

Water Right Number 3223-3

1. Considered 2-23, 19 77
2. Name of Applicant POINSETT COLONY
3. Post Office Address ESTELLINE
4. Amount of Water claimed 4.40
5. Source of Water supply 3-49' WELLS
6. Water to be used for IRRIGATION
- Acres to be irrigated 312
7. Water to be diverted and used in HAMLIN County  
about 6N, 1 1/2 E miles of ESTELLINE
8. Proof of Publication Received 2-22-77  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action Deferred \_\_\_\_\_

10. Remarks:

Map No. 2485-3 Water Division No. 3 Big Sioux River District  
 (Blanks to be filled by the Engineer for the W. R. C.)



## APPLICATION FOR PERMIT

## To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

Josh Williams

1. Name of Applicant Peirce H. Herman Brothers Association  
 Postoffice address Eselline, 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) entirely Direct Labor
3. Name of diversion work Peirce H. Herman Brothers Association Project #8
4. Amount of water claimed (cubic feet per second) 4.9
5. Source of water supply 3 wells
6. Location of point of diversion Well A - 2300' N10W; Well B - 1800' N10W; Well C - 1300' N10W all of SE corner sec 25-114-51  
 County Handlin
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 312

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>SW 1/4 Sec 23-114-51</u> | <u>156</u>     | <u>SW 1/4 Sec 25-114-51</u> | <u>156</u>     |
|                             |                |                             |                |
|                             |                |                             |                |

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 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Eselline Paper
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source. A series of wells will be constructed in SE 1/4 Sec 25-114-51 and transported by pipe line this land will be joined with land under permit # 2413-3
- 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 \$ 120,000

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, Josh 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 Josh WilliamsSubscribed and sworn to before me this 15 day of Oct, 19 76

Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3223-3

POINSETT LUTHERIAN BRETHREN, INC. ESTELLINE  
(Applicant) (Post Office Address)

SOUTH DAKOTA 57234 With the following modifications:  
(State)

The irrigation wells 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 adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application OCTOBER 28, 1976

Date of return to applicant for correction, amendments or changes required — 19 —

Date of receipt of corrected application DECEMBER 1, 1976

Approved FEBRUARY 23, 1977, Recorded in Book 17 Page 186

WATER RIGHT PERMIT NO. 3223-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3223-3 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 28, 1976

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before AUGUST 23, 1979

3. The whole of said work is to be completed on or before FEBRUARY 23, 1981

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 23, 1985

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 4.4 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 FEBRUARY 23, 1985; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 12<sup>TH</sup> day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John H. Hatcher  
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

3 nearly identical wells.

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 3 8", Depth 49'  
(2) Casing, Type Steel, Diameter 14", Thickness 1/4"  
(wood, concrete, steel, etc.)  
(3) Perforated Screen.  
Type Cent. Steel, Diameter 14", Length 15'  
(4) Gravel Pack, Thickness 6", 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 0' to 2' top soil, 2' to 13' mixed  
yellow clay & sand, 13' to 49' mixed sand  
and gravel - water bearing, over 49' is  
blue clay

Depth to top of water bearing material 18'

Depth to bottom of water bearing material 49'

Thickness of water bearing material 36'

Depth to water (ground surface to water level) 1 13'

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

On same owner's property \_\_\_\_\_ rds. On property owned by others \_\_\_\_\_ 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 rights map.

|   | own property | other property |
|---|--------------|----------------|
| A | 1000 sq ft   | 160            |
| B | 400 sq ft    | 130            |
| C | 800 sq ft    | 200            |

Joshua Williams  
Signature of Applicant

Permit No. 3223-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS  
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by POINSETT COLONY of ESTELLINE holder OCTOBER 16 1975 \*  
 of Permit No. 3223-3, bearing date of priority of OCTOBER 28 1976  
 authorizing the diversion of 6.44\* cu. ft. per second of the waters of GROUNDWATER  
 for IRRIGATION purposes, in HAMLIN County.

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

The Water Use System consists of, WELL A - 48' DEEP WITH 16" STEEL CASING - 10" SS SCREEN  
WESTERN LAND ROLLER, 8" PUMP - BM 312C M  
POWERED BY 40 HP US ELECTRIC MOTOR - 1770 RPM.

## A. Works used to divert the water:

WELL B - 47' DEEP WITH 16" STEEL CASING - 10" SS SCREEN - WESTERN LAND  
ROLLER 8" PUMP - BM 312C H, POWERED BY 50 HP GE ELECTRIC MOTOR - 1750 RPM

WELL C - 42' DEEP WITH 16" STEEL CASING - 10" SS SCREEN - WESTERN LAND  
ROLLER 8" PUMP - BM 310C H, POWERED BY 40 HP US ELECTRIC MOTOR -  
1760 RPM

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

1640' OF 8" BURIED PVC FROM WELLS TO COLLECTION POINT  
2970' OF 15" BURIED PVC TO 1ST PIVOT; 3830' OF 12" BURIED  
PVC TO 2ND PIVOT; 2640' OF 10" BURIED PVC TO 3RD PIVOT &  
2640' OF 8" BURIED PVC TO 4TH PIVOT.

## C. Works used to apply water to beneficial use.

FOUR - ZIMMATIC CENTER PIVOT MACHINES. MODEL 77  
ALL WITH NELSON #100 END GUNS.

The system is in the following condition: GOOD

The point of diversion is located WELL A - 2400' N & 550' W; WELL B - 1750' N & 325' W;  
WELL C - 1730' N & 75' E, ALL FROM THE SE CORNER, SEC 25, T14N, R51W

The works are capable of diverting and conveying to the place of use 4.33cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T14N, R51W

|            |                 |           |
|------------|-----------------|-----------|
| SECTION 23 | SW <sup>4</sup> | 132 ACRES |
|            | SE <sup>4</sup> | 132 "     |
| SECTION 25 | SW <sup>4</sup> | 132 "     |
| SECTION 26 | NE <sup>4</sup> | 132 "     |

comprising a total of 528 acres of land.)

\* APPLICABLE PORTIONS OF PERMIT NO 2413-3  
 ARE INCORPORATED INTO THIS WATER LICENSE.

Date JUNE 10, 1981

(Signature)

CONSERVATION  
COMMISSION  
FORM W1 #1

Note - This is an expansion of an existing water permit. It added two quarters. It uses same water source as permit 16413-5. Need include a two forms because SD's put soils material on separate sheets.

