

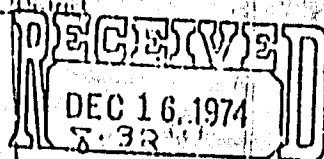
2174.3

1. Considered 3-19 1975
2. Name of Applicant BINSETT HOTTERIAN BRETHERN
3. Post Office Address ESTELLINE
4. Amount of water claimed 3.8
5. Source of water supply GROUNDWATER
6. Water to be used for IRRIGATION
- Acres to be irrigated 2.67
7. Water to be diverted and used in HAMLIN county
about SW, SN miles 2-14.75 of ESTELLINE
8. Proof of Publication Received 2-14.75
Not Received _____
9. Application Approved _____
Subject to _____

10. Remarks:

2174.3 Binsett Hotterian Brettern
 6-22-78 Valley, Hamlin Co. OK well no.
 1-11-4012
 located at 1100 ft. deep
 1100 ft. deep
 1100 ft. deep, 1775 ft. deep
 1100 ft. deep, 1775 ft. deep
 1100 ft. deep, 1775 ft. deep
 1100 ft. deep, 1775 ft. deep
 1100 ft. deep, 1775 ft. deep

Map No. 1566-3 Water Division No. 3 BIG SIOUX RIVER
(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

- Name of Applicant POINSEH Hutterian Brothers Ass'n
Postoffice address Eskellins, State South Dakota
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
- Name of diversion work POINSEH Hutterian Brothers Ass'n Irrigation Project #2
- Amount of water claimed (cubic feet per second) 3.81
- Source of water supply Well
- Location of point of diversion 3050' N 150° W of NE corner of section 19-114-51
County Haskell
- Annual period or periods during which water is to be used April through October
- Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
Total number of acres to be irrigated 267
- For irrigation use.

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.
NW 1/4 of NE 1/4 of Sec 19-114-51	38	NW 1/4 of SE 1/4 of Sec 19-114-51	38
NE 1/4 of NE 1/4 of Sec 19	21	NE 1/4 of SE 1/4 of Sec 19	39
SW 1/4 of NE 1/4 of Sec 19	39	SW 1/4 of SE 1/4 of Sec 19	18
SE 1/4 of NE 1/4 of Sec 19	35	SE 1/4 of SE 1/4 of Sec 19	39

Attach sheet if more space is needed.

- Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.
- Choice of newspaper for Notice of Intent to Appropriately Water publication Water Public Opinion
Water Town Public Opinion
- Principal Features of the Proposed Water Supply System.
 - Works proposed to divert water from its natural source. well with Degeuch turbine pump electrically driven
 - Works proposed to transport water to place of use. closed conduit
 - Works proposed to apply water to beneficial use. center pivot irrigation machines

Estimated Total Cost \$ 60,000

Attachments: 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 Brookings

I, Sandra Wallman, the 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 Sandra Wallman
Subscribed and sworn to before me this 9th day of December 1974
Leland Evenden
Notary Public for other qualified officers

IRRIGATION PROJECT

NUMBER TWO

THAT LAND LOCATED

IN E 1/2 SEC 19-T114-R51

Land Description Irrigated Acres

NW 1/4 of NE 1/4 of Sec 19	38
NE 1/4 of NE 1/4	21
SW 1/4 of NE 1/4	39
SE 1/4 of NE 1/4	35
NW 1/4 of SE 1/4	38
NE 1/4 of SE 1/4	39
SW 1/4 of SE 1/4	18
SE 1/4 of SE 1/4	39
Total Acres	267

Cross hatch indicates irrigated area

IRRIGATION PROJECT

NUMBER FOUR

THAT LAND LOCATED
IN SW 1/4 SEC 17-114-51

Land Description Irrigated Acres

NW 1/4 of SW 1/4 sec 17	39
NE 1/4 of SW 1/4	40
SW 1/4 of SW 1/4	38
SE 1/4 of SW 1/4	39
Total Acres	156

IRRIGATION PROJECT

NUMBER FIVE

THAT LAND LOCATED
IN E 1/2 SEC 16-114-51

Land Description Irrigated Acres

SW 1/4 of NE 1/4 Sec 16	40
SE 1/4 of NE 1/4 Sec 16	39
NW 1/4 of SE 1/4	40
NE 1/4 of SE 1/4	39
SW 1/4 of SE 1/4	39
SE 1/4 of SE 1/4	38
Total Acres	235

IRRIGATION PROJECT NUMBER THREE

THAT LAND LOCATED
IN W 1/2 SEC 20-T114-R51

Land Description Acres Irrigated

NW 1/4 of NW 1/4 sec 20	38
NE 1/4 of NW 1/4	39
SW 1/4 of NW 1/4	33
SE 1/4 of NW 1/4	40
NW 1/4 of SW 1/4	33
NE 1/4 of SW 1/4	40
SW 1/4 of SW 1/4	32
SE 1/4 of SW 1/4	36
Total Acres	291

Note: This map is a record for four irrigation projects numbers 2, 3, 4, & 5. Irrigation project Number one is covered by permit # 1951-3. It is located in W 1/2 of sec 19-T114-R51.

