

RECORDED

Nov. 24, 1975

From West 2073

6-10-B1

2 wells 1 ft apart from 7:50 AM

#1 48' Deep well 16" diameter SS Screen 10'
Nelson's 10' 8' SM 3 12 C 11
100 HP US Electric Motor

8" from each well to a point 80' W of
well #1 then 15" twice placed to
12" to 2nd Point - 5' to 3rd Point
#2 to last point

#2 47' deep SS Screen
50 HP WZP. Power Pump
US 1750 RPM

42' deep
40 HP WZP Power Pump
US - 1760 RPM

All 2 Benin. GP
oil with Nelson #100 each year

7-14-75 ESTELLINE, S.D. 57234

Assoc.

2413-3 ROBERT HUTCHINSON BENTON

Water Right Number 2413-3

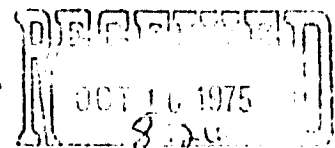
1. Considered November 12, 19 75
2. Name of Applicant Poinsett Hutterian Brethern
3. Post Office Address Estelline, SD
4. Amount of water claimed 6.44
5. Source of water supply well (50' DEEP WELL)
6. Water to be used for irrigation
- Acres to be irrigated 454
7. Water to be diverted and used in Hamlin County
about 6 W Miles of ESTELLINE
8. Proof of Publication Received 11-6-75
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

ORIGINALLY
REC'D 7-14-75

No. 2413-3
Map No. 1790-3 Water Division No. 3 BIG SIOUX RIVER District

APPLICATION FOR PERMIT



STATE WATER RIGHTS

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

- Name of Applicant Poinsett Hutterian Brotherhood Association
- Postoffice address Eschelline State S. Dakota 57234
- If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) Contract Direct Labor
- Name of diversion work Poinsett Hutterian Brotherhood Association # 7
- Amount of water claimed (cubic feet per second) 6.90
- Source of water supply Well
- Location of point of diversion 2370' N13°W of SEC corner of Sec 25-14-51
- County Hamlin
- 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
- For irrigation use: Total number of acres to be irrigated 454

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.
	<u>See attached sheet</u>		

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 None years.
- Choice of newspaper for Notice of Intent to Appropriate Water Application Waterman Public Opinion
- Principal Features of the Proposed Water Supply System:
 - Works proposed to divert water from its natural source: Electrically Driven Deep well turbine
 - Works proposed to transport water to place of use: Buried closed conduit
 - Works proposed to apply water to beneficial use: Center Pivot Irrigation Machine

Estimated Total Cost \$70,000

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 Beakridge

I, Dwight Edellman, 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 25 day of Sept 1975

Signed John H. Williams
Notary Public for South Dakota
P.E. H1916

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2413-3
POINSETT HORTICULTURAL BRETHREN ASSN. ESTELLINE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57234 With the following modifications:
 (State)

The irrigation well approved under this Permit is located near domestic 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.

Date of first receipt of application JULY 14, 19 75
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application OCTOBER 16, 19 75
 Approved NOVEMBER 13, 19 75, Recorded in Book 14 Page 143

WATER RIGHT PERMIT NO. 2413-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2413-3 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 OCTOBER 16, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13, 19 78
3. The whole of said work is to be completed on or before NOVEMBER 13, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13, 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 6.44 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 NOVEMBER 13, 19 83; said water to be used during the following described annual period APRIL THRU OCTOBER

Witness my hand this 21ST day of NOVEMBER, 19 75

WATER RESOURCES COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

Certification of Commission issued _____, 19 ____

Water License issued _____, 19 ____

Water Right, Poinsett Hutterian Brethern Association No. 2413-3

Lands to be irrigated

Description	Sec.	Twp.	Rge.	Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	23	114	51	40
NE $\frac{1}{4}$ SE $\frac{1}{4}$	23	114	51	40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	23	114	51	40
SE $\frac{1}{4}$ SE $\frac{1}{4}$	23	114	51	40
NW $\frac{1}{4}$ NE $\frac{1}{4}$	26	114	51	40
NE $\frac{1}{4}$ NE $\frac{1}{4}$	26	114	51	40
SW $\frac{1}{4}$ NE $\frac{1}{4}$	26	114	51	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	26	114	51	40
NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	114	51	16
SE $\frac{1}{4}$ SE $\frac{1}{4}$	25	114	51	8
NW $\frac{1}{4}$ SW $\frac{1}{4}$	30	114	50	40
SW $\frac{1}{4}$ SW $\frac{1}{4}$	30	114	50	40
SE $\frac{1}{4}$ SW $\frac{1}{4}$	30	114	50	30
Total				454 Acres

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

D. Well Information and Estimates

- (1) Drilling, Diameter 26", Depth 50'
- (2) Casing, Type Steel Diameter 14" Thickness 3/16"
(wood, concrete, steel, etc.)
- (3) Perforated Screen,
Type Galvanized steel Diameter 14" Length 20'
- (4) Gravel Pack, Thickness 6" Length of gravel pack 30'

E. Dugout Information and 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 Coarse gravel

Depth to top of water bearing material 12'

Depth to bottom of water bearing material 50'

Thickness of water bearing material 38'

Depth to water (ground surface to water level) 12'

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

On same owner's property 50 rds. On property owned by others 100 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.

James Williams
Signature of Applicant
Permit's testimony

September 30, 1975

Poinsett Hutterian Brethern Assoc.
Estolline, SD 57231

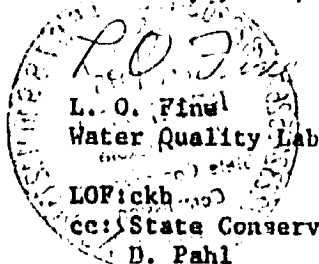
Attention: Joshua Wollman

Dear Mr. Wollman:

You earlier received the report of the original analysis of the water sample from the southwest quarter of section 30. Our lab sample number for this was 75-608. This was mailed to you approximately July 18, 1975.

We have now received the WI-1 form completed for an application to irrigate in the southeast quarter of section 23, township 141, range 51, and the northeast quarter of section 26. It is understood that you intend to use the water from the well located in the northeast quarter of the southeast quarter of section 25, township 141, range 51. The sample of water analyzed from your test hole in the southwest quarter of section 3 is close enough geographically to this new well location so that that water sample is judged to be indicative of what you have in the new well in section 25. This water is very satisfactory for irrigating the soils of that area, the conductivity being only medium and the sodium adsorption ratio being low. The materials pertinent to this application are now being forwarded to the State Conservation Commission. They include a copy of this letter, the WI-1 form, and a copy of the water analysis.

