

WATER PERMIT NO. 8295-3

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: 480

Source of Water Supply: Dry Lake #1

Water to be used for: irrigation

County: Clark

Type of Waste Disposal System:

Location: 4 miles southwest of Garden City

PRIORITY

Date Received: 6-29-17

Application/License Fee: \$ 1,550

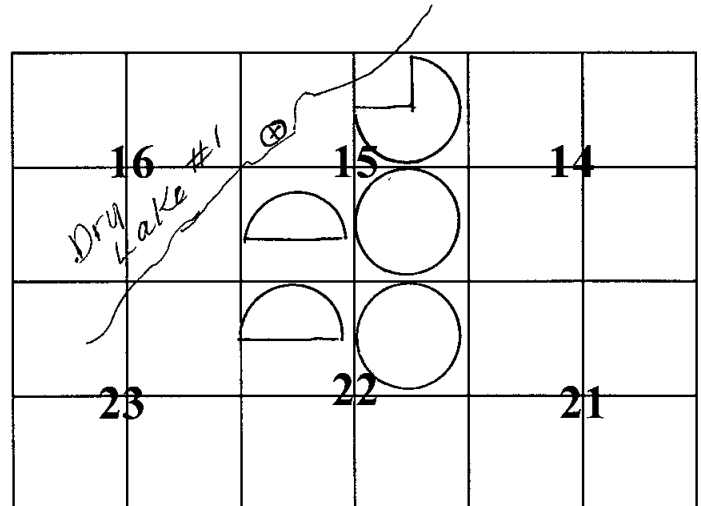
Corrected Application Received:

Period of Annual Use: June 1 – Sept 15

Remarks: Wastewater may be blended with groundwater and land applied

Diversion Point: SW 1/4 NW 1/4 Sec 15-T117N-R57W

Land to be Irrigated: E 1/2, SW 1/4 Sec 15 and N 1/2 NW 1/4, NE 1/4 Sec 22; all in T117N-R57W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-29-17

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

JUN 29 2017

(type or print)

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8295-3</u> (office use only)	Hydrologic Unit <u>10170201</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Clark County Courier, Clark</u>	
	<u>Public Opinion, Watertown</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 159 ***AF Total Acreage 480
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply DRY LAKE #1

4. Location of point of diversion 1 WITHDRAW POINT IN THE SW 1/4 OF THE NW 1/4 SECTION 15,
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
T117N R56W R57W County CLARK

5. County or counties where water will be used CLARK

6. Annual period during which water is to be used JUNE 1 - SEPTEMBER 15

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
NE 1/4 SECTION 15, T117N R57W	94	NE 1/4 SECTION 22, T117N R57W	125
SE 1/4 SECTION 15, T117N R57W	131		
SW 1/4 SECTION 15, T117N R57W	65		
NW 1/4 SECTION 22, T117N R57W	65		

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

INSTALL A WITHDRAW POINT IN DRY LAKE #1 TO SUPPLY WATER FOR IRRIGATION OF THE LAND LISTED. WASTEWATER FROM THE SECOND STAGE OF THE APPLICANT'S ANIMAL WASTE MANAGEMENT SYSTEM LAGOONS MAY ALSO BE BLENDED AT THE PIVOTS. CERTAIN LAND IN THIS APPLICATION WAS PREVIOUSLY INCLUDED IN WATER RIGHT #3026-3, WHICH HAS BEEN LARGELY UNAVAILABLE SINCE THE PARTIAL INUNDATION OF THE WITHDRAW POINT SYSTEM BY DRY LAKE #1.

I, John Waldner, 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. 8295-3**

Date of first receipt of application June 29, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8295-3 to Hillcrest Hutterian Brethren Inc., c/o John 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. 8295-3 appropriates 1.33 cubic feet of water per second from Dry Lake #1 located in the SW 1/4 NW 1/4 Section 15 for irrigation of 480 acres located in the E 1/2, SW 1/4 Section 15 and the NE 1/4, N 1/2 NW 1/4 Section 22; all in T117N-R57W. The permit holder may blend lake water with wastewater from their animal waste management system prior to land application. This permit is located approximately four miles southwest of Garden City SD.
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: June 1 – September 15.
3. The date from which applicant may claim right is June 29, 2017.
4. The date of approval of Permit No. 8295-3 is September 5, 2017.
5. One-fifth of the construction is to be completed on or before March 5, 2020.
6. All construction is to be completed on or before September 5, 2022.
7. Water is to be put to beneficial use on or before September 5, 2026.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

