

Considered: _____

WATER PERMIT NO. 5026-3

MAP No. 5026-3

Name of Applicant Poinsett Hutterian, Inc. (Poinsett Hutterian brth)

Post Office Address Box 146, RR #1, Estelline 57234

Amount of Water Claimed 1.55 Total Acres 160.00

Source of Water Supply 46' well

Water to be used for IRR County DU

About 9W 7½ miles south of Clear Lake

PROOF OF PUBLICATION: Received lt 8-27-84 Not Received _____

APPLICATION: Approved 9-26-84 Subject to _____

F.F.& C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY 5/23/84 Date Received 5/23/84 Fee 250.00 Remarks _____

Corrected Application Received _____ Period of Annual Use 4/1 to 10/31

WATER QUALITY APPROVAL RECEIVED 7/13/84 ~~XXXXXXXX~~/CONDITIONAL ~~XXXXXXXX~~

WI-1 Description same as Application YES XX NO _____ REMARKS _____

Diversion Point _____

Approximate Center of NW¼ 31114-50

Land to be Irrigated _____

NW¼, Section 31-114-50

Well Log: Driller Irrigation Supply Co Licensed YES xx NO _____

Depth of Well 46' REMARKS _____

Type of Map Aerial PREPARED BY ASCS Kaye Larson Reviewed and the Number

assigned on 7/16/84 By Betty Westlund

Betty Westlund NRA III

cc Nelson

Mail to: Water Rights Div.
DWNRR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 5036-3 Hydrologic Unit 10170202
Map No. 5036-3 Basin SR
Newspaper Couriers Box 277 Clear Lake

Thurs

57226

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☒ Vested Right ☐ Future Use ☐

☐ Application to amend Permit No. _____ with old priority date retained

☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant Poinsett Hutterian, Inc. (Joshua Wollman) Phone No. 605-873-2703

Post Office Address Estelline, SD Box 146 RR #1 State SD Zip Code 57234

(Street, RR or Box) (700 GPM)

2. Amount of water claimed (c.f.s) 1.55 Total acres irrigated 160

3. Source of Water supply ground water 46' well

4. Location of point of diversion _____

Approximate center of the NW $\frac{1}{4}$, Section 31-T114N-R50W

County Deuel

5. Counties where water will be used Deuel

6. Annual period during which water is to be used 4/1 to 10/31

7. 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.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 31-114-50	40
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40

Land Description	No. Acres Irr.

Attach sheet if more space is needed

X ⑧ Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Irrigation center pivot is installed by 90% completed
Pump motor is yet to be installed, 50 Horse power.
Water pressure to approx 70 lbs at about 600 to 700 feet
per minute. Transformers are yet to be installed, under
Ground Mining By R.F.A. has been installed.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA
County of Hamlin

PS, the end drum on center pivot will be shut
up on extreme end of 50. End of quarter to be irrigated

I, Joshua Wollman the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Joshua Wollman

Subscribed and sworn to before me this 1 day of June, 1984

Sandra Larson My commission
Exp 12-14-87
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5026-3

Poinsett Hutterian Inc.
(Applicant)

Box 146 RT. 1 ESTelline
(Post Office Address)

South Dakota
(State)

57234
(Zip Code)

With the following qualifications.

The irrigation well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application May 23, 1984

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

Date of receipt of corrected application —, 19—. Approved September 26, 1984

The Water Management Board hereby approves this Water Permit No. 5026-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

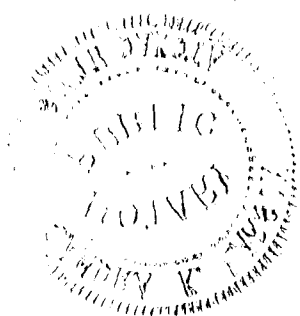
1. The date from which applicant may claim right is May 23, 1984
2. One-fifth of the work is to be completed on or before March 26, 1987
3. The whole of said work is to be completed on or before September 26, 1989
4. The time limit for proof of beneficial use of water is September 26, 1993
5. The water 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.55 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. 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 September 26, 1993; said water to be used during the following described annual period: April 1 - to October 31

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

October 23, 1984



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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 36", Depth 46'
- (2) Casing, Type (None) steel Diameter 16" Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated-Screen.
Type Continuous slotted Diameter 16" Length 20'
stainless steel
- (4) Gravel Pack. Thickness 15" of Length of gravel pack 20'
pea gravel

