

Water Right Number 3847-3

1. Considered 5-25, 19 77
2. Name of Applicant BON HOMME HUTTERIAN BRETHREN, INC.
3. Post Office Address SPRINGFIELD
4. Amount of Water claimed 5.46
5. Source of Water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 382
7. Water to be diverted and used in BON HOMME County  
about 2N, 9E miles of SPRINGFIELD
8. Proof of Publication Received 4-29-77  
Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action Deferred \_\_\_\_\_

10. Remarks:

328-3B

Map No. \_\_\_\_\_ Water Division No. 3 MISSOURI RIVER District \_\_\_\_\_  
(Blanks to be filled by the Engineer for the W. D. C.)

## APPLICATION FOR PERMIT

## To appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

Bon Homme Hutterian Brethern, Inc.

1. Name of Applicant \_\_\_\_\_

Postoffice address Tabor State South Dakota 57063

If a corporation show date and place of incorporation \_\_\_\_\_

2. Method of accomplishing work (contract, employment of others, or by direct labor) \_\_\_\_\_

3. Name of diversion work Bon Homme Colony #34. Amount of water claimed (cubic feet per second) 5.465. Source of water supply Missouri River6. Location of point of diversion 1. point in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 17, T93N, R58WCounty Bon Homme7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 382.2

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

| Land Description      | No. Acres Irr. | Land Description | No. Acres Irr. |
|-----------------------|----------------|------------------|----------------|
| <u>See Attachment</u> |                |                  |                |
|                       |                |                  |                |
|                       |                |                  |                |
|                       |                |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.11. Choice of newspaper for Notice of Intent to appropriate Water publication Springfield Times

12. Principal Features of the Proposed Water Supply System.

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

Pumps and motors

B. Works proposed to transport water to place of use

Mainline

C. Works proposed to apply water to beneficial use

Sprinkler systems

Estimated Total Cost \$ \_\_\_\_\_

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 Bon Homme

I, \_\_\_\_\_ 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 Bon Homme Hutterian BreSubscribed and sworn to before me this 26 day of March 1972

Notary Public (or other qualified officer)

Bon Homme Hutterian Brethern, Inc., Taber, S.D.

Lands to be irrigated:

All in T93N, R58W

|            |                                   | <u>Acres</u> |
|------------|-----------------------------------|--------------|
| Section 8  | SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 32.6         |
|            | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 39.3         |
|            | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 39.0         |
|            | SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 38.0         |
| Section 17 | NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 37.5         |
|            | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 29.4         |
|            | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 12.6         |
|            | SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 7.9          |
| Section 18 | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 38.0         |
|            | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 39.0         |
|            | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 39.0         |
|            | SE $\frac{1}{4}$ SE $\frac{1}{4}$ | <u>29.9</u>  |
|            | Total                             | 382.2 Acres  |

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 384-7-3  
BON HOMME HUTTERIAN BRETHREN, INC. TABOR Box 59  
 (Applicant) (Post Office Address)  
SOUTH DAKOTA 570163 With the following modifications  
 (State)

Date of first receipt of application MARCH 31 19 77  
 Date of return to applicant for correction, amendments or changes required \_\_\_\_\_ 19 \_\_\_\_  
 Date of receipt of corrected application \_\_\_\_\_ 19 \_\_\_\_  
 Approved MAY 25 19 77 Recorded in Book 18 Page 253

WATER RIGHT PERMIT NO. 384-7-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 384-7-3 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 MARCH 31 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 25 19 77
3. The whole of said work is to be completed on or before MAY 25 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 25 19 86
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 5.46 cubic feet per second, neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial use 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 MAY 25 19 86 said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 13<sup>th</sup> day of JUNE 19 77

WATER RESOURCES COMMISSION

By:

John H. Hald  
 Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 28 19 79

Water License Issued DECEMBER 28 19 79

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 3847-3

(1) WHEREAS, On the 31st day of March A. D. 19 77

Bon Homme Hutterian Brothorn, Inc.

made Water Right Application No. 3847-3 for a permit to use 3847-3 cubic feet per second of the waters of the Missouri River

County of Bon Homme, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 25th day of May A. D. 19 77

Permit No. 3847-3, with a date of priority of March 31, 1977

was issued to said applicant \$ for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 25th day of May A. D. 19 82 and for the application to beneficial use of said water on or before the 25th day of May A. D. 19 86

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 11.11 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

(see attached page)

NOTE: Permits Nos. 431-3 and 2186-3 have been incorporated into  
this Water License No. 3847-3 and Permits Nos. 431-3 and 2186-3 have  
been placed in a cancelled status.

