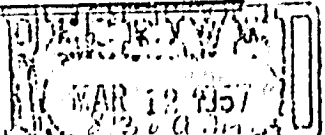


No. 431-3Water Division No. 3 Missouri River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE OF SOUTH DAKOTA
WATER CONTROL DIVISION

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Bonhomme Hutterian Brothers Inc
Postoffice address Tabor, County Bon Homme, State S.D.

I. If a corporation Bonhomme Hutterian B(a) Name of same Bonhomme Hutterian Brothers Inc.(b) Date and place of incorporation 12/28/19

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

labor

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

3. Amount of water claimed 14.8 cubic feet per second4. Source of water supply Right bank of Missouri River (between Clark Lake5. Location of point of diversion Between Points A & B on shoreline of Lewis6. 9 between a point 338 rods, S 52° 20' W and a point 278 rods
S 5° 00' E both from the NE Cor., Sec. 17, T 93 N, R 58 W

7. 1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated 1047.2 acres. 103.6 acres. 18 + 236.2 S 1/2 Sec. 8 +(b) Legal subdivisions to be irrigated See tabulation 152 ac. E 1/2 Sec. 17, T 93 N, R 58 W 17.16 93.58

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) None

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use None Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

TOTAL

1,047.2

Map No. 328-3 & 328-3A & 328-3B

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-FEET CAPACITY

(c)* Head gate Width ----- feet; height ----- feet;

Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA

County of Sanborn ss.

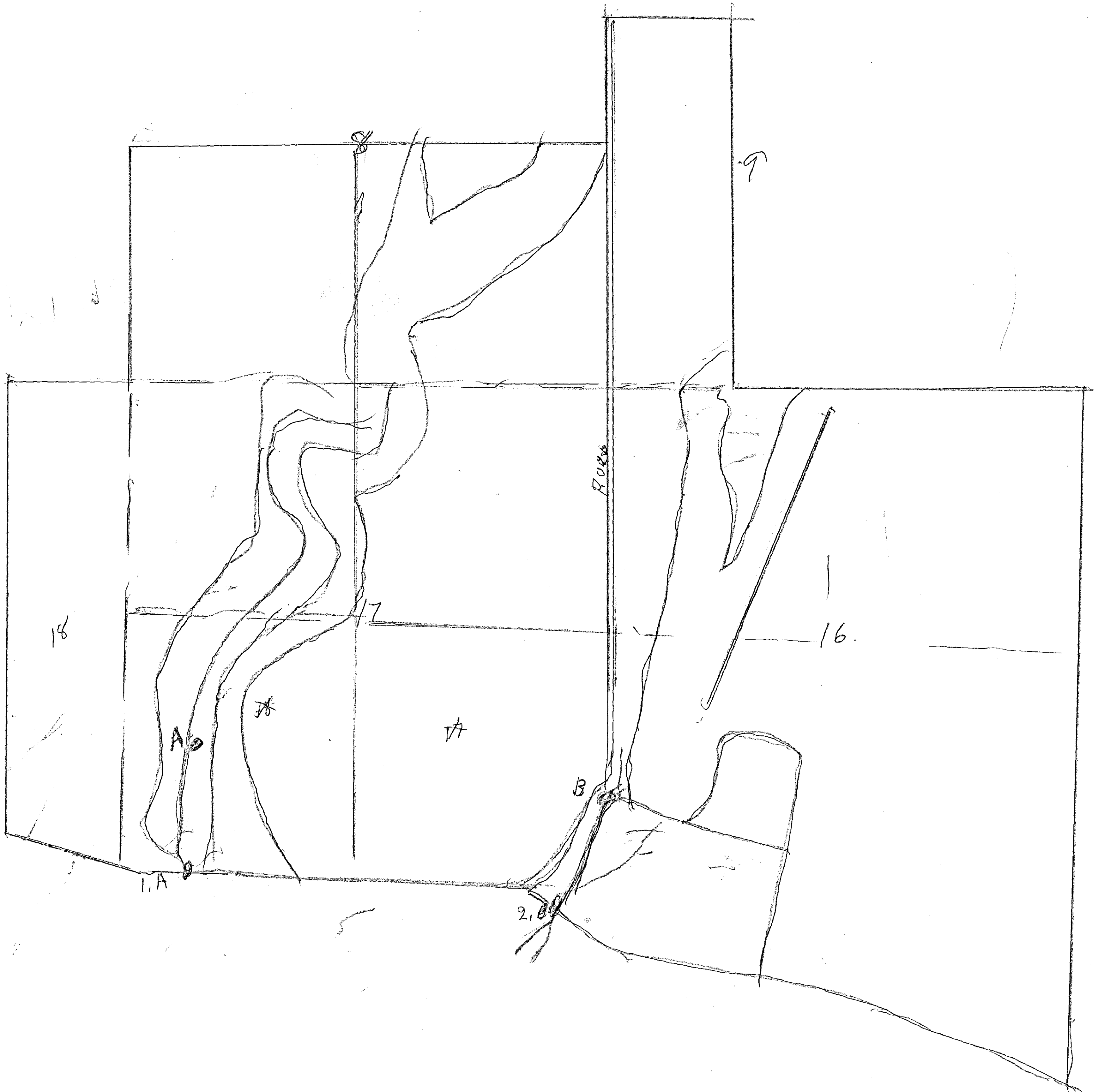
I, Michael Waldner, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Michael Waldner

