval of Permit No. 8269-3 is May 29, 2017.
5. One-fifth of the construction is to be completed on or before November 29, 2019.
6. All construction is to be completed on or before May 29, 2022.
7. Water is to be put to beneficial use on or before May 29, 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. The well authorized by Permit No. 8269-3 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: *Jeanne Goodman*

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

JUN 02 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 Thein Well Co. # 475
(if yes, please provide copies of logs)

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

For either Existing or Proposed Wells:

c) Well Depth (required) 72' Depth to Top of Water Bearing Material 40' Depth to Water from Surface Est. 10'd) Distance to nearest domestic well on applicant's property N/A Property owned by others 3000' +**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)

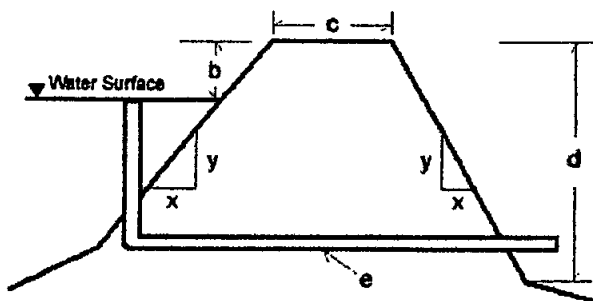
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



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MAR 15 2017

**WATER RIGHTS
PROGRAM**

Customer: HillCrest Colony
Location: TH 2
Date: 03/09/2017
Well Depth: 80'

Geological Material	Color	Hardness or Formation	From	To
Top soil			0	4
Clay	Yellow		4	19
Clay	Blue		19	34
Sand and Gravel			34	38
Sand and Clay	Blue		38	40
Coarse sand and Gravel			40	65
Sand Coarse			65	72
Blue Clay and Some Sand			72	80