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Bon Homme Hutterian Brethern, Inc.

of Tabor, SD  
the holders and owners of said permit No 3847-3 a water right, dating from June 4, 1971; Jan. 9, 1975 and March 31, 1977 to use of 11.11 cubic feet per second of the water of the Missouri River

in the County of Bon Homme and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted ~~at~~ from NE Corner, Section 17 - T93N - R53W between points South 5<sup>0</sup> East, 278 rds. and South 52<sup>0</sup>20' west - 338 rds. west diversion point 28 rds east of the SW Corner of Section 17 - T93N - R58W

and conduct<sup>ed</sup>/to and upon portions of land in Sections 8, 16, 17, 18 and 21 all in T93N, R58W, more fully described on the attached page of this Water License.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3847-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 28th day of December A. D.  
Nineteen Hundred and Seventy-nine

Board of Water Management

By:

John Hatch  
Chief Engineer

JOHN HATCH

Permit No. 3847-3

Water Diversion No. 3 Missouri River Water District

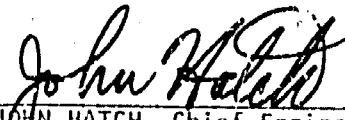
### CERTIFICATE OF CONSTRUCTION

This is to Certify, That Bon Homme Kutterian Brethern, Inc.

\_\_\_\_\_ the holder \_\_\_\_\_ of \_\_\_\_\_  
Permit No. 3847-3, issued upon Application No. 3847-3, bearing date of June 4, 1971; <sup>a priorities</sup>  
Jan. 9, 1975 & March 31, 1977 authorizing the diversion of 11.73 cu. ft. per second of the waters of the  
Missouri River County of Bon Homme, State of South Dakota x from  
NE Corner, Section 17 - T93N - R58W between points South 5° east, 278 rds.  
and South 52° 20' west - 338 rds. west diversion point 28 rds east of the  
SW Corner of Section ~~xx~~ 17 - T93N - R58W for irrigation

\_\_\_\_\_ purposes, have ve complied with the provisions of the laws of the State of South Dakota relating to proof of  
completion of the work of diversion set out and described in said Permit; that said work is found in satisfactory  
condition for diverting and conveying to the place of intended use 12.11 cu. ft. per second of water.

Date December 28, 1979

  
JOHN HATCH, Chief Engineer  
Water Rights, WND

Permit #3847-3; Ron Homme Putterian Brothers, Inc.

Area Irrigated, All in T93N - R58W:

|             |                  |                  |     |       |         |
|-------------|------------------|------------------|-----|-------|---------|
| Section 16, | NW $\frac{1}{4}$ | NW $\frac{1}{4}$ | 23  | acres |         |
|             | SW $\frac{1}{4}$ | NW $\frac{1}{4}$ | 19  | "     |         |
|             | SW $\frac{1}{4}$ | SW $\frac{1}{4}$ | 12  | "     |         |
|             | SE $\frac{1}{4}$ | SW $\frac{1}{4}$ | 5   | "     | 59 ac.  |
| Section 17, | NW $\frac{1}{4}$ | NW $\frac{1}{4}$ | 36  | "     |         |
|             | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | 4   | "     |         |
|             | SW $\frac{1}{4}$ | NW $\frac{1}{4}$ | 39  | "     |         |
|             | SE $\frac{1}{4}$ | NW $\frac{1}{4}$ | 7   | "     |         |
|             | NW $\frac{1}{4}$ | NE $\frac{1}{4}$ | 33  | "     |         |
|             | NE $\frac{1}{4}$ | NE $\frac{1}{4}$ | 33  | "     |         |
|             | SW $\frac{1}{4}$ | NE $\frac{1}{4}$ | 33  | "     |         |
|             | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | 33  | "     |         |
|             | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | 20  | "     |         |
|             | NE $\frac{1}{4}$ | SW $\frac{1}{4}$ | 37  | "     |         |
|             | SW $\frac{1}{4}$ | SW $\frac{1}{4}$ | 11  | "     |         |
|             | SE $\frac{1}{4}$ | SW $\frac{1}{4}$ | 37  | "     |         |
|             | NW $\frac{1}{4}$ | SE $\frac{1}{4}$ | 38  | "     |         |
|             | NE $\frac{1}{4}$ | SE $\frac{1}{4}$ | 26  | "     |         |
|             | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | 38  | "     |         |
|             | SE $\frac{1}{4}$ | SE $\frac{1}{4}$ | 26  | "     | 451 ac. |
| Section 18, | NE $\frac{1}{4}$ | NE $\frac{1}{4}$ | 29  | "     |         |
|             | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | 36  | "     |         |
|             | NW $\frac{1}{4}$ | SE $\frac{1}{4}$ | 32  | "     |         |
|             | SE $\frac{1}{4}$ | SE $\frac{1}{4}$ | 20  | "     | 116 ac. |
| Section 21, | NW $\frac{1}{4}$ | NW $\frac{1}{4}$ | 16  | "     |         |
|             | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | 4   | "     | 20 ac.  |
| Section 8,  | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | 33  | "     |         |
|             | NE $\frac{1}{4}$ | SW $\frac{1}{4}$ | 33  | "     |         |
|             | SW $\frac{1}{4}$ | SW $\frac{1}{4}$ | 33  | "     |         |
|             | SE $\frac{1}{4}$ | SW $\frac{1}{4}$ | 33  | "     | 132 ac. |
| Total =     |                  |                  | 778 | acres |         |