Project Number Two is located in E 1/2 of Section 19-114-51. Its point of diversion is a well located 3050' N 150° W of NE corner of sec 19-114-51. Water claimed 3.81 cfs

Project Number Three is located in W 1/2 of sec 20-114-51. Its point of diversion is a well located 2050' N 120° E of NW corner of sec 20. Water claimed 4.15 cfs

Project Number Four is located in SW 1/4 of sec 17-114-51. Its point of diversion is a well located 1475' N 41° E of SW corner of sec 17. Water claimed 2.23 cfs

Project Number Five is located in SE 1/4 and SW 1/4 of NE 1/4 of sec 16-114-51. Its point of diversion is a well located 2350' N 35° W of SE corner of sec 16. Water claimed 3.36 cfs

Surveyor's Certificate

I, John L. Wiersma, do hereby certify that this map identifies a reasonably accurate record of the land of:

Poinsett Hutterian Brethren Ass'n
Estelline S. Dakota

Drawn by John L. Wiersma

Brookings S. Dakota
57006

12-7-74

P.E. #1916

POINSETT HUTTERIAN BROTHERN ASS'N
IRRIGATION PROJECTS TWO, THREE, FOUR, & FIVE
Estelline South Dakota
Gen. mgr - Joshua Wallman

Scale - 8" = 1 MILE

MAP NO 1566-3 (APPX NO 2174-3)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2174-3
POINSETT HUTTERIAAL BRETHERN ASSN. ESTELLINE
 (Applicant) (Post Office Address)

SOUTH DAKOTA 57234 With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application DECEMBER 16 19 74
 Date of return to applicant for correction, amendments or changes required DECEMBER 31 19 74
 Date of receipt of corrected application JANUARY 22 19 75
 Approved MARCH 20 19 75 Recorded in Book 13 Page 209

WATER RIGHT PERMIT NO. 2174-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2174-3 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 conditions and conditions:

1. The date from which applicant may claim right is DECEMBER 16 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 20 19 77
3. The whole of said work is to be completed on or before MARCH 20 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 20 19 83
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 3.8 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 use, 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 twentieth (1/20) 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 20 19 83 said water to be used during the following described period: APRIL THRU OCTOBER

Witness my hand this 21st day of MARCH 19 75

WATER RESOURCES COMMISSION

By:

Donald Waisell
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 20", Depth 36'
 (2) Casing, Type Steel, Diameter 12", Thickness 1/4"
 (wood, concrete, steel, etc.)
 (3) Perforated Screen, Type Continuous Slot, Diameter 12", Length 10'
 (4) Gravel Pack, Thickness 3", Length of gravel pack 15'

E. Dugout Information or Estimates.

(1) Surface dimensions , Depth

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of water bearing materials Very coarse gravel and
sand over blue clay

Depth to top of water bearing material 10'

Depth to bottom of water bearing material 36'

Thickness of water bearing material 26'

Depth to water (ground surface to water level) 10'

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 150 rds. On property owned by others 280 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Jordan Hollman Owner
 Signature of Applicant

2174-3

January 16, 1975

Mr. Joshua Wollman
Poinsett Hutterian Brethern Association
Estelline, SD 57234

Dear Mr. Wollman:

We have now received your WI-1 form for the application for water use permit on the E4 of Sec 19 T114N R51W. A report of the water analysis which was completed in late November was sent to you earlier.

The water quality is entirely compatible with the soils. There should be no problem with this water supply with respect to either salt accumulation or sodium-caused dispersion of soil clays. Therefore, I am recommending that this water use permit be granted.

In a separate application I have sent a copy of Extension Circular 654 to you. You can chart the approximate quality of this water on the back cover by use of the sodium adsorption ratio and the electrical conductivity value and find that it is quite good water.

The WI-1 form and a copy of the water analysis and a copy of this letter are being forwarded to the State Conservation Commission.

Sincerely yours,

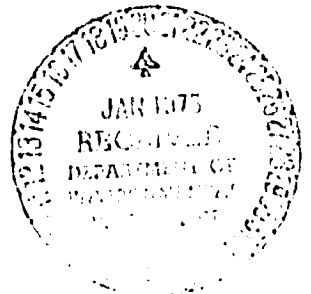
L. O. Fine

L. O. Fine
Water Quality Lab

LOF:111

Enc

CC: State Conservation Commission
Harold Campbell, Hamlin County Agent
Darrel Pahl



STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE OF

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: Max H. H. H.