*Test Hole Information

Hillcrest Colony

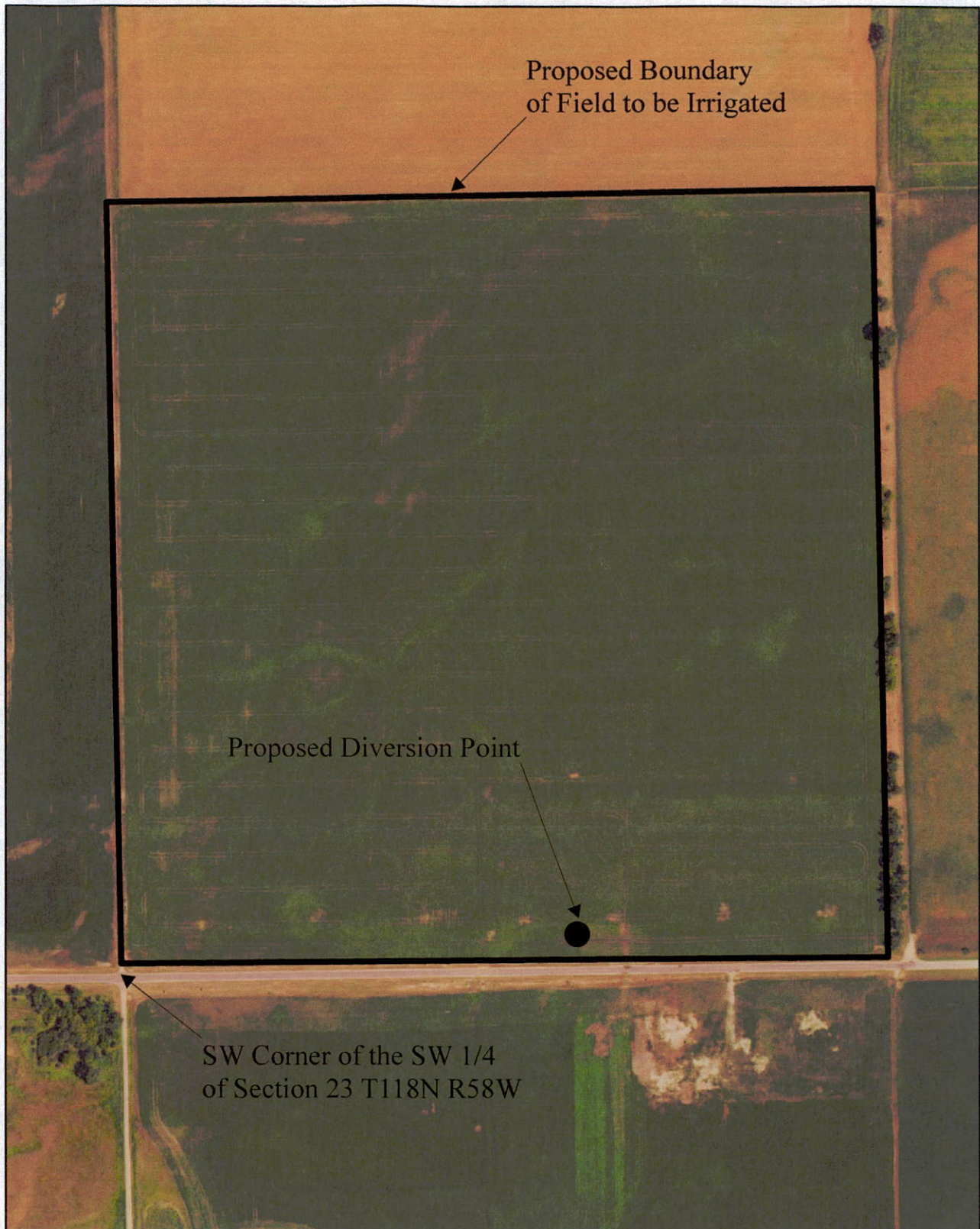
Water Permit Map

SW 1/4 of Section 23 T118N R58W

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WATER RIGHTS
PROGRAM



1 inch = 500 feet

Sec 15
T118N
R58W

Sec 14
T118N
R58W

Sec 13
T118N
R58W

Sec 22
T118N
R58W

Sec 23
T118N
R58W

Sec 24
T118N
R58W

Sec 27
T118N
R58W

Sec 26
T118N
R58W

Sec 25
T118N
R58W

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/15, 20 17

RECEIVED OF Hillcrest Hutterian Brethren 1004 Hillcrest Dr Garden City SD 57236

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

Fee for Application for Permit No. <u>8269-3</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>8269-3</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. **08196**

By Jermi Goodman
Chief Engineer

2015

Enter Filing Year

ANNUAL REPORT

Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845

DOMESTIC NONPROFIT

Please Type or Print Clearly In Ink

FILING FEE: \$10.00 Make check payable to SECRETARY OF STATE

FILE DATE 3/13/2015

RECEIPT NO 282420

1. Corporate Name and Address:

NS009358
HILLCREST HUTTERIAN BRETHREN, INC.
1004 HILLCREST DRIVE
GARDEN CITY, SD 57236-2108

2. The jurisdiction under whose law it is formed SOUTH DAKOTA

3. The address of the principal executive office (business address).

1004 HILLCREST DRIVE GARDEN CITY SD 57236-2108

Street Address City State ZIP+4

Mailing Address City State ZIP+4

4. The name of the South Dakota Registered Agent

Agent Name: JEFFREY T. SVEEN

415 S MAIN ST ABERDEEN SD 57401-4364

Street Address or Rural Route Box Number in This State and City State ZIP+4
PO BOX 490 ABERDEEN SD 57402-0490

Mailing Address in This State, if Different from Street Address City State ZIP+4

5. The names and business addresses of its principal officers and directors. Please place a check mark next to the name if the principal officer serves as a director. South Dakota Law requires at least three director.

☒	MIKE WALDNER	1004 HILLCREST DRIVE	GARDEN CITY	SD	57236-9711
	President	Street Address	City	State	ZIP+4
☒	JOHN WALDNER	1004 HILLCREST DRIVE	GARDEN CITY	SD	57236-9711
	Vice President	Street Address	City	State	ZIP+4
☒	JOHN WALDNER	1004 HILLCREST DRIVE	GARDEN CITY	SD	57236-9711
	Secretary	Street Address	City	State	ZIP+4
☒	JOHN WALDNER	1004 HILLCREST DRIVE	GARDEN CITY	SD	57236-9711
	Treasurer	Street Address	City	State	ZIP+4
☐	JACOB WALDNER	1004 HILLCREST DRIVE	GARDEN CITY	SD	57236-9711
	Director	Street Address	City	State	ZIP+4
☐					
	Director	Street Address	City	State	ZIP+4
☐					
	Director	Street Address	City	State	ZIP+4



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8269-3, Hillcrest Hutterian Brethren Inc.**

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. 8269-3, Hillcrest Hutterian Brethren Inc., c/o Jacob Waldner, Farm Manager, 1004 Hillcrest Drive, Garden City SD 57236.

The Chief Engineer is recommending APPROVAL of Application No. 8269-3 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. 8269-3 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.

Jeanne Goodman, Chief Engineer
May 8, 2017

REPORT TO THE CHIEF ENGINEER

Water Permit Application No. 8269-3

Hillcrest Hutterian Brethren Inc.

March 27, 2017

Water Permit Application No. 8269-3 proposes to appropriate water for irrigation of 160 acres at a maximum rate of 107.2 acre-feet per year with an instantaneous maximum diversion rate of 1.33 cubic feet per second (600 gallons per minute) from one well to be completed into the Reid Lake management unit of the Vermillion East Fork aquifer. The well will be approximately 72 feet deep and located in the SE ¼ SW ¼ of Section 23 T118N-R58W.

AQUIFER: Vermillion East Fork: Reid Lake (VEF:RL)

HYDROGEOLOGY

The Vermillion East Fork aquifer in Clark County has been divided into four management units by Hedges et al. (1982). This application proposes to appropriate water from the Reid Lake management unit of the Vermillion East Fork aquifer. This aquifer was referred to as the Prairie Coteau aquifer 1 by Hamilton (1986). The DENR-Water Rights Program and the Water Management Board have adopted the nomenclature of Hedges et al. (1982). Within Clark County, the Prairie Coteau aquifer 1 as shown by Hamilton (1986) included the Reid Lake, Antelope Lake, Willow Lake and Spirit Lake management units of the Vermillion East Fork aquifer as identified by Hedges et al. (1982). Recent mapping of Clark County aquifer materials by Jensen (2001) further revised the boundaries of the Vermillion East Fork aquifer and increased the area of the Reid Lake management unit from approximately 6000 acres to approximately 7100 acres (Figure 1).