Publish first publication, on or before May 2, 1977NOTICE  
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 11, 1977

Notice is hereby given that Bon Homme Lutheran Brethren, Inc.  
whose post office address is S. Tabor, South Dakota, has made an application in accordance  
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use  
15,46 cubic feet of water per second of time from the Missouri River through the  
Bon Homme Colony # 3, the point of diversion of which is to be located in the \_\_\_\_\_

SW $\frac{1}{4}$  SW $\frac{1}{4}$   
of Section 17, Twp. 23N, Range 53W. Said water to be used for the purpose  
of providing irrigation on the following described land:

SW $\frac{1}{4}$ , Section 8; W $\frac{1}{2}$  NW $\frac{1}{4}$ , W $\frac{1}{2}$  SW $\frac{1}{4}$ , Section 17; E $\frac{1}{2}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  SE $\frac{1}{4}$ ,

Section 18-T23N-R58W

This application No. 3847-3 will be considered by the Water Rights Commission at their office at  
Pierre upon the 25th day of May, 1977, at 10:00 A. M. All interested  
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

JAMES WHITERTON  
Water Rights Specialist

BFJ/bw

Cc: Bon Homme Lutheran Brethren, Inc., Tabor, South Dakota 57053

No. 3847-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Bon Homme ) ss.

I, Wayne L. Bertrand hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Springfield Times

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 Springfield of \_\_\_\_\_

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

Apr. 21, 1977

" 28, 1977

Wayne L. Bertrand  
(Signature)

Publisher  
(Title)

4-28-77  
(Date Signed)

NOTICE INTENT  
TO APPROPRIATE WATER  
Pierre, South Dakota 57501  
April 11, 1977

Notice is hereby given that Bon  
Homme Hutterian Brethren, Inc.  
whose post office address is S  
Tabor, 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  
5.46 cubic feet of water per  
second of time from the Missouri  
River through the Bon Homme  
Colony No. 3, the point of  
diversion of which is to be located  
in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17,  
Twp. 93N, Range 58W. Said water  
to be used for the purpose of  
providing irrigation on portions  
of the following described land:  
SW $\frac{1}{4}$ , Section 8; W $\frac{1}{2}$  NW $\frac{1}{4}$ , W $\frac{1}{2}$   
SW $\frac{1}{4}$ , Section 17; E $\frac{1}{2}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$   
SE $\frac{1}{4}$ , Section 18-T93N-R58W.

This application No. 3847-3 will  
be considered by the Water  
Rights Commission at their office  
at Pierre upon the 25th day of  
May, 1977, at 10:00 A.M. All  
interested persons may appear  
and be heard.

WATER RIGHTS COMMISSION  
By: JAMES WINTERTON

Water Rights Specialist  
(April 21 & 28)



38443 Bon Hemme Rocking

13-2-79 West Side Motor Works - West

Pump 115 E.E. 100 HP - 3745 RPM

IP# R-9930-00-153.