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials coarse material 41' aquifer
Thickness _____

Depth to top of water bearing material 5'

Depth to bottom of water bearing material 46'

Thickness of water bearing material 41'

Depth to water (ground surface to water level) 5'

- (2) Distance to nearest existing household or livestock watering wells. approx. 1 mile

On same owner's property X rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Joshua Wollman
Signature of Applicant

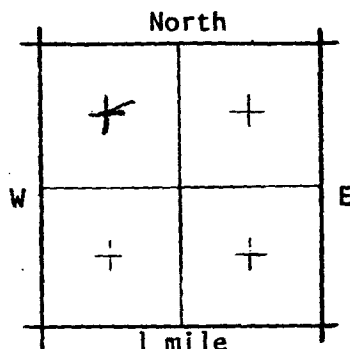
STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location NW 1/4 Sec 31 Twp 114 Rg R50

County

Deuel

Please mark well location with an "X"



Well Completion Date _____

PROPOSED USE:

☐ Domestic ☐ Municipal ☒ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling: _____

WELL CONSTRUCTION:

Diameter of hole _____ inches Depth _____ feet

Casing: ☐ Steel ☐ Plastic ☐ Other
Specify _____

Pipe Weight Diameter From To
_____ lb/ft _____ inches _____ feet _____ feet

_____ lb/ft _____ inches _____ feet _____ feet

Was a well screen used? ☐ Yes ☐ No

If Not Specify _____

Screen Type _____ Slot Size _____

Length _____ Diameter _____

Was Casing left open end? ☐ Yes ☐ No

Was a Packer or seal used? ☐ Yes ☐ No

If so what material? _____

Was well gravel packed? ☐ Yes ☐ No

Was well grouted? ☐ Yes ☐ No

Describe grouting procedure _____

To what depth? _____ Feet

What was grouting material? _____

If cement, how many sacks? _____

Location of packer(s) and screen or perforated pipe _____

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☐ No

If so how and with what material? _____

Well Owner:

Name POINSETT-COLONK

Address ESTELLINE

Well Log:

Depth

Formation	From	To
<u>TOP-SOIL</u>	<u>0</u>	<u>5</u>
<u>COARSE-GRAVEL</u>	<u>5</u>	<u>46</u>

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? _____

WELL TEST DATA:

☐ Pumped

☐ Bailed Describe: _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

Remarks:

TEST HOLE ONLY
very little FINES
Will make a Good Well

This well was drilled under license # 316

and this report is true and accurate.

IRRIGATION SUPPLY CO. W. K. Kakee

Drilling Firm

Signed by

5-16-84

Date

NOT TO SCALE

114-50

199R



DOES
NOT APPLY

Kaye Larson
Hamlin Co ASCS
P.O. Box 38
Hayden ID 83424

114-50

(Licensed)

A/M # 5026-3

PH 893-2854

OWNER POINSETT-COLON

ADDRESS ESTELINE

STATE S.D. DATE 5/18/1984

[illegible]

SEND SAMPLES TO JOHNSON
P. O. BOX 3118
ST. PAUL, MINNESOTA 55165
FOR FREE ANALYSIS

STATIC WATER LEVEL

5 FT

AQUIFER THICKNESS

41 RT

SCREEN LENGTH

SLOT SIZE

FITTING - TOP

FITTING - BOTTOM

Immigration Supply Co

LICENSED-NO. 386

RE. Kahrke - OWNER

TOTAL DEPTH

H 6 Pt.

RECEIPT

Division of Water Rights

No 4 9669

South Dakota Department of Water and Natural Resources

Pierre, May 24, 1984, 19

RECEIVED OF Poinsett Hutterian Brethren, Inc., Joshua Wollman, RR#1, Box 146, Estelline SD

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

Fee for Application for Permit No. 5026-3 to Appropriate Water, to construct works and to put water to beneficial use	250	00
Fee for Application for Permit No. to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for		
(Any Other Work Provided by Law)	Total	250 00

By

John Hatch
Chief Engineer JOHN HATCH MS

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Office Use Only

Division of Conservation

WR#

OWNERS NAME: Poinsett Brethern Inc. OWNERS ADDRESS: Estelline, S.D.