Sincerely yours,



Harold Campbell, County Extension Agent

Conservation
Commission
Form WI #1

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 ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]

Disapproved: _____

NAME: Poinsett Hydroponic Association

ADDRESS: Estelline South Dakota

COUNTY: Hamlin

LEGAL DESCRIPTION

1. WELL LOCATION: NE 4 SE 4 Sec 25 - 114 - 51
NW 1/4 SW 4 Sec 30 - 114 - 51

2. AREA TO BE IRRIGATED: SE 4 Sec 13 - 114 - 51, NE 1/4 Sec 26 - 114 - 51
W 1/4 SW 4 + 30 - 114 - 50

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (Indicate Type): Center Pivot

4. CROPS TO BE IRRIGATED: corn, alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0 - 2%

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Class 1, 1, III, for
irrig. Fairly well settling, Lomane, with some Viscous

WATER QUALITY (To Be Completed by Commission)

7. SAMPLE NO: 175-608

8. SALINITY: EC = 523 μ mhos/cm (medium)

9. SODIUM: SAR = 0.55 (low)

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.

James H. Hillman
James H. Hillman

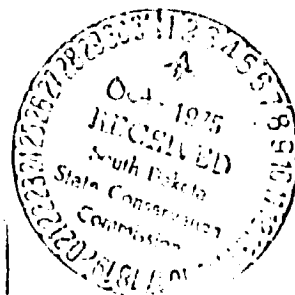
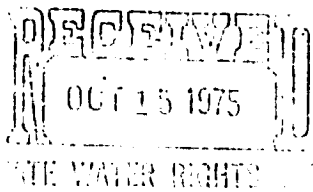
Subscribed and sworn before me this

25 day of Sept 21 19 75.

John P. Hillman

P. 12 - 1916

(Title)



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

Submitted by: Toinsett Colony
 Address: Estelline, SD 57234

Date Rec'd July 9, 1975
 Sample No. 75-608
 Identification Well- Hiemyer farm
SW 1/4, Sec. 30, T 114N, R 50W

WATER ANALYSIS

Calcium (Ca)	55	ppm*	2.75	me/l**
Magnesium (Mg)	23	ppm	1.89	me/l
Sodium (Na)	19	ppm	0.84	me/l
Potassium (K)	3	ppm	0.07	me/l
Sulfate (SO ₄)	39	ppm	0.82	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	5	ppm	0.13	me/l
Bicarbonate (HCO ₃)	298	ppm	4.88	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)	244	ppm (as CaCO ₃)		
Alkalinity (Penolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	523	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.55			
Sodium	15.13	% of cations		
Residual sodium carbonate	0.24	me/l		
pH	8.03			
Others:				

*ppm=parts per million
 **me/l=milliequivalents per liter

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

COMMENTS: Total cations 5.55 me/l
 Total anions 5.93 me/l

By: Shirley Mittan

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-608

Amount Enclosed \$

Signed

Publish first publication, on or before October 30, 1975

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 24, 1975

Notice is hereby given that Poinsett Hutterian Brethern 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

0.44 cubic feet of water per second of time from the ~~xxx~~ ground water through the Poinsett Colony #7, the point of diversion of which is to be located in the _____

NE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 25, Twp. 114N, Range 51W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$, Section 23; E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 25; NE $\frac{1}{4}$, Section 26, T114N, R51W, and W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, T114N, R50W

This application No. 2413-3 will be considered by the Water Rights Commission at their office at Pierre upon the 12th day of November, 1975, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFC/bw
cc:

Poinsett Hutterian Brethern Association, Estelline, S.D. 57234

STATE OF SOUTH DAKOTA)
) ss.
County Codington)

Nov 5, 1975

Nov 5, 1975

(Date Signed)

NO. 2413-3

NOTICE INTENT TO
APPROPRIATE WATER

PROSTATE WATER
Pierre South Dakota 57501
October 24, 1975

Notice is hereby given that Pointsett 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 4.41 cubic feet of water per second of time from ground water through the Pointsett Colony No. 7, the point of diversion of which is to be located in the NE¼ NE¼ of Section 25, Twp. 114N, Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE¼, Section 23; E¼ SE¼, Section 25; NE¼, Section 26, T114N, R51W, and W¼ SW¼ and SE¼ SW¼, Section 30, T114N, R50W.

This application No. 2413-3 will be considered by the Water Rights Commission at their office at Pierre upon the 12th day of November, 1975, at 2:30 P.M. All interested persons may appear and be heard.

**WATER RIGHTS
COMMISSION**

COMMISSION
BY: BURTON F. JONES
Water Rights Specialist
(Oct. 29; Nov. 5, 1975)

Water Rights Commission

On about July 12 1975 you received the maps & application forms for the Poudre-Huerfano Brothers Association Irrigation project #7. It was not acted on during the Sept meeting of the Commission. Since that time additional test drilling was completed by the Association causing a change in plans. Please disregard the application received in July and in its place consider the enclosed application.

In July you also received the application for Project #6 in Section 22-113-56. This application is to remain as presented at that time for consideration at the November meeting.

John Sweetman
P. E. #1916

I'm assuming the #8.00 sent in with the original "Project #7" will suffice for this revision. Revised "W1" is being processed.

P.S. #2 The Irrigation Project #4 will never be the well drilled out.

No. _____ District _____
 Map No. _____ Water Division No. _____
 (Blank to be filled by the Engineer for the W. H. C.)

APPLICATION FOR PERMIT

9.04

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Poinsett H. H. Co. Bros. & Co. Inc.
 Postoffice address 12 S. 11th St. State South Dakota 57230
 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 Poinsett H. H. Co. Bros. & Co. Inc. Project # 7
 4. Amount of water claimed (cubic feet per second) 1.91
 5. Source of water supply well
 6. Location of point of diversion 1580' N 23° E of SW corner of Sec 30 - 114-50
or NW 1/4 of Sec 30 - 114-50
 County Deuel
 7. Annual period or periods during which water is to be used April through 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 130

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

Land Description	No. A	Acres Irr.	Land Description	Acres Irr.
NE 1/4 of SE 1/4 Sec 25-114-51	16		NW 1/4 of SW 1/4 Sec 30-114-50	40
SE 1/4 of SE 1/4 Sec 25-114-51	8		SW 1/4 of SW 1/4 Sec 30-114-50	40
			SE 1/4 of SW 1/4 Sec 30-114-50	30

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 3 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Deuel News, Public Opinion
 12. Principal Features of the Proposed Water Supply System.

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

well with electrically driven deep well
turbine pump

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

closed conduit

C. Works proposed to apply water to beneficial use

center pivot irrigation machine

Estimated Total Cost \$ 40,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

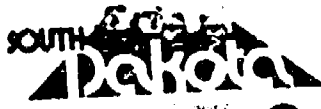
STATE OF SOUTH DAKOTA

County of Deuel

I, Joshua Williams, 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 Joshua WilliamsSubscribed and sworn to before me this 9 day of July, 1975.

John S. Williams
 Notary Public for other qualified officers



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
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 hearing.



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: Poinsett 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.