Disapproved: _____

NAME: Poinsett Haffner Brothers Assn.
ADDRESS: Estimate South Dakota
COUNTY: Hamlin

LEGAL DESCRIPTION

1. WELL LOCATION: NE 1/4 of sec 19
2. AREA TO BE IRRIGATED: E 1/2 sec 19 - 114 - 51

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): center pivot
4. CROPS TO BE IRRIGATED: Poinsett Alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: E 2 19-114-51
LAMBUKE - 0.12%
FORDVILLE 1622' 1 foot 4%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: CONSERVATION SURVEY 555 PHOTO AXS-24
3M-172 - FORDVILLE
35472 - FORDVILLE (SANDY) 1.0"/hr intake
253102 LAMBUKE (40% Silt) 0.3"/hr intake

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-951
8. SALINITY: EC = 536 micromhos/cm (medium)
9. SODIUM: SAR = 0.19 (low)
No residual carbonate

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:
the land capability for irrigation information has been acquired from

_____.

and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

V. J. Williams

Notary Public

Subscribed and sworn before me this

7 day of June 1975.
Laurence Graiz

notary

(Title)

LAURENCE GRAIZ
Notary Public, Hamlin County, S. D.
My Commission Expires Nov. 17, 1976

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

*See also letter
 11/1-1 on 11/1/74*

Submitted by: Joseph Wollman Date Rec'd: November 20, 1974
 Address: Poinsett Lutheran Brethren Assn. Sample No. 74-951
Estelline, SD 57254 Identification # 2-11-40
St. Ste. 19, E 114N, R 51E

WATER ANALYSIS

Calcium (Ca)	100	ppm*	5.00	me/l**
Magnesium (Mg)	33	ppm	2.71	me/l
Sodium (Na)	9	ppm	0.33	me/l
Potassium (K)	2	ppm	0.02	me/l
Sulfate (SO ₄)	41	ppm	3.54	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.05	me/l
Bicarbonate (HCO ₃)	310	ppm	5.05	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	254	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	536	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.19			
Sodium	4.07	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.00			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 8.14 me/l
 Total anions 5.97 me/l

By: Shirley Hutton

Service Performed	Amount Due
Immersion analysis	\$6.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-951

Amount Enclosed \$

Signed

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, John R Lowrie hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Watertown Public Opinion

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

city of Watertown

County of Codington and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

February 5, 1975

February 12, 1975

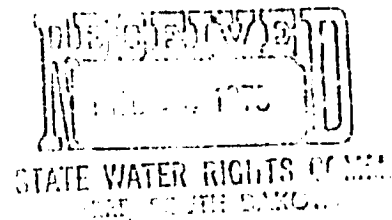

(Signature)
General Manager
(Title)

February 12, 1975

(Date Signed)

PUBLIC NOTICE
No. 2174-3
NOTICE
INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
February 3, 1975
Notice is hereby given that
Poinsett Hutterian Brethern
Association whose post office ad-
dress is Estelline, 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 3.61
cubic feet of water per second of
time from ground water through the
Poinsett Colony No. 2, the point of
diversion of which is to be located in
the NW 1/4 SE 1/4 of Section 19, Twp.
114N, Range 31W. Said water to be
used for the purpose of providing
irrigation on portions of the fol-
lowing described land: E 1/2, Section
19, T114N, R31W.
This application No. 2174-3 will be
considered by the Water Rights
Commission at their office at Pierre
upon the 19th day of March, 1975, at
2:30 P.M. All interested persons
may appear and be heard.
WATER RIGHTS
COMMISSION
By: BURTON F. JONES
Water Rights Specialist
(February 5, 12, 1975)

2174-2-25 x2-114.62



2174-3

Publish first publication, on or before March 6, 1975

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

February 3, 1975

Notice is hereby given that Poinsett Hutterian Brethren Association
whose post office address is Estelline, 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
3.84 cubic feet of water per second of time from the ground water through the
Poinsett Colony #2, the point of diversion of which is to be located in the _____

1/4 SE 1/4

of Section 19, Twp. 114N, Range 51W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

E 1/2, Section 19, T114N, R51W

WATER RIGHTS COMMISSION

This application No. 2174-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 19th day of March, 1975, at 2:30 P. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Joshua Vollman, Poinsett Hutterian Brethren Assoc., Estelline, S.D. 57234