STATE CONSERVATION COMMISSION

SUPPORTING INFORMATION

FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE

WITH SDCL 46-6-3 AS AMENDED

(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME Paula Hutton Brainerd

ADDRESS Eschling Road Dakota 57231

COUNTY Harrison

LEGAL DESCRIPTION

1. WELL LOCATION NE 1/4 NE 1/4 Sec. 25 - 114-5-1

2. LOCATION OF AREA TO BE IRRIGATED SW 1/4 1/3 1/4 Sec 25 - 114-5-1

TYPE OF IRRIGATION

3. GRAVITY                      TOWLINE                      CENTER PIVOT                      GUN                     

4. CROPS TO BE IRRIGATED corn & alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-754

6. SALINITY (EC X 10<sup>6</sup>) 895 (moderately high)

7. SODIUM (SAR) 0.82 (low)

8. RESIDUAL SODIUM CARBONATE (meq/l.) 20

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and:  
the soils information has been acquired from                      Conservation District,  
County Extension office or Soil Conservation Service.  
and:  
that the legal description for the location of the well and land to be irrigated is true and correct.

SUBSCRIBED AND SWORN BEFORE ME THIS  
4 DAY OF June 19 76.

John Sullivan  
(TITLE OR SEAL)

APPLICANT'S SIGNATURE

Approved and sworn to by John Sullivan and certified  
correctness of all statements. Individual in-  
competent or dishonestly or otherwise the relative

APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

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

✓ 7-21-76

Submitted by: WATER RESOURCES RESEARCH INSTITUTE Date Rec'd: 11-1-75  
 Address: 1111 N. 17th St. Sample No. 7-21-76  
 Identification: 11-1-75  
NE 1/4, Sec 25, T 119 N, R 24 W

**WATER ANALYSIS**

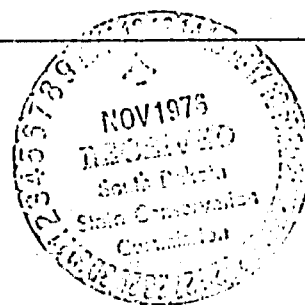
|                                       |       |                             |      |           |
|---------------------------------------|-------|-----------------------------|------|-----------|
| Calcium (Ca)                          | 114   | ppm*                        | 5.70 | mc/l**    |
| Magnesium (Mg)                        | 44    | ppm                         | 3.61 | mc/l      |
| Sodium (Na)                           | 61    | ppm                         | 1.73 | mc/l      |
| Potassium (K)                         | 4     | ppm                         | 0.09 | mc/l      |
| Sulfate (SO <sub>4</sub> )            | 270   | ppm                         | 5.61 | mc/l      |
| Nitrate (as N)                        | 0.62  | ppm                         | 0.04 | mc/l      |
| Chloride (Cl)                         | 17    | ppm                         | 0.38 | mc/l      |
| Bicarbonate (HCO <sub>3</sub> )       | 306   | ppm                         | 6.88 | mc/l      |
| Carbonate (CO <sub>3</sub> )          |       | ppm                         |      | mc/l      |
| Iron (Fe)                             |       | ppm                         |      | mc/l      |
| Fluoride (F)                          |       | ppm                         |      | mc/l      |
| Hardness (EDTA as CaCO <sub>3</sub> ) | 466   | ppm                         | 27   | g.p.g.*** |
| Alkalinity (Methyl Orange)            | 300   | ppm (as CaCO <sub>3</sub> ) |      |           |
| Alkalinity (Phenolphthalein)          | 0     | ppm (as CaCO <sub>3</sub> ) |      |           |
| Electrical Conductivity               | 695   | micromhos per cm at 25° C.  |      |           |
| Sodium Adsorption Ratio               | 0.32  |                             |      |           |
| Sodium                                | 11.92 | % of cations                |      |           |
| Residual sodium carbonate             | 0.00  | mc/l                        |      |           |
| pH                                    | 7.59  |                             |      |           |

\*ppm=parts per million

\*\*mc/l=millequivalents per liter

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

COMMENTS: Total cations 11.14 mc/l  
 Total anions 12.14 mc/l



By: WILLIAM J. HARRIS

Service Performed

Amount Due

11-1-75 11-18-76 plus nitrate

10.00

pd 10-18-76

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 7-21-76

Amount Enclosed \$

Signed



November 9, 1976

Poinsett Muttarian Brethren Ass'n.  
Estelline, SD 57234

Dear Sir:

Your water sample (Lab. No. 76-754) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

*L. O. Fine*

L. O. Fine  
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

P.S. The sizeable area of stony land on the east side of the SW 1/4 25-114-51 is, of course, not tillable land. If irrigated, it must be left in permanent grass.

You earlier received a copy of AES pamphlet #13 and a copy of the report of analysis, so one is not included herewith.

Well # C. E 43 + well

Well 42 ft deep, 17 ft to bottom

Pumping 700 gpm. Well Cap. very same

Motor GE - 40 HP - 1760 RPM

Model 1K6247 KM 4 A, Ser # CHJ 387425

Pump Western L. & D. Roller

Ser # C71525 Head 8 ft 3100 ft

No. 3223-3

Publish first publication, on or before February 10, 1977

NOTICE  
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 3, 1977

Poinsett Hutterian Brethern, Inc.

Notice is hereby given that \_\_\_\_\_

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

4.4 cubic feet of water per second of time from the ground water through the

Poinsett Colony #8, the point<sup>s</sup> of diversion of which is are to be located in the \_\_\_\_\_.

W $\frac{1}{2}$  SW $\frac{1}{4}$

of Section 30, Twp. 114N, Range 51W. Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$ , Section 23, and SW $\frac{1}{4}$ , Section 25, T114N, R51W

This application No. 3223-3 will be considered by the Water Rights Commission at their office at 23rd Pierre upon the 23rd day of February, 1977, at 10:00 A. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES  
Water Rights Specialist

BEJ/bw

cc: Poinsett Hutterian Brethern, Inc., Estelline, S.D. 57234

3223-2 Pennell Colony.

6-27-78 All Pump Trimble's C.P.

Well 17

North well.

82913-3 Well A. Depth 42 ft. 11 ft 6 in.

113 ft 2413-3

Pumping 250 RPM. 1/2 in. capacity

60 H.P. 1770 RPM 215 Rec.

TD # R-6734 - GE 120 K2109493

Pump Western Carb. Filter

ser # E77319. Head # SM 3 120 H

South well

Well B. 47 ft Deep Pumping 200 RPM

13 ft to bottom. Water = 8 ft

50 H.P. 1750 RPM - ser # ANJ105304

Model 5K-6230 X M501B.

Western Carb. Filter ser # E77318

Head # SM 3 120 H

Form 8 - Proof of Publication - Notice of  
Intent to Appropriate Water

No. 3223-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )

) ss.