Department of Water & Natural Resources

Joe Foss Building
523 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

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 hearing(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 14C
ESTELLINE, SD 57234

FROM: John Hatch, Chief Engineer
Water Rights Division
605-753-3352

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-Frigate
Levi Tschetter 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 leave on a Business
trip into Canada for three-four weeks
as we got home they were mislaid
and stated they would not be found
as things are when you get back
from vacation, over

Not realizing how important these things are, as being now 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. 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 Williams
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
------------------	------------	------------------

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

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Questionnaire Returned</u>	<u>Date of Any Board Action</u>
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.

SOUTH DAKOTA 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) 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 Elsingher); 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



2413-3

Poinsett Hullerian Brothers Association

Sec. 23, T. 114N - R. 51W

NE $\frac{1}{4}$, SE $\frac{1}{4}$ 35.0 ac.NW $\frac{1}{4}$, SE $\frac{1}{4}$ 27.0 ac.SW $\frac{1}{4}$, SE $\frac{1}{4}$ 34.0 ac.SE $\frac{1}{4}$, SE $\frac{1}{4}$ 35.0

Subtotal 131 ac.

SW $\frac{1}{4}$, SW $\frac{1}{4}$ 35.3 ac.NW $\frac{1}{4}$, SW $\frac{1}{4}$ 36.3 ac.NE $\frac{1}{4}$, SW $\frac{1}{4}$ 36.1 ac.SE $\frac{1}{4}$, SW $\frac{1}{4}$ 34.3

Subtotal 142 ac.

Sec. 25, T. 114N - R. 51W

SW $\frac{1}{4}$, SW $\frac{1}{4}$ 36.5 ac.NW $\frac{1}{4}$, SW $\frac{1}{4}$ 36.5 ac.SE $\frac{1}{4}$, SW $\frac{1}{4}$ 37.0 ac.NE $\frac{1}{4}$, SW $\frac{1}{4}$ 36.0 ac.

Subtotal 146 ac.

Sec. 26, T. 114N - R. 51W

NE $\frac{1}{4}$, NE $\frac{1}{4}$ 35.0 ac.NW $\frac{1}{4}$, NE $\frac{1}{4}$ 36.0 ac.SW $\frac{1}{4}$, NE $\frac{1}{4}$ 35.0 ac.SE $\frac{1}{4}$, NE $\frac{1}{4}$ 35.0

Subtotal 141 ac.

Total 560 ac.

Permit No. 2413-3 & 3223-3Big Sioux River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

I have this day made a thorough examination of the water use system constructed by Poinsett Hutterian Brethern Association of Estelline, SD 57234 holder of Permit No. 2413-3 & 3223-3, bearing the priority of Oct. 16, 1975 & Oct. 28, 1976 authorizing the diversion of 6.44 & 4.4 cu. ft. per second of the waters of ground water for irrigation purposes, in Hamlin & Deuel Counties.

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

A. Works used to divert the water:

3 Western Landroller Pumps with total capacity of 2250 gpm.
3 GE Motors with 40, 50 & 60 HP

B. Works used to transport water to place:

Total of 6960 ft. of PVC lines varying from 8" to 15"

C. Works used to apply water to beneficial use: **

Two Lindsey Pivots, Having 10 towers each, with capability of pumping 700 gpm each and Two Zimatic Pivots, having 7 towers each, pumping 700 gpm each.

The system is in the following condition: good.

The point of diversion is located: Well A: 550' West & 2400' North of SE corner. Well B: 325' West & 1750' North of SE corner. Both in Section 25-T114N-R51W. Well C: 75' East & 1730' North of SW corner of Section 30-T114N-R50W.

The works are capable of diverting and conveying to the place of use 5.00 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

See attached Sheet

comprising a total of 560 acres of land and the license should be issued for 5.00 cfs.

Application permit qualifications have been complied with X Yes No

Exceptions to compliance are:

** 4 pumps one at every pivot

Berkeley, 40 HP each

Another Berkeley pump is used to pump raw sewage into the pivots from the lagoon in Section 36-T114N-R51W.

Date 8/28/86

M. Rassool Ahadi

M. Rassool Ahadi
Natural Resources Engineer III
DENR, Water Rights Division

Attachment

Poinsett Hutterian Brethern Association

Sec. 23 T114N-R51W

NE 1/4 SE 1/4	35 Acres	
NW 1/4 SE 1/4	27 Acres	
SW 1/4 SE 1/4	34 Acres	
SE 1/4 SE 1/4	35 Acres	Subtotal 131 Acres

SW 1/4 SW 1/4	35.3 Acres	
NW 1/4 SW 1/4	36.3 Acres	
NE 1/4 SW 1/4	36.1 Acres	
SE 1/4 SW 1/4	34.3 Acres	Subtotal 142 Acres

Sec. 25 T114N-R51W

SW 1/4 SW 1/4	36.5 Acres	
NW 1/4 SW 1/4	36.5 Acres	
SE 1/4 SW 1/4	37 Acres	
NE 1/4 SW 1/4	36 Acres	Subtotal 146 Acres

Sec. 26 T114N-R51W

NE 1/4 NE 1/4	35 Acres	
NW 1/4 NE 1/4	36 Acres	
SW 1/4 NE 1/4	35 Acres	
SE 1/4 NE 1/4	35 Acres	Subtotal 141 Acres

Total 560 Acres

Conversation or File Documentation

NAME OF PERSON OR FILE: Pinsetl Hutterian Brethren Assn.ADDRESS: Estelina SD 57234 COUNTY HamblinDATE: 6/19/1991 TELEPHONE _____RE: Inspection of permits

COMMENTS:

Talked to Joshua Wollman and looked
at the lands under these permits. Every
thing still looks the same as when
M. Rassool Ahadi inspected it in 1986

File in Permit or other file as necessary. Use to document conversations and what the other party was told, why action or decision was made.

WATER RIGHTS DIVISION - DEHR

File Documentation

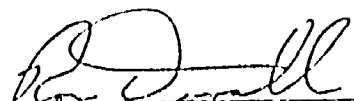
Name: Poinsett Hutterian Brethern, c/o Joshua Wollman
Address: RR 1, Box 146, Estelline SD 57234
Date: July 2, 1991
Subject: Basis for Readvertisement of Permit Nos. 2413-3 and 3223-3

Acreage developed for irrigation under Permit Nos. 2413-3 and 3223-3 includes portions of the S1/2 section 23; NE1/4 section 26; SW1/4 section 25; all in T114N-R51W. The acreage is irrigated from 3 wells located in the NE1/4 SE1/4 section 25-T114N-R51W (two wells) and the NW1/4 SW1/4 section 30-T114N-R50W (one well) according to inspection reports. The legal description of the well locations is incorrect on the published notice of hearing for both permits.

Water Permit No. 2413-3 identified the well location as being in the NE1/4 SE1/4 section 25-T114N-R51W according to the application and the the map submitted with the application. The published notice of hearing located the well in the NE1/4 NE1/4 section 25-T114N-R51W.

