

3975-3

1. Considered JULY 29 19 81
2. Name of Applicant MOUNT MARTY COLLEGE
3. Post Office Address BENEDICTINE HILLTOP ADDITION
1100 W 5th YANKTON 57078
4. Amount of Water Claimed .14
5. Source of Water Supply MISSOURI RIVER
6. Water to be used for IRR.
7. Acres to be irrigated 10 maximum acre feet
8. Water to be diverted and used in YANKTON County
WEST ~~MISSOURI~~ about CITY LIMITS miles of YANKTON
9. PROOF OF PUBLICATION Received (initials) 6-29-81
Not Received _____
- APPLICATION Approved 7-29-81
Subject to _____
Not Approved _____
Action deferred _____

Priority _____ Date Received 4-6-81 Application Complete yes _____ no _____ FEE 150⁰⁰
Remarks _____

WATER QUALITY Date information and/or fee or corrected Application received _____
Period of Annual use APRIL TO OCTOBER
Received yes 5/11/81 no _____ (APPROVED/CONDITIONAL (Circle one))
WI-1 Description same as application yes _____ no _____ Remarks _____

Disapproved _____ Returned _____

Diversion Point _____

NE⁴ SW⁴ 13-93-56

Lands to be irrigated _____

NE⁴ SW⁴ & SE⁴ NW⁴

13-93-56

Remarks _____

Driller _____ Licensed yes _____ no _____

Depth _____

WELL LOG

MAP Map No. 3975-3 Map located in Water Right ✓ Map file _____
Type of Map Drainage Plat Prepared by PE

+++++

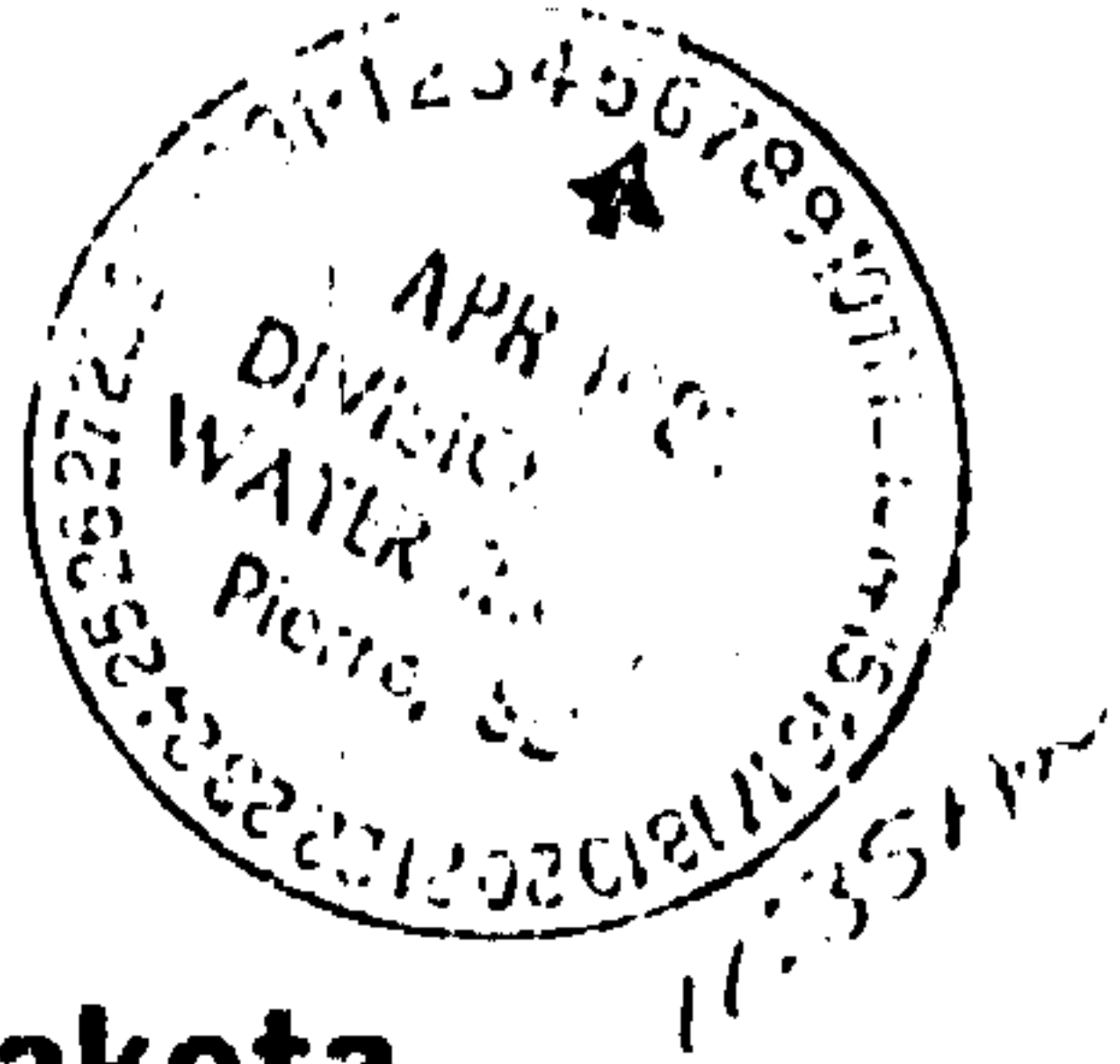
REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 6-7-5-81.
Betty Westlund
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC. Remarks _____

No. 4764-3
 Map No. 3915-2 Water Division No. 3 MISSOURI RIVER District
 Above for Office Use 10170101



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

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

Mount Marty College
 Sacred Heart Convent
 Sacred Heart Hospital

1. Name of Applicant MT. MARTY COLLEGE Benedictine Hilltop Addition Phone No. 666-1500Post Office Address 1100 West 5th Yankton State South Dakota 57078
 (Street, RR, or Box) (Town) (Zip Code)If a corporation show date and place of incorporation MT. Marty College 1/26/67 Yankton, S.D.2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor3. Name of diversion work MT. MARTY COLLEGE IRR. PROJ. BENEDICTINE HILLTOP
ADDITION4. Amount of water claimed (cubic feet per second) 100 gal. per min. needed .14 max. allow.5. Source of water supply Missouri River6. Location of point of diversion Ryken Track 4 N61 42 W
NE 1 SW 1 13-Town-56601County Yankton7. Annual period or periods during which water is to be used April to October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) lawn and garden irrigation9. For irrigation use, Total number of acres to be irrigated less than ten 10

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.
Sec 13-93-56 NE 1-NW 1			
NE 1-SW 1			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1/2 years. Additional time required to complete application of water to the proposed beneficial use 3 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Press and Dak.