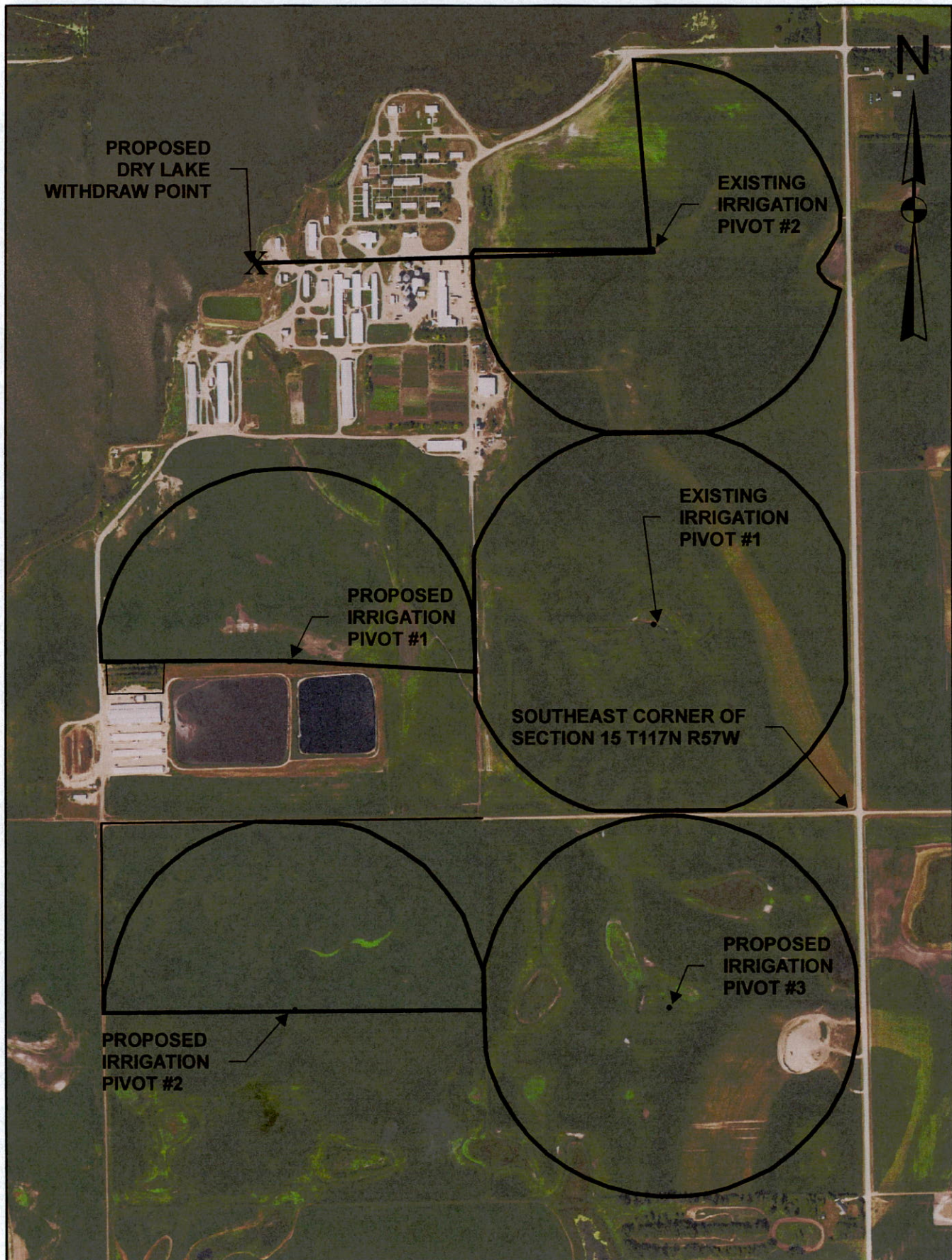
By: _____

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

OCT 02 2017
date



PROPOSED WATER RIGHT MAP





2017
FILING YEAR
South Dakota State Capitol
500 E. Capitol Ave
Pierre, SD 57501
(605) 773-3537

ANNUAL REPORT
Domestic Nonprofit Corporation
SDCL 47-27-6, 59-11-24

Please Type or Print Clearly in Ink
Please submit one Original and one Photocopy
Make payable to the SECRETARY OF STATE



530310139

Filing Fee: \$10

1. Business ID and Name:

NS009358
BUSINESS ID

HILLCREST HUTTERIAN BRETHERN, INC.
BUSINESS NAME

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 57236-9711

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either a (a) noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(a) The South Dakota Noncommercial Registered Agent's name

