

Water Right Number 1901-3

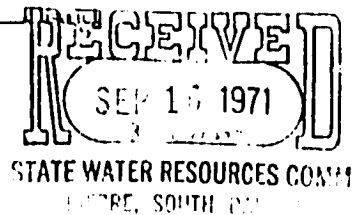
1. Considered March 15, 1972
2. Name of Applicant Rosedale Colony
3. Post Office Address Mitchell, S.D.
4. Amount of Water claimed 15.00
5. Source of Water supply James River
6. Water to be used for irrigation
Acres to be irrigated 1,060.00
7. Water to be diverted and used in Hanson County
about 5 miles West and 2 miles South of Alexandria
8. Proof of Publication Received February 25, 1972

WHEN PERMIT IS INSPECTED

THIS PERMIT SHOULD BE
REDUCED BY 67 ACRES
WHICH WAS TRANSFERRED
UNDER PERMIT NO 4650-3

No. 1901-3Map No. 1347-3 Water Division No. 3 JAMES RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Rosedale Hutterian Brethern, Inc.
Postoffice address R.R. #2, Mitchell State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work Rosedale #3
4. Amount of water claimed (cubic feet per second) 15.00
5. Source of water supply James River
6. Location of point of diversion Between points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T102N, R59W, and in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, T102N, R58W
County Hanson
7. Annual period or periods during which water is to be used April thru October
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 1,060.00

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW $\frac{1}{4}$, Sec. 23, T102N, R59W	148.8	Sec. 26, T102N, R58W	632.2
W $\frac{1}{2}$ Sec. 25, T102N, R59W	67.3	NW $\frac{1}{4}$, Sec. 30, T102N, R58W	52.7
SW $\frac{1}{4}$, Sec. 25, T102N, R59W	159.0		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of intent to Appropriate Water publication Emery Enterprise, Emery, S.D.
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump and Motor

B. Works proposed to transport water to place of use.

Mainline

C. Works proposed to apply water to beneficial use.

Valleys and Sprinkler

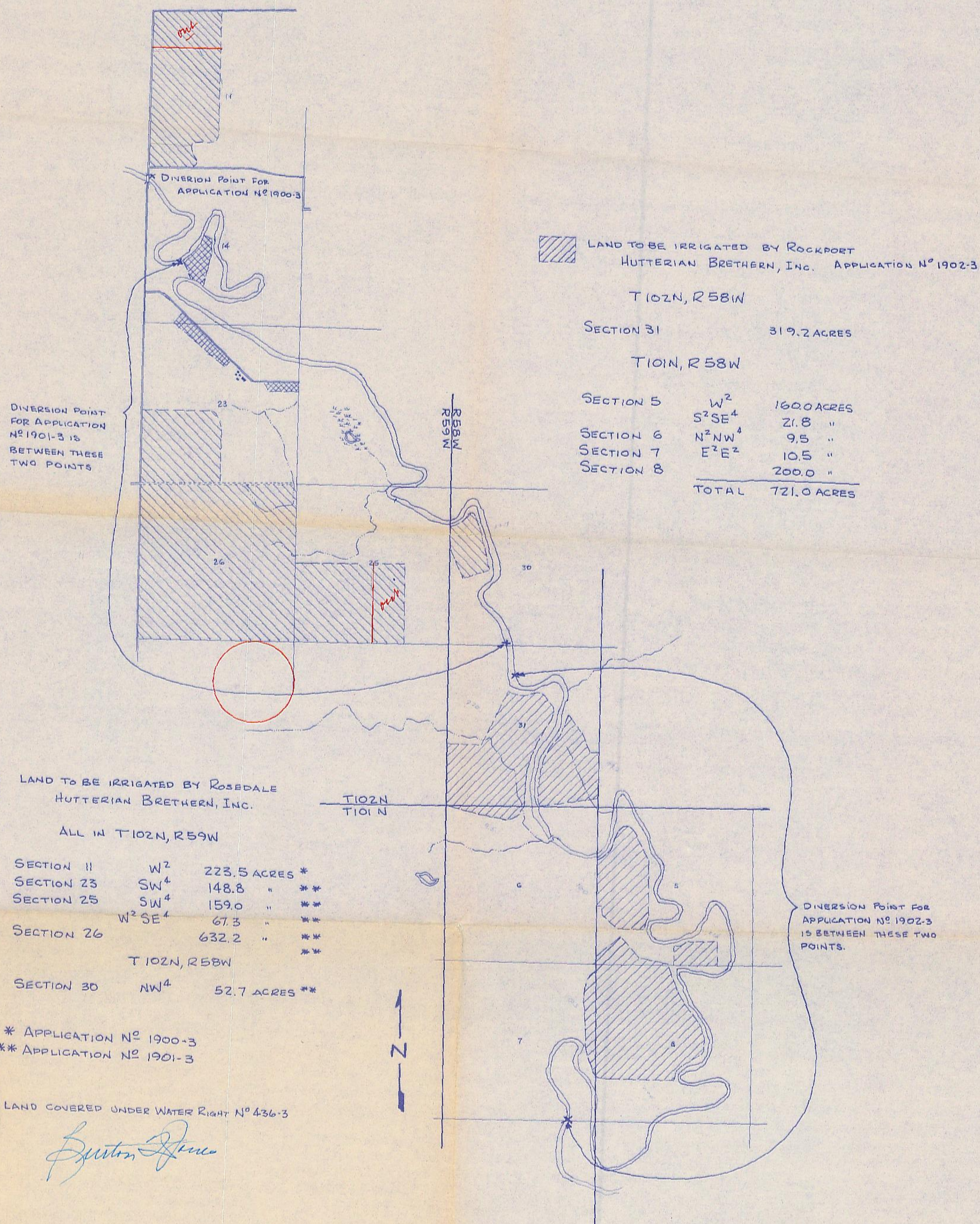
Estimated Total Cost \$ 75,000.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
(See instructions concerning preparation.)