12. Principal Features of the Proposed Water Supply System.

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

Electric or gas pump

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

3" to 5" PVC pipe

C. Works proposed to apply water to beneficial use.

Hose and sprinkler headsEstimated Total Cost \$ 30,000Attachments: 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 Yankton ss.I, K.P. Rehwaldt 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 K.P. RehwaldtSubscribed and sworn to before me this 30 day of March, 1981Dr. Bucher
 Notary Public (or other qualified officer)

SURVEYOR'S CERTIFICATE

I, ROBERT B. JOHNSON, REGISTERED PROFESSIONAL ENGINEER AND REGISTERED LAND SURVEYOR, HAVE, AT THE REQUEST AND UNDER THE DIRECTION OF SISTER WILMA LYLE, PRIORRESS AND PRESIDENT OF THE BENEDICTINE CONVENT OF THE SACRED HEART, OF YANKTON, SOUTH DAKOTA, A NON-PROFIT CORPORATION; AND AS PRESIDENT OF MOUNT MARTY HOSPITAL ASSOCIATION, DOING BUSINESS AS SACRED HEART HOSPITAL, A NON-PROFIT CORPORATION, YANKTON, SOUTH DAKOTA, PREPARED THIS PLAT FOR THE PURPOSE OF VACATING THE PROPERTY PREVIOUSLY PLATTED AND REPLATTING THE SAME, ALL AS HERINAFTER DESCRIBED:

I. (a) NAMES AND ADDRESSES OF RECORD OWNERS OF THE PLAT OR PART THEREOF SOUGHT TO BE VACATED:

BENEDICTINE CONVENT OF THE SACRED HEART OF YANKTON, SOUTH DAKOTA, A NON-PROFIT CORPORATION
1101 WEST 5TH STREET, YANKTON, SOUTH DAKOTA 57078
MOUNT MARTY HOSPITAL ASSOCIATION, DOING BUSINESS AS SACRED HEART HOSPITAL, A NON-PROFIT CORPORATION, YANKTON, SOUTH DAKOTA
1000 WEST 4TH STREET, YANKTON, SOUTH DAKOTA 57078

(b) NAMES AND ADDRESSES OF THE RECORD OWNERS OF PROPERTY ADJACENT TO OR SOLELY SERVED BY ANY STREET, IF ANY, INCLUDED IN THE PLAT TO BE VACATED:

BENEDICTINE CONVENT OF THE SACRED HEART OF YANKTON, SOUTH DAKOTA, A NON-PROFIT CORPORATION
1101 WEST 5TH STREET, YANKTON, SOUTH DAKOTA 57078
MOUNT MARTY HOSPITAL ASSOCIATION, DOING BUSINESS AS SACRED HEART HOSPITAL, A NON-PROFIT CORPORATION, YANKTON, SOUTH DAKOTA
1000 WEST 4TH STREET, YANKTON, SOUTH DAKOTA 57078

II. THE LEGAL DESCRIPTION OF PLATS TO BE VACATED ARE AS FOLLOWS:

DESCRIPTION OF EXISTING PLATS IN WHOLE AS SHOWN ON THE RECORDS	FILED IN YANKTON COUNTY REGISTER OF DEEDS OFFICE	DESCRIPTION OF EXISTING PLATS TO BE VACATED (IN WHOLE OR IN PART)
1. OUTLOTS 1,2,3,4,5, AND 6 OF THE BENEDICTINE CONVENT OF THE SACRED HEART, IN SECTION 13-93-56 IN CITY OF YANKTON	MARCH 15, 1932 BOOK SS, PAGE 42	(IN WHOLE) SAME AS IN COLUMN A
2. OUTLOTS 7,8,9,10,11, AND 12 OF THE MOUNT MARTY HOSPITAL ASSOCIATION, SECTION 13-93-56 IN CITY OF YANKTON	MARCH 15, 1932 BOOK SS, PAGE 42	(IN WHOLE) SAME AS IN COLUMN A
3. LOTS 1,2,3,4,5,6,7, AND 8, BLOCK 42, J.W. GLAZIER'S ADDITION TO YANKTON, YANKTON COUNTY, D.T.	JANUARY 30, 1879 10:00 A.M. BOOK S, PAGE 9	(IN PART) AS FOLLOWS: LOTS 1,2,3,4, AND N ¹ / ₂ 5, BLOCK 42, J.W. GLAZIER'S ADDITION TO YANKTON, YANKTON COUNTY, D.T.
4. LOTS 1,2,3,4,5,6,7,8,9,10,11, AND 12, BLOCK N, PARK ADDITION TO THE CITY OF YANKTON, YANKTON COUNTY, SOUTH DAKOTA	JUNE 14, 1889 9:00 A.M. BOOK S, PAGE 30	(IN WHOLE) SAME AS IN COLUMN A
5. LOTS 1,2,3,4,5,6,7,8,9, AND 10, BLOCK 1, AND LOTS 1,2,3,4,5, AND 6, BLOCK 2, AND LOTS 1,2,3,4, AND 5, BLOCK 3, J.S. BRESHO'S ADDITION TO YANKTON, YANKTON COUNTY, DAKOTA TERRITORY	AUGUST 23, 1871 10:00 A.M. BOOK G, PAGE 21	(IN WHOLE) SAME AS IN COLUMN A
6. HOSPITAL LOT "A", "A1", AND "A2" IN THE S.E. ¹ / ₄ , N.W. ¹ / ₄ , SECTION 13-93-56 IN THE CITY OF YANKTON, SOUTH DAKOTA	JANUARY 15, 1980 4:00 P.M. BOOK S-10, PAGE 12	(IN WHOLE) SAME AS IN COLUMN A
7. COLLEGE LOT "B" IN THE S.E. ¹ / ₄ , N.W. ¹ / ₄ AND IN GOVT. LOT 2, SECTION 13-93-56 IN THE CITY OF YANKTON, SOUTH DAKOTA	JANUARY 15, 1980 4:00 P.M. BOOK S-10, PAGE 12	(IN WHOLE) SAME AS IN COLUMN A
8. CONVENT LOT "C" IN THE S.E. ¹ / ₄ , N.W. ¹ / ₄ AND THE S.W. ¹ / ₄ , N.W. ¹ / ₄ AND THE N.W. ¹ / ₄ , S.W. ¹ / ₄ AND IN GOVT. LOT 2, SECTION 13-93-56 IN THE CITY OF YANKTON, SOUTH DAKOTA	JANUARY 15, 1980 4:00 P.M. BOOK S-10, PAGE 12	(IN WHOLE) SAME AS IN COLUMN A
9. CONVENT LOTS "C1" AND "C2" IN THE S.W. ¹ / ₄ , N.W. ¹ / ₄ , SECTION 13-93-56 IN THE CITY OF YANKTON, SOUTH DAKOTA	JANUARY 15, 1980 4:00 P.M. BOOK S-10, PAGE 12	(IN WHOLE) SAME AS IN COLUMN A
10. HOSPITAL LOT "D" IN THE S.E. ¹ / ₄ , N.W. ¹ / ₄ AND IN GOVT. LOTS 2 AND 3, SECTION 13-93-56 IN THE CITY OF YANKTON, SOUTH DAKOTA	JANUARY 15, 1980 4:00 P.M. BOOK S-10, PAGE 12	(IN WHOLE) SAME AS IN COLUMN A
11. CONVENT LOT "E" IN GOVT. LOT 2, SECTION 13-93-56 IN THE CITY OF YANKTON, SOUTH DAKOTA	JANUARY 15, 1980 4:00 P.M. BOOK S-10, PAGE 12	(IN WHOLE) SAME AS IN COLUMN A