The Reid Lake management unit of the Vermillion East Fork aquifer (VEF:RL) lies on the western edge of the Coteau des Prairies plateau. The Coteau des Prairies is described as having a knob and kettle topography, and the majority of the plateau in Clark County is overlain by a stagnation moraine that contains large sloughs and kettles resulting from the melting of large ice blocks (Christensen, 1987). Jensen (2001) mapped the first occurrence of aquifer materials in Clark County and shows that glacial outwash (sand and gravel) is present at the surface along the western edge of the VEF:RL (Figure 1). The remainder of the VEF:RL aquifer is buried under less than 50 feet of glacial till. Underlying the VEF:RL is over 300 feet of glacial till, before encountering the Altamont aquifer (Hamilton, 1986).

There are many lakes and sloughs that overlie the VEF:RL. Hamilton (1986) hypothesized that some lakes lying within the boundaries of the Vermillion East Fork aquifer are hydrologically connected to the aquifer, either as a source of recharge or as a discharge point. Surface drainage within the boundaries of the Reid Lake management unit of the Vermillion East Fork aquifer is minimal due to the numerous closed depressions that formed within the stagnation moraine. Reid Lake and Round Lake are both within a larger closed basin, and over the past 25 years, the elevation of these lakes has risen 20 feet (Water Rights, 2017b).

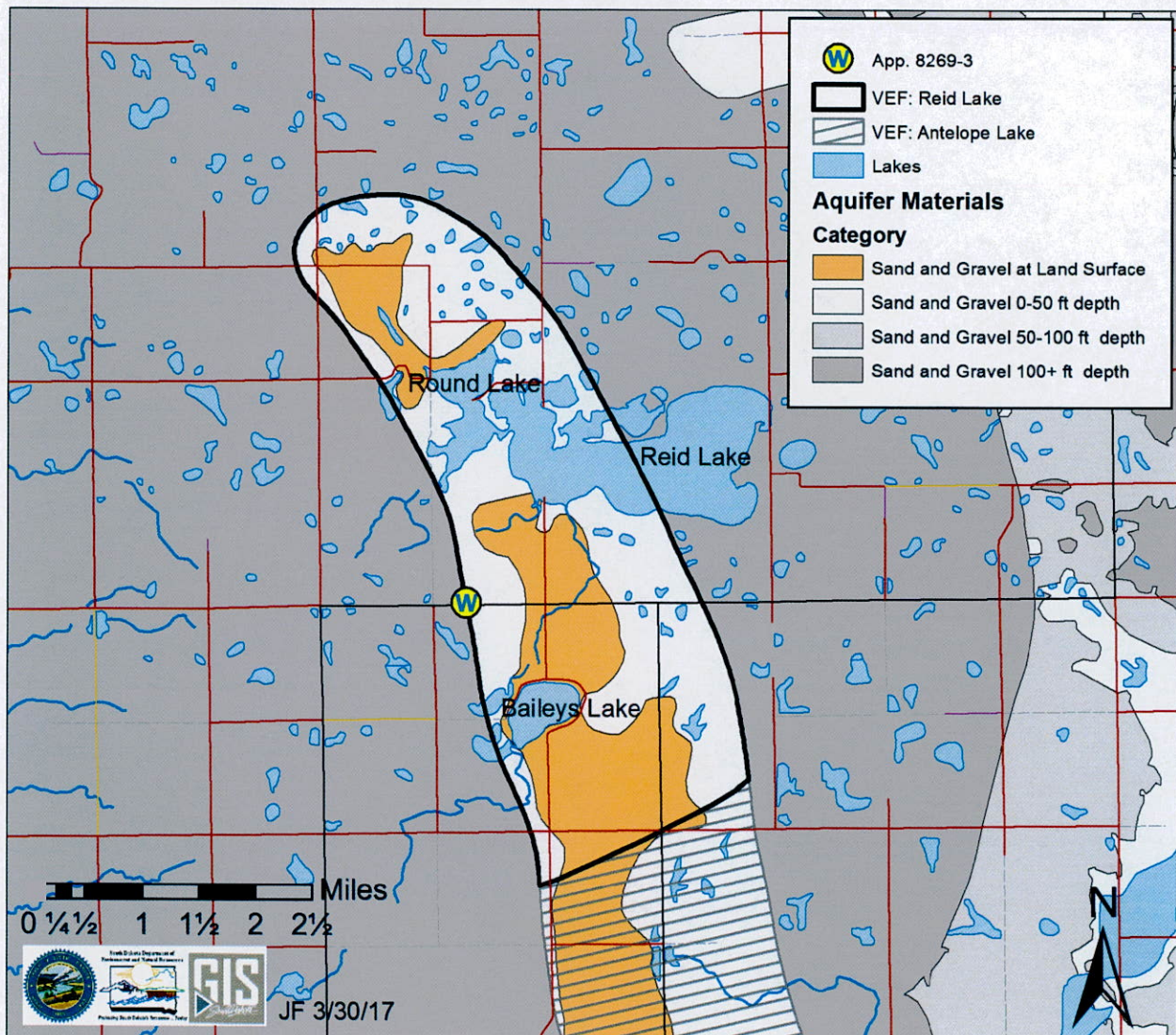


Figure 1: Map showing the first occurrence of aquifer materials of the Vermillion East Fork aquifer Reid Lake management unit (modified from Jensen, 2001)

Hedges et al. (1982) showed that the general direction of groundwater flow in the Reid Lake management unit is generally to the northeast and east. Currently, there has been no estimate made of the amount of recoverable water in the boundaries as shown by Jensen (2001); however Hedges et al. (1982) estimated that there is 13,500 ac-ft of recoverable ground water within their aquifer boundaries.