Pierre )

M. R. BURTON hereby

that the annexed printed copy of Notice of Intent to Appropriate

was taken from the Pierre Journal

paper which during the whole time of publication of said notice

as stated, has been and is printed and published in the

Pierre of Pierre

of Pierre and State of South Dakota;

the said notice was published in said newspaper on the following

dates: Feb. 10

Feb. 17

Feb. 17

Feb. 17

Feb. 17

Feb. 17

Feb. 17

Feb. 17

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Feb. 17

Feb. 17

Feb. 17

Feb. 17

Feb. 17

Feb. 17

Feb. 17

Feb. 17

NOTICE OF  
APPROPRIATION

Pierre, S.D.

February 3, 1977

Notice is

hereby given

that the

water law

of the State

of South

Dakota

has been

applied

to the

water

rights

commission

at Pierre

on the

23rd day

of

February

1977

at 10:00

a.m.

All

interested

persons

may

appear

and be

heard.

Water

Rights

Commission

Burton F. Jones

Water Rights

Specialist

(Publ. Feb. 10 and 17, 1977)

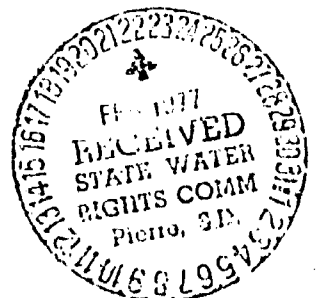
NOTICE OF INTENT TO  
APPROPRIATE WATER

Pierre, South Dakota 57501  
February 3, 1977

Notice is hereby given that Poinsett  
Lutherian Brethren, Inc., 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 per-  
mit to appropriate for beneficial use  
4.4 cubic feet of water per second of  
time from ground water through the  
Poinsett Colony #8, the points of  
diversion of which are to be located  
in the W 1/2 SW 1/4 of Section 30,  
Twp. 114N, Range 51W. Said water  
to be used for the purpose of pro-  
viding irrigation on portions of the  
following described land: SW 1/4,  
Section 23, and SW 1/4, Section 25,  
T114N, R51W.

This application No. 3223-3 will be  
considered by the Water Rights  
Commission at their office at Pierre  
upon the 23rd day of February, 1977,  
at 10:00 a.m. All interested persons  
may appear and be heard.

WATER RIGHTS COMMISSION  
BURTON F. JONES  
Water Rights Specialist  
(Publ. Feb. 10 and 17, 1977)



**SOUTH DAKOTA Department of  
Water & Natural Resources**  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

April 15, 1985

Pinsett 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

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

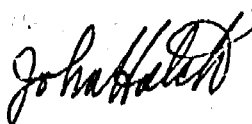
Joe Foss Building  
623 East Capitol  
Pierre, South Dakota 57501-3181

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Polinsett Hutterian Brothern  
% 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  
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."

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

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

January 29, 1988

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

**NOTICE**

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

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

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

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

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

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

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

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

*John Hatch*  
 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 Kollman  
RR #1 BOX 146  
ESTELLINE, SD 57234

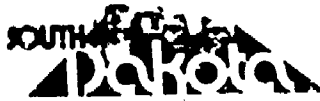
FROM: John Hatch, Chief Engineer  
Water Rights Division  
605-773-3352

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  
513 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  
conversation as of the other Day.  
Regarding a One yr suspension of  
water permit. This is a major  
Problem that Father now as 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 our New Irigator  
Lori Tschetter to have them fill them  
out and to see to it that they are to  
be mailed back, so in the mean  
time, He had to leave on a Business  
trip into Canada for three - four weeks  
as he got home they were mislaid  
and stated they were not to be found  
as things are when you get back  
from Vacation, over

Not realizing how important these things are, as being new in the Business. He did not mention to me or Jonathan that they got lost and haven't been mailed, owing you our apology, to this matter. We are truly sorry about all this. And need to know what we can do in order to correct this, so we can irrigate 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 irrigate, 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 congenial. — over —

So if its' not to late. Would  
you please mail necessary  
forms, We trust your cooperation  
in this matter. We are

Sincerely yours  
Joshua Hollman  
Su Trea.

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

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

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

## PAST VIOLATIONS

1. Violation of Requirement to Submit 1984 Irrigation Questionnaires:

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

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

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

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

2. 1987 Irrigation Questionnaire Violation

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

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

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

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

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

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

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



# Department of Water & Natural Resources

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

3223-3

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

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 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





**Department of  
Water & Natural Resources**

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

February 17, 1989

Poinsett Hutterian Breth.  
RR 1, Box 146  
Estelline, SD 57234

Dear Sirs:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- \* a check valve between the irrigation pump and the point of chemical injection;
- \* a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- \* a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- \* a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- \* an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- \* an inspection port between the irrigation pump and the check valve on the irrigation line;

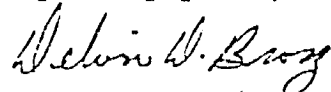


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

3223-3

## Poinsett Hullerian Brethern Association

## Sec. 23, T114N-R51W

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, T114N-R51W

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, T114N-R51W

NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  35.0 ac.NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  36.5 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 & 3223-3

Big 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  
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

Water Rights Division - DWR

File No. 2413-3  
3223-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Poinsett Hutterian Brethren Assn.

ADDRESS: Estelina SD 57234 COUNTY Hamlin

DATE: 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.

NAME: Norma C. Tob

WATER RIGHTS DIVISION - DENR

File Documentation

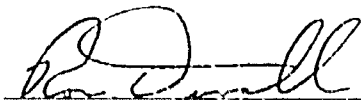
Name: Poinsett Hutterian Brethern, c/o Joshua Wollman  
Address: RR 1, Box 146, Estelline SD 57234  
Date: July 2, 1991  
Subject: Basis for Readvertisement of Permit Nos. 2413-3 and 3223-3

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 map submitted with the application. The published notice of hearing located the well in the NE1/4 NE1/4 section 25-T114N-R51W.

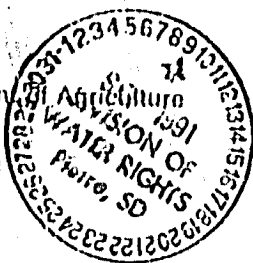
Water Permit No. 3223-3 identified the well locations as being in the E1/2 SE1/4 section 25-T114N-R51W according to the application and the map submitted with the application. The map and application also noted that the acreage specified on No. 2413-3 was to be irrigated from the wells. The published 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 of Agriculture  
WI#1  
5/87



SOIL/WATER COMPATIBILITY PERMIT  
Division of Conservation

Office Use Only

4441

WR#

OWNERS NAME: POLSSETT, HETTER, & BREWER, INC.