ALL STREETS, ROADWAYS, AND ALLEYS WHICH MAY BE A PART OF AND PREVIOUSLY PLATTED WITHIN THE BOUNDARIES OF THE REAL ESTATE AS DESCRIBED IN COLUMN C.

III. NAMES OF THE LEGAL VOTERS RESIDING UPON THE REAL ESTATE DESCRIBED IN THE PLATS TO BE VACATED AND REPLATTED:

THERE ARE NO PRIVATE RESIDENTIAL STRUCTURES LOCATED ON THE REAL ESTATE DESCRIBED HEREIN EXCEPT THAT CERTAIN PERSONS ENROLLED AS STUDENTS AT MOUNT MARTY COLLEGE, YANKTON, SOUTH DAKOTA MAY BE RESIDENTS WITHIN DORMITORIES WHICH SERVE MOUNT MARTY COLLEGE AND WHICH COLLEGE STRUCTURES ARE SITUATE UPON THE REAL ESTATE DESCRIBED HEREIN. THERE ARE CERTAIN MEMBERS OF THE RELIGIOUS ORDER OF THE BENEDICTINE CONVENT OF THE SACRED HEART WHO RESIDE IN THE CONVENT THEREOF WHICH STRUCTURE IS SITUATE UPON THE PREMISES DESCRIBED HEREIN. THERE MAY BE CERTAIN PERSONS WHO ARE RESIDENTS OF THE BENEDICTINE CARE CENTER NURSING HOME WHICH FACILITIES ARE SITUATE UPON THE PREMISES DESCRIBED HEREIN. THE NAMES OF SUCH PERSONS WHO MAY BE RESIDENTS ARE NOT ASCERTAINABLE, BECAUSE SUCH POPULATIONS ARE CONSTANTLY CHANGING.

IV. THE CHARACTER AND USE OF THE REAL ESTATE DESCRIBED HEREIN:

THE REAL ESTATE DESCRIBED HEREIN SHALL BE USED TO ACCOMMODATE STRUCTURES FOR A VOLUNTARY NON-PROFIT HOSPITAL, NURSING HOME AND RELATED FACILITIES AND TO ACCOMMODATE STRUCTURES FOR A CONVENT TO HOUSE MEMBERS OF THE RELIGIOUS ORDER OF THE BENEDICTINE CONVENT OF THE SACRED HEART AND TO ACCOMMODATE STRUCTURES FOR A 4-YEAR LIBERAL ARTS COLLEGE, KNOWN AS MOUNT MARTY COLLEGE AND RELATED FACILITIES AND TO ACCOMMODATE A STRUCTURE FOR A MUNICIPAL WATER TOWER AND WATER TRANSMISSION SYSTEM AND TO ACCOMMODATE A STRUCTURE FOR A CHILD DAY CARE CENTER AND SUCH OTHER STRUCTURES AND FACILITIES AS MAY BE FROM TIME TO TIME DETERMINED TO BE NECESSARY BY THE OWNERS THEREOF.

V. DESCRIPTION OF ANY PUBLIC HIGHWAY LOCATED UPON THE REAL ESTATE DESCRIBED IN THE PLATS TO BE VACATED AND REPLATTED:

NONE

VI. ANY OTHER FACTS PERTINENT TO THE REAL ESTATE DESCRIBED IN THE PLATS TO BE VACATED AND REPLATTED:

NONE

I HAVE REPLATTED THE ABOVE DESCRIBED VACATED PROPERTY INTO SEVENTEEN LOTS WHICH SHALL HEREAFTER BE KNOWN AS FOLLOWS:

- (1) HOSPITAL LOT "A1", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 8.45 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 4)
- (2) HOSPITAL LOT "A2", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 0.13 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 4)
- (3) COLLEGE LOT "B", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 19.96 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 5)
- (4) COLLEGE LOT "B1", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 0.11 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 5)
- (5) CONVENT LOT "C", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 40.45 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 6)
- (6) CONVENT LOT "C1", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 0.46 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 6)
- (7) CONVENT LOT "C2", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 0.16 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 6)
- (8) CONVENT LOT "C3", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 0.12 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 6)
- (9) CONVENT LOT "C4", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 0.10 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 6)
- (10) CONVENT LOT "C5", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 0.14 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 6)
- (11) HOSPITAL LOT "D", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 6.72 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 7)
- (12) HOSPITAL LOT "D1", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 0.16 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 7)
- (13) HOSPITAL LOT "D2", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 0.16 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 7)
- (14) HOSPITAL LOT "D3", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 1.56 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 7)
- (15) HOSPITAL LOT "D4", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 1.15 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 7)
- (16) CONVENT LOT "E", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 2.21 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 8)
- (17) CONVENT LOT "F", BENEDICTINE HILLTOP ADDITION TO THE CITY OF YANKTON, SOUTH DAKOTA, CONTAINING 4.24 ACRES, MORE OR LESS. (SEE SHEETS 1 AND 4)

I CERTIFY THAT THE LOCATIONS AND DIMENSIONS OF THE ABOVE LOTS ARE AS SHOWN ON THE PLAT ABOVE AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I CERTIFY THAT I HAVE EXECUTED THE ABOVE INSTRUMENT THIS 5th DAY OF August, 1980 A.D.