Test hole information submitted with Application No. 8269-3 shows that the VEF:RL is buried beneath top soil and glacial till. The driller encountered coarse sand and gravel at a depth of 40 to 65 feet, and a coarse sand from 65 to 72 feet. At the location of the test hole, the aquifer was indicated to be under confined conditions, with the water rising to an estimated level of 10 feet below the ground surface.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a 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 in the Reid Lake management unit of the Vermillion East Fork aquifer and existing rights within the management unit.

WATER AVAILABILITY

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." If the source of the water is older than or stratigraphically lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not take into consideration the balance of aquifer recharge and withdrawal. Here, the water source is not older or lower than the Greenhorn Formation and a water distribution system is not involved. Therefore, the balance of withdrawal and recharge must be considered.

Hydrologic Budget

Within this management unit, there are currently no water permits/rights for groundwater withdrawals. Withdrawals from wells are minimal, with Hedges et al. (1983), identifying the usage of six ac-ft per year for domestic and livestock purposes. This application proposes to appropriate 107.2 ac-ft per year, which increases the estimated total withdrawals from the management unit to 113.2 ac-ft per year. Given the area of the VEF:RL, these withdrawals would require an average infiltration rate of approximately 0.2 inches of water per year.

The Reid Lake management unit receives water through the infiltration of precipitation. There is no estimate of infiltration in the Reid Lake management unit. Considering that the hydrogeology and climate of the Reid Lake management unit is similar to the nearby Antelope Lake management unit, the numbers from the Antelope Lake management unit can be applied to the Reid Lake management unit. Hedges et al. (1985) estimated the annual recharge to the Antelope Lake management unit to be 3.0 inches per year by analyzing data from five observation wells within the management unit and assuming a specific yield of 0.15. The annual recharge is estimated to be greater than the required 0.2" per year, therefore there is a reasonable probability that water is available.

Observation Well Data

The Water Rights Program monitors observation wells completed into aquifers across the entire state (Water Rights, 2017a). Currently there are no observation wells placed into the Reid Lake management unit. The nearest observation well in the Vermillion East Fork aquifer is 12 miles away in the adjacent Antelope Lake management unit and would not be representative of the Reid Lake management unit.

EXISTING WATER RIGHTS

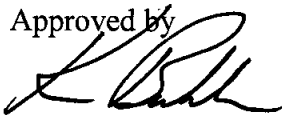
Currently there are no appropriations for groundwater within the VEF:RL. This permit, if approved, is not expected to adversely impact existing water rights or adequate wells in the area.

CONCLUSIONS

1. This application proposes to appropriate water at a maximum rate of 107.2 acre-feet per year with an instantaneous maximum diversion rate of 1.33 cfs for irrigation of 160 acres from one well (approximately 72 feet deep) completed in the Reid Lake management unit of the Vermillion East Fork aquifer.
2. There is a reasonable probability that unappropriated water is available from the Reid Lake management unit of the Vermillion East Fork aquifer to supply the proposed appropriation.
3. There is a reasonable probability that the diversion proposed by this application will not adversely impact adequate wells for existing water rights and domestic use.



John Farmer
SD DENR – Water Rights Program

Approved by 

Ken Buhler
SD DENR – Water Rights Program

REFERENCES

- Christensen, C.M. 1987. Geology and Water Resources of Clark County, South Dakota; Part I: Geology. South Dakota Geologic Survey Bulletin 29. Vermillion, SD.
- Hamilton, L.J. 1986. Geology and Water Resources of Clark County, South Dakota; Part II: Water Resources. South Dakota Geologic Survey Bulletin 29. Vermillion, SD.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and 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: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S.L., and Iles, D.L. 1983. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 6: Average Annual Water Use by Aquifer. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.

- Hedges, L.S., Allen, J. and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Ground-Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Jensen, A.R. 2001. First Occurrence of Aquifer Materials in Clark County, South Dakota. Aquifer Materials Map 2. SDGS. Vermillion, SD.
- Water Rights. 2017a. "Observation Well Database", SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2017b. Measured Lakes. SD DENR-Water Rights Program. Accessed Mar. 27, 2017. <https://apps.sd.gov/NR65LakeInfo/public.aspx>

**NOTICE OF APPLICATION NO. 8269-3
to Appropriate Water**

Notice is given that Hillcrest Hutterian Brethren, Inc., c/o Jacob Waldner, 1004 Hillcrest Drive, Garden City SD 57236 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from one well to be completed into the Vermillion East Fork: Reid Lake Aquifer (72 feet deep) located in the SE 1/4 SW 1/4 Section 23 for irrigation of 160 acres located in the SW 1/4 Section 23; all in T118N-R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8269-3 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 May 29, 2017.