Water Permit No. 3223-3 identified the well locations as being in the E1/2 SE1/4 section 25-T114N-R51W according to the application and the map submitted with the application. The map and application also noted that the acreage specified on No. 2413-3 was to be irrigated from the wells. The published notice of hearing located the wells in the W1/2 SW1/4 section 30-T114N-R51W (range number is also incorrect) and acreage covered by No. 2413-3 was not included in the notice. Soil/Water approval for No. 3223-3 may also need to be corrected. The diversion point is listed as the NE1/4 NE1/4 section 25-T114N-R51W; however, the Soil/Water permit does state the same water supply is used.

Permit Nos. 2413-3 and 3223-3 need to be readvertised to identify the correct location of the 3 wells and to include acreage developed under No. 2413-3 as also being irrigated from the wells authorized by No. 3223-3. The maps and applications for both permits identified the proper location of the wells with the exception of one well (No. 3223-3) that is located 75 feet into an area (NW1/4 SW1/4 section 30-T114N-R50W) not described on the permit. This is within 660 feet of the area described on the map and on the application for No. 3223-3. In addition, the map and application for No. 3223-3 indicated the acreage irrigated under No. 2413-3 was to be irrigated from the wells authorized by No. 3223-3.


Ron Duvall, Natural Resources Engineer

Department
WI#1
5/87



SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4640

WR#

OWNERS NAME: POINSETT HUTTERIAN BROTHERS ASSN OWNERS ADDRESS: ESTELLINE
SOUTH DAKOTA 57231

COUNTY LAND LOCATED IN HAMLIN PHONE: _____

LEGAL DESCRIPTION: SE 1/4 25-T114N-R51W (☒ Well ☐ Surface)

Depth: _____

Legal Description	Acres	Legal Description	Acres
SW 1/4 23-T114N-R51W	156		
SW 1/4 25-T114N-R51W	156		

2. TYPE OF IRRIGATION: GRAVITY _____ TOWLINE _____ CENTER PIVOT XXX GUN _____ OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: CORN, ALFALFA

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>76-754</u>	7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10 ⁶): <u>895</u>	8. PERCENT SODIUM: <u>13.92</u>
6. SODIUM (SAR): <u>0.32</u>	

Requirements:

The areas mapped as Barnes-Buse loams, 9-15% slope (26D) and Buse-Barnes loams, 15-20% slope (71E) are excessively steep and subject to a severe erosional hazard; these areas shall be restricted from irrigation. (Under the 1976 application, this area was included as not being included in the project).

XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

Director, Division of Conservation

AUGUST 21, 1991

Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds

Water Rights Division - DEHR
Conversation File Documentation

NAME OF PERSON OR FILE: Poinsett Hutterian Brethern

ADDRESS: RR 1, Box 146, Estelline, SD 57234 COUNTY: _____

DATE: September 19, 1991 TELEPHONE: _____

RE: Readvertisement of Permit Nos. 2413-3 and 3223-3

COMMENTS:

From my review of these two water permits, I believe the location of the well for Water Permit No. 2413-3 needs to be readvertised to state the well is located in the NE1/4 SE1/4 of Section 25, T114N, R51W.

For Water Permit No. 3223-3 the Soil/Water Compatibility Permit has been corrected. This permit needs to be readvertised to correct the location of the wells. The wells should be advertised for the E1/2 SE1/4 Section 25, T114N, R51W. The original advertised location in the W1/2 SW1/4 Section 30, T114N, R51W would have been satisfactory if the range would have been R50W. The wells would have then been within 660 feet of the advertised location. However since readvertisement is required the publication notice should indicate the wells in the E1/2 SE1/4 Section 25, T114N, R51W. Also the notice should identify that the acres developed under No. 2413-3 as also being irrigated from the wells authorized by No. 3223-3.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric L. Linn

REPORT ON WATER PERMIT NO. 2413-3
POINSETT HUTTERIAN BRETHERN
August 16, 1991

Water Permit No. 2413-3 appropriated 6.44 cubic feet of water per second from one well, 50 feet deep located in the NE1/4 SE1/4 Section 25, T114N, R51W to irrigate 454 acres. Readvertisement of the notice of hearing published October 29, 1975 and November 5, 1975 in the Watertown Public Opinion is necessary to correct the legal description of the well. The location of the well was incorrectly published in 1975 as being located in the NE1/4 NE1/4 Section 25, T114N, R51W. The correct location of the well is the NE1/4 SE1/4 Section 25, T114N, R51W to irrigate 454 acres located in the SE1/4 Section 23, E1/2 SE1/4 Section 25, NE1/4 Section 26, T114N, R51W and the W1/2 SW1/4, SE1/4 SW1/4 Section 30; all in T114N, R50W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Conclusion

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 2413-3.
2. This readvertisement is necessary to correct the legal description of the well location.
3. The correct legal description of the well is the NE1/4 SE1/4 Section 25, T114N, R51W.

Eric Gronlund

Eric Gronlund
Natural Resources Engineer

Ron Duvall

Ron Duvall
Natural Resources Engineer IV

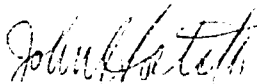
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 2413-3, Poinsett Hutterian Brethern

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2413-3, Poinsett Hutterian Brethern, c/o Joshua Wollman, RR 1, Box 146, Estelline, SD 57234.

The Chief Engineer is recommending APPROVAL of Readvertised Application No. 2413-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

The irrigation well approved under this Permit is located near the domestic 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.

See report on application for additional information.


JOHN HATCH, Chief Engineer
October 25, 1991

South Dakota

GREAT FACES. GREAT PLACES

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 29, 1991

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

Dear Mr. Wollman:

The original notice of hearings for Water Permit Application Nos. 2413-3 and 3223-3 were published with errors. Therefore, the notice of hearings need to be readvertised to correct the errors. Notice of hearings have been sent to the Publisher of the Estelline Journal printed at Estelline, SD and the Clear Lake Courier printed at Clear Lake, SD. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the readvertisements are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

for Karen Schlaak
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 29, 1991

Clear Lake Courier
Box 277
Clear Lake, SD 57226

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit Nos. 2413-3 and 3223-3 to be published twice. Please publish the first notice on November 6, 1991, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

for Karen Schlaatz
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

October 29, 1991

Estelline Journal
Box 159
Estelline, SD 57234

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit Nos. 2413-3 and 3223-3 to be published twice. Please publish the first notice on November 7, 1991, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Karen Schlaatz
for Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on November 7, 1991, with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING on Application
Nos. 2413-3 and 3223-3 to Appropriate Water

Notice is given that Poinsett Hutterian Brethern, c/o Joshua Wollman, RR 1 Box 146, Estelline, SD 57234 filed an application for a water permit on October 16, 1975.

