

- 2175-3
1. Considered 3-19-75
 2. Name of Applicant POINSETT HUI TERIAN BROTHERN
 3. Post Office Address ESTELLINE
 4. Amount of water claimed 4.15
 5. Source of water supply GROUNDWATER
 6. Water to be used for IRIGATION
 - Acres to be irrigated 291
 7. Water to be diverted and used in HAMLIN county
about 4 1/2 W 5 N miles of ESTELLINE
 8. Proof of Publication Received 2-14-75
Not Received _____

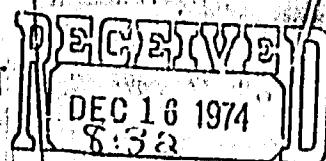
10. Remarks:

2175-3 Poinsett
6-21-78 CP. Valley Model 1041
pump in SW 1/4
Well in NW 1/4 sec 19
Depth 49 ft. 3 ft to rock
pumping 750 gpm
Motor 11.5 Ekw. 40 HP 1765 RPM
T.D. # 9402567-H-313 R 2072301
Pump Western Land Equip.
Ser # C 73573
Head # 6 M 6 100 M

6-21-78 CP. Valley Model 1041 Ser # 5078
pump in SW 1/4
Well in NW 1/4 sec 19
Depth 49 ft. 3 ft to rock
pumping 750 gpm
Motor 11.5 Ekw. 40 HP 1765 RPM
T.D. # 9402567-H-313 R 2072301
Pump Western Land Equip.
Ser # C 73573
Head # 6 M 6 100 M

Map No. 1567-3 Water Division No. 3 BIG SIOUX RIVER District 2175-3
(Blanks to be filled by the Engineer for the W. R. S.)

APPLICATION FOR PERMIT



To Appropriate Water within the State of SOUTH DAKOTA

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

1. Name of Applicant Painse Hufferman Brothers Ass'n
Postoffice address Estlin 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 Painse Hufferman Brothers Ass'n Irrigation Project #3
4. Amount of water claimed (cubic feet per second) 4.15
5. Source of water supply well
6. Location of point of diversion 2050' N 120° E of NW corner of
Sec 20 - 111-51

County Hamilton

7. Annual period or periods during which water is to be used _____
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 Irrigation

List below each forty acre subdivision, or lot, or fraction		of and show number of acres to be irrigated in each	
Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 of NW 1/4 of Sec 20	38	NW 1/4 of SW 1/4 of Sec 20	33
NE 1/4 of NW 1/4 of Sec 20	39	NE 1/4 of SW 1/4 of Sec 20	40
SW 1/4 of NW 1/4 of Sec 20	33	SW 1/4 of SW 1/4 of Sec 20	32
SE 1/4 of NW 1/4 of Sec 20	40	SE 1/4 of SW 1/4 of Sec 20	36

Attach sheet if more space is needed

10. 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.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Waterford Public Opinion
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source: well with deep well turbine electrically driven

B. Works proposed to transport water to place of use: closed conduit pipe

C. Works proposed to apply water to beneficial use: center pivot machine

Estimated Total Cost \$80,000

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, John Wellman, 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

Subscribed and sworn to before me this

9th day of December 1974
John Wellman
Notary Public for other specified territory