The petition may be informal, but must include a statement describing the petitioner's interest in the appli-

cation, 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 once at the
total approximate cost of \$27.62.
5-17-17

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Hillcrest Hutterian Brethren

a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

One

successive week(s), on the day of each week on which said newspaper was regularly published, to wit:

May 17, 2017

that the full amount of the fees for the publication of the annexed notice is **\$27.62**

William J. Krikac

Subscribed and sworn to before me this

17th day of May, 2017

Andrew Helke

Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2019

**RECEIVED
MAY 22 2017
WATER RIGHTS
PROGRAM**

RECEIVED

MAY 24 2017

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Jackie Wettestad

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:

May 17, 2017

Cost of Printing \$49.48

Jackie Wettestad
(Signature)

Accounting Clerk
(Title)

May 22, 2017
(Date Signed)

DEPARTMENT
OF
ENVIRONMENT
AND NATURAL
RESOURCES

NOTICE OF APPLICATION NO.
8269-3 to Appropriate Water
Notice is given that Hillcrest
Hutterian Brethren, Inc., c/o
Jacob Weldner, 1004 Hillcrest
Drive, Garden City SD 57236 has
filed an application for a water
permit to appropriate 1.33 cubic
feet of water per second from
one well to be completed into the
Vermillion East Fork/Raid Lake
Aquifer (72 feet deep) located
in the SE 1/4 SW 1/4 Section 23
for irrigation of 160 acres located
in the SW 1/4 Section 23; all in
T118N-R58W.

Pursuant to SDCL 46-2A-2,
the Chief Engineer recommends
APPROVAL of Application No.
8269-3 with qualifications be-
cause 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 recommenda-
tion with qualifications, the appli-
cation, and staff report are avail-
able at <http://denr.sd.gov/public>
or contact Eric Gronlund for this
information, or other information,
at the Water Rights Program ad-
dress provided below.

Any person interested in oppos-
ing 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 En-
gineer'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 interest-
ed person or the applicant must
be filed by May 29, 2017.

The petition may be informal,
but must include a statement de-
scribing the petitioner's interest
in the application, the petitioner's
reasons for opposing or sup-
porting 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 op-
pose the application is received,
the Chief Engineer shall act on
the application pursuant to the
recommendation with no hearing
held before the Water Manage-
ment Board. If a petition oppos-
ing the application or contesting
the recommendation is filed, then
a hearing will be scheduled and
the Water Management Board
will consider this application. No-
tice 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 once at an
approximate cost of \$48.92.
(May 17, 2017) 49.48

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, May 08, 2017 8:32 AM
To: courier@itctel.com
Subject: 8269-3, Hillcrest Httm Brethren
Attachments: 8269-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 17, 2017.

Hillcrest Hutterian Brethren, Inc., c/o Jacob Waldner, 1004 Hillcrest Dr, Garden City SD 57236 (605 880-8876) 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: Monday, May 08, 2017 8:32 AM
To: legals@thepublicopinion.com
Subject: 8269-3, Hillcrest Htttn Brethren
Attachments: 8269-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 17, 2017.

Hillcrest Hutterian Brethren, Inc., c/o Jacob Waldner, 1004 Hillcrest Dr, Garden City SD 57236 (605 880-8876) 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





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

May 8, 2017

Hillcrest Hutterian Brethren, Inc
Jacob Waldner
1004 Hillcrest Drive
Garden City SD 57236

Dear Mr. Waldner:

Water Permit Application No. 8269-3 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 Clark County Courier printed at Clark SD (Ph # 605-532-3654) 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 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. 8269-3 to Appropriate Water

Notice is given that Hillcrest Hutterian Brethren, Inc., c/o Jacob Waldner, 1004 Hillcrest Drive, Garden City SD 57236 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from one well to be completed into the Vermillion East Fork:Reid Lake Aquifer (72 feet deep) located in the SE 1/4 SW 1/4 Section 23 for irrigation of 160 acres located in the SW 1/4 Section 23; all in T118N-R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8269-3 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 May 29, 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 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

JUN 02 2017

Hillcrest Hutterian Brethren
Jacob Waldner
1004 Hillcrest Dr
Garden City SD 57236

Dear Mr. Waldner:

Enclosed is Water Permit No. 8269-3 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

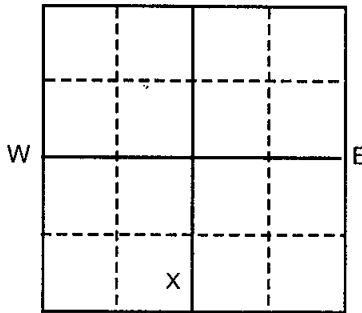
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SW 1/4 Sec 23 Twp 118 Rg 58WCounty Clark

North

Please mark well
location with an "X"

Well Completion Date

6-15-2017

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?

150.0 ft. from Septic (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
53.0 LB/FT	12.00 IN	0.0 FT	53.0 FT	17.50 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	19	0.0 Lb/gal	0.0 Ft	51.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 20.0 FeetMaterial Stainless SteelSlot Size .070 Set From 53.0 Feet to 73.0 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? Chlorinate
☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: Hillcrest Colony

Business Name:

Address: 1004 Hillcrest Dr.City, State, Zip: Garden City SD 57236

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	4
Yellow Clay	4	19
Blue Clay	19	34
Sand & Gravel	34	38
Sand & Blue Clay	38	40
Coarse Sand & Gravel	40	65
Sand Coarse	65	72
Blue Clay & Some Sand	72	80

STATIC WATER LEVEL 42.0 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: ☐ Bailed☐ Other