Subscribed and sworn to before me this 8 day of March 1957

Jacob Waldner
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



Township No 58, RANCH 93,

~~RANCH 58~~

Hutterische Church,

SCALE 8"=mi

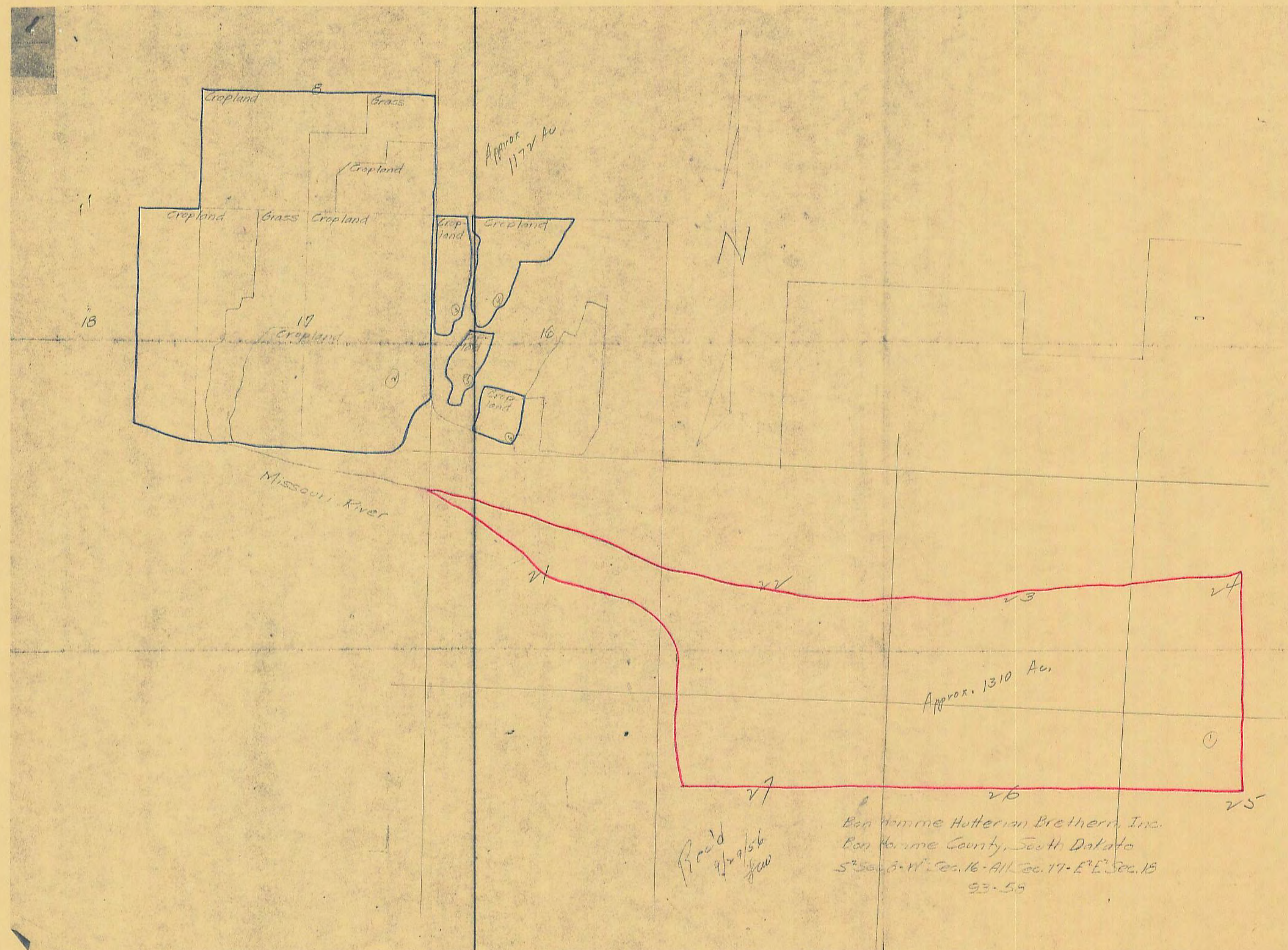
Ben Homme SD County

Ac 3800.

Photo VG-28-105.

Map No. 328-34
(Appl. No. 431-3)