5. The names and addresses of its principal officers.

Name	Address
MIKE WALDNER	1004 HILLCREST DRIVE, GARDEN CITY, SD, 57236-9711
JOHN WALDNER	1004 HILLCREST DRIVE, GARDEN CITY, SD, 57236-9711
JOHN WALDNER	1004 HILLCREST DRIVE, GARDEN CITY, SD, 57236-9711
JOHN WALDNER	1004 HILLCREST DRIVE, GARDEN CITY, SD, 57236-9711

6. The names and addresses of its directors (governors).

Name	Address
JACOB WALDNER	1004 HILLCREST DRIVE, GARDEN CITY, SD, 57236-9711
JAKE WALDNER	1004 HILLCREST DRIVE, GARDEN CITY, SD, 57236-9711
MIKE WALDNER	1004 HILLCREST DRIVE, GARDEN CITY, SD, 57236-9711
JOHN WALDNER	1004 HILLCREST DRIVE, GARDEN CITY, SD, 57236-9711

7. A beneficial owner (Optional) is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 29, 2017

RECEIVED OF Hillcrest Hutterian Brethren Inc.

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

Fee for Application for Permit No. <u>8295-3</u> to Appropriate Water, to construct and to put water to beneficial use	1350	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>8295-3</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	1550 00

No. **08284**

By Jeane Goodman
Chief Engineer Jm



**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. 8295-3, Hillcrest 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. 8295-3, Hillcrest Hutterian Brethren, c/o John Waldner, 1004 Hillcrest Drive, Garden City SD 57236.

The Chief Engineer is recommending APPROVAL of Application No. 8295-3 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 qualification:

1. 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
August 14, 2017

REPORT ON WATER PERMIT APPLICATION NO. 8295-3

Hillcrest Hutterian Brethren Inc.

August 1, 2017

Application No. 8295-3, Hillcrest Hutterian Brethren Inc., proposes to appropriate 1.33 cubic feet of water per second from Dry Lake No.1 located in the SW 1/4 NW 1/4 Section 15 for irrigation of 480 acres located in the E 1/2, SW 1/4 Section 15 and the NE 1/4, N 1/2 NW 1/4 Section 22; all in T117N-R57W. The applicant may blend lake water with wastewater from their animal waste management system prior to land application. This proposed project is located approximately four miles southwest of Garden City SD in Clark County.

Review of the Proposed Water Source

The applicant proposes to irrigate 480 acres at a diversion rate of up to 1.33 cfs from Dry Lake No. 1 in Clark County. Dry Lake No.1 is a non-meandered lake covering approximately 3,300 acres at a surface elevation of 1775 fmsl (NGVD29 datum). Based upon a review of GIS imagery collected for multiple years over the last 20 years, water levels in the lake can fluctuate multiple feet above and below elevation 1775 fmsl due to wet and dry climatic conditions. This lake elevation is not currently measured by the South Dakota Water Rights Program as part of the bi-annual lake measuring program.

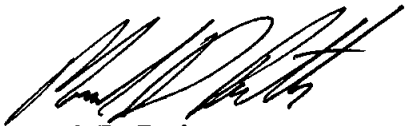
If approved, the permit would allow the applicant to irrigate 480 acres and would legally be allowed to divert up to the statutory limit of 2 acre-feet for each irrigated acres for a total of 960 acre-feet from the lake. The chances the applicant would pump that much water for irrigation is unlikely. A more reasonable estimate would be to look at the amount of water that would likely be used for irrigation. Buhler, in a 2012 report to the Water Management Board, calculated actual use for irrigation in geographical proximity to this proposed project at 7.68 inches per year (0.64 acre-feet per year) for each acre (Buhler, 2012). For the 480 acres, this would be 307 acre-feet of water. With a lake surface area of 3,300 surface acres, the amount pumped could lower the lake level by about 0.09 feet (1.1 inches) per year without considering any inputs such as precipitation and tributary inflow and outputs such as evaporation. The applicant also intends to blend lake water with wastewater from their animal waste management system, then land apply the blended water using multiple center pivot irrigation systems; this may reduce the demand from the lake.

Review of Existing Water Rights

There are no existing water rights/permits for storage in the lake or for pumping from Dry Lake No. 1 (Water Rights, 2017).