Pumping Level Below Land Surface

57.0 Ft. After 8.0 Hrs. pumped 118.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS:

N45 0.462

W97 46.411

Vermillion East Fork: Reid Lake AMThis well was drilled under license # 475 and this report is true and accurate.Drilling firm: Thein Well Co.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder: **RECEIVED****JUL 07 2017**

Date:

**WATER RIGHTS
PROGRAM**



8269-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

October 15, 2018

Hillcrest Hutterian Brethren Inc.
c/o Jacob Waldner
1004 Hillcrest Dr,
Garden City SD 57236

Dear Mr. Waldner:

Water Permit No. 8269-3 appropriates 1.33 cubic feet of water per second (cfs) (600 gallons per minute (gpm)) from one well (80 feet deep) completed into the Vermillion East Fork: Reid Lake (VEF:RL) aquifer located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23 for the irrigation of 160 acres located in the SW $\frac{1}{4}$ of Section 23; all in T118N-R58W.

You have filed a request for authorization for an additional second well to Water Permit No. 8269-3. The request is to supplement the existing well to bring production to 230 gallons per minute of the 600 gallons per limit permitted.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional second well location is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. In granting this request, the well completed approximately 280 feet to the west of the existing well in the SW $\frac{1}{4}$ of Section 23; all in T118N-R58W as described in the map submitted can be utilized as an additional diversion point.

If any of the wells are abandoned, they must be plugged in accordance with South Dakota well construction standards.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program

Request for an Additional Diversion Point

NAME: Hillcrest Hutterian Brethren Inc.

ADDRESS: 1004 Hillcrest Dr. Garden City SD 57236

DATE: October 10, 2018 **COUNTY:** Clark **TELEPHONE:** 605 880-8876

BACKGROUND:

Water Permit No. 8269-3 appropriates 1.33 cubic feet of water per second (cfs) (600 gallons per minute (gpm)) from one well (80 feet deep) completed into the Vermillion East Fork: Reid Lake (VEF:RL) aquifer located in the SE ¼ SW ¼ Section 23 for the irrigation of 160 acres located in the SW ¼ of Section 23; all in T118N-R58W.

A well completion report filed by Thein Well Company Inc. indicated an irrigation well was completed for Hillcrest Colonies on June 12, 2018. Eric Gronlund inquired about the intended purpose of this well. After talking to Mr. Waldner, it was determined the well would serve as an additional diversion point needed to increase the diversion rate to 230 gpm of the 600 gpm Hillcrest Hutterian Brethren Inc. was permitted for in Water Permit No. 8269-3.

AUTHORITY:

Pursuant to South Dakota Codified Law 46-5-13.1:

“Change of location of diversion point. The location of a point of diversion may be changed or additional points of diversion may be approved if the new or additional point of diversion is from the same source of water, no additional water is appropriated, and, if the water use is for irrigation, no new land is to be irrigated. The change in location of diversion points may be allowed without application or publication pursuant to § 46-2A-4, if the chief engineer is contacted and makes a finding that the change does not increase the potential for interference with existing diversions.”

The new diversion point is from the same source (VEF:RL), no additional water is being appropriated (1.33 cfs (600 gpm)), the water use is for irrigation, and there is no new land to be irrigated (160 acres).

Review of Existing Diversions

The water rights and well completion report databases were reviewed for the nearest water rights/permits and domestic wells on file. The Reid Lake management unit of the Vermillion East Fork aquifer only has this permit drawing from it on file. The nearest domestic well on file not owned by the applicant is approximately 1.55 miles to the south east and is not in the same management unit. Interference is not expected to be a concern.

Observation Well Data

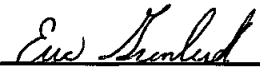
The Water Rights Program has 33 observation wells completed into the Vermilion East Fork aquifer. However, there are no observation wells completed into the Reid Lake management unit. The nearest observation well (CK-78N) completed into the Vermilion East Fork aquifer is approximately 12 miles to the south-east, however it is located in the Antelope Lake management unit. Static water levels fluctuate between 2.6 and 10.3 feet below the top of casing at observation well CK-78N. The observation well shows that the aquifer responds well to hydrologic conditions, recharging during wetter periods and declining during drier periods. The water levels in the observation well show that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping condition.

CONCLUSION

1. The additional diversion point does not propose to appropriate additional water.
2. The water source continues to be Vermillion East Fork: Reid Lake aquifer.
3. Unlawful impairment of existing water rights/permits and domestic wells is not expected to occur.

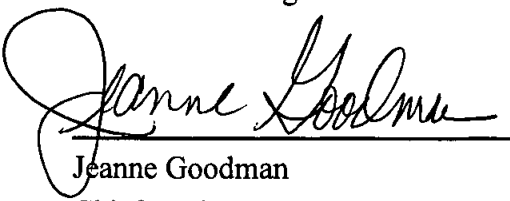
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the additional diversion point location under Water Permit No. 8269-3 should be approved


for Timothy Magstadt
Natural Resources Engineer
SD DENR – Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

The additional diversion point location does not increase the potential for adverse effects to existing diversions.