OWNERS ADDRESS: 15114N

SOUTH DAKOTA 57741

COUNTY LAND LOCATED IN: HAWKES

PHONE:

LEGAL DESCRIPTION:

1. LOCATION: SW 1/4, 25-1114N-R51A

☒ Well

☐ Surface

Depth:

| Legal Description     | Acres | Legal Description | Acres |
|-----------------------|-------|-------------------|-------|
| SW 1/4, 25-1114N-R51A | 1.00  |                   |       |
| SW 1/4, 25-1114N-R51B | 1.00  |                   |       |
|                       |       |                   |       |
|                       |       |                   |       |

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: 76-754

7. ADJUSTED (SAR):

5. SALINITY (EC X 10<sup>3</sup>): 8.95

8. PERCENT SODIUM: 13.92

6. SODIUM (SAR): 0.32

Requirements:

The area is mapped as Barnes-Pase lands, 9-15% slope (250) and Barnes-Pase lands, 15-40% slope (712) are excessively steep and subject to a severe erosional hazard; these areas shall be restricted from irrigation. (Under the 1976 application, this area was indicated as not being included in the project).

☒ APPROVED

☒

REQUIREMENTS

☐ DISAPPROVED

☐ WAIVER

Director, Division of Conservation

APPROVED 5/1, 1991

Date:

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

Water Rights Division - DENR  
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: *Ben Hutter*

REPORT ON WATER PERMIT NO. 3223-3  
POINSETT HUTTERIAN BRETHERN  
SEPTEMBER 23, 1991

Water Permit No. 3223-3 appropriated 4.4 cubic feet of water per second from three wells, 48 feet, 47 feet and 42 feet deep all located in the E1/2 SE1/4 section 25, T114N, R51W to irrigate 312 acres. Readvertisement of the Notice of Hearing published February 10, 1977 and February 17, 1977 in the Estelline Journal is necessary to correct the location of the wells and to list all of the acres irrigated. The location of the wells was incorrectly advertised as being the W1/2 SW1/4 Section 30, T114N, R51W. The lands to be irrigated were advertised as being located in the SW1/4, Section 23, and the SW1/4 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. These lands were not advertised. The correct irrigated acreage should include the SE1/4 Section 23; E1/2 SE1/4 Section 25; NE1/4 Section 26, T114N, R51W and W1/2 SW1/4 and SE1/4 SW1/4 Section 30, T114N, R50W. This readvertisement does not authorize any increase in water appropriation nor increase in irrigated acreage.

Conclusion:

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 3223-3.
2. This readvertisement is necessary to correct the legal description of the location of the wells and the acres irrigated.
3. The correct legal description of the location of the wells is the E1/2 SE1/4 Section 25, T114N, R51W.
4. The correct legal descriptions of the acres irrigated are the SE1/4 Section 23; SW1/4 Section 23; SW1/4 Section 25; E1/2 SE1/4 Section 25; NE1/4 Section 26, T114N, R51W and W1/2 SW1/4 and SE1/4 SW1/4 Section 30, T114N, R50W.



DON FRYE  
Natural Resources Analyst



RON DUVALL  
Natural Resources Engineer IV

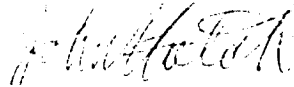
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT  
APPLICATION NO. 3223-3, Poinsett Hutterian Brethern

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. 3223-3, Poinsett Hutterian Brethern, c/o Joshua Wollman, RR 1 Box 146, Estelline, SD 57234.

The Chief Engineer is recommending APPROVAL of Readvertised Application No. 3223-3 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 wells 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 adequate domestic wells or in irrigation wells having prior water rights.

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



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

FIRST TRANSMITTAL NOTICE

No. \_\_\_\_\_

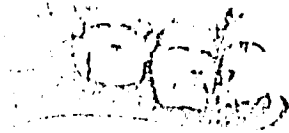
Date \_\_\_\_\_

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 \_\_\_\_\_

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 Schlaack*

for Eric Gronlund  
Natural Resources Engineer  
605 773-3552

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 \_\_\_\_\_

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 Polinsett 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 Knep 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, 46-5-27, 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 J. Smith

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 1/4 SE  
1/4 Section 25; 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  
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 applica-  
tions will NOT require the Board to hear  
the applications.

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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,  
523 E Capitol, Pierre SD 57501 (605  
773-3352);" and the applicant's mailing  
address is given above. A petition filed  
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1991. The petition may be informal, but  
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Nov. 6 & 13

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )

County Hamlin )

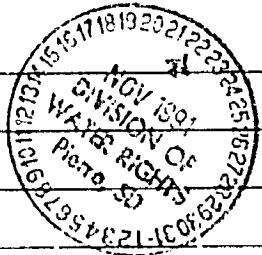
ss. JEANETTE FOSTER  
NOTARY PUBLIC, Hamlin County, SD  
My commission expires 4/14/95

I, Jeanette 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:



Jeanette Foster  
(Signature)

J.F.  
(Title)

11-20-91  
(Date Signed)

Cost of Printing: 34.34  
27.00 and 7.34  
46.54

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 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.

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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, 46-6-12, 46-6-14, 46-6-26; and Board Rules ARSD 74.02:01:01 thru 74.02:01:15.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

September 29, 1992

Permit No. 3223-3  
5328-3

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

Dear Mr. Wollman:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2413-3, 3223-3, 5038-3 and 5328-3 has been completed. Your final water right document, the Water Licenses, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2413-3 will be incorporated into 3223-3, and the applicable portions of Water Permit No. 5038-3 will be incorporated into 5328-3.

Statutes require that we charge a \$50.00 fee per license for the inspection and issuance of the Water License. Upon receipt of the \$100.00 fee from you, we will begin processing your Water Licenses.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fees have been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost  
Secretary  
Water Rights Division  
(605) 773-3352

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



3223-3

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

December 18, 1992

SECOND NOTICE

PERMIT NO: (3223-3)  
5328-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

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

Dear Mr. Wollman:

On September 29, 1992, you were notified the final inspection fee of \$100.00 is due before Water License Nos. 3223-3 and 5328-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$100.00 fee, your Water Licenses will be sent to you. This is the final document for the perfection of your Water Rights. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

# RECEIPT

Division of Water Rights

413567

South Dakota Department of Environment and Natural Resources

Pierre, January 4, 19 95

RECEIVED OF Poinsett Hutterian Brethren, Inc., RR 1 Box 146, Estelline, SD 57234  
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. <u>5223-3</u>          | 50    | 00    |
| Fee for Filing Transfer Form _____                                                                                   |       |       |
| Fee for Filing Extension Request _____                                                                               |       |       |
| Fee for _____                                                                                                        |       |       |
| _____                                                                                                                |       |       |
| _____                                                                                                                |       |       |
| (Any Other Work Provided by Law)                                                                                     | Total | 50 00 |