Conclusions

1. This application proposes to appropriate 1.33 cubic feet of water per second from Dry Lake No. 1 for irrigation of 480 acres.
2. An estimate of the amount of water annually diverted for irrigation is 307 ac-ft of water, which could lower the lake level by 0.09 feet (1.1 inches) per year not considering any inputs to the lake.
3. There are no existing water rights/permits for storage in the lake or for pumping from Dry Lake No. 1



Mark D. Rath
Natural Resources Engineer III

References

1. Buhler, K.A. 2012. Report to the Chief Engineer on Water Permit Application No. 7295-3, William F. St. Clair; No. 7316-3, Van Buskirk Farms LLP; No. 7348-3, Michael Sentell; No. 7364-3, Wipf Acres LP; No. 7365-3, Huron Colony; No. 7366-3, Huron Colony; No. 7367-3, Huron Colony; No. 7368-3, Huron Colony; No. 7369-3, Huron Colony; and No. 7370-3, Huron Colony; August 23, 2012: SD DENR – Water Rights Program.
2. Water Rights. 2017. Water Right Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Form 8

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:

August 23, 2017

Cost of Printing \$50.96

Jackie Wettestad
 (Signature)

Accounting Clerk
 (Title)

8/29/17
 (Date Signed)

**DEPARTMENT
OF
ENVIRONMENT
AND NATURAL
RESOURCES**
NOTICE OF APPLICATION NO.

8295-3 to Appropriate Water

Notice is given that Hillcrest Hutterian Brethren Inc., c/o John Weidner, 1004 Hillcrest Dr, Garden City SD 57236 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from Dry Lake #1 located in the SW 1/4 NW 1/4 Section 15 for irrigation of 480 acres located in the E 1/2, SW 1/4 Section 15 and the NE 1/4, N 1/2 NW 1/4 Section 22; all in T117N-R57W. The applicant proposes to blend lake water with wastewater from their animal waste management system prior to land application. This application is located approximately four miles southwest of Garden City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8295-3 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 September 5, 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. Pimer, Secretary,
Department of Environment and
Natural Resources.

Published once at an
approximate cost of \$51.89

50.96 (August 23, 2017)

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

**NOTICE OF APPLICATION NO.
8295-3 to Appropriate Water**

Notice is given that Hillcrest Hutterian Brethren Inc., c/o John Waldner, 1004 Hillcrest Dr, Garden City SD 57236 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from Dry Lake #1 located in the SW 1/4 NW 1/4 Section 15 for irrigation of 480 acres located in the E 1/2, SW 1/4 Section 15 and the NE 1/4, N 1/2 NW 1/4 Section 22; all in T117N-R57W. The applicant proposes to blend lake water with wastewater from their animal waste management system prior to land application. This application is located approximately four miles southwest of Garden City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8295-3 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.

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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 \$29.74.
8-23-17

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, Inc

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:

August 23, 2017

that the full amount of the fees for the publication of the annexed notice is **\$29.74**

William J. Krikac

Subscribed and sworn to before me this

23rd day of August, 2017

Ann Helke

Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2019

RECEIVED

AUG 28 2017

**WATER RIGHTS
PROGRAM**

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 14, 2017 1:19 PM
To: legals@thepublicopinion.com
Subject: 8295-3.Hillcrest Hutterian Brethren
Attachments: 8295-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 23, 2017.

Hillcrest Hutterian Brethren, c/o John Waldner, 1004 Hillcrest Dr, Graden City SD 572369 (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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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, August 14, 2017 1:18 PM
To: courier@itctel.com
Subject: 8295-3.Hillcrest Hutterian Brethren
Attachments: 8295-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 23, 2017.

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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.**

August 14, 2017

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

Dear Mr. Waldner:

Water Permit Application No. 8295-3 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. 8295-3 to Appropriate Water

Notice is given that Hillcrest Hutterian Brethren Inc., c/o John Waldner, 1004 Hillcrest Dr, Garden City SD 57236 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from Dry Lake #1 located in the SW 1/4 NW 1/4 Section 15 for irrigation of 480 acres located in the E 1/2, SW 1/4 Section 15 and the NE 1/4, N 1/2 NW 1/4 Section 22; all in T117N-R57W. The applicant proposes to blend lake water with wastewater from their animal waste management system prior to land application. This application is located approximately four miles southwest of Garden City SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8295-3 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 September 5, 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

OCT 02 2017

Hillcrest Hutterian Brethren Inc
c/o John Waldner
1004 Hillcrest Drive
Garden City SD 57236

Dear Mr. Waldner:

Enclosed is Water Permit No. 8295-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A 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 information 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



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: TEEQQQ**

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.

8295-3



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".

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



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.

8295-3



**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



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