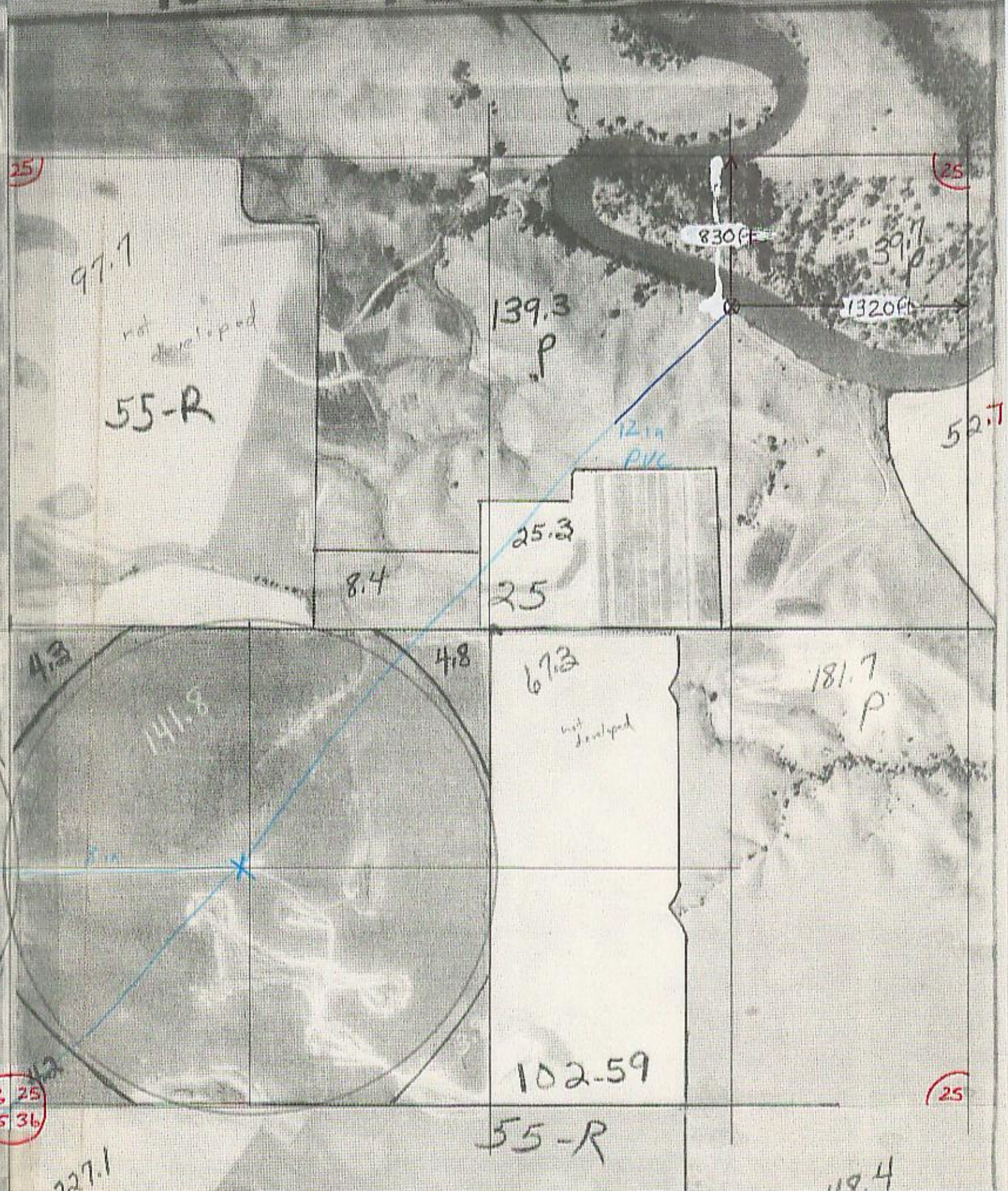
STATE OF SOUTH DAKOTA)