By John Hatch  
Chief Engineer

## STATE OF SOUTH DAKOTA

### WATER LICENSE NO. 3223-3 FOR IRRIGATION

(1) Poinsett Hutterian Brethern, % Joshua Wollman, RR 1, Box 146, Estelline SD 57234, made Application No. 3223-3, October 28, 1976 for a water permit to appropriate 4.4 cubic feet of water per second from groundwater (3 wells), Hamlin & Deuel Counties, South Dakota for irrigation purposes. Permit No. 3223-3, with a priority date of October 28, 1976 was approved February 23, 1977 and issued to the applicants for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

The applicable portions of Water Permit No. 2413-3 have been incorporated into this Water License No. 3223-3. A priority date of October 16, 1975 (established under No. 2413-3) is retained for irrigation of 272 acres in the SE 1/4 Section 23 and NE 1/4 Section 26. The remaining acres in the SW 1/4 Section 23 and the SW 1/4 Section 25, retain a priority date of October 28, 1976 as established under Permit No. 3223-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 5.00 cubic feet of water per second for beneficial use. The location of the diversion points are: 550 feet W and 2400 feet N of SE corner (NE 1/4 SE 1/4); 325 feet W and 1750 feet N of SE corner (NE 1/4 SE 1/4) Section 25-T114N-R51W; and 75 feet E and 1730 feet N of SW corner (NW 1/4 SW 1/4) Section 30-T114N-R50W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

|            |            |               |            |
|------------|------------|---------------|------------|
| T114N-R51W | Section 23 | 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   |
|            |            | 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 |
|            | Section 25 | 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   |
|            | Section 26 | 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   |
| Total      |            | 560 acres     |            |

Water License No. 3223-3  
Poinsett Hutterian Brethern, Inc.  
Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Poinsett Hutterian Brethern of % Joshua Wollman, RR 1, Box 146, Estelline SD 57234 the holders and/or owners of Incorporated Water Permit No. 3223-3 is issued a license to appropriate water, the right to use 5.00 cubic feet of water per second from groundwater (three wells) with priority dates of October 16, 1975 and October 28, 1976 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 3223-3 and subject to South Dakota State Law.



NOV 14 1994

JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Environment and Natural Resources



NOV 14 1994

3223-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

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. 413567 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.

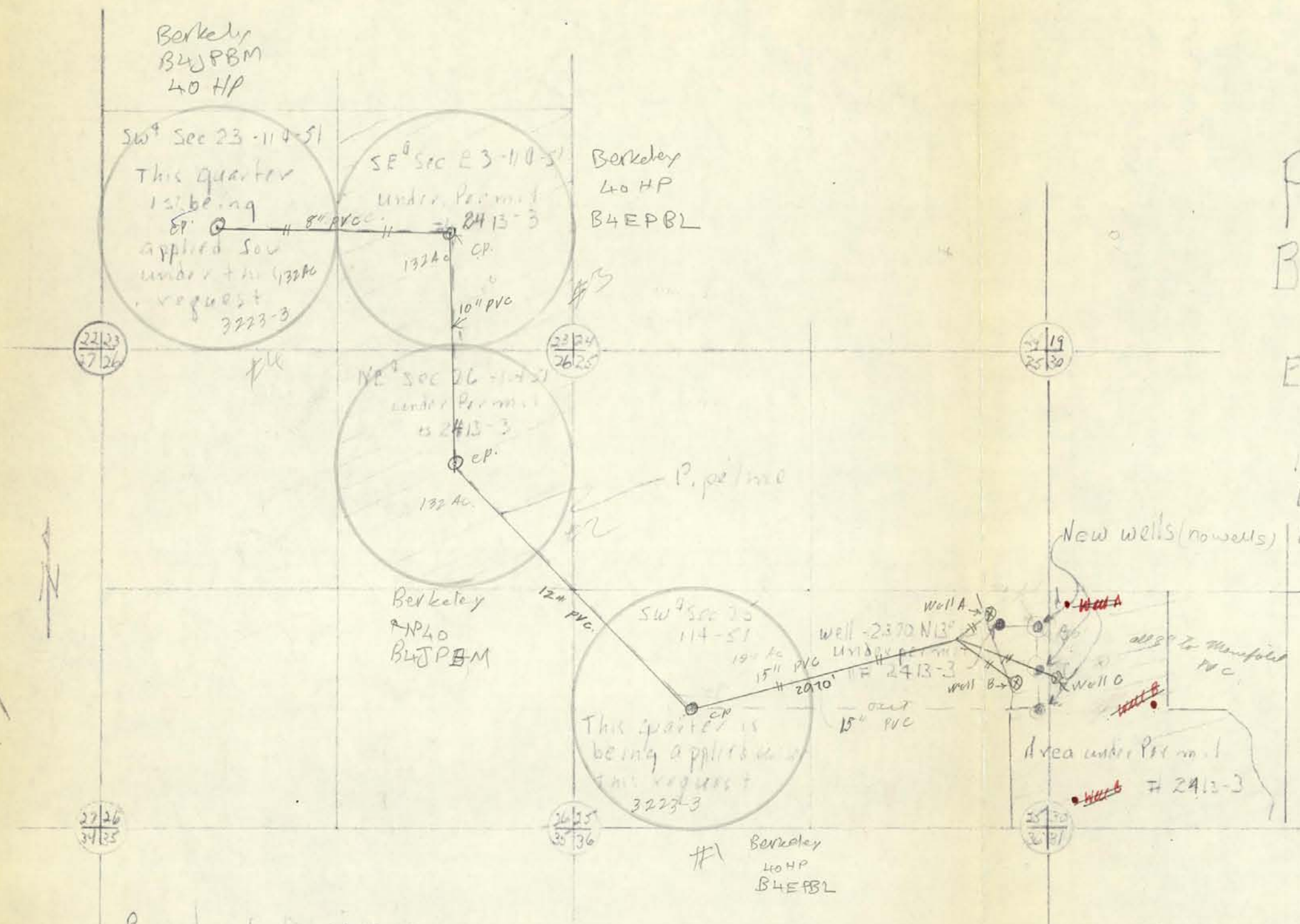
As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, 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.