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-T114-S1

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

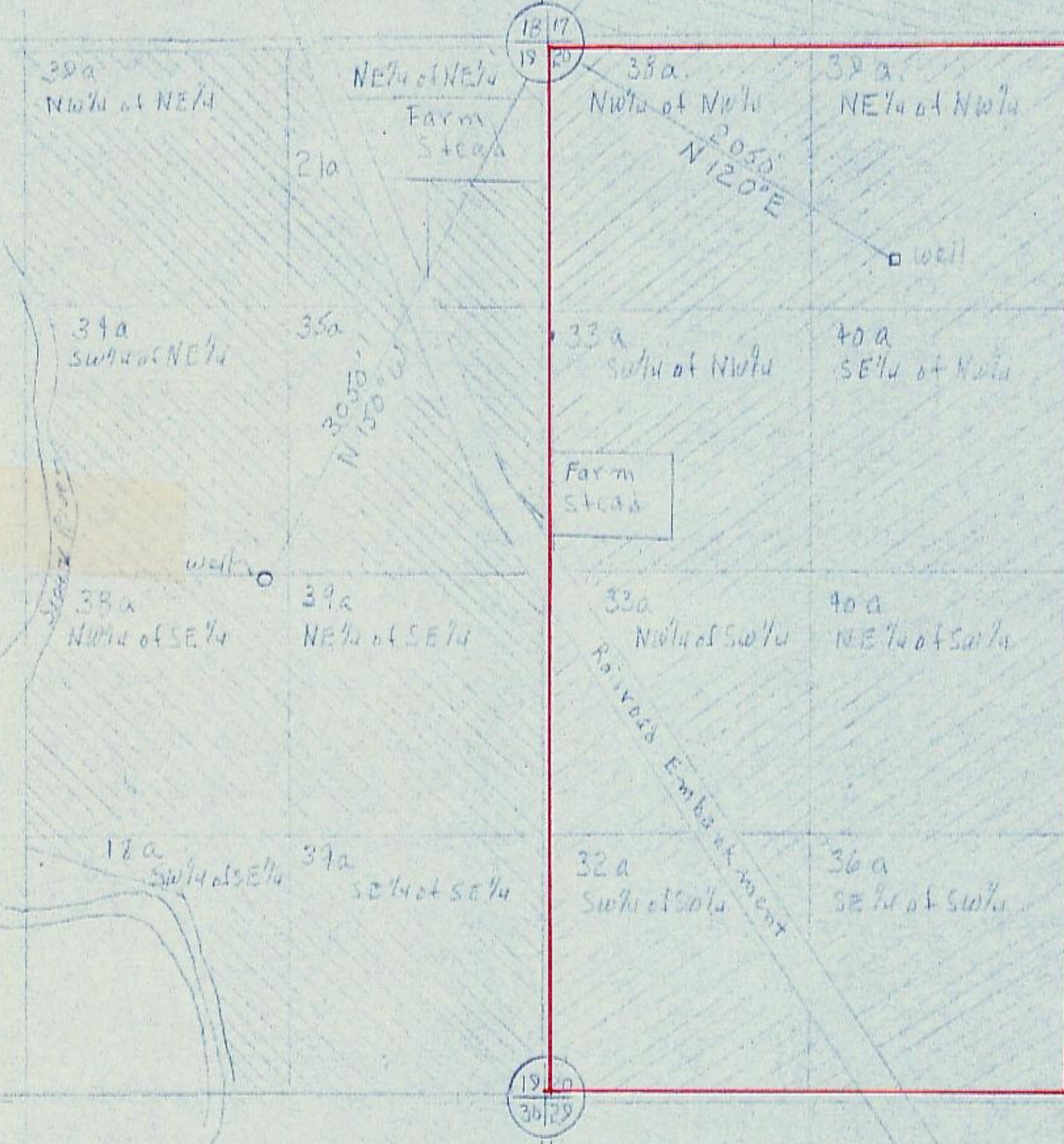
IRRIGATION PROJECT

NUMBER FIVE

THAT LAND LOCATED
IN E 1/2 SEC 16-T114-S1

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-T114-S1. Its point of diversion is a well located 3050' N 150° W of NE corner of sec 19-T114-S1. Water claimed 3.81 cfs.

Project Number Three is located in W 1/2 of sec 20-T114-S1. Its point of diversion is a well located 2023' 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-T114-S1. Its point of diversion is a well located 1425' 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-T114-S1. Its point of diversion is a well located 2350' N 35° W of SE corner of sec 16. Water claimed 3.36 cfs.