Robert B. Johnson
REGISTERED PROFESSIONAL ENGINEER AND REGISTERED LAND SURVEYOR

SEAL

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON SS

BE IT REMEMBERED THAT ON THIS 5th DAY OF August, 1980 A.D., BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED ROBERT B. JOHNSON, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

MY COMMISSION EXPIRES 8-1-86.

Donald E. Seilbach
NOTARY PUBLIC, YANKTON COUNTY, SOUTH DAKOTA

SEAL

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No 4764-3

MT. MARTY COLLEGE 1100 W. 5th YANKTON
(Applicant) (Post Office Address)
SOUTH DAKOTA 57078 With the following qualifications
(State)

Date of first receipt of application APRIL 6, 1981
Date of return to applicant for correction, amendments or changes required APRIL 7, 1981
Date of receipt of corrected application MAY 11, 1981
Approved JULY 29, 1981, Recorded in Book 22 Page 251

WATER RIGHT PERMIT NO. 4764-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4764-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions.

1. The date from which applicant may claim right is APRIL 6, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before OCTOBER 29, 1981
3. The whole of said work is to be completed on or before JANUARY 29, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 29, 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 .14 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 irrigation purposes said appropriation must be limited to not more than 2 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 JULY 29, 1985; said water to be used during the following described annual period: APRIL To OCTOBER

Witness my hand this 4th day of AUGUST, 1981

THE WATER MANAGEMENT BOARD

By John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

MOUNT MARTY COLL. Co.

OWNERS NAME: Benedictine Hill Top Addition OWNERS ADDRESS: 1100 W. 5TH
COUNTY LAND LOCATED IN: YANKTON CO. PHONE: 618-1501 YANKTON, SD. 57078
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

2923-1/2

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: MISSOURI RIVER - RYKEN TRACK 4
2. SURFACE WATER SOURCE: MISSOURI RIVER N 61° 49' W
3. LOCATION OF AREA TO BE IRRIGATED: SE 1/4 NW 1/4 + NE 1/4 SW 1/4 13 93-56
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
- TYPE OF IRRIGATION: (Show approximate acres under each type of system) Hose & SPRINKLER HEADS
5. GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN _____ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED: LAWN & GARDEN
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LAND: _____
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: Missouri River
9. SALINITY (EC X 10⁶): 529
10. SODIUM (SAR) 1.4 ADJUSTED (SAR) 2.6 (1.7 = 1.82)

RECEIVED

JUN 03 1981

South Dakota

Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at _____ A.M./P.M., on _____, 19____, at the following location: RIVER WATER - ANALYSIS NOT REQUIRED by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from YANKTON CO. SOIL Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

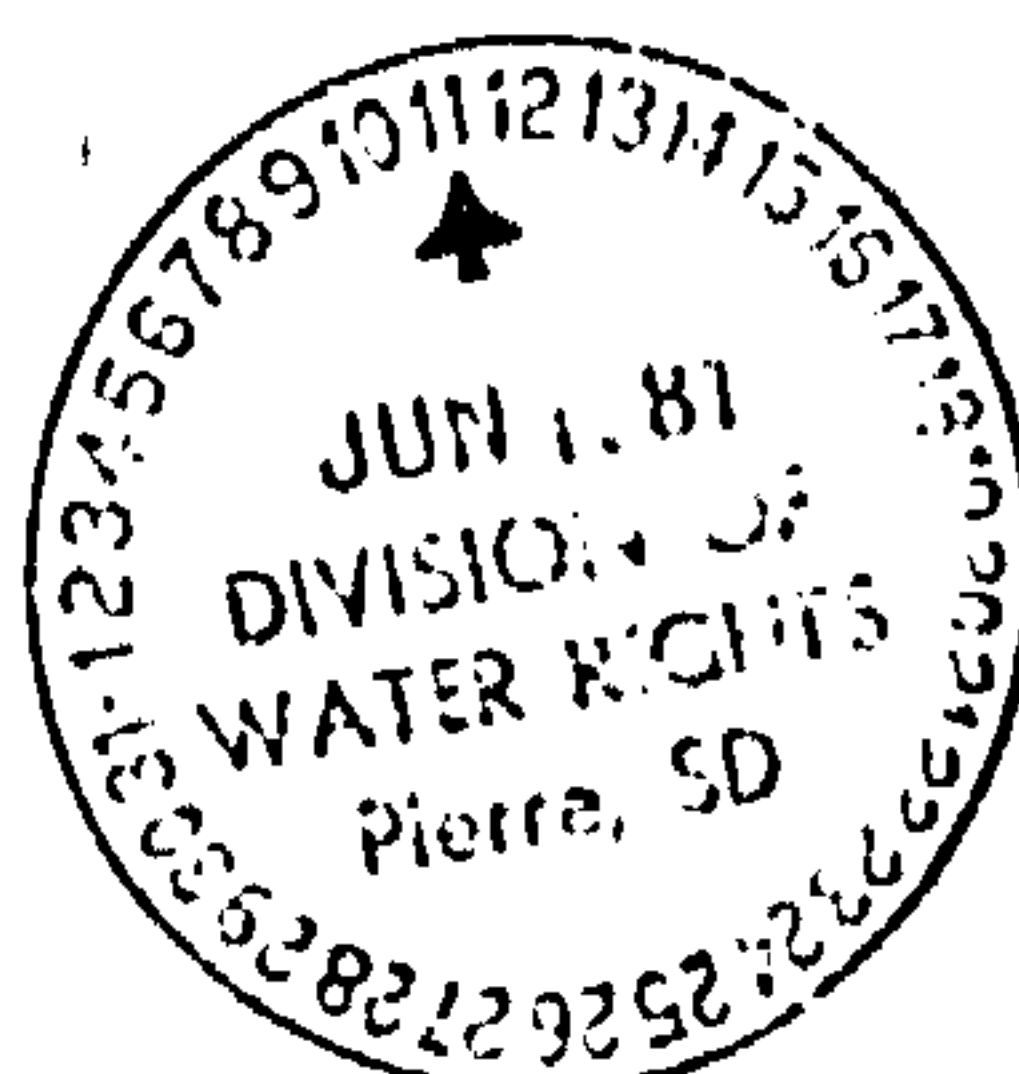
SUBSCRIBED AND SWORN BEFORE ME THIS
22nd DAY OF May, 1981

Martin Shup
(NOTARY PUBLIC)

John M. Fife
APPLICANT'S SIGNATURE

John M. Fife
Director, Division of Conservation

X APPROVED
DISAPPROVED
CONDITIONALLY APPROVED



IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Right Commission.