Permit No. 2174-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / POSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by POINSETT HUTCHERIAN BRETHREN ASSN. of ESTELLINE holder of Permit No. 2174-3, bearing date of priority of DECEMBER 16, 1974, authorizing the diversion of 3.8 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in HAMLIN County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

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

C. Works used to apply water to beneficial use.

S PIVOT - 13 TOWER VALLEY WATER DRIVE CENTER PIVOT
WITH NELSON #100 END GUN
N PIVOT - 5 TOWER ZIMMATIC CENTER PIVOT WITH #100
NELSON END GUN

The system is in the following condition: GOODThe point of diversion is located N WELL - 2150' W & 660' S; S WELL - 2050' W & 2080' S OF THE NE CORNER, SECTION 19, T114N, R51WThe works are capable of diverting and conveying to the place of use 3.33 (750 GPM)cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SEC 19, T114N, R51W

<u>NE⁴NW⁴</u>	<u>3 ACRES</u>	<u>SE⁴NE⁴</u>	<u>23 ACRES</u>	<u>SE⁴SE⁴</u>	<u>11 ACRES</u>
<u>NW⁴NE⁴</u>	<u>37 "</u>	<u>NW⁴SE⁴</u>	<u>36 "</u>		
<u>NE⁴NE⁴</u>	<u>10 "</u>	<u>NE⁴SE⁴</u>	<u>38 "</u>		
<u>SW⁴NE⁴</u>	<u>28 "</u>	<u>SW⁴SE⁴</u>	<u>11 "</u>		

comprising a total of 197 acres of land.

Date JUNE 10, 1981
Barton Jones
 (Signature)

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 15, 1985

Poinsett Hutterian Brethern
%Joshua Wollman
Estelline SD 57234

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire
Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 2174-3, 2175-3, 2413-3, 3223-3, 4353-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

The hearing will be conducted pursuant to the provisions of SDC 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDC 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2174-3, 2175-3, 2413-3, 3223-3, 4353-3 to require the Irrigation Water Use Questionnaire to be submitted each year;

2. Postpone any action;

3. Take no action.

The hearing(s) 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.

Sincerely,

John Hatch
John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.

**South Dakota Department of
Water & Natural Resources**

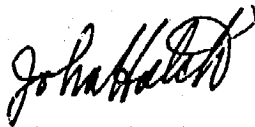
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Polnsatt Hutterian Brethern
% Joshua Wollman
Estelline, SD 57234

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352



SUBJECT: Amendment to Water Permit No(s). 2174-3, 2413-3, 2175-3, 3223-3 &
4353-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2174-3, 2413-3, 2175-3, 3223-3 & 4353-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
525 East Capitol
Pierre, South Dakota 57501-3181

Attachment to Water Permit No(s). 2174-3, 2413-3, 2175-3, 3223-3 & 4353-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2174-3, 2413-3, 2175-3, 3223-3 & 4353-3 to add the following qualification:

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



2174-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 29, 1988

POINSETT HUTTERIAN BRETHREN -Joshua Wollman
RR #1 BOX 146
ESTELLINE, SD 57234

NOTICE

Re: Violation of Water Permit No(s). 4353-3, 3223-3, 2413-3, 2175-3, 5026-3, 5038-3, 2174-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4353-3, 3223-3, 2413-3, 2175-3, 5026-3, 5038-3, 2174-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4353-3, 3223-3, 2413-3, 2175-3, 5026-3, 5038-3, 2174-3 qualification:

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

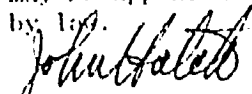
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4353-3, 3223-3, 2413-3, 2175-3, 5026-3, 5038-3, 2174-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: POINSETT HUTTERIAN BRETHREN - Joshua Wollman
RR #1 BOX 146
ESTELLINE, SD 57234

FROM: John Hatch, Chief Engineer
Water Rights Division
605-773-3352

SUBJECT: One Year Suspension Of Water Permit No(s). 4353-3,
3223-3, 2174-3, 5026-3, 5038-3, 2175-3, 2413-3

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 4353-3, 3223-3, 2174-3, 5026-3, 5038-3, 2175-3, 2413-3 be **SUSPENDED** until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

● **SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge)

Joshua Wellman
POINSETT HUTTERIAN BRETHREN
RR #1 BOX 146
ESTELLINE, SD 57234

4. Article Number

P501739 002

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee
or agent and **DATE DELIVERED.**

8. Addressee's Address (ONLY if
requested and fee paid)

RR 1 Box 146
Estelline SD
57234

5. Signature - Addressee

X *Joshua Wellman*

6. Signature - Agent

X

7. Date of Delivery

3-15-88

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Fess Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 30, 1988

Joshua Wollman
Poinsett Hutterian Brethren
RR #1 Box 146
Estelline, SD 57234

Dear Mr. Wollman:

Enclosed, as you requested, are 1987 irrigation questionnaires for Water Permit Nos. 2174-3, 2175-3, 2413-3, 3223-3, 4353-3, 5026-3 and 5038-3. Please complete and return the forms to our office as soon as possible.