County of Hanson) ss.I, Michael Hutterian, applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed by Michael HutterianSubscribed and sworn to before me this 15th day of September 1971

Notary Public (or other qualified officer)

ROSEDALE - ROCKPORT IRRIGATION PROJECTS

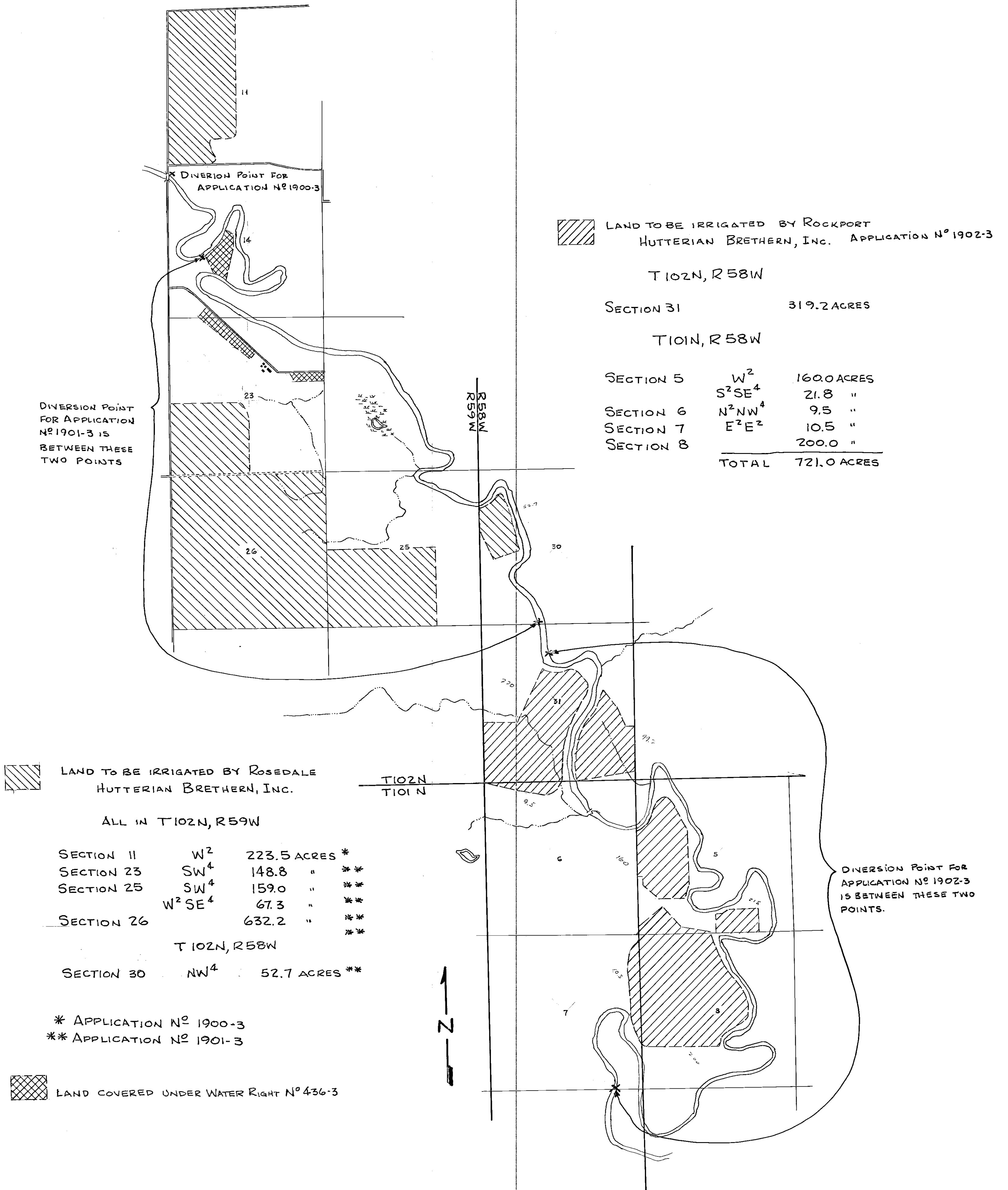




Don Davall
Natural Resources Engineer
5/23/85

102-59 Permit Nos. 1901-3 & 4656-3
Map No. 1347-3

ROSEDALE - ROCKPORT IRRIGATION PROJECTS



WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1901-3

ROSEDALE LUTHERIAN BRETHREN, INC. R.R. #2, MITCHELL,
(Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
(State)

This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the State Water Resources Commission, or its legally appointed representative. Diversions under this permit shall be in accordance with any written orders issued by the Commission or its representative.

See 1656-3

Date of first receipt of application SEPTEMBER 16 1971
Date of return to applicant for correction, amendments or changes required — 19—
Date of receipt of corrected application — 19—
Approved MARCH 15 1972 Recorded in Book 12 Page 74

WATER RIGHT PERMIT NO. 1901-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1901-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 16 1971.
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 15 1974.
3. The whole of said work is to be completed on or before MARCH 15 1977.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 15 1981.
5. The water appropriated shall be used for the purpose of IRRIGATION.
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 15.00 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 15 1981; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 17TH day of MARCH 1972

WATER RESOURCES COMMISSION

By

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued — 19—

Water License Issued — 19—

No. 1901-3

Publish first publication, on or before February 17, 1972.

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 8, 1972

Notice is hereby given that Rosedale Hutterian Brethern, Inc.

whose post office address is Mitchell, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

15.0 cubic feet of water per second of time from the James River through the