No. 4764-3

Publish first publication, on or before June 19, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 12, 1981

Notice is hereby given Mt. Marty College whose post office

address is Yankton, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .14 cubic feet of

water per second of time from the Missouri River through the Benedictine Hilltop Addition, the point ~~(xx)~~ of diversion of which is ~~(xxx)~~ to be located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 13, Twp. 93N, Range 56W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, T93N, R56W

This Application No. 4764-3 will be considered by the Water Management Board at the Civil Defense Room, Basement of the State Capitol Building, Pierre, SD upon the 29th day of July, 1981

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Mt. Marty College
Benedictine Hilltop Addition
1100 W 5th, Yankton, SD 57078

BETTY WESTLUND
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8123

PIERRE, April 6, 1981

RECEIVED OF Benedictine Hilltop Addition, 1100 West 5th, Yankton, SD 57078

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

Fee for Application for Permit to Appropriate Water No. 4764-3 (examination, processing, recording and filing)	150.00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.	
Fee for Inspecting Beneficial Use, and Issuing Water License No.	
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 (any other work as provided by law)	
TOTAL	150.00

WATER RIGHTS COMMISSION

By *(Signature)*
Chief Engineer, Executive Officer
JOHN HATCH / CH



US Army Corps
of Engineers
Omaha District

Public Notice

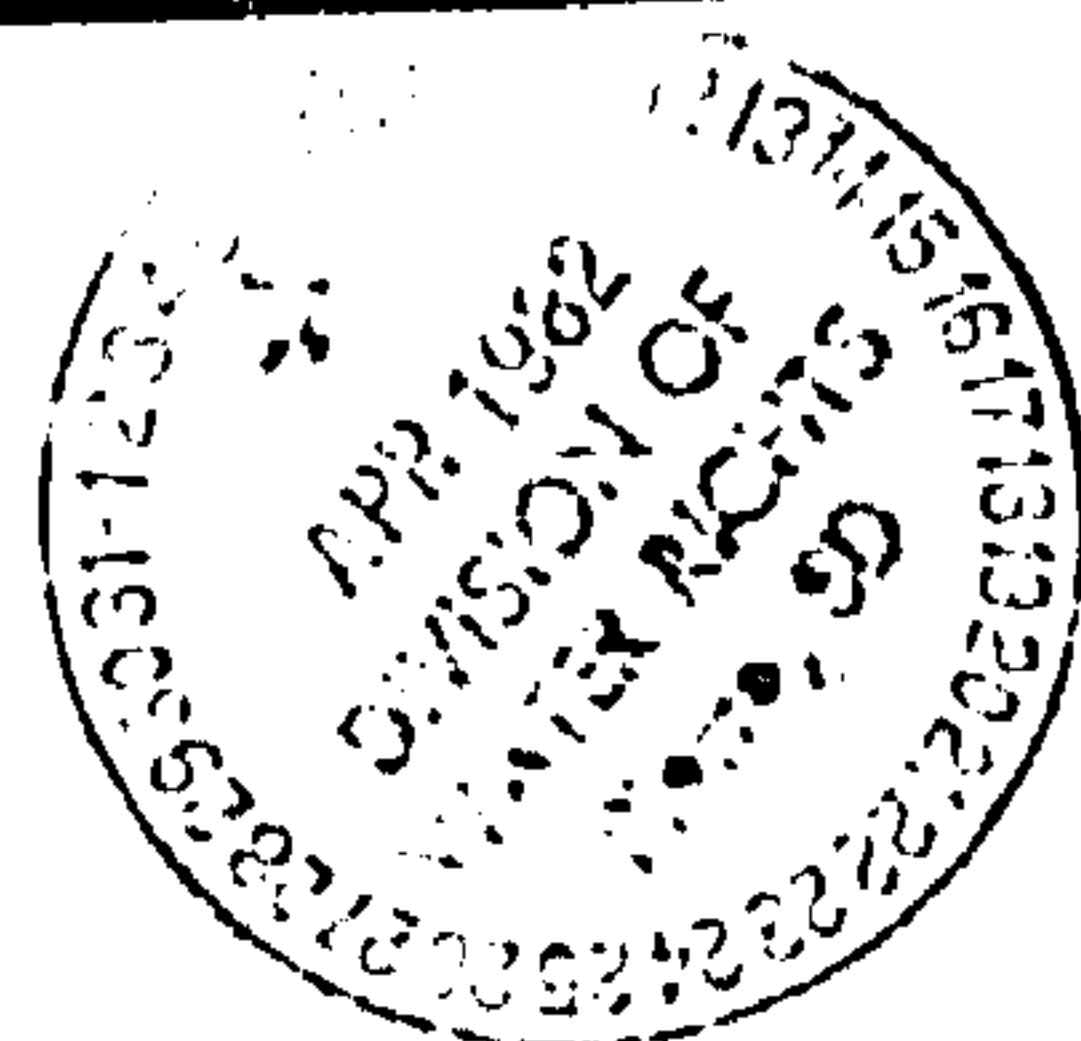
4764-3

Reply to:
Permits Branch
PO Box 5
Omaha, NE 68101

Application No: SD 2SB OXT 3 004279
Date: 2 April 1982
Expiration Date: 3 May 1982

MROOP-N-1
Benedictine Hilltop Addition
Intake Structure
Missouri River Mile 806.60L

30-DAY NOTICE



NOTICE OF PERMIT PENDING

The application of the Benedictine Hilltop Addition, Mount Marty College, Sacred Heart Convent, Sacred Heart Hospital, Yankton, South Dakota 57078, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to excavate a trench in the Missouri River at mile 806.60L in conjunction with the construction of an irrigation intake structure located in Section 13, Township 93 North, Range 56 West, Yankton County, South Dakota.

The work will involve excavating a 50-foot long trench from the river's edge to the pump house. The trench will house a 12-inch diameter P.V.C. pipe that will be perforated to allow a maximum intake velocity of .14 cubic foot per second for the 20 horsepower, 100 gallons per minute pump. The pipe will extend into the river approximately 10 feet (see the attached drawing). Upon completion of the project the trench will be backfilled with the excavated material and any riprap removed at the construction site will be replaced to its original lines and grades. All disturbed areas will be seeded.

The purpose of the project is to provide water for lawns and gardens on the campus area.