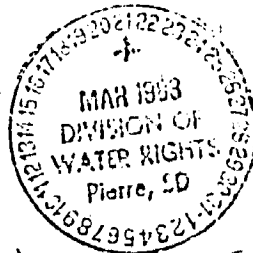
A time has not been set for the hearing before the Water Management Board May 11, 1988 for consideration of your suspended permits. We will notify you as soon as they are scheduled for hearing.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst

enclosures



Dear Sir

Regarding my telephone
conversation as of the other Day.
Regarding a one yr suspension of
water permit. This is a major
Penalty that either you or we
can afford in the business and line
of farming, the forms we talked about
the other Day, were received by us
and passed on to one Mr. Frigato
Levi Tackles to have them fill them
out and to see to it that they are to
be mailed back, so in the mean-
time, we had to start on a Business
trip into Canada for three - four weeks
as to get home they were mislaid
and stated they do not to be found
as things are when you get back
from Vacation, over

Not realizing how important these things are, as being new in the Business, he did not mention to me or Jonathan that they got lost and haven't been mailed, owing you our apology to this matter. We are truly sorry about all this. And need to know what we can do in order to correct this, so we can brigate this season, hope you realize this is a big investment that costs us a fortune, and would appreciate not to have a set-back this coming season. When it comes time to brigate, I trust you may be of help to us, We truly hope we can agree to this matter and trust that in the future you will find us more cooperative. over

So if it's not too late, would
you please mail necessary
forms, We trust your cooperation
in this matter. We are

Sincerely yours
Joshua Hollman
Sec. Treas.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 14, 1988

NOTICE

TO: Joshua Wollman, Poinsett Hutterian Brethren, RR #1
Box 146, Estelline, SD 57234

FROM: JOHN HATCH, Chief Engineer *John Hatch*
Water Rights Division
605 773-3352

SUBJECT: Notice of Hearing to Consider Request for
Reconsideration of Suspended Water Permit Nos. 2174-3,
2175-3, 2413-3, 3223-3, 5026-3, 5038-3 and Water Right
No. 4353-3

The hearing on your March 21, 1988 request to the Water Management Board to reconsider suspension of Water Permit Nos. 2174-3, 2175-3, 2413-3, 3223-3, 5026-3, 5038-3 and Water Right No. 4353-3 has been scheduled for 9:15 am, May 11, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD.

As stated in the notice to you dated January 29, 1988, the hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your permits, defer action or taken no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

cc: Harold Deering, Assistant Attorney General

CERTIFICATION

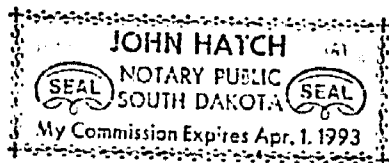
I hereby certify that on April 14, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice of Hearing to Consider Request for Reconsideration of Suspended Permit addressed as follows:

Joshua Wollmar
Poinsett Hutterian
RR 1, Box 146
Estelline SD 57234

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of April, 1938.



John H. H. H.
Notary Public

Joshua Wollman-Poinsett Hutterian Brethren

Water Permit Nos. 2174-3, 2175-3, 2413-3, 3223-3, 5026-3, 5038-3
and Water Right No. 4353-3

GENERAL

Application Nos. 2174-3, 2175-3, 2413-3, 3223-3, and 4353-3
were submitted by: Poinsett Hutterian Brethren, Assoc.
Joshua Wollman, Mgr.
Estelline, SD 57234

Application No. 5026-3 was submitted by:
Poinsett Hutterian, Inc.
Joshua Wollman, Mgr.
RR #1 Box 146
Estelline, SD 57234

Application No. 5038-3 was submitted by:
Poinsett Hutterian Brethren, Inc.
Joshua Wollman, Mgr.
Box 146
Estelline, SD 57234

Permits Approved:	No. 2174-3	March 20, 1975
	No. 2175-3	March 20, 1975
	No. 2413-3	November 13, 1975
	No. 3223-3	February 23, 1977
	No. 4353-3	March 28, 1979
	No. 5026-3	September 25, 1984
	No. 5038-3	March 6, 1985

Permit Licensed: No. 4353-3 October 25, 1983

Water Permit Nos. 2174-3, 2175-3, 2413-3, 3223-3 and Water
Right No. 4353-3 were Amended in 1985 to include the
Irrigation Questionnaire Qualification for violation of the
requirement to submit the 1984 irrigation questionnaire.