Water Permit No. 2413-3 appropriates 6.44 cubic feet of water per second (cfs) from one well 50 feet deep located in the NE 1/4 SE 1/4 Section 25-T114N-R51W to irrigate 454 acres. The irrigated acres are located in the SE 1/4 Section 23; E 1/2 SE 1/4 Section 25; NE 1/4 Section 26; all in T114N-R51W and the W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 30-T114N-R50W. The well location was incorrectly advertised on October 29 and November 5, 1975 in the Watertown Public Opinion as being located in the NE 1/4 NE 1/4 Section 25-T114N-R51W.

Water Permit No. 3223-3 filed on October 28, 1976, appropriates 4.4 cfs from 3 wells (48, 47 and 42 feet deep) located in the E 1/2 SE 1/4 Section 25-T114N-R51W to irrigate 312 acres. The well locations were incorrectly advertised on February 10 and 17, 1977 in the Estelline Journal as being the W 1/2 SW 1/4 Section 30-T114N-R51W. The advertisement also failed to list all of the acres to be irrigated. Water Permit No. 3223-3 was advertised for irrigation of lands located in the SW 1/4, Section 23 and the SW 1/4 Section 25 all in T114N-R51W. Water Permit No. 3223-3 was also to supplement irrigation of the lands listed under Water Permit No. 2413-3. The correct irrigated acreage should include the SE 1/4 Section 23; E 1/2 SE 1/4 Section 25; NE 1/4 Section 26; all in T114N-R51W and W 1/2 SW 1/4 and SE 1/4 SW 1/4 Section 30-T114N-R50W. This readvertisement does not authorize any increase in water appropriation or increase in the irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application Nos. 2413-3 and 3223-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 25, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Board will consider these applications on December 4, 1991, at 10:15 am in the Kneip Room, Governor's Inn, 700 West Sioux Avenue, Pierre, SD. If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The December 4, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by November 25, 1991.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to these applications or to assure access to the hearing by the handicapped.

These readvertised applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Hamlin) ss.

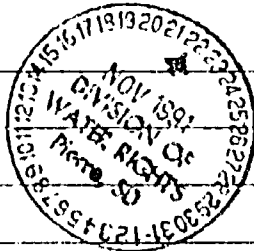
JEANEITE FOSTER
NOTARY PUBLIC, Hamlin County, SD
My commission expires 4/14/98

I, Jeaneite Foster

certify that the attached printed Notice was taken
from the Estelline Journal

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

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



[Signature]
(Signature)

[Title]
(Title)

11-30-87
(Date Signed)

Cost of Printing: 34.34

29.08 Sub Rec 80%

\$65.45

Public Notices

137-2x-Nov. 7, 14
Readvertisement of
NOTICE OF HEARING
on Application Nos.
2413-3 and 3223-3 to
Appropriate Water

Notice is given that Polinsett Hut-
terian Brethern, c/o Joshua Wollman,
RR 1 Box 148, Estelline, SD 57234
filed an application for a water permit
on October 18, 1975.

Water Permit No. 2413-3 appro-
priates 6.44 cubic feet of water per
second (cfs) from one well 50 feet
deep located in the NE 1/4 SE 1/4
Section 25-T114N-R51W to irrigate
454 acres. The irrigated acres are
located in the SE 1/4 Section 23; E 1/
2 SE 1/4 Section 25; NE 1/4 Section
26; all in T114N-R51W and the W 1/
2 SW 1/4, SE 1/4 SW 1/4 Section 30-
T114N-R50W. The well location was
incorrectly advertised on October 29
and November 5, 1975 in the Water-
town Public Opinion as being located
in the NE 1/4 NE 1/4 Section 25-
T114N-R51W.

Water Permit No. 3223-3 filed on
October 28, 1976, appropriates 4.4
cfs from 3 wells (48, 47, and 42 feet
deep) located in the E 1/2 SE 1/4 Sec-
tion 25-T114N-R51W to irrigate 312
acres. The well locations were incor-
rectly advertised on February 10 and
17, 1977 in the Estelline Journal as
being the W 1/2 SW 1/4 Section 30-
T114N-R51W. The advertisement
also failed to list all of the acres to be
irrigated. Water Permit No. 3223-3
was advertised for irrigation of lands
located in the SW 1/4, Section 23 and
the SW 1/4 Section 25 all in T114N-
R51W. Water Permit No. 3223-3 was
also to supplement irrigation of the
lands listed under Water Permit No.
2413-3. The correct irrigated acreage
should include the SE 1/4 Section 23;
E 1/2 SE 1/4 Section 25; NE 1/4
Section 26; all in T114N-R51W and
W 1/2 SW 1/4 and SE 1/4 SW 1/4
Section 30-T114N-R50W. This read-
vertisement does not authorize any
increase in water appropriation or
increase in the irrigated acreage.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of readvertised Application
Nos. 2413-3 and 3223-3 because 1)
unappropriated water is available, 2)
existing rights will not be unlawfully
impaired, 3) it is a beneficial use of
water, and 4) it is in the public interest.
Unless a petition is filed opposing the
applications or the applicant files a
petition contesting the chief engineer's
recommendations, the Water Man-
agement Board will NOT CONDUCT
a HEARING to consider these appli-
cations and the chief engineer will is-
sue the permits as recommended.
Petitions filed in support of the appli-
cations will NOT require the Board to
hear the applications.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 25, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Board will consider these applications on December 4, 1991, at 10:15 am in the Knapp Room, Governor's Inn, 700 West Sioux Avenue, Pierre, SD. If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts

presented at the public hearing. The December 4, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by November 25, 1991.

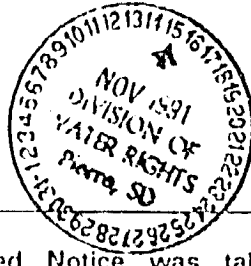
Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to these applications or to assure access to the hearing by the handicapped.

The readvertised applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

NOTICE OF HEARING
ON APPLICATION
NOS. 2413-3 and 3223-3 TO
APPROPRIATE WATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Deuel) ss.



I, Gary DeJong
certify that the attached printed Notice was taken
from the Clear Lake Courier

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 Clear Lake

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

Nov. 6, 1991

Nov. 13, 1991

Gary DeJong
(Signature)

Publisher
(Title)

Nov 14, 1991
(Date Signed)

Cost of Printing: 77.18

Michael L. ...

Notice is given that Poinsett
Hutterian Brethern, c/o Joshua
Wollman, RR 1 Box 146, Estelline, SD
57234 filed an application for a water
permit on October 16, 1976.

Water Permit No. 2413-3 appropriates
6.44 cubic feet of water per second (cfs)
from one well 60 feet deep located in the
NE 1/4 SE 1/4 Section 25-T114N-R51W to
irrigate 454 acres. The irrigated acres are
located in the SE 1/4 Section 23; E 1/4 SE
1/4 Section 26; NE 1/4 Section 26; all in
T114N-R51W and the W 1/4 SW 1/4, SE 1/4
SW 1/4 Section 30-T114N-R50W. The well
location was incorrectly advertised on
October 29 and November 5, 1975 in the
Watertown Public Opinion as being
located in the NE 1/4 NE 1/4 Section
25-T114N-R51W.