Map No. 328-3
Appl. No. 431-3

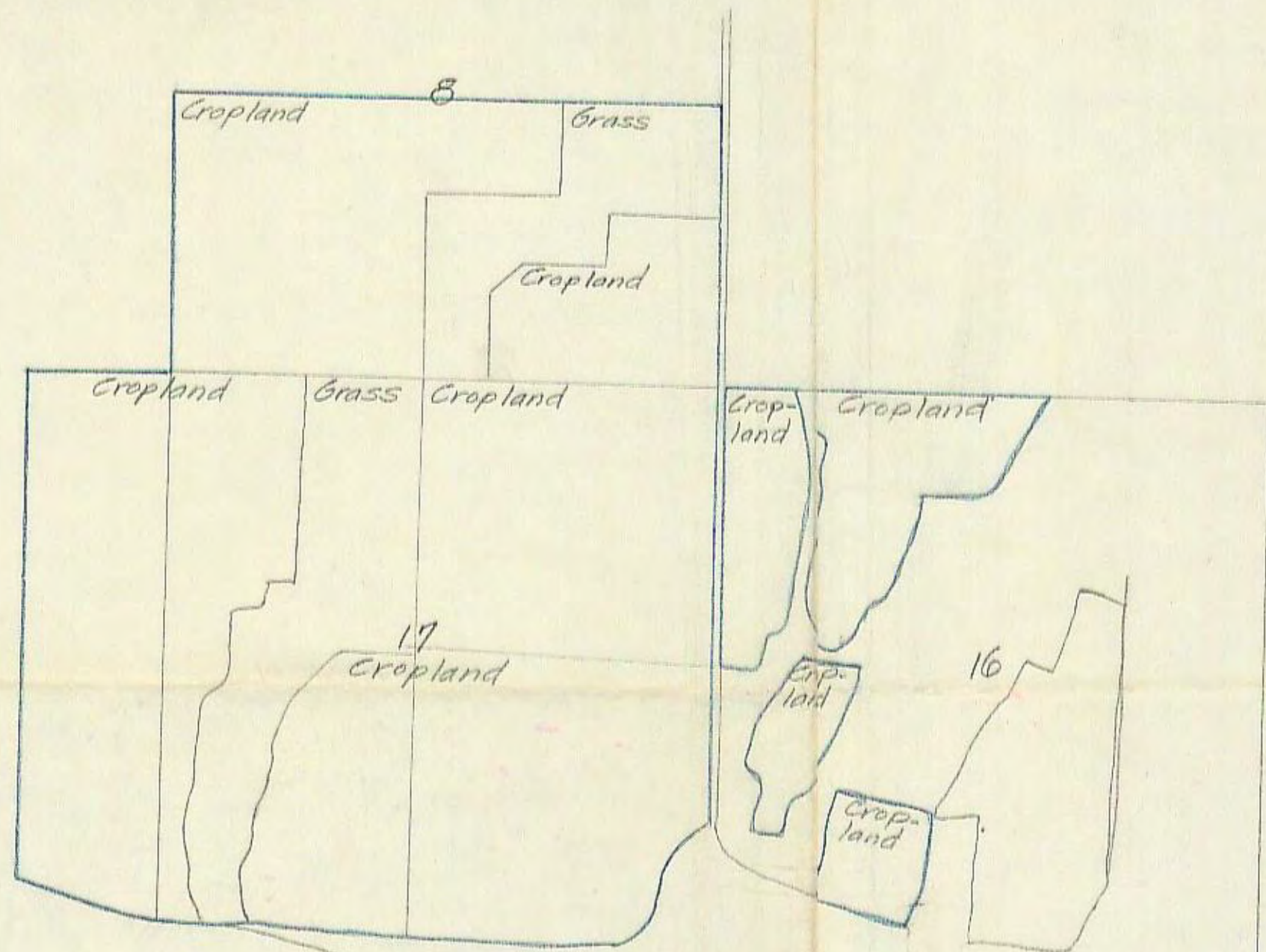


Rec'd 9/29/56
Jaw

Bon Homme Hutterian Brethren, Inc.
Bon Homme County, South Dakota
S²Sec. 16 - W¹Sec. 16 - All Sec. 17 - E¹E²Sec. 18
93-55

Map No. 328-3A
(Appl. No. 431-3)

18



N

Rec'd
9/29/56
Jaw

Bon Homme Hutterian Brethern, Inc.
Bon Homme County, South Dakota
S² Sec. 8 - W² Sec. 16 - All Sec. 17 - E² E² Sec. 18

93-58

Map No. 328-3A
(Appl. No. 431-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of HUGHES

SS.

Pierre, South Dakota, SEPTEMBER 28, 1971

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
a.m. upon the 12TH day of MARCH, 1957.

State Water Resources Commission

By:

Burton J. Jones
for Chief Engineer, Executive Officer

Number of permit 431-3

Date of first receipt of application MARCH 12, 1957

Date of return to applicant for correction, amendments or changes required as follows: MARCH 26, 1957

Date of receipt of corrected application JUNE 4, 1958

Date from which applicant may claim right JUNE 4, 1958

Approved JULY 9, 1958 Recorded in Book 12 Page 35

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is ~~to be completed on or before~~

19

2nd. The whole of said work is ~~to be completed on or before~~

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

COMPLETED, 1958

4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 14.8 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 JULY 9, 1967; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 28TH day of SEPTEMBER, 1971