The State of South Dakota has waived its right to certify compliance with applicable water quality standards required under the provisions of Section 401 of the Clean Water Act. Accordingly, certification that the proposed project will not violate applicable water quality standards has been requested from the Regional Administrator, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295.

A preliminary assessment of the proposed action indicates that it is minor in nature and will not result in a significant impact on the quality of the human environment. Accordingly, a preliminary determination has been made that this project does not warrant the preparation of an environmental impact statement at this time.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, as amended, the National Register of Historic Places and current supplements have been consulted. There are no sites included or which have been determined eligible for inclusion therein which may be affected by the proposed project. The Bishop Marty Rectory, a National Register property is located next to the proposed intake structure. There is no information available to this office concerning other cultural resources in the project area.

In compliance with the Endangered Species Act, our review indicates that the proposed activity will not affect species designated as threatened or endangered pursuant to the Endangered Species Act or their critical habitat.

Executive Order 11988, Floodplain Management, seeks decision that will reduce loss of lives and property caused by flooding and loss of natural floodplain functions caused by unwise floodplain development. By this public notice, we are requesting comments from those individuals or agencies which feel that this project will have an adverse impact upon flooding and the floodplain.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, energy needs, safety, food production, navigation, recreation, water supply, water quality, and in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R., Part 230).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the District Engineer, Omaha District, Corps of Engineers, P.O. Box 5, Omaha, Nebraska 68101.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 3 May 1982. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application.

Comments received after the Public Notice expiration date will not be considered.

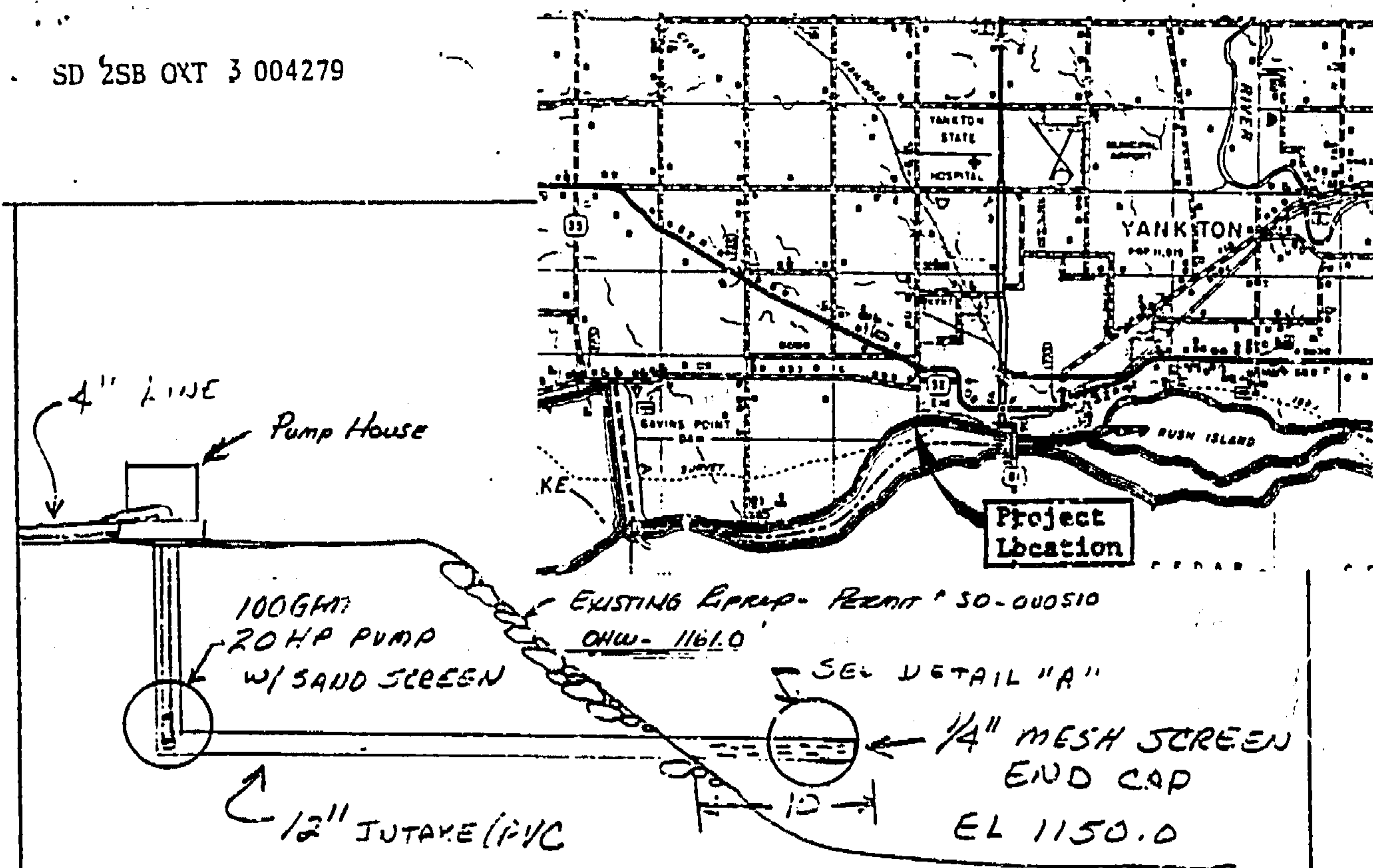
A permit, if granted, will be under Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 USC 403) and under the provisions of Section 404 of the Clean Water Act.

A drawing showing the location and extent of the work is attached to this notice.