Scale - 8" = 1 MILE

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

Surveyor's Certificate
I, John L. Wiersma, do hereby certify that
this map identifies a reasonably accurate
record of the land of:
Poinsett Hutterian Brethern Ass'n
Estelline, S. Dakota
Drawn by J.L.W.
John L. Wiersma
Brookings, S. Dakota
12-7-74
P.E. 41916

MAP NO 1567-3 (AMPL NO 2175-3)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2175-3
WINSETT HUTTERIAN BROTHERN ASSN. ESTELLINE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57234 With the following modifications:

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 210

WATER RIGHT PERMIT NO. 2175-3
 The Water Resources Commission hereby grants and issues this Water Right Permit No. 2175-3 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 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 4.15 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 20, 19 83; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 21st day of MARCH, 19 75

WATER RESOURCES COMMISSION

By: Donald D. Russell
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 ____

Water License Issued _____ 19 ____

Form 2A - Water Right and Water Storage Dam (See page 1 of form 2)

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 22", Depth 38'
 (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 12" Thickness 1/4"
 (3) Perforated Screen.
 Type Continuous Slot, Diameter 12", Length 10'
 (4) Gravel Pack, Thickness 3", Length of gravel pack 20'

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 with
a few mixed fine sands

Depth to top of water bearing material 10'
 Depth to bottom of water bearing material 38'
 Thickness of water bearing material 28'
 Depth to water (ground surface to water level) 0'

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

On same owner's property 150 rds. On property owned by others 350 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.

J. Hollman Heringer
 Signature of Applicant

2175-3

January 16, 1975

Mr. Joshua Wollman
Poinsett Hutterian Brathern Association
Estolline, SD 57234

Dear Mr. Wollman:

We have completed the analysis of the water sample for the NW 1/4 Sec 20 T114N R51W. This is designated as well #3. The WI-1 form has now been received and we are sending it along with a copy of this letter and a copy of the water analysis to the State Conservation Commission.

This is water very high in total salinity. The conductivity is 2463 which makes it too salty for many soils further west with poorer internal drainage. However, by careful management and irrigation in large quantities rather infrequently instead of small, frequent irrigations could result in satisfactory performance for a long time. However, if salt accumulations begin to appear as evidenced by unsatisfactory growth of crops or grayish or whitish crusts on the soil surface, you should discontinue irrigation and get in touch with extension irrigation specialists or your county agent or us here at the Water Quality Lab with respect to procedures to reduce the salt in the root zone.

I'm giving a hesitant, favorable recommendation to the State Conservation Commission on this portion of your application on the basis of this high total salinity.

You will find enclosed a copy of Extension Circular 634 with the approximate quality of your water designated by an encircled red cross on the back cover. You should read this circular and be guided by the information contained therein.

Sincerely yours,

L. O. Fino

L. O. Fino
Water Quality Lab

LOF:lll

Enclosure

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

RECEIVED

JAN 22 1975

DEPT. OF AGRICULTURE
RESOURCES MANAGEMENT

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

Submitted by: Joshua Hollen Date Rec'd November 20, 1974
 Address Pointett Hutterian Brethern Assn Sample No. 74-952
Estelline, SD 57234 Identification 73 Holl-40
NW 1/4, Sec. 20, T. 114N, R. 91W

WATER ANALYSIS

Calcium (Ca)	460	ppm*	23.00	me/l**
Magnesium (Mg)	140	ppm	11.48	me/l
Sodium (Na)	72	ppm	3.13	me/l
Potassium (K)	8	ppm	0.20	me/l
Sulfate (SO ₄)	932	ppm	19.40	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	55	ppm	1.53	me/l
Bicarbonate (HCO ₃)	532	ppm	8.72	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	436	ppm (as CaCO ₃)		
Alkalinity (Perolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	2453	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.75			
Sodium	8.28	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.11			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 37.80 me/l
 Total anions 29.65 me/l

By: Harley Mitten

Service Performed

Amount Due

Irrigation Analysis

\$6.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-952

Amount Enclosed \$

Signed

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: [Signature]
Disapproved: _____

NAME: Poinsett Hutterian Brethren Ass'n
ADDRESS: Estelline South Dakota
COUNTY: Hamlin

LEGAL DESCRIPTION

1. WELL LOCATION: NE 1/4 NW 1/4 Sec 20, T114 N R51 W
2. AREA TO BE IRRIGATED: W 1/2 20 - 114 - 51

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Center Pivot
4. CROPS TO BE IRRIGATED: Corn & Alfalfa