State Water Resources Commission

By:

John E. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 28, 1971

Water License Issued SEPTEMBER 28, 1971

LOCATION OF LAND TO BE IRRIGATED
 BON HOMME HUTTERIAN BROTHERS, INC.
 PROJECT NO. 1

LOCATION		SECTION	TOWNSHIP	RANGE	ACRES
LOT 1	NE of SE	8	93N	58W	18.5
2	N. of SE	8	93N	58W	5.7
3	NW of SE	8	93N	58W	13.4
4	NW of SE	8	93N	58W	3.6
5	NE of SW	8	93N	58W	39.3
6	NW of SW	8	93N	58W	39.0
7	SW of SW	8	93N	58W	38.0
8	SE of SW	8	93N	58W	32.6
9	SW of SE	8	93N	58W	18.6
10	SE of SW	8	93N	58W	38.0
11	NE of NW	16	93N	58W	32.9
12	NW of NW	16	93N	58W	8.0
13	NW of NW	16	93N	58W	23.0
14	NE of NE	17	93N	58W	38.0
15	NW of NE	17	93N	58W	32.4
16	NE of NW	17	93N	58W	2.7
17	N. of NW	17	93N	58W	37.5
18	NE of NE	18	93N	58W	38.0
19	SE of NE	18	93N	58W	39.0
20	SW of NW	17	93N	58W	29.4
21	SE of NW	17	93N	58W	6.2
22	SW of NE	17	93N	58W	40.0
23	SE of NE	17	93N	58W	39.0
24	SW of NW	16	93N	58W	18.8
25	SW of NW	16	93N	58W	11.2
26	SE of NW	16	93N	58W	11.2
27	NW of SW	16	93N	58W	22.7
28	NE of SE	17	93N	58W	39.0
29	NW of SE	17	93N	58W	40.0
30	NE of SW	17	93N	58W	39.1
31	NW of SW	17	93N	58W	5.8
32	NW of SW	17	93N	58W	12.6
33	NE of SE	18	93N	58W	39.0
34	SE of SE	18	93N	58W	29.9
35	SW of SW	17	93N	58W	7.9
36	SW of SW		93N	58W	13.6
37	SE of SW		93N	58W	37.6
38	SW of SE		93N	58W	38.8
39	SE of SE		93N	58W	29.7
40	SW of SW	10	93N	58W	1.0
41	SW of SW	16	93N	58W	12.0
42	SE of SW	16	93N	58W	5.4
43	NE of NW	21	93N	58W	4.3
44	NW of NW	21	93N	58W	15.6