Water Permit No. 3223-3 filed on
October 28, 1976, appropriates 4.4 cfs
from 3 wells (48, 47 and 42 feet deep)
located in the E 1/4 SE 1/4 Section
25-T114N-R51W to irrigate 312 acres.
The well locations were incorrectly
advertised on February 10 and 17, 1977
in the Estelline Journal as being the W
1/4 SW 1/4 Section 30-T114N-R51W. The
advertisement also failed to list all of the
acres to be irrigated. Water Permit No.
3223-3 was advertised for irrigation of
lands located in the SW 1/4, Section 23
and SW 1/4 Section 25 all in
T114N-R51W. Water Permit No. 3223-3
was also to supplement irrigation of the
lands listed under Water Permit No.
2413-3. The correct irrigated acreage
should include the SE 1/4 Section 23; E 1/4
SE 1/4 Section 25; NE 1/4 Section 26; all in
T114N-R51W and W 1/4 SW 1/4 and SE 1/4
SW 1/4 Section 30-T114N-R50W. This
advertisement does not authorize any
increase in water appropriation or
increase in the irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of
readvertised Application Nos. 2413-3
and 3223-3 because 1) unappropriated
water is available, 2) existing rights will
not be unlawfully impaired, 3) it is a
beneficial use of water, and 4) it is in the
public interest. Unless a petition is filed
opposing the applications or the
applicant files a petition contesting the
chief engineer's recommendations, the
Water Management Board will NOT
CONDUCT A HEARING to consider
these applications and the chief engineer
will issue the permits as recommended.
Petitions filed in support of the applica-
tions will NOT require the Board to hear
the applications.

Any person interested in opposing or
supporting these applications must file a
written petition with BOTH the
applicant and Chief Engineer. The appli-
cant must also file a petition if opposed to
the Chief Engineer's recommenda-
tions. The Chief Engineer's address is
"Water Rights Division, Foss Building,
623 E Capitol, Pierre, SD 57501 (605-
773-3311)." and the applicant's mailing
address is Joshua Wollman, RR 1 Box 146, Estelline, SD 57234. A petition filed
by either an interested person or the
applicant must be filed by November 25,
1991. The petition may be informal, but
must include a statement describing the
petitioner's interest in the applications.

Thorn
1991

the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Board will consider these applications on December 4, 1991, at 10:15 am in the Knelp Room, Governor's Inn, 700 West Sioux Avenue, Pierre, SD. If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the

facts presented at the public hearing. The December 4, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by November 25, 1991.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to these applications or to assure access to the hearing by the handicapped.

These readvertised applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3, 1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-16; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.
Nov. 6 & 13



2413-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

NOV 14 1994

3223-3

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

Dear Mr. Wollman:

Enclosed is Water License No. 3223-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415567 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. 3223-3, 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.

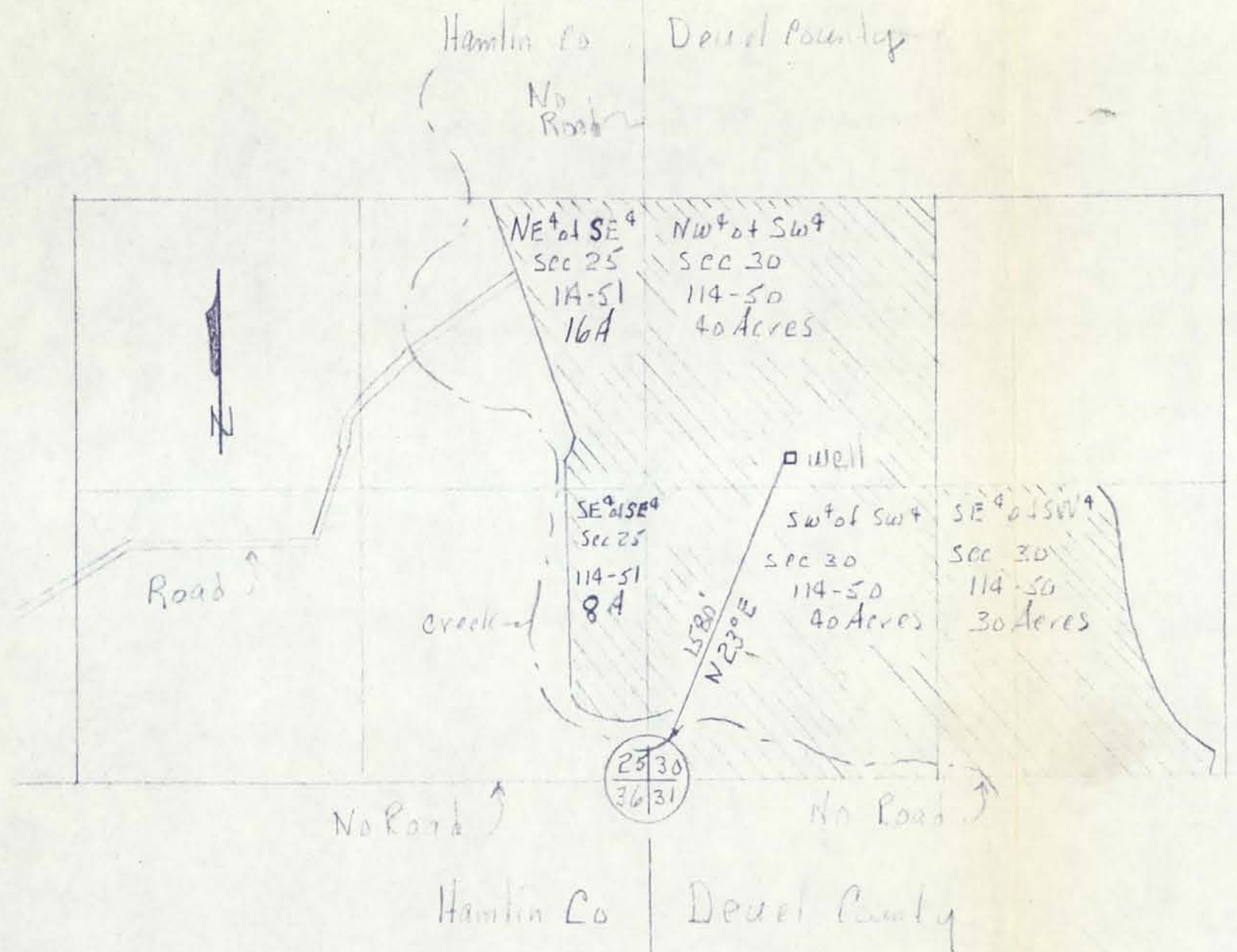
As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 2413-3 have been incorporated into this Water License No. 3223-3.