POINSETT HUTTERIAN  
BRETHERN ASSOCIATION  
Irrigation Project # 8  
Estimate 57234 S. Dakota  
Hamlin Co.  
Area for this permit 312  
Location - SW<sup>1</sup> sec 23 + SW<sup>1</sup> sec 25 - 114-51  
Water applied for - 44 cfs

For well location  
see 2413-3  
Map # 1796-3

Point of Diversion

- Well A - 2300' N 1°W of SE corner Sec 25 - 114-51
- Well B - 1800' N 1°W of SE corner Sec 25 - 114-51
- Well C - 1300' N 1°W of SE corner Sec 25 - 114-51

Wells will be interconnected and serve area applied for under this request and also land under Permit # 2413-3

Scale - 4" = 1 Mile

Oct 25-1976

Certified Correct  
John Swenson





DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov



September 5, 2014

Poinsett Colony  
c/o Levi Tschetter  
46527 189<sup>th</sup> St  
Estelline SD 57234

Dear Mr. Tschetter:

I am writing in regard to the Colony's water rights and well completion reports filed by drillers for wells at Poinsett Colony. DENR has received completion reports that we are unable to find are authorized by a permit.

Two completion reports were filed by Kaiser Well Drilling Inc. for wells drilled in 2013 and located in the SE 1/4 SE 1/4 Section 27-T114N-R51W (copies enclosed). A review of our files indicates Water Permit No. 6797-3 authorizes 1.67 cubic feet of water per second (cfs) from one well at this location (copy enclosed). Are these additional wells for Water Permit No. 6797-3?

Another completion report filed by Pullman Well Drilling is for a well located in the NW 1/4 SE 1/4 Section 30-T114N-R50W (copy enclosed). Oddly, the report states the well was drilled in 2003 but was not filed until June, 2014. This may be a typographical error and the actual date the well was drilled was June, 2013. Our files do not indicate a water right for a well in this location. Water Right No. 3223-3 authorizes 5 cfs from two wells located in the NE 1/4 SE 1/4 Section 25-T114N-R51W and one well the NW 1/4 SW 1/4 Section 30-T114N-R50W (copy enclosed). Is this an additional well and/or a replacement well for one of the above listed wells? Are you aware of a water right for this well? If so, please provide the water right number.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion (well) may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions. If additional water is requested, a new water permit will need to be obtained for the increase in diversion rate authority.

We handle requests for additional wells by having the permit holder file an application, well driller report and a map showing the location of the wells. We then review the application to determine if the request can be handled administratively or a new permit is required. No fee is required at this time. If we determine the more formal permit process must be followed, we will request that you submit a fee.

Enclosed are applications forms to be completed if necessary. If you have any questions, please contact me. We want to work with you to get the necessary permitting in place.

Sincerely,

Eric Gronlund  
Water Rights Program  
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov



September 23, 2014

Levi Tschetter  
Poinsett Hutterian Brethren  
46527 189<sup>th</sup> Street  
Estelline SD 57234

Dear Levi:

We spoke on the phone about this replacement well for Water Right No. 3223-3 but I want to make sure we get this right. Water Right No. 3223-3 appropriates a total of 2,250 gallons per minute from three wells to irrigate 560 acres (S ½ Section 23, SW ¼ Section 25 and NE ¼ Section 26). One of the wells was replaced since its production had decreased significantly.

South Dakota water rights law allows for a replacement well if: 1) no more water is being diverted, 2) the well is in the same water source, 3) no additional acres are requested and 4) if DENR can make a finding the change will not increase the potential for adverse interference with existing diversions.

Attached is a map that shows the location of the three wells as licensed on the water right. I have also put the location of the new replacement well as based on the location shown on the completion report submitted by the driller. I want to be sure of which well is being replaced and the location of the new well. So please feel free to mark the location of the new well if the one is not correct. I have included a self-addressed stamped envelope for you to return the map if changes are necessary.

Finally you indicated the replaced well has not been plugged but is temporarily abandoned with a water tight seal.

Please give me a call if you have any questions.

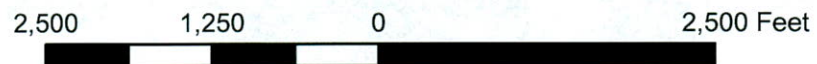
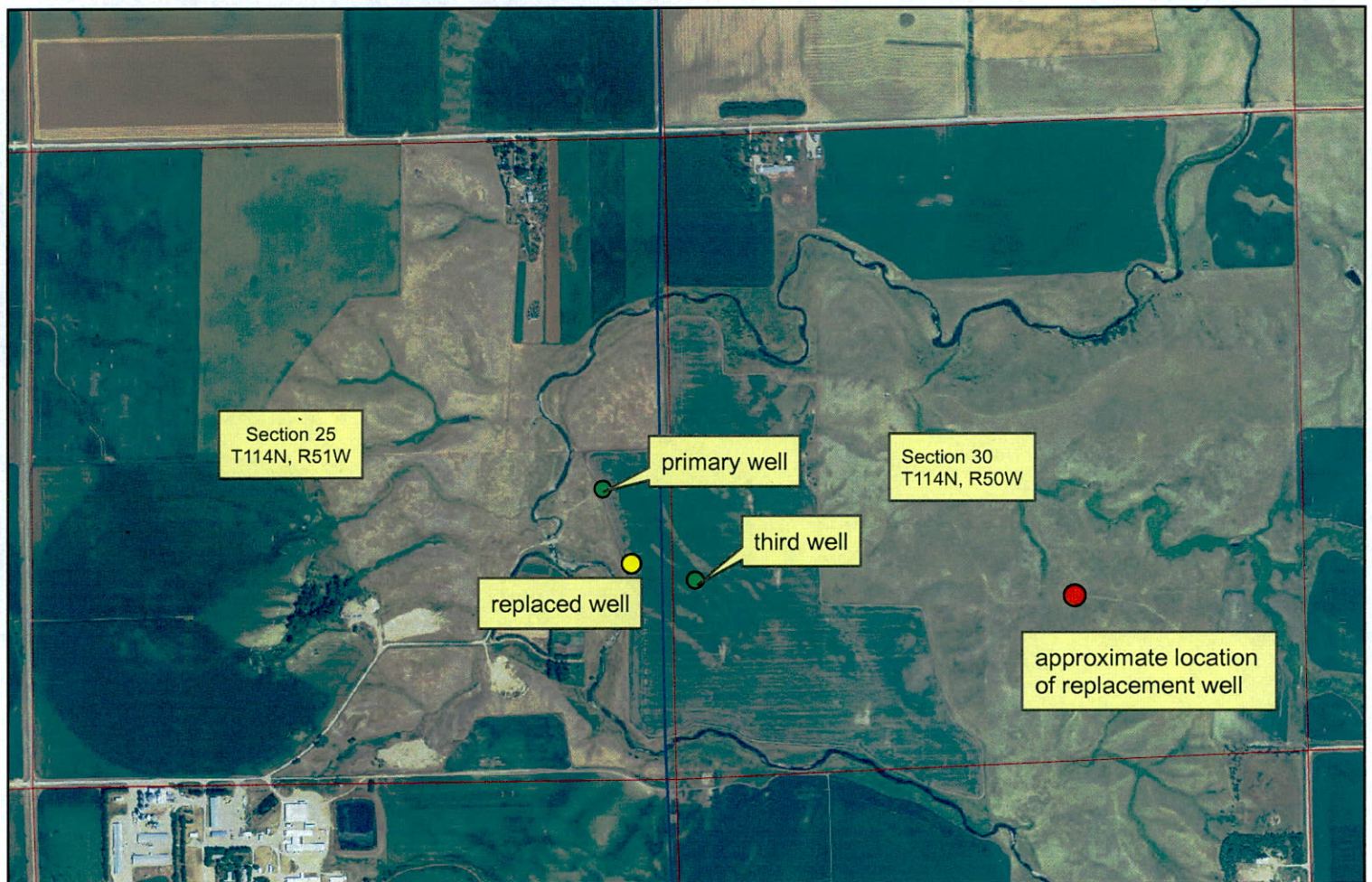
Sincerely,