TOTAL

1,047.2

Permit No. 431-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Bon Homme Hutterian Brethern, Inc.

_____ the holder _____ of
Permit No. 431-3, issued upon Application No. 431-3, bearing date of priority of June 4, 1958
_____ authorizing the diversion of 14.8 cu. ft. per second of the waters of _____
Missouri River County of Bon Homme, State of South Dakota
from NE Corner, Section 17, T93N, R58W, between points South 5° East, 278
rods, and South 52° 20' West, 338 rods
_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 4.0 cu. ft. per second of water.
Date September 28, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 431-3

(1) WHEREAS, On the 12th day of March A. D. 1957
the Bon Homme Hutterian Brethern, Inc.

made Water Right Application No. 431-3 for a permit to use 14.8 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 28th day of September A. D. 1971
Permit No. 431-3, with a date of priority of June 4, 1971

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 completed day of _____ A. D. 19____ and for the
application to beneficial use of said water on or before the Completed day of _____ A. D. 19____

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 4.0 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 _____ of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

for irrigating the following land 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 "
Section 17	NE $\frac{1}{4}$ SW $\frac{1}{4}$	39 "
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	37 "
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	39 "
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	39 "
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	39 "
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	29 "
Section 21	NW $\frac{1}{4}$ NW $\frac{1}{4}$	16 "
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4 "
Total		301 Acres

(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 the Bon Homme Hutterian Brethern, Inc.

_____ of Tabor, South Dakota
the holder _____ and owner _____ of said permit No. 431-3 a water right, dating from June 4, 1958
_____ to use of 4.0 cubic feet per second of the waters
of Missouri River

in the County of Bon Homme and State of South Dakota so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted from NE Corner, Section 17, T93N, R58W, between
points South 5° East, 278 rods and South 52° 20' West, 338 rods

and conduct to and upon _____ portions of Sections 16, 17 and 21, T93N, R58W, described
on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 431-3 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 September A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, JW. GRIMES

SOUTH DAKOTA
Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA
57501

September 29, 1971

Mr. George J. Hofer
Bon Homme Hutterian Brethern, Inc.
Box 49, Route 1
Tabor, South Dakota 57063

Dear Mr. Hofer:

Enclosed herewith are, Water License No. 431-3, Certificate
of Construction, and Receipt No. 4 1831 in the amount of \$13.85
for the fee which you have paid.

Water License No. 431-3 is the final water right document
completing your process of obtaining a water right.

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.

Respectfully,

WATER RESOURCES COMMISSION

By:

J.W. GRIMES
Chief Engineer, Executive Officer

JWG/BFJ/bw
Encl: As stated

(First Publication before June 13, 1958)

APPROPRIATION OF WATER

Office of State Water Resources Commission
Pierre, S.D. June 6, 1958

Notice is hereby given that the Bon Homme Hutterian Brethern Inc. whose postoffice address is Tabor, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 14.8 cubic feet of water per second of time from the Missouri River through an irrigation system. The point of diversion is being changed from points which were flooded by Lewis and Clark Lake to points on the northerly bank of said stream between a pint in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17 and a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16 all in T 93 N. R 58 W.