~~Pump~~ Pump 115 E.E. 100 HP - 3745 RPM

1000 gpm, type 411-BF

260' Head, type 411-C, 3745 RPM

38443 Bon Hemme Rocking

~~Pump~~ Pump 115 E.E. 100 HP - 3745 RPM

IP# R-9930-00-153 280

Pump 115 E.E. 100 HP - 3745 RPM

1000 gpm, type 411-BF

260' Head, type 411-C, 3745 RPM

3841-3 Bonaparte Heiler

10-3-77 Model 717

Le # 111255 Boner at CP

W. A. Th. Model DA 3267100465

50 H.P. 1765 R.P. 411

Berkley Pump Co. # 7406378

Model B4JPBH, 1500 R.P. 50 H.P.

13 1/2 " Impeller

SW CP generator Model

307-410 Ser # 107641

Model CP on 40. Side Generator

Model 410-307, Ser # 107640

# RECEIPT

WATER RIGHTS COMMISSION  
State of South Dakota

No 4 7188

PIERRE, December 23, 1979

RECEIVED OF Ben Homs Mutharian Brathern, Inc., Box 59, Tabor, SD 57063

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

|                                                                                                                     |    |    |
|---------------------------------------------------------------------------------------------------------------------|----|----|
| Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____ |    |    |
| Fee for Inspecting Construction, and issuing Cert. of Construction No. 3847-3                                       | 50 | 00 |
| Fee for Inspecting Beneficial Use, and Issuing Water License No. 3847-3                                             |    |    |
| Fee for issuing Location Certificate-Dry Draw, No. _____                                                            |    |    |
| Fee for filing _____                                                                                                |    |    |
| Fee for certified copy of _____                                                                                     |    |    |
| Fee for Print copy of map _____                                                                                     |    |    |
| Fee for Certifying _____                                                                                            |    |    |
| Fee for _____<br>(any other work as provided by law)                                                                |    |    |
| TOTAL                                                                                                               | 50 | 00 |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH (9Y)

Permit No. 3847-3Water Division 3 Missouri River Water DistrictREPORT OF EXAMINATION OF WORKS  
AND/OR APPLICATION OF WATER TO BENEFICIAL USETO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501  
*Ben Homme*I have this day made a thorough examination of the water use system constructed by HutterianBrothern Inc of Bex 59, Tabor, S. Dak. 57063 holder.  
4.0 cfs. June 4, 1971; 2.27 cfs. Jan. 8, 1975  
of Permit No. 3847-3, bearing date of priority of 5.46 cfs. March 31, 1977authorizing the diversion of 11.73 cu. ft. per second of the waters of Missouri River  
for Irrigation purposes, in Ben Homme County.

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

The Water Use System consists of,

- A. Works used to divert the water: Gorman-Russ Centrifugal 6" Pump Mod. 254  
Powered by Chrysler Industrial Motor, Mod 12, 100 HP.  
(Pump for East C.P.S) US Elec. Motor ID# R 9454-CI-153, 120HP 1730 RPM  
Pump - Aurora. No. 77-4254. Pumping 1657 gpm  
(Pumps for West C.P.S) West Motor US Elec. ID# R-9430-00-153, 100 HP, 3540 RPM  
Pump - Aurora. No. 77-1754, Type 411-B, Pumping 1000 gpm  
East Motor - US Elec. ID# R-9430-00-153, 100 HP, 3540 RPM  
Pump - Aurora. No. 77-1754, Type 411-BF Pumping 1000 gpm.
- B. Works used to transport water to place of use,

1/2 Mile - 8" Aluminum pipe, 1/2 mile of 6" Aluminum pipe  
1700 ft. 15" PVC Pipe, 4300 ft 10" PVC Pipe, 5600 ft 8" PVC Pipe

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

150 ft 8" gated pipe, 150 ft 6" gated pipe, 1/2 mile of 4"  
Hand Moved sprinkler pipe, One Vermeer Boom Model 150.  
NE center Pivot - Zimmatic Model 507-507, Ser# 111054, with  
Booster Pump - Motor - Toshiba Model B0404V6F103, 40 HP, 1760 RPM  
Pump - Aurora. No. 471-10060. Type 411 - 700 gpm

The system is in the following condition: Good

The point of diversion is located From NE cor, Sec 17, T93N R55W, between points  
S 5° E 278 Rds and S 52° 20' W - 338 Rds. West diversion Point  
28 Rds East of the SW cor of Sec. 17, T93N R55W

The works are capable of diverting and conveying to the place of use 12.11cu. 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 778 acres of land. 778 Ac ± 70 = 11.11 cfs  
license for 11.11 cfs

Note Permits No. 431-3, 2186-3 and 3847-3  
are all combined into one License under  
Permit 3847-3. Permits 431-3 and 2186-3 to  
be cancelled

Date October 2, 1978

Leroy J. McLaughlin  
(Signature)

See Back  
for more information

Par. 1-C. Works to apply water for beneficial use.