Rosedale #3, the point of diversion of which is to be located in the ~~xxxx~~

between points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, T102N, R59W and in the SE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 30, Twp. 102N, Range 58W. Said water to be used for the purpose of providing irrigation on ~~all or portions of~~ the following described land:

SW $\frac{1}{4}$, Section 23; Section 26; W $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 25, T102N, R59W and NW $\frac{1}{4}$, Section 30, T102N, R58W

This application No. 1901-3 will be considered by the Water Resources Commission at their office at Pierre upon the 15th day of March, 1972, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON W. JONES, Water Rights Specialist
cc: Mike Waldner, Rosedale Hutterian Brethern, Inc., R.R. 32, Mitchell, S.D. 57301

Affidavit of Publication

STATE OF SOUTH DAKOTA,

COUNTY OF HANSON

R. E. BRADEN, of said County and State, being first duly sworn on his oath, says THE EMERY ENTERPRISE is a weekly newspaper of general circulation, printed and published in Emery, in Hanson County, and State of South Dakota, by himself, and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bona-fide circulation of more than 200 copies weekly, that it has been published within said County of Hanson for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication; and that I, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all

facts in this affidavit; that the advertisement headed

Notice Intent To
Appropriate Water

a printed copy of which is hereto attached, was printed and published in the said newspaper for four weeks; that said notice was published in the issues of said paper on the dates as follows, to-wit: The first publication being made on

February 17, 1972;

the second publication on February 24, 1972;

the third publication on March 3, 1972;

the fourth publication on _____, 19____;

the fifth publication on _____, 19____;

the sixth publication on _____, 19____;

and the last publication on March 4, 1972;

that \$ 18.78 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for a division thereof has been made with any person; and that no part thereof has been agreed to be paid to any person whomsoever.