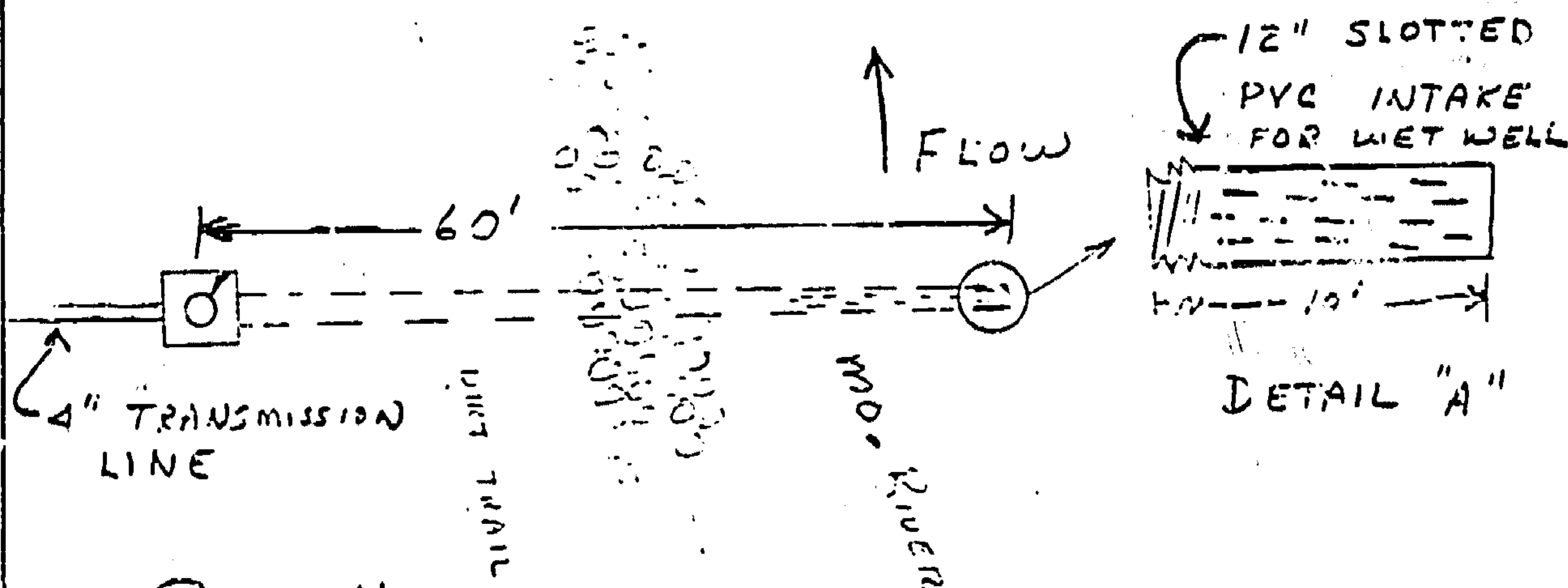
Attachment
As stated


DELMAR A. BROERS
Ass't Chief, Regulatory Functions Branch
Operations Division

SD 2SB OXT 3 004279



SECTION NO SCALE



PLAN NO SCALE

PURPOSE: IRRIGATION INTAKE
 DATUM: MSL
 ADJACENT PROPERTY OWNERS:
 1. LESTER RYKEN
 2.
 3.

T93N, R56W, S413
 IN MISSOURI RIVER
 NEAR MILE 806.606
 COUNTY YANKTON STATE SD
 APPLICATION BY

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8529

October 20, 1931

PIERRE, _____

RECEIVED OF Sister Celeste Kunick, Sacred Heart Convent, Yankton, SD 57078
1100 West Fifth
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. _____		
Fee for Inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing <u>extension of time on water permit #4764-3</u>	2	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By (Signature)
Chief Engineer, Executive Officer
JOHN WATSON

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

October 9, 1981

Mt. Marty College
Benedictine Hilltop Addition
1100 West 5th
Yankton, SD 57078

Dear Sir:

Enclosed please find our Form 18, "Application for Extension of Time".

Please sign and return the form to this office with a fee of \$2.50. This extension of time will come up at the December 2-3, 1981, meeting of the Board of Water Management at the Howard Johnson's Sioux Falls, SD.

Sincerely,

GENNY YOUNG
Staff Assistant

gy

encl

APPLICATION FOR EXTENSION OF TIME



TO: Water Rights
Foss Building
Pierre, South Dakota 57501

Date 10/17/81

Dear Sirs:

In Water Right Permit No. 4764-3 it is specified that the water diversion system is to be completed by January 29, 1982 and that the water is to be put to the limit of beneficial use by July 29, 1985.

I hereby request that the date for completing the diversion system be extended to January 29, 1983 and that the date for putting the water to the limit of beneficial use be extended to July 29, 1985.

The extension of time for the completion of these works is requested for the following reasons: The irrigation company with the

low bid cannot start work until spring
because of other contracts

Enclosed herewith is a fee of Two Dollars and Fifty Cents (\$2.50) to pay the cost of filing this request for extension of time.

Sister Marie Helen Werld
(Signed)

4764-3

Permit Number

APPROVED: 6/10/82

Board of Water Management

BY:

No. 4764-3



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

June 18, 1982

Mt. Marty College
Sacred Heart Convent
1100 W 5th
Yankton SD 57078

Dear Sister:

This is to inform you that your request for extension of time dated
November 17, 1981 for Water Right No. 4764-3 has been
approved by the Water Management Board as follows:

The date for completing construction of the water system has
been extended to January 29, 1983, and the date for
putting the water to the limit of beneficial use has been
extended to July 29, 1985.

Enclosed herewith is Receipt No. 4 8529 for \$2.50 fee for filing
of this Extension of Time.

Sincerely,

GENNY YOUNG
Water Rights Specialist

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office Yankton, S. DakDate 10/6/82TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

4764-3.

Water Right Permit No. 4764-3 states that the diversion system is to be constructed by Jan. 29-83, and that the water is put to beneficial use by July 29-83.

The diversion system was completed on Sept. 30, 1982. Applying the water to beneficial use was completed on _____.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Sister Marie Helene Werdel
(Signature)

MT. MARY College
Benedictine Hilltop Addition
Yankton, S.D.
57078



4764-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

NOV 10 1998

6005-3

Benedictine Hilltop Addition
Sacred heart Monastery
Sister Joelle Bauer
1005 W. 8th
Yankton, SD 57078

Dear Sister Joelle Bauer:

Enclosed is Water License No. 6005-3 and Receipt No. 415875 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 6005-3 is the final document which completes the process of obtaining a water right.