Water Permit Nos. 5026-3 and 5038-3 were approved with the
irrigation questionnaire qualification.

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

Year	Date Request Mailed	Date Irrigation Questionnaire Returned	Date of Any Board Action
1983	November, 1983	no report filed	none
1984	October, 1984	June 14, 1985	May 15, 1985
*1985	November, 1985	no incoming date recorded	none
1986	November, 1986	December 9, 1986	none
1987	October, 1987	April 6, 1988	March 2, 1988

* No date of return was stamped on the 1985 irrigation
questionnaires. We assume the questionnaires were submitted
within the required time limit since the files do not contain
notices of violation for non-return of the questionnaires.

PAST VIOLATIONS

1. Violation of Requirement to Submit 1984 Irrigation Questionnaires:

April 15, 1985, notice was sent to Poinsett Hutterian Brethren, %Joshua Wollman for violation of the requirement to submit the 1984 irrigation questionnaires for Water Permit Nos. 2174-3, 2175-3, 2413-3, 3223-3 and Water Right No. 4353-3 and of the hearings scheduled before the Water Management Board to be held May 15, 1985.

May 15, 1985, The Water Management Board amended Water Permit Nos. 2174-3, 2175-3, 2413-3, 3223-3 and Water Right No. 4353-3 to add the Irrigation Questionnaire Qualification.

June 12, 1985, notice was sent to Poinsett Hutterian Brethren informing them of the Board action amending their water permits and water right.

June 14, 1985, The 1984 irrigation questionnaires were received.

2. 1987 Irrigation Questionnaire Violation

January 29, 1988, Poinsett Hutterian Brethren, Joshua Wollman Mgr., was given notice of permit violation for non-return of their 1987 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 2, 1988.

March 2, 1988, The Water Management Board suspended Water Permit Nos. 2174-3, 2175-3, 2413-3, 3223-3, 5026-3, 5038-3, and Water Right No. 4353-3 until December 31, 1988.

March 14, 1988, Poinsett Hutterian Brethren was notified of the Board action suspending the permits and water right. The notice was sent Certified Mail, Return-receipt requested. Joshua Wollman signed the Return-receipt card.

March 21, 1988, a letter was received from Joshua Wollman, stating the reasons the irrigation questionnaires were not returned. He also requested additional questionnaire forms to complete.

March 30, 1988, additional 1987 irrigation questionnaires were sent to Joshua Wollman, Poinsett Hutterian Brethren.

April 6, 1988, the 1987 irrigation questionnaires were received.

April 14, 1988, Mr. Wollman, Poinsett Hutterian Brethren was sent a Notice of Hearing to Consider Request for Reconsideration of Suspended Water Permit Nos. 2174-3, 2175-3, 2413-3, 3223-3, 5026-3, 5038-3 and Water Right No. 4353-3.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 13, 1988

NOTICE

TO: Joshua Wollman
Poinsett Hutterian
RR 1, Box 146
Estelline SD 57234

FROM: John Hatch Chief Engineer *John Hatch*
Water Rights Division
(605) 775-3352

SUBJECT: Reinstatement of Suspended Water Permits and Notice of
One Year Suspension Without Reinstatement for Future
Irrigation Questionnaire Violations

The Water Management Board, following the May 11, 1988, hearing passed the following motion:

"That the owners of Water Permits No. 1372-2 (Earl Sonnenschein & Sons); 1731-2 (Buckles Ranch); 235-3 (Russell Doolittle); 2171-3, 2497-3, 3229-3 (Harlan Stadheim); 2174-3, 2175-3, 2413-3, 3223-3, 4353-3, 5026-3, 5038-3 (Poinsett Hutterian Erthern); 3264-3 (John Heber); 3479-3, 4237-3 (Bob Kohnen) 3825-3 (Rod Page, operator); 4017-3 (Martin Ronning); 4257-3 (Patricia Ronning & Jeanette Hurrell); 4521-3 (Tom/William Maher & Harvey Buhl); 4564-3, 4611-3 (Wendell Bishop); 4660-3 (Dihl Grohs); 4732-3 (Gerald Benjamin); 4741-3 (Lois J Elsing); 4827-3 (Gary Smith); 4844-3 (Gerald Goetsch); 4966-3 (Delano Hofer); 4985-3, 4992-3, 5043-3, 5044-3 (Ray & David Hanson); 4754-3 (Richard Beare); and 375-2 (Rhea Brill), have now submitted the 1987 irrigation questionnaires for these permits, that a 60 day suspension period has been completed and that these permits are reinstated effective immediately. The owners of the permits are also NOTIFIED that failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement."