Jeanne Goodman
Chief Engineer
SD DENR – Water Rights Program



United States
Department of
Agriculture

Clark County, South Dakota

total Gallons Per Well 1206PM
total 240 Gallons Per min.
total Acres Irr. 160

T 3137

- All Crops non-irrigated unless noted
- All Corn is YC unless noted
- All Soybeans are COM unless noted
- Intended use is GR unless noted
- Producer share: _____

June 12-2018

New
Well

1
158472
NHSL

40 Acres

June 15 2017
old well

280'

0 290 580 1,160
Feet

Common Land Unit ☐ PLSS

☐ Cropland
☐ Tract Boundary

Wetland Determination Identifiers

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

United States Department of Agriculture (USDA) Farm Service Agency (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 National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside 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 boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

RECEIVED

SEP 06 2018

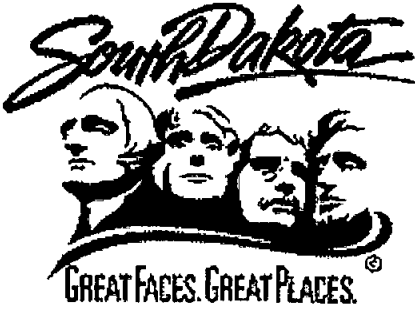
WATER RIGHTS
PROGRAM

2018 Program Year

Map Created March 21, 2018

Farm 5593

23 -118N -58W



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 24, 2018

Hillcrest Hutterian Brethren Inc.
c/o Jacob Waldner
1004 Hillcrest Dr
Garden City SD 57236

Dear Mr. Waldner:

A well completion report filed by Thein Well Company Inc. indicates they completed an irrigation well for you June 12, 2018.

Water Permit No. 8269-3 authorizes 600 gallons per minute (gpm) from one well to irrigate 160 acres located in the SW 1/4 Section 23-T118N-R58W. We have on file a well completion report from Thein Well Company for an irrigation well drilled June 15, 2017.

Mr. Waldner, is this a replacement well or an additional well which does not increase the total appropriation of 600 gpm? If the authorized diversion rate is increased, a new water permit will need to be obtained. Once we know this information, we can determine what additional action, if any, needs to be taken to ensure the water right accurately reflects your irrigation system.

Please contact Eric Gronlund or me regarding the status of this well or if you have any questions.

Sincerely,

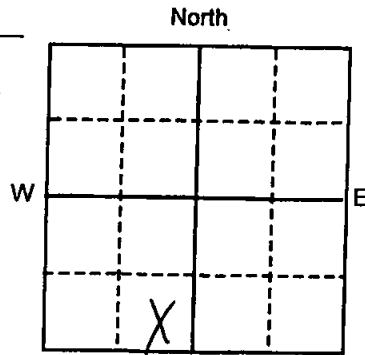
A handwritten signature in black ink that reads "Karen Schlaak". The signature is written in a cursive, flowing style.

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

8264-3

Location SE ¼ SW ¼ Sec 23 Twp 118 Rg 58WCounty ClarkPlease mark well
location with an "X"

Well Completion Date

June 12, 2018

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

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well
METHOD OF DRILLING:
ROTARY

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>8.00</u> IN	<u>0.0</u> FT	<u>60.0</u> FT	<u>12.50</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>BENTONITE</u>	<u>49</u>	Lb/gal	<u>0.0</u> Ft	<u>50.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 8.00 Inches Length 12.0 Feet
Material PVC SLOTTEDSlot Size .060 Set From 60.0 Feet to 72.0 FeetOther information 8" 11' STAINLESS STEEL (.070 SLOT) SET FROM 72' TO 83'

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? CHLORINATED
☐ No, Why Not? _____
Lab to which water
quality sample sent for analysisWell Owner: HILLCREST COLONIES

Business Name: _____

Address: 1004 HILLCREST DRIVECity, State, Zip: GARDEN CITY SD 57236

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL	0	3
YELLOW CLAY	3	45
COARSE SAND & GRAVEL BROW	45	55
SAND & GRAVEL BLUE - WHITE	55	83
GRAY CLAY	83	84

STATIC WATER LEVEL 46.0 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: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

61.6 Ft. After 2.5 Hrs. pumped 150.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

8" IRRIGATION WELL

GPS N 45 0.466 W 97 46.475

This well was drilled under license # 475 and this report is true and accurate.Drilling firm: THEIN WELL COMPANY INCSignature of License Representative

Signature of Well Owner or Equitable Property Holder:

RECEIVED

JUN 27 2018

Date: _____

WATER RIGHTS
PROGRAM



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: HILLCREST HUTTERIAN BRETHERN INC, JACOB WALDNER, 1004 HILLCREST DR,
GARDEN CITY, SD 57236

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3026-3, 8269-3 & 8295-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 3026-3, 8269-3 & 8295-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 3026-3, 8269-3 & 8295-3 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, 2021** 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://denr.sd.gov/iq> using this password: TEEQOQ**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2021

3026-3
8269-3
8295-3

John Waldner
Hillcrest Hutterian Brethren Inc
1004 Hillcrest Dr
Garden City SD 57236

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Permit or Right Nos. 3026-3, 8269-3 & 8295-3. 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,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

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

8269-3



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: HILLCREST HUTTERIAN BRETHERN INC, JOHN WALDNER, 1004 HILLCREST DR,
GARDEN CITY, SD 57236

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) 3026-3, 8269-3 & 8295-3. 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) 3026-3, 8269-3 & 8295-3 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) 3026-3, 8269-3 & 8295-3 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: MKZHXZ**

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.