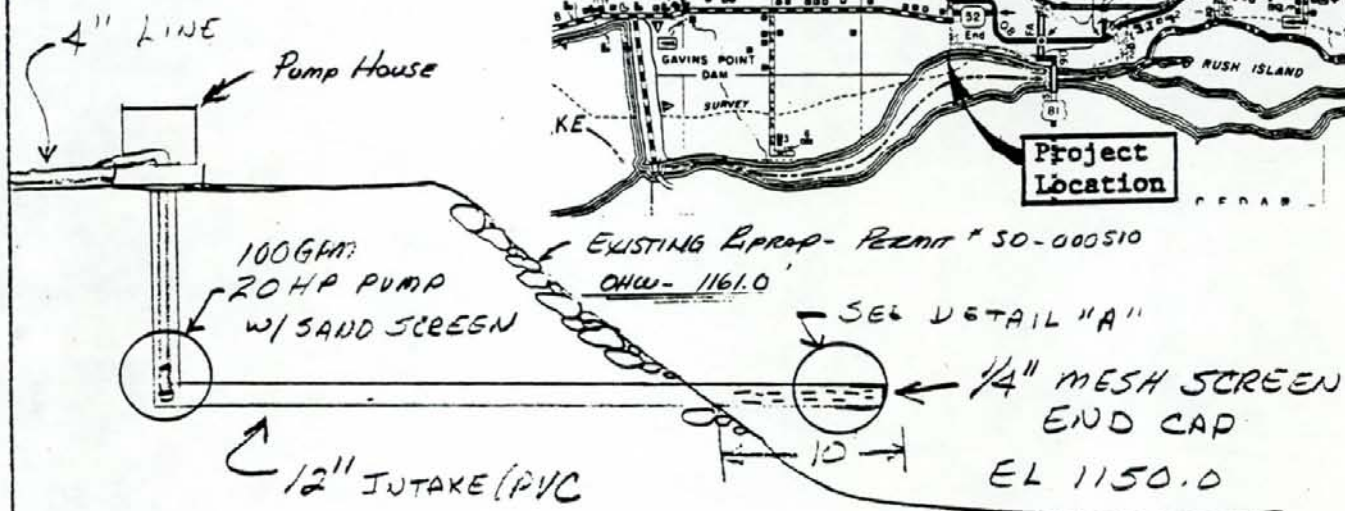
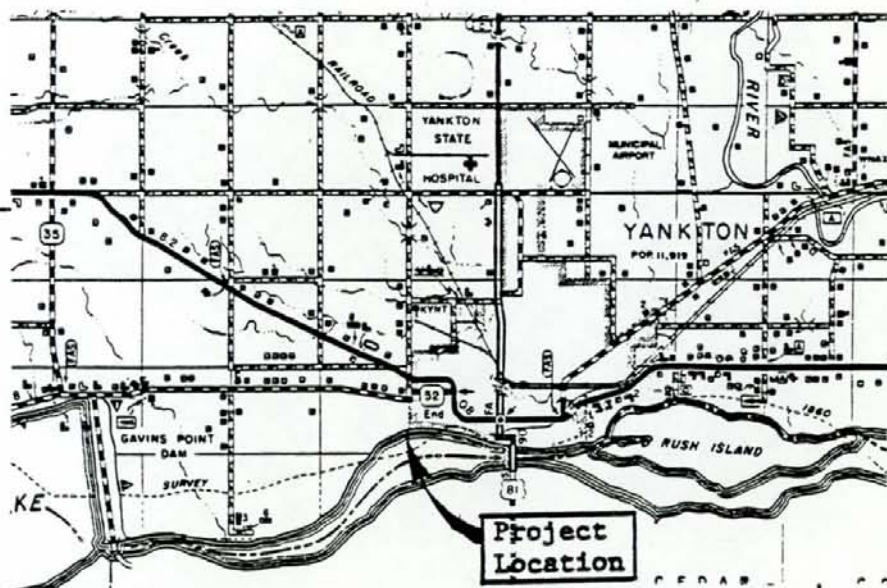
As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

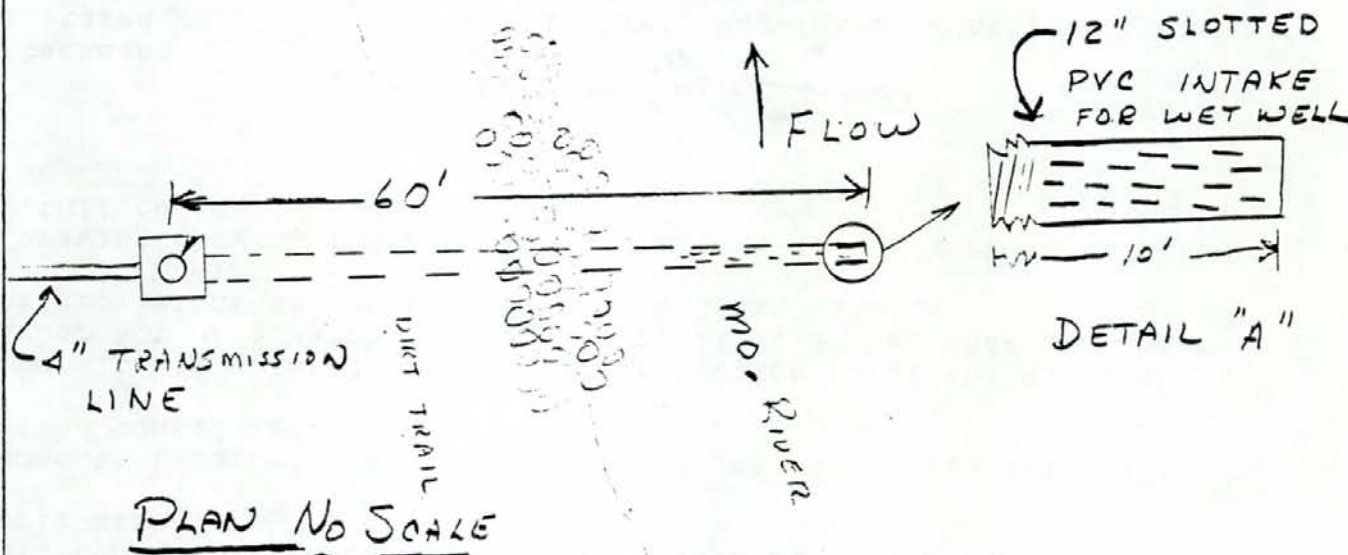
JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of No. 4764-3 are incorporated into this Water License No. 6005-3.



SECTION NO SCALE



PLAN NO SCALE

PURPOSE: IRRIGATION INTAKE
 DATUM: MSL
 ADJACENT PROPERTY OWNERS:
 1. LESTER RYKEN
 2.
 3.

T93N, R56W, Sec 13
 IN MISSOURI RIVER
 NEAR MILE 806.60L
 COUNTY YANKTON STATE S.D.
 APPLICATION BY

Sht 1 of 1

DATE 19 MAR 82

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 3 May 1982. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application.

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A drawing showing the location and extent of the work is attached to this notice.

Attachment
As stated



DELMAR A. BROERS
Ass't Chief, Regulatory Functions Branch
Operations Division

[illegible]

garden

W. 330, A

2016-17

yellow area
is lawn + garden

MAVIA 3075-3 Appl. 4769-3