SE center pivot - Zimmatic Model 410-307, Ser. #107515  
Moved between two pads East and West.

N-W. Center Pivot - Zimmatic Model 307, Ser. # 111750 with

Booster Pump - Motor Marathon Model DA326 TTDK 7305-BB10  
50 HP, 1765 RPM,

Pump - Berkeley, Ser. # 7488375, Model B4JPN, 18.0 RPM, 50 HP  
13 1/2" Imp. dia

Middle Center Pivot West Side - Zimmatic Model 307-410  
Ser. # 107646.

SW Center Pivot - Zimmatic, Model 410-307, Ser. # 107646



# Department of Water & Natural Resources

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

January 29, 1988

BON HOMME HUTTERIAN BRETHERN-Benjamin Stahl  
BOX 59  
TABOR, SD 57063

## NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation  
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 3847-3. 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 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 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 3847-3 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.

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, your name will be deleted from the agenda for the hearing.

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

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

February 12, 1988

3874-3

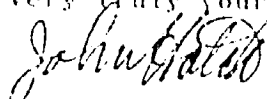
Benjamin Stahl  
Bon Homme Hutterian Brethren  
Box 59  
Tabor SD 57063

Dear Mr. Stahl:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 3874-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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

IF3847-3

 **Department of  
Water & Natural Resources**

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

February 17, 1989

Bon Homme Hutterian Breth  
Box 59  
Tabor, SD 57063

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;

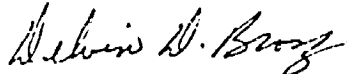


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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,



*JH* JOHN HATCH, Chief Engineer  
Water Rights Division

*South Dakota*

GREAT FACES. GREAT PLACES.  
February 1, 1991

BON HOMME HUTTERIAN BRETHERN  
RR 1 BOX 59  
TABOR SD 57063

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3131

3847-3

NOTICE

RE: Violation of Water Permit No(s) 3847-3, 5304-3, 5305-3 and 1990 Irrigation Questionnaire Requirements

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 3847-3, 5304-3, 5305-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 5304-3, 5305-3 qualification:

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

The hearing will also be to determine if Permit No(s) 3847-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

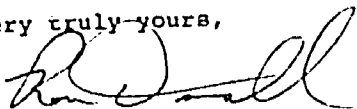
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 5304-3, 5305-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s) 3847-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing 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.

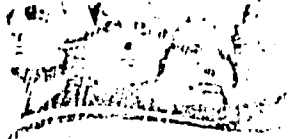
If the questionnaires are received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



Ron Duvall, Natural Resources Engineer IV  
Water Rights Division  
605 773-3352

*South Dakota*



GREAT FACES. GREAT PLACES.

February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

3847-3

BON HOMME HUTTERIAN BRETHREN  
RR1 BOX 59  
Tabor SD 57063

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 3847-3; 5305-3; & 5304-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 3847-3; 5305-3; & 5304-3. The request for the chemigation report(s) was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

The hearing(s) will be held at 9:15 am, on February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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). 3847-3; 5305-3; & 5304-3 until either the 1990 chemigation report(s) 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.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV  
Water Rights Division  
605 773-3352

NOTE: If the chemigation report(s) is received in this office before the February 27th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

*South Dakota*



DEPARTMENT OF WATER & NATURAL RESOURCES

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

3847-3

February 20, 1991

3847-3  
5304-3  
5305-3

Benjamin Stahl  
Bon Homme Hutterian Brethren  
RR #1 Box 59  
Tabor, SD 57063

Dear Mr. Stahl:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and chemical application data for Water Permit Nos. 3847-3, 5304-3 and 5305-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV  
Water Rights Division

3847-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

JUL 2 1996

5304-3

Benjamin J. Stahl  
Bon Homme Hutterian Brethern  
RR 1, Box 59  
Tabor, SD 57063

Dear Mr. Stahl:

Enclosed is Water License No. 5304-3 and Receipt No. 414823 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5304-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

ks  
enclosures

NOTE: The applicable portions of Water Right No. 3847-3 have been incorporated into this Water License No. 5304-3.