Scale - 8" = 1 Mile

Cross Hatch Indicates Irrigated Area

POINSETT HUTTERIAN BROTHERN ASSOCIATION IRRIGATION PROJECT # 7

Estelline 57234 South Dakota
Hamlin & Deuel Counties
Gen Mgr - Joshua Wollman

Acres Irrigated - 134

Water claim - 1.91 cfs

Point of Diversion - 1580' N 23° E of SW corner
of Section 30 - 114-50

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 Assn.

Estelline South Dakota

57234

Drawn by John

P E H 1916

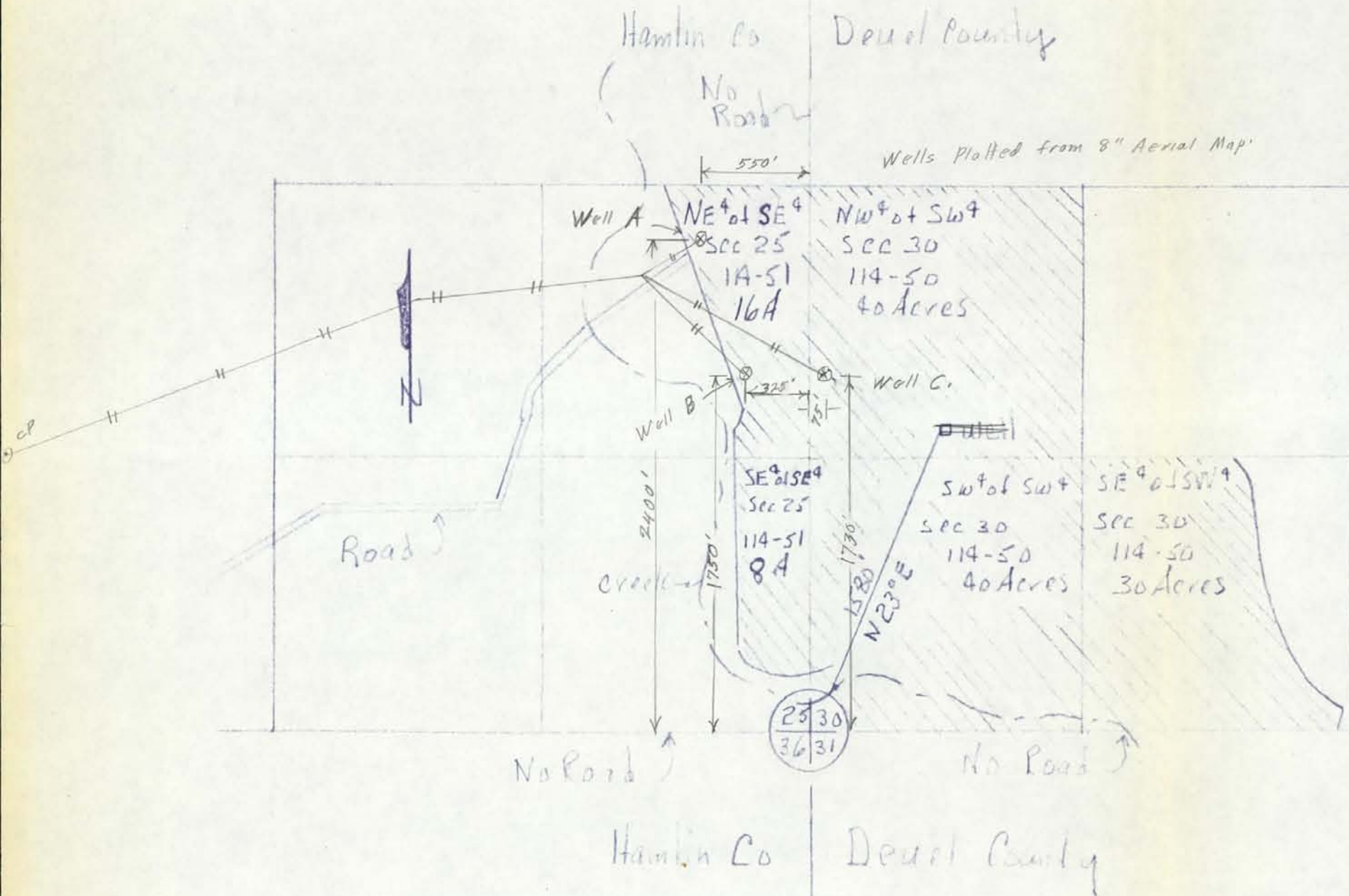
John L. Wiersma

7-10-75

Brackmeyer S. Dakota

Map # 1790-3

Appl. # 2413-3



Scale - 8" = 1 Mile

Cross Hatch Indicates Irrigated Area

POINSETT HUTTERIAN BROTHERN ASSOCIATION IRRIGATION PROJECT # 7

Estelline 57234 South Dakota
Hamlin & Deuel Counties
Gen Mgr - Joshua Wolfman

Acres Irrigated - 134

Water claim - 1.91 cfs

Point of Diversion - 1580' N 23° E of SW corner
of Section 30 - 114-50

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 Assn.

Estelline South Dakota

Drawn by J.L.W.