LAND CAPABILITY FOR IRRIGATION W 1/2 20 - 114 - 51

5. PERCENTAGE OF SLOPE: 3.1% - 4% FORVILLE - 2% LAUREL 3.7% 17%
FORVILLE - 4% 2046 - 5.1% 25% 2.46 - 10%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: 301472 - FORVILLE FSL 1" / hr intake PHOTO NTS-2-40
35472 FROM SCS CONSERVATION SURVEY
2F3W2 LAUREL 0.3" / hr intake John D. Holzwart, D.C., SCS

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-952
8. SALINITY: EC - 2463 micromhos/cm (very high)
9. SODIUM: SAR = 0.75 (Low)

no residual carbonates; the salts in this water are mostly gypsum and magnesium sulfate. Less harmful than bicarbonates & chlorides.

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.

John H. Williams
Notary Public

Subscribed and sworn before me this

7 day of February 1975
Laurence Gratz

Notary

(Title)

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

No. 2175-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Codington)

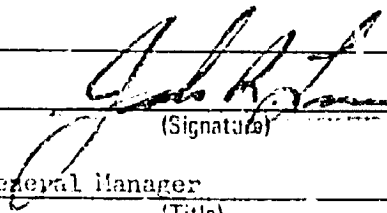
I, John R Lowrie hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Watertown Public Opinion

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. 2175-3
NOTICE
INTENT TO
APPROPRIATE WATER
February 3, 1975
Pierre, South Dakota 57501
Notice is hereby given that
Poinsett Hutterian Brethren
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 4.15
cubic feet of water per second of
time from ground water through the
Poinsett Colony No. 3, the point of
diversion of which is to be located in
the NE 1/4 N 1/4 of Section 20, Twp.
114N, Range 51W. Said water to be
used for the purpose of providing
irrigation on portions of the
following described land: W 1/2,
Section 20, T 114N, R 51W.
This application No. 2175-3 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)
3/4 P.M. 25X3 - 814.62

RECEIVED
FEB 12 1975
STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

2175-3Publish 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 Brethern Association
 whose post office address is Estelene, 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
4.75 cubic feet of water per second of time from the ground water through the
Poinsett Colony #3, the point of diversion of which is to be located in the _____

NE 1/4

of Section 20, Twp. 114N, Range 51W. Said water to be used for the purpose
 of providing irrigation on ^{portions of} the following described land:
W 1/2, Section 20, T114N, R51W

WATER RIGHTS COMMISSION

This application No. 2175-3 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

BPJ/LM

cc: Joshua Wollman, Poinsett Hutterian Brethern Association, Estelene, S.D. 57234

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

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

April 15, 1985

Polinsett Hutterian Brethern
Joshua Wollman
Estelline SD 57234

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

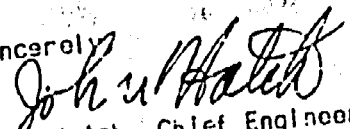
Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 2174-3, 2175-3, 2413-3, 3223-3, 4353-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation 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 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. 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, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

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

**Dakota Department of
Water & Natural Resources**

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-1181

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Poinsett Hutterian Brethern
% Joshua Woliman
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.



Department of Water & Natural Resources

Joe Foss Building
623 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."



Department of Water & Natural Resources

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

2175-3

January 29, 1988

POINSETT HUTTERIAN BRETHERN -Joshua Wollman
RR #1 BOX 146
ESTELLINE, SD 57231

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."

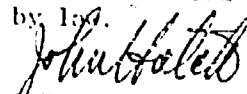
The hearing(s) will be at 9.00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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.



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.



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

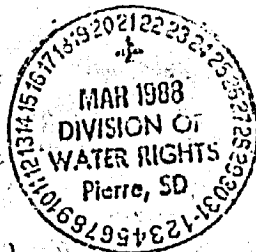
SUBJECT: Notice of Hearing to Consider Request for
Reconsideration of Suspended Water Permit Nos. 2174-3,
2175-3, 2413-3, 3223-3, 5026-3, 5038-3 and Water Right
No. 4353-3

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



Dear Sir,

Regarding my telephone
conversations 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 New-Ingator
Levi Ischetter to have them filled
out and to see to it that they are to
be mailed back, so in the mean-
time, we had to leave on a business
trip into Canada for three - four weeks
as we got home they were mislaid
and stated they do not to be found
as things are when you get back
from vacation, ever

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 bring 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 bring, I trust you may be of help to us. We truly hope we can appeal to this matter and trust that in the future you will find us more cooperative. ever

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.