*Eric Gronlund* COPY

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352  
[Eric.gronlund@state.sd.us](mailto:Eric.gronlund@state.sd.us)

enclosure

Water Right No. 3223-3, Poinsett Hutterian Brethren



-  New well that replace aging well
-  Well that is no longer in use
-  Other two well authorized by Water Right No. 3223-3



**File No. 3223-3**

**Approval of Change of Diversion Points**

---

**NAME:** Poinsett Hutterian Colony

**ADDRESS:** 46527 189<sup>th</sup> St. Estelline, SD 57243

**DATE:** November 7, 2014

**COUNTY:** Hamlin and Deuel

**TELEPHONE:** (605) 873-2630

Water Right No. 3223-3 appropriates 5.0 cubic foot per second (cfs) from three wells completed into the Brookings Management Unit of the Big Sioux aquifer at a depth of approximately 49 feet below ground surface. Water from these wells, originally permitted for construction in the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 25, T114N-R51W (two wells) and the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 30, T114N-R50W (one well) for the irrigation of 560 acres. The descriptions of the acres irrigated are as follows: 131 acres in the SE  $\frac{1}{4}$  of Section 23, 142 acres in the SW  $\frac{1}{4}$  of Section 23, 146 acres in the SW  $\frac{1}{4}$  of Section 25, and 141 acres in the NE  $\frac{1}{4}$  of Section 26, all in T114N-R51W. Before licensing, Water Permit No. 3223-3 authorized 4.4 cfs from the three wells listed above in order to irrigate the acres listed in the SW  $\frac{1}{4}$  of Section 23 and the SW  $\frac{1}{4}$  of Section 25, all in T114N-R51W. Since that time, Water Permit No. 2413-3 was incorporated into Water Right No. 3223-3 which now appropriates 5.0 cfs and includes the NE  $\frac{1}{4}$  of Section 26 and the SE  $\frac{1}{4}$  of Section 23, all in T114N-R51W. The original permits were conditioned with the standard well interference, well completion, and irrigation questionnaire qualifications.

The Poinsett Colony submitted a document to the South Dakota DENR Water Rights Program indicating a change of location of the two wells authorized by Water Right No. 3223-3. The well in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 30, T114N-R50W and the southernmost of the two wells in the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 25, T114N-R51W no longer supply sufficient water. Two additional wells have been constructed in the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 25, T114N-R51W. One was constructed in 2003 by Pullman Well Drilling to a depth of 52 feet and one in 2014 by Kaiser Well Drilling for which a well completion report has not yet been received. Along with the one remaining original well, all three wells will now be located in the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 25, T114N-R51W.

**AUTHORITY:**

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional points may be licensed provided the following conditions are met and the potential for interference with other existing diversion points is not increased.

- **Developed water source is the same as licensed source and no additional water is appropriated.**

The water source authorized by Water Right No. 3223-3 is the Brookings Management Unit of the Big Sioux aquifer. The depth of the well for which the Water Rights Program has received a completion report is consistent with drawing water from the Brookings Management Unit of the Big Sioux aquifer. It is assumed that the newest well is also drawing water from the same formation.

No additional appropriation of water is authorized. Water Right No. 3223-3 appropriates 5.0 cfs and no additional diversion rate authority is being requested.

**Review of Existing Diversions**

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights/permits on file. The nearest wells not controlled by the Poinsett Colony are located approximately 0.40 miles to the north and 0.65 miles to the northeast of the new well sites. The

associated water rights, Nos. 3224-3 and 3238-3 are held by Steven Ching and Brett Miller, respectively. Although these distances are relatively small, the two new well locations in the NE ¼ SE ¼ of Section 25 are not appreciably closer than the two abandoned wells and the original well that is still in operation. Combined with the fact that no increase in diversion rate is being requested and that two of the three currently operational wells have been in use for more than 10 years, the potential for interference of nearby wells as a result of pumping under Water Right No. 3223-3 is not expected to increase. The nearest domestic well known to the Water Rights Program and not controlled by the Poinsett Colony is located approximately 1.0 miles to the north. The potential for interference is not expected to increase at this distance. The Poinsett Colony controls several other wells within close proximity of those addressed in this report. Avoidance of interference in these other wells as a result of pumping under Water Right No. 3223-3 is seen by the Water Rights Program as a management issue within the Poinsett Colony.

#### **Observation Well Data**

The Water Rights Program monitors a series of observation wells completed into the Big Sioux: Brookings aquifer. The closest observation well completed into this aquifer (HN-83A) is located approximately 1.5 miles to the south of the well sites. This well has been in place since 1983 and shows static water level fluctuations of two to 12 feet below the top of the casing. Historic water levels in HN-83A display prominent effects of pumping but show an increasing trend line in water levels over the observed time period.

#### **Abandoned Wells**

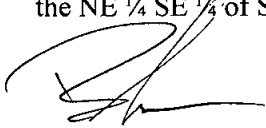
At the time this report was written, the two abandoned wells had been capped but not plugged. The Water Rights Program requires that if these two wells are no longer in use that they be plugged in accordance with South Dakota well drilling standards.

#### **CONCLUSION:**

- The change in diversion point does not propose to appropriate additional water.
- The developed wells are pumping water from the same source, the Big Sioux: Brookings aquifer.
- Unlawful impairment of existing water rights/permits and domestic wells is not expected to occur.
- The two abandoned wells shall be plugged in accordance with South Dakota well drilling standards.