8269-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2022

3026-3
8269-3
8295-3

John Waldner
Hillcrest Hutterian Brethren Inc
1004 Hillcrest Dr
Garden City SD 57236

Dear Mr. Waldner:

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 or Right Nos. 3026-3, 8269-3 and 8295-3. 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

8269-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 06 2023

Hillcrest Hutterian Brethren Inc
c/o Jacob Waldner
1004 Hillcrest Dr
Garden City SD

8269-3

Dear Mr. Waldner:

Enclosed is Water License No. 8269-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8269-3

(1) Hillcrest Hutterian Brethren Inc; 1004 Hillcrest Dr., Garden City SD 57236, made Application No. 8269-3, March 15, 2017, for a water permit to divert 1.33 cubic feet of water per second from groundwater, one well (Vermillion East Fork: Reid Lake Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 8269-3, with a priority date of March 15, 2017, was approved May 29, 2017, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 29, 2022, and for the application to beneficial use of water on or before May 29, 2026.

The addition of a second well, with no increase to the rate of diversion, was approved in October 2018.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.3 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- Well #1: 120 ft N & 1,230 ft E of the SW corner of Section 23, T118N, R58W (SW ¼ SW ¼)
(Latitude 45.00776 Longitude -97.77459)
- Well #2: 100 ft N & 1,575 ft E of the SW corner of Section 23, T118N, R58W (SE ¼ SW ¼)
(Latitude 45.00771 Longitude -97.77348)

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 23, T118N, R58W
NE ¼ SW ¼ 35.0 acres
SE ¼ SW ¼ 35.0 acres
TOTAL: 70.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Hillcrest Hutterian Brethren Inc, the holders and/or owners of Water Right No. 8269-3 are issued a license to appropriate water, the right to use 0.3 cubic feet of water per second from groundwater, one well (Vermillion East Fork: Reid Lake Aquifer), with a priority date of March 15, 2017, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8269-3 and subject to the following qualifications:

1. The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owners under this water right shall control their 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 wells authorized by Permit No. 8269-3 shall be constructed by a licensed well driller and construction of the wells and installation of the pumps shall comply with the 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 wells were drilled by Thein Well Co. in 2017 and 2018. Copies of the well completion reports are on file with the Water Rights Program.)*

continued

3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 06 2023

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8269-3

I have this day, June 22, 2023, made a thorough examination of the water use system constructed by Hillcrest Hutterian Brethren, Inc, 1004 Hillcrest Dr, Garden City, SD 57236 of Permit No. 8269-3, bearing the priority of March 15, 2017 authorizing the diversion of 1.33 cu. ft. per second of the waters of the Vermillion East Fork:Reid Lake Aquifer for irrigation purposes, in Clay County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Thein Well Co
- 2) No. of Wells 2
- 3) Depth(s) #1 - 84 & #2 - 80 feet
- 4) Well log is available Y

Comments: Wells are only 330 ft apart

Casing:

- 1) Diameter #1 - 8 & #2 - 12 inches
- 2) Length #1 - 60 & #2 - 53 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length #1 - 12 & #2 - 20 feet
- 3) Static water level #1 - 42 & #2 - 46 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 120 total GPM

Motor:

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

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

- 1) Type Buried PVC
- 2) Size 6 inches
- 3) Length 330 feet

Comments: Well #2 at Control Shed

C. Works used to apply water to beneficial use: Using a NETAFIN subsurface drip irrigation system

- 1) Capacity 120 GPM

Chemigation Equipment:

- 1) Does chemigate Y

Comments: Using commercially available injection equipment

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: WELL LOCATIONS
2. From the SW corner Sec 23 T118N R58W WELL #1: 120 ft N & 1230 ft E, Lat 45.00776 Long - 97.77459 (SW ¼ SW ¼) WELL #2: 100 ft N & 1575 ft E, Lat 45.00771 Long -97.77348 (SE ¼ SW ¼)

3. The works are capable of diverting and conveying to the place of use 0.3 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:

legal description/acreage

All land in Sec 23 T118N R58W

NE ¼ SW ¼ – 35 acres

SE ¼ SW ¼ – 35 acres

comprising a total of 70 acres of land and the license should be issued for 0.3 cfs (Water supply controls).

4. All structures, wells and lands on map Y

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

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity. This system is short of water as the wells failed to perform as hoped. The drip lines are 50 inches apart at a 14-inch depth.

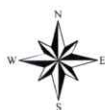
The mailing address and the telephone number in the permit materials are current for Jacob Waldner, Field Boss.

I talked to Jacob Waldner during the field inspection visit.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: June 30, 2023



0 0.05 0.1 0.2 0.3 0.4 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



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

January 19, 2024

NOTICE

TO: HILLCREST HUTTERIAN BRETHREN INC, JOHN WALDNER, 1004 HILLCREST DR,
GARDEN CITY, SD 57236

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8269-3 & 8295-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 8269-3 & 8295-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 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) 8269-3 & 8295-3 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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: IHMKFL**

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.



3026-3 8269-3
8295-3
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 22, 2024

3026-3
8269-3
8295-3

Hillcrest Hutt. Breth. Inc.
c/o John Waldner
1004 Hillcrest Dr
Garden City SD 57236

Dear Mr. Waldner:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 3026-3, 8269-3, and 8295-3. The information was received prior to the March 6, 2024, Water Management Board meeting and your name has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us