If you have any questions, please contact us.

cc: Water Management Board



CERTIFICATION

I hereby certify that on May 13, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice of Reinstatement of Suspended Water Permits addressed as follows:

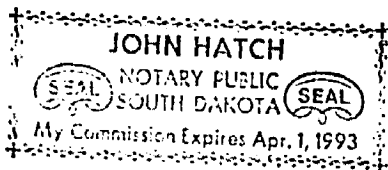
Joshua Wollman
Poinsett Hutterian
RR 1, Box 146
Estelline SD 57234

Karen Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of May, 1988.



John Hatch
Notary Public

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

2174A-3

APR 25 1990

Joshua Wollman
Poinsett Hutterian Brethren Assoc.
RR #1 Box 146
Estelline, SD 57234-9456

Dear Mr. Wollman:

Enclosed is Water License No. 2174A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412186 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2174A-3, 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 waived 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, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

enclosures

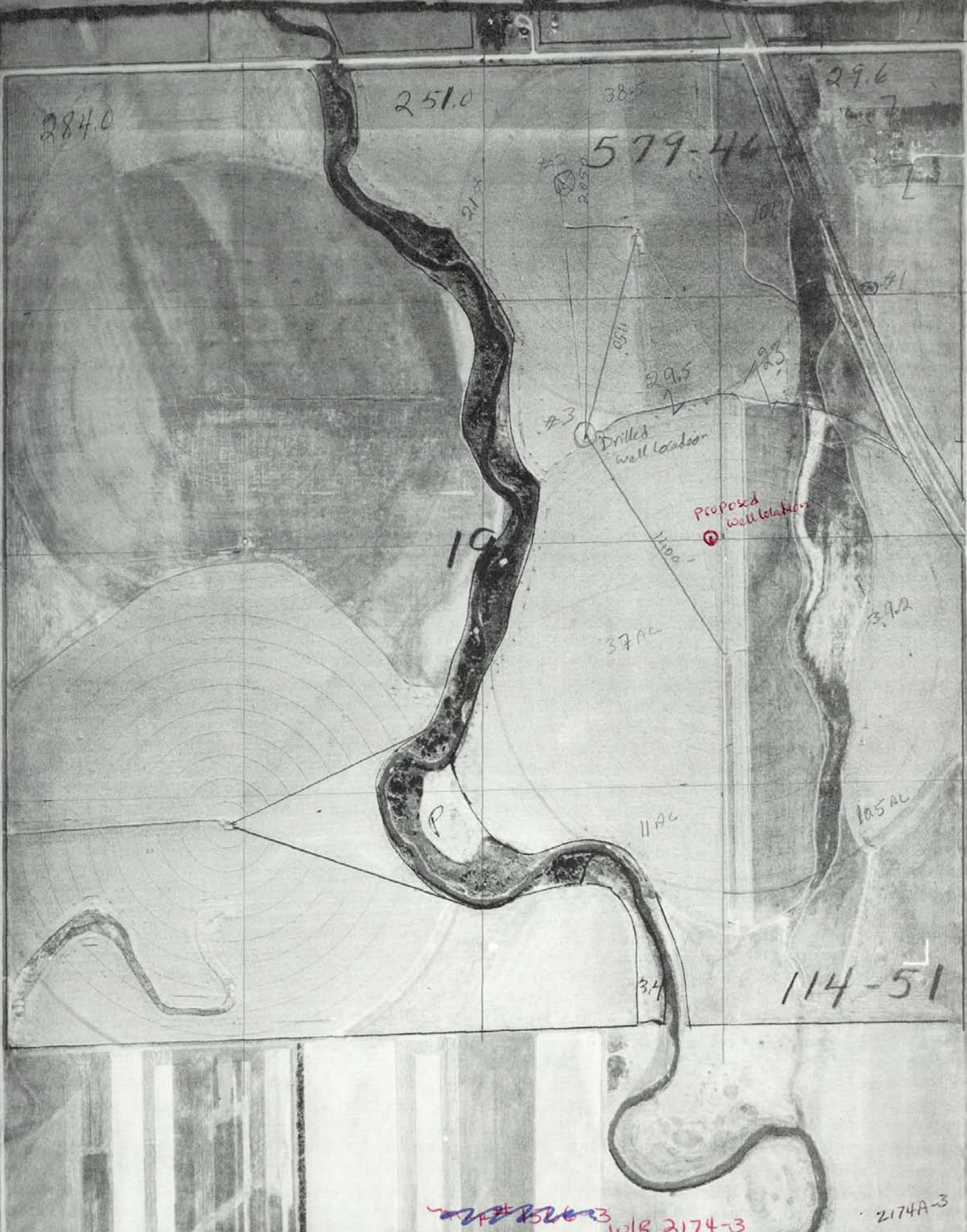
NOTE: The applicable portions of Water Permit No. 2174-3 have been incorporated into this Water License No. 2174A-3.