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 26, 1984
	No. 5038-3	March 6, 1985

Permit Licensed.	No. 4353-3	October 25, 1983
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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, 1985

* 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.

2175-3

 **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
Water Rights Division
(605) 773-3352

John Hatch

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 Brethern); 3264-3 (John Heber); 3479-3, 4237-3 (Bob Kohnen) 3325-3 (Rod Page, operator); 4017-3 (Martin Ronning); 4257-3 (Patricia Ronning & Jeanette Hurrell); 4521-3 (Tom/William Maher & Harvey Duhl); 4664-3, 4611-3 (Wendell Bishop); 4660-3 (Dihl Grohs); 4732-3 (Gerald Benjamin); 4741-3 (Lois J Elsinger); 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

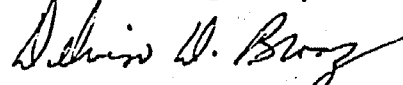


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division

2175-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501 3181

September 27, 1996

5774-3

2174A-3

2175-3

Jonathan Wollman
Claremont Colony
RR 1 Box 132A
Castlewood, SD 57223

Dear Mr. Wollman:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2175-3, 2174A-3 and 5774-3, has been completed. Your final water right document, the Water License, can now be issued. The applicable portions of Water Permit No. 2175-3 and Water Right No. 2174A-3 will be incorporated into Water License No. 5774-3.

The permits are currently listed in the name of Poinsett Hutterian Brethren, Inc. It is our understanding that the land is now owned by Claremont Colony. Prior to licensing, the permits will need to be transferred to Claremont Colony. Enclosed are partially completed "Notice of Transfer" of ownership forms. Please review the forms for accuracy and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary and return them to our office. A \$2.50 filing fee is required for each transfer (total of \$7.50).

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee (for licensing) and \$7.50 (transfers) from you, we will begin processing the ownership changes and your Water License. Please remit a total of \$57.50 to: Department of Environment & Natural Resources Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181

Sincerely,

Genny McMath
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2175-3

Date: September 30, 1996



I/We request that Water Permit No. 2175-3

formerly owned by: Poinsett Hutterian

be transferred to: (name & address) Claremont Hutterian Brothers Inc.

RR2 Box 132A Crestwood SD 57223

Telephone No. 605 793 2115

Title to the following described land(s)/property has been transferred as described above:

W½ Section 20, T114N, R51W

I/We understand that the validity of Water Permit No. 2175-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Hamlin)

I/We Jonathan Wellman being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Jonathan Wellman
(Signed)

Subscribed and sworn to before me this 30th day of September, 19 96.

Lance Bluckow
(Notary Public)

My Commission Expires Nov. 29, 2002

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



2175-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

OCT 17 1996

5774-3

Claremont Hutterian Brethern, Inc.
%Johnathan Wollman
RR 1, Box 132A
Castlewood, SD 57223

Dear Mr. Wollman:

Enclosed is Water License No. 5774-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415130, 415131 and 415132 in the amount of \$2.50 which you paid for the transfer of ownership on Water Right No. 2174A-3 and Water Permit Nos. 2175-3 and 5774-3. Also enclosed is Receipt No. 415133 in the amount of \$50.00 which you paid for the investigation 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. 5774-3, 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 valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, 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 Program
(605) 773-3352

gm
enclosures

NOTE: The applicable portions of Water Right No. 2714A-3 and 2175-3 are incorporated into this Water License No. 5774-3.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

2175-3
415131

Pierre, _____ October 2, 19 96

RECEIVED OF Claremont Hutterian Brethern, Inc., RR 2, Box 132A, Castlewood, SD 57223

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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. _____

Fee for Filing Transfer Form Water Permit No. 2175-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

John Hatcher (Signature)
Chief Engineer