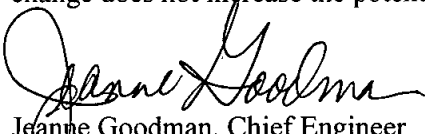
#### **RECOMMENDED ACTION:**

Based on the above criteria, it is recommended that the request for change in diversion point locations to the NE ¼ SE ¼ of Section 25, T114N-R51W be approved.



Bracken Capen  
Natural Resources Engineer

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14:01 that: The change does not increase the potential for adverse effects to existing diversions.



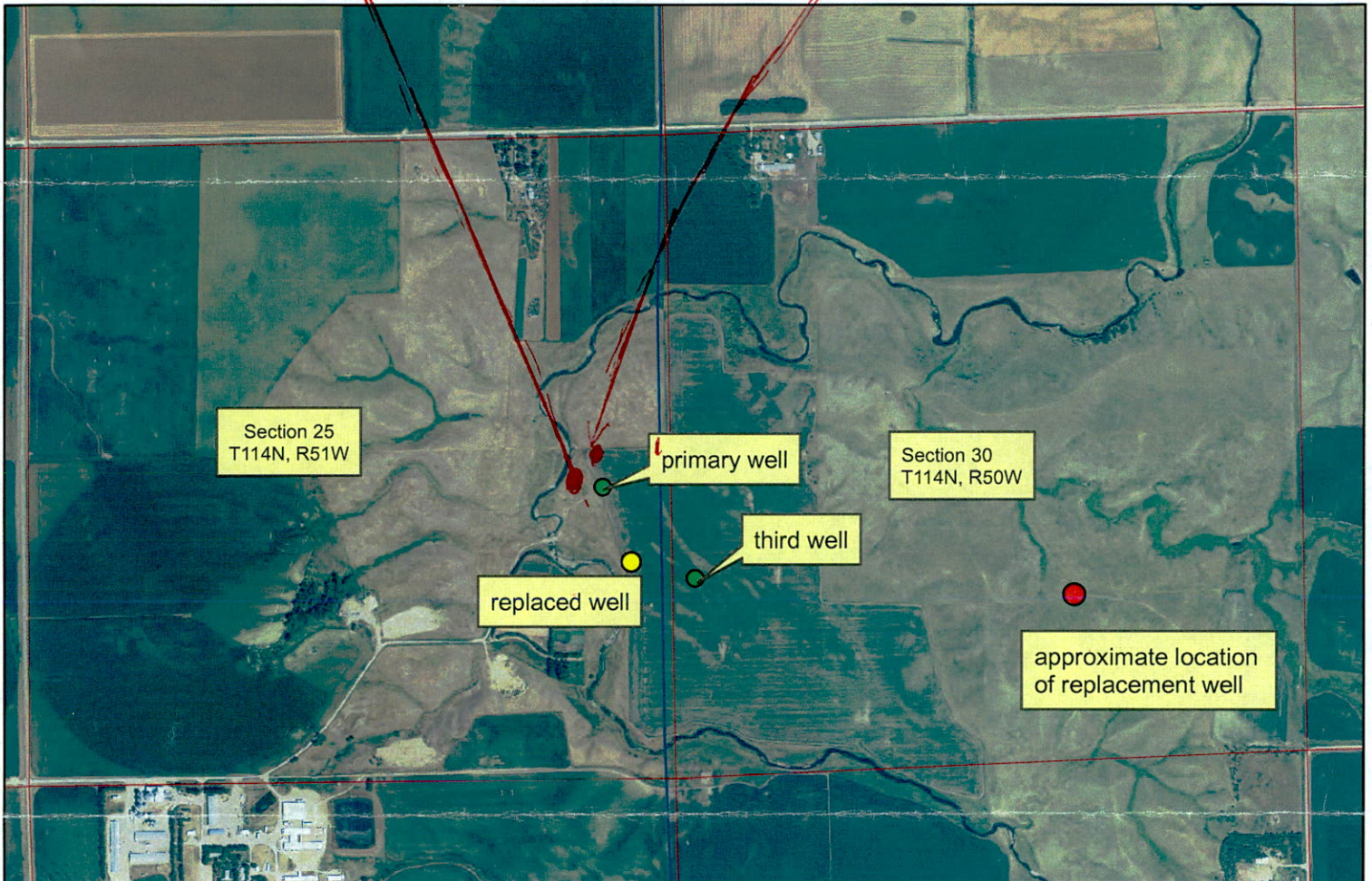
Jeanne Goodman, Chief Engineer  
Water Rights Program

POINSETT COLONY  
46527 189th St.  
Estelline, SD 57234-5707

Kaiser Well Drilling  
Just Finished With #3  
Well. We Need it as A. Helper  
Well. Expect 400 GPM  
Havent used it.

Water Right No. 3223-3, Poinsett Hutterian Brethren

New Well Pullman Well  
Drilling Made In 2003 -  
#2



RECEIVED  
OCT 03 2014  
WATER RIGHTS  
PROGRAM



**DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
denr.sd.gov



November 7, 2014

3223-3

Poinsett Colony  
c/o Levi Tschetter  
46527 189<sup>th</sup> St.  
Estelline, SD 57243

Dear Mr. Tschetter:

Water Right No. 3223-3 appropriates 5.0 cubic feet per second (cfs) from three wells completed into the Brookings Management Unit of the Big Sioux aquifer at a depth of approximately 49 feet below ground surface. Water from these wells, originally permitted for the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 25, T114N-R51W (two wells) and the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 30, T114N-R50W (one well) is used for the irrigation of 131 acres in the SE  $\frac{1}{4}$  of Section 23, 142 acres in the SW  $\frac{1}{4}$  of Section 23, 146 acres in the SW  $\frac{1}{4}$  of Section 25, and 141 acres in the NE  $\frac{1}{4}$  of Section 26, all in T114N-R51W for a total of 560 acres. The original permit was conditioned with the standard well interference, well completion, and irrigation questionnaire qualifications.

Poinsett Colony submitted a document indicating a change in the location of two of the wells under Water Permit 3223-3 to the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 25, T114N-R51W so that all three wells will be located in the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of that section. One of the replacement wells was constructed in 2003 by Pullman Well Drilling, and the other was constructed in 2014 by Kaiser Well Drilling. At this time, the Water Rights Program has not yet received the well completion report for the well constructed in 2014. The two original wells that have been abandoned shall be plugged in accordance with South Dakota well drilling standards.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in well locations is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate of 5.0 cfs under Water Right No. 3223-3 has been requested or approved. If the total diversion rate increases, a new water permit will need to be obtained from the SD DENR Water Rights Program.

If you have any questions, please contact Bracken Capen at (605) 773-3352.

Sincerely,

Jeanne Goodman  
Chief Engineer  
Water Rights Program