App. # 2174-3

1451 4353-3 -W1/2

2174-3 E2

NOT TO SCALE

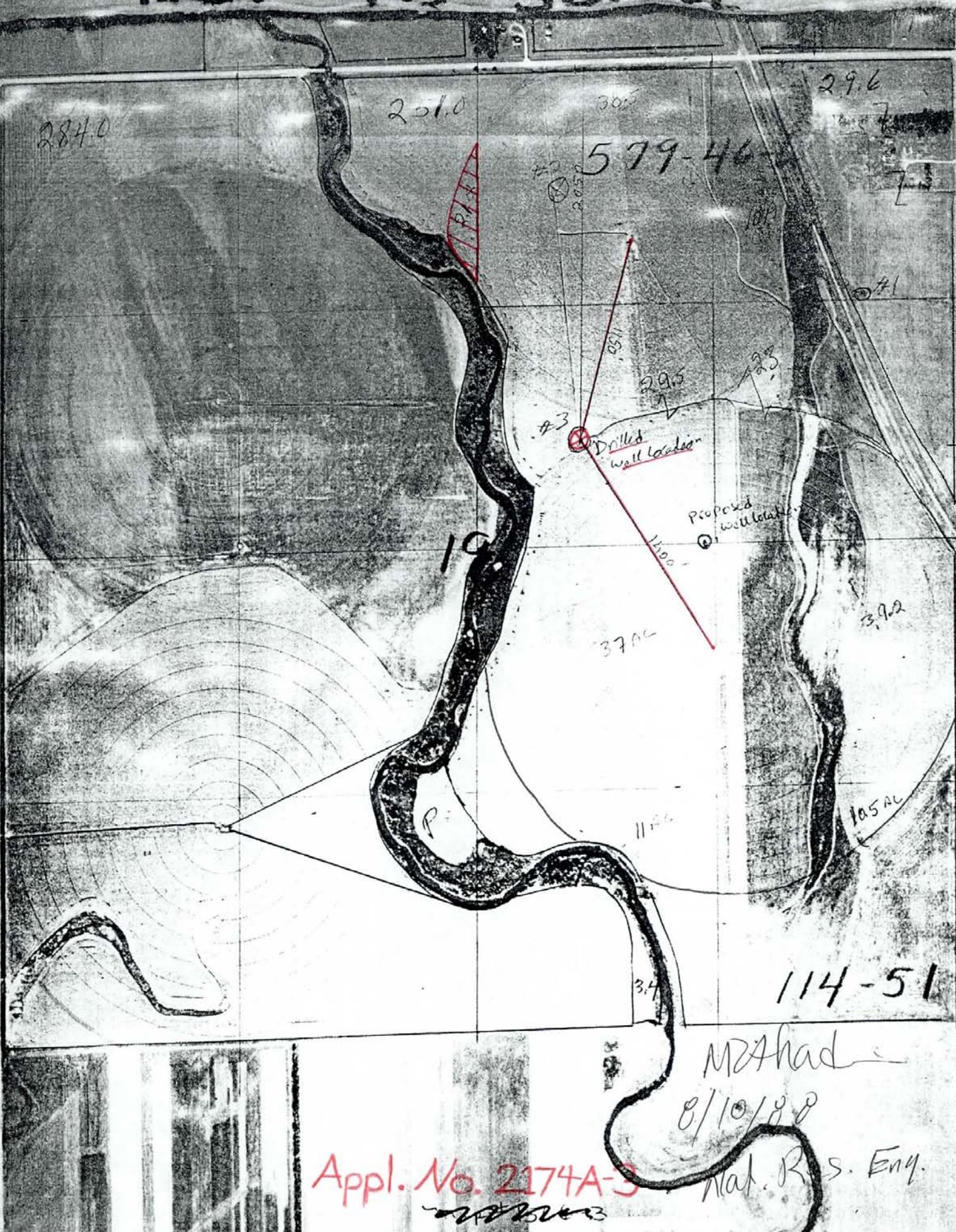


2174-3 W1/2 2174-3

2174A-3

NOT TO SCALE

1451 4353-3 - 10
2174-3 E2



Appl. No. 2174A-3

M2A had
8/10/88
Nat. R. S. Eng.