5.00 cubic feet per second of the afore mentioned water is being claimed as an existing Vested Right and 9.80 cubic feet per second under a new application. Said water to be used for the purpose of providing irrigation on parts of the following described land, the location of part of which has been changed from lands inundated by Lewis and Clark Lake: S $\frac{1}{4}$, Sec. 8; NW $\frac{1}{4}$, W $\frac{1}{4}$ and SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sec. 16; Sec. 17; E $\frac{1}{2}$ E $\frac{1}{2}$ Sec. 18; and N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 21, all in T 93 N, R 58 W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1958 at 2:00 pm. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer,
Executive Officer

cc Mr. George W. Corey, Publisher
The Springfield Times
Springfield, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Bon Homme } ss.

G. W. Corey being duly sworn, deposes and says the annexed printed copy of Notice of Intention 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 of Springfield County of

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

June 12, 1958

June 19, 1958

June 26, 1958

July 3, 1958

in each and every issue of the full number thereof, the first publication being made on the 12th day of June

1958 and the last publication on the 3rd day of

July 1958, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was publisher of ~~xxxxxxx~~ the said newspaper.

G. W. Corey

Subscribed and sworn to before me this 10th day of July A. D. 1958

Notary Public Bon Homme County, S. D.

APPROPRIATION OF WATER
Office of State Water Resources Commission, Pierre, S. D. June 6, 1958
Notice is hereby given that the Bon Homme Hutterian Brethren Inc, whose postoffice address is Tabor, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 14.8 cubic feet of water per second of time from the Missouri River through an irrigation system. The point of diversion is being changed from points which were flooded by Lewis and Clark Lake to points on the northerly bank of said stream between a point in the NW 1/4 SW 1/4 Sec. 17 and a point in the SW 1/4 SW 1/4 Sec. 16 all in T 93 N, R 58 W.
5.00 cubic feet per second of the afore-mentioned water is being claimed as an existing Vested Right and 9.80 cubic feet per second under a new application. Said water to be used for the purpose of providing irrigation on parts of the following described land,

the location of part of which has been changed from lands inundated by Lewis and Clark Lake: S 1/2, Sec. 8; NW 1/4, W 1/2 and SE 1/4 of the SW 1/4, Sec. 16; Sec. 17; E 1/2, E 1/2 Sec. 18; and N 1/2 NW 1/4, Sec. 21, all in T 93 N, R 58 W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1958 at 2:00 p.m. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
by:
J. W. GRIMES, Chief
Engineer, Executive Officer
(Pub. 6-12, 19, 26; 7-3)

A. H. Dwyer

Permit No. 431-3Water Division 3 MISSOURI RIVER Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by the Bon Homme
Hutterian Brethern, Inc. Tabor, South Dakota holder s
of Permit No. 431-3, bearing date of priority of March 12, 19 57
authorizing the diversion of 14.8 cu. ft. per second of the waters of Missouri River
for irrigation purposes, in Bon 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-Rupp Centrifugal 6" pump, Mod. 55A powered by Chrysler Industrial motor, Mod. 32, 100 H.P.

Advance Pump 2½" Mod. 72J, powered by U.S. Electric Motor, Type 35U, 10 H.P.

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

¾ mile of 8 inch aluminum pipe

½ mile of 6 inch aluminum pipe

C. Works used to apply water to beneficial use.

180 feet of 8 inch gated pipe. 180 feet of 6 inch gated pipe

½ mile of 4 inch hand move sprinkler pipe. One Veermeer boom, Mod. 180
Temporary ditches and blockThe system is in the following condition: fair-minus

The point of diversion is located from NE Corner of Section 17, T93N, R58W, between points
S5
South 5° E., 278 rods and South 52° 20' West, 338 rods

The works are capable of diverting and conveying to the place of use 4.0
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: All in T93N, R58W

Section 17		Section 16		Section 21	
NE¼ SW¼	39 ac.	SW¼ SE¼	39 ac.	NW¼ NW¼	16 ac.
SE¼ SW¼	37 ac.	NE¼ SE¼	39 ac.	NE¼ NW¼	4 ac.
NW¼ SE¼	39 ac.	SE¼ SE¼	29 ac.	SW¼ SW¼	12 ac.
		SE¼ SW¼	5 ac.		

comprising a total of 301 acres of land.Date September 21, 1971

Donald Driscoll
(Signature)

DONALD DRISCOLL, Deputy Chief Engineer, W.R.C.