R. E. Braden

Subscribed and sworn to before me this 16

day of March, 1972

R. E. Braden

Notary Public, Hanson County.

NOTICE INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
February 8, 1972

Notice is hereby given that Rosedale Hutterian Brethren, Inc. whose post office address is Mitchell, South Dakota, has made an application in accordance with the provisions of the water law of South Dakota for a permit to appropriate for beneficial use 15.0 cubic feet of water per second of time from the James River through the Rosedale No. 3 point of diversion of which is to be located between points in the NW 1/4 SW 1/4 Section 14, T102N, R59W and in the SE 1/4 SW 1/4 of Section 130, Twp. 102N, Range 58W. Said water to be used for the purpose of providing irrigation on all or portions of the following described land: SW 1/4 Section 23; Section 26, W 1/4 SE 1/4 and SW 1/4 Section 25, T102N, R59W and NW 1/4 Section 30, T102N, R58W. This application No. 1901-3 will be considered by the Water Resources Commission at their office at Pierre upon the 15th day of March, 1972 at 2:00 P.M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By: BURTON F. JONES,

Water Rights

Specialist

cc: Mike Waldrer, Rosedale Hutterian Brethren, Inc.
R R. 32, Mitchell, S. D. 57301

RECEIVED
MAR 17 1972

STATE WATER RESOURCES COMM
PIERRE, SOUTH DAKOTA

January 24, 1972

Mr. Mike Waldner
Rosedale Murtterian Brethern, Inc.
R.R. #2
Mitchell, South Dakota 57301

Dear Mr. Waldner:

For approximately the past three years applications to divert water from the James River, in that stretch of the river from the North Dakota-South Dakota boundary to the north boundary of Yankton County, have been placed in a deferred status pending a further evaluation of flows and water use from the James River.

The Water Resources Commission has determined that unappropriated water exists from this source for a specified amount of water and has directed the Staff to determine if the applicants having the deferred applications wish to have them processed at this time.

It should be pointed out that the Permit will contain the following qualification:

"This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the State Water Resources Commission, or its legally appointed representative. Diversions under this Permit shall be in accordance with any written orders issued by the Commission or its representative."

You have pending with the Water Resources Commission Application No. 1901-3 to divert 15.00 c.f.s. from the James River to irrigate 1,060 acres in Hanson County.

Question: Should we proceed with the advertising of your application?

Sincerely,

BURTON P. JONES
Water Rights Specialist

BFJ/bw

November 9, 1971

Mr. Mike Waldner
Rosedale Hutterian Brethern, Inc.
R.P. #2
Mitchell, South Dakota 57301

Dear Mike:

Your application dated September 15, 1971, for a permit to appropriate water from the James River through the Rosedale #3 was received September 16, 1971 and has been duly filed under the temporary number of 1901-3. The application will be examined in regular order as soon as practical, after which you will be notified as to further action on your part.

Enclosed herewith is receipt No. 4 1881 in the amount of \$8.00 for the examination fee, as required by Statute.

As was discussed, the Commission is not presently considering applications from the James River pending an evaluation of existing water rights and available water supplies. Your application will be placed in a deferred status until such evaluation is completed. You will then be notified as to further action on your part.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw
Encl: As stated

1901-3

**WATER RIGHTS DIVISION
(605) 773-3352**

September 2, 1983

NOTICE

**TO: David Waldner
c/o Millbrook Colony
RR#3, Box 265
Mitchell, South Dakota 57301**

FROM: John Hatch, Chief Engineer, Water Rights Division

**RE: Extension of pumping from the James River under Permits 1901-3,
1900-3, 436-3 and 4656-3.**

The flow in the James River is expected to continue to be above average. August 29, 1983 flow at Columbia was about 150 cfs. Because of the available supply of water in the James River the shutoff date for the above permits is extended to September 20, 1983. This extension is subject to change if flow conditions warrant an earlier cutoff.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 4656-3

1901-3

DEC 1 1966

Rosedale Colony
RR 3, Box 261
Mitchell, South Dakota 57301

Dear Sir:

Enclosed herewith is, Water License No. 4656-3. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours, 1

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

Applicable portions of Water Permit No. 1901-3 are incorporated into this Water License No. 4656-3.

WNR-817 3/83
Transmittal of Water License