John L. Wiersma

57234

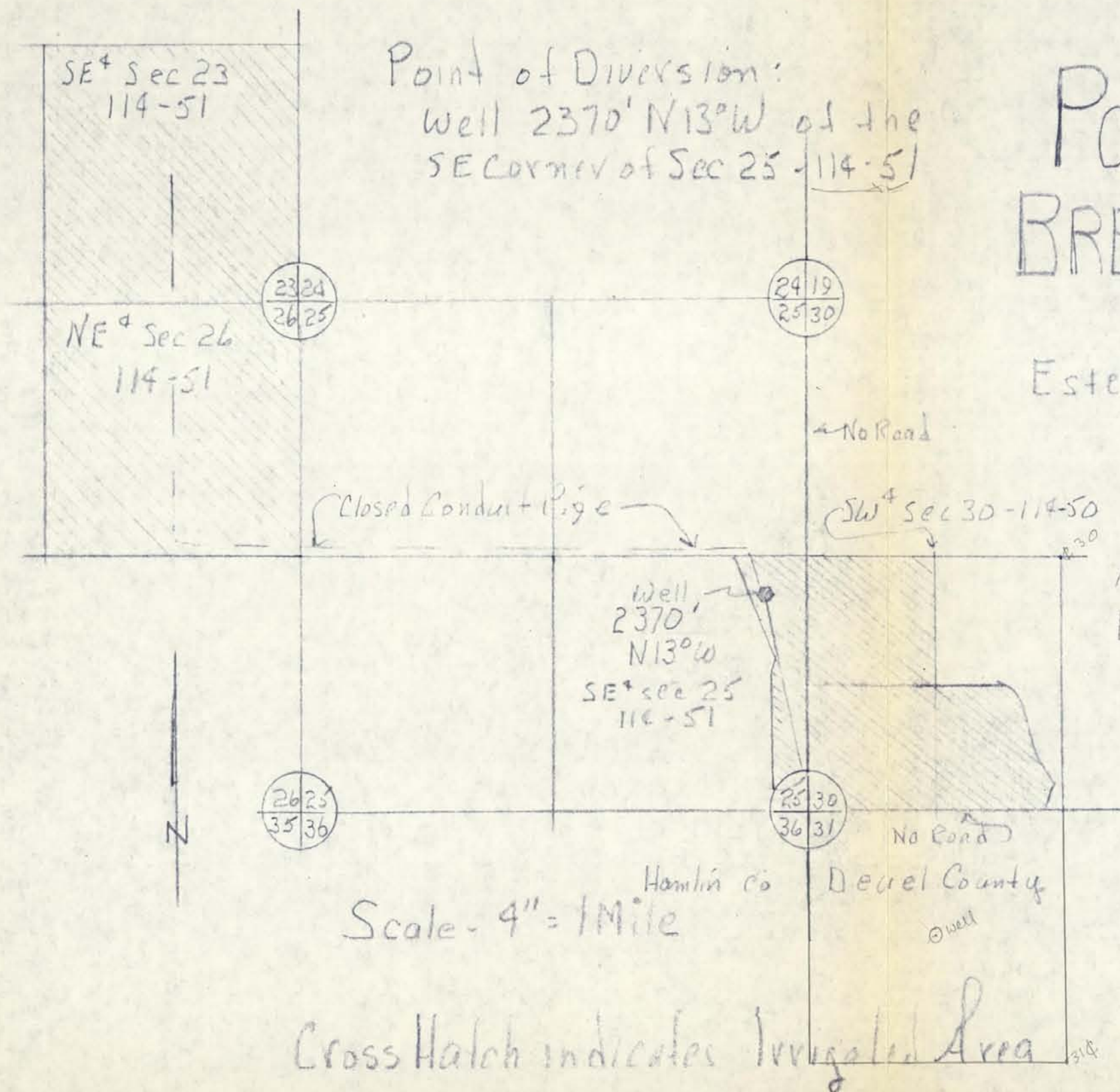
P.E. # 1916

7-10-75

Brookings S. Dakota

Map # 1790-3

Appl. 2413-3



POINSETT HUTTERIAN BRETHERN ASSOCIATION IRRIGATION PROJECT #7

Estelline 57234 S. Dakota

Hamlin & Deuel Counties
Gen. Mgr - Joshua Wallman

Acres Irrigated - 454
Water claimed - 6.44 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 Assn.

Estelline, South Dakota

Drawn by Blm

John L. Wiersma

Brookings S. Dakota

57234

P.B.#1916

9-28-75

MAP NO 1790-3 APPL NO 2413-3

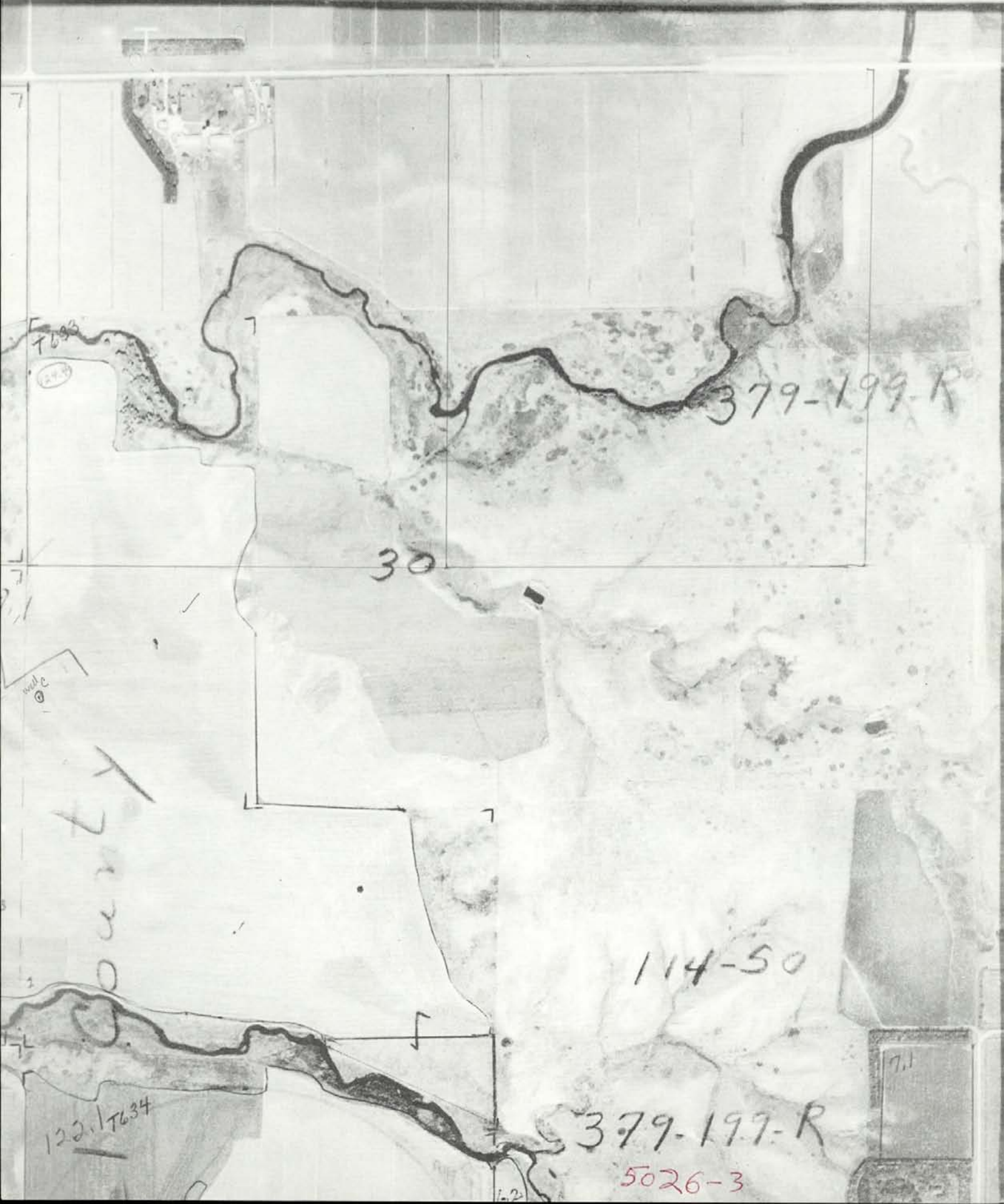
1986

NOT TO SCALE



1986

NOT TO SCALE



30

379-199-R

114-50

379-199-R

5026-3

County

122.1 T634

T633

1986

NOT TO SCALE

57.1
T580

T588
158.4

379-200-R
015

42.8

50.0

~~T588~~
T2018

146.5

~~107.4~~

Add

~~226~~

129.6

(141)

10.8

1

114-51

149.8
T585

222.9
T520

30.6

379-200-R
D15

1986

NOT TO SCALE