COUNTY LAND LOCATED IN: Deuel Co. PHONE: 57237

TENANT'S NAME AND ADDRESS: same as above

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

1. WELL LOCATION NW 1/4 Sec 31 T114N R50W
Depth 46'

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: 46'
Diversion Location: 46'

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 Sec. 31 T114N R50W</u>	<u>160</u>	<u>5'</u>	<u>5'</u>



3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 1979

LEGAL DESCRIPTION: Sec. 30 T114N R50W

IN WHAT NAME: same as above

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: GUN: OTHER: (Specify)

6. CROPS TO BE IRRIGATED: Corn, soybeans, and barley

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

7. WATER SAMPLE NUMBER: 10. ADJUSTED (SAR):
8. SALINITY (EC X 10⁶): 11. PERCENT SODIUM:
9. SODIUM (SAR):

I hereby certify that I personally obtained or that I personally observed that 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 instruction sheet) were followed, and that the sample was taken at 9:30 a.m./p.m., on May 15, 1984, at the following location: NW 1/4 Sec. 31 T114N R50W

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.

Signature X Joshua Hollman

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

21 DAY OF May, 19 84
Harrell W. DeBow
(NOTARY PUBLIC)

APPLICANT'S SIGNATURE Joshua Hollman

Director, Division of Conservation Pat H. Spill

Date 7-12-81

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 Board of Water Management, Foss Building, Pierre.

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

CONDITIONAL APPROVAL

4032

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Poinsett Brothers Inc.

LEGAL DESCRIPTION: Estelline, SD 57224

NW 31-114-50 = 160 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:



THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

The areas mapped as Lamoure-LaDalle complex channeled (14) is subject to flooding and periods of wetness these areas shall remain in grass to prevent stream erosion.

The areas mapped as Renshaw Sioux Complex (18D) 6 to 15 percent slope and (19) 15 to 40 percent slope are restricted from grass to areas over 1 percent slope, due to excessively steep slopes.

RECOMMENDED MANAGEMENT:

We recommend the use of automatic sprinkler shut offs to address the restricted areas mapped as 14 & 19.

We also recommend the use of conservation tillage to prevent soil erosion and conserve moisture.

Signature
SIGNATURE

DATE
DATE



Department of Agriculture

DIVISION OF CONSERVATION

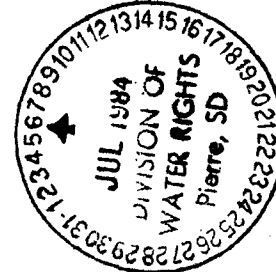
Anderson Building, Room 322 • Pierre, South Dakota 57501

Phone 605/773-3258

July 5, 1984

Poinsett Brethren Inc.

Estelline, SD 57234



Dear Mr. Wollman:

In reviewing your soil and water compatibility for the NW1/4 31-114-50 = 160 acres, the Irrigation Staff is recommending a Conditional Approval of your application to the State Conservation Commission at their July 12, 1984 meeting. The Conditional recommendation is based on the clay content of some of the soils of the areas, areas of excessively steep slopes and the area containing the stream channel.

The Restrictions and Management Recommendations are as follows:

RESTRICTIONS:

The areas mapped as Lamoure-LaDalle complex channeled (14) is subject to flooding and periods of wetness these areas shall remain in grass to prevent stream erosion.

The areas mapped as Renshaw Sioux Complex (18D) 6 to 15 percent slope and (19) 15 to 40 percent slope are restricted to grass in areas over 9 percent slope, due to excessively steep slopes.

MANAGEMENT RECOMMENDATIONS:

We recommend the use of automatic sprinkler shut offs to address the restricted areas mapped as 14 & 19.

We also recommend the use of conservation tillage to prevent erosion and conserve moisture.

If you have any questions concerning your application please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Administrator

WATER RIGHTS DIVISION

(605) 773-3352

May 28, 1984

Joshua Wollman
Box 146
Poinsett Hutterian Inc.
Estelline, South Dakota 57234

Dear Mr. Wollman:

Enclosed you will find our partially completed new forms to apply for a Water Permit. Please check over, complete where indicated, sign, notarize and return to this office with the following:

1. Your map is enclosed, our suggestion is that you obtain an aerial photo from the ASC Office. The actual areas to be irrigated and the location of the well must be clearly marked. The map must be signed by your local ASC agent or South Dakota licensed Professional Engineer.
2. Soil/Water compatibility approval must be received from the State Conservation Commission. For their forms and instructions contact Jim Stukel, Dept. of Agriculture, Division of Conservation, Anderson Building, Pierre, South Dakota 57501. (Phone 773-3259).

Upon receipt of the above further processing of your application will proceed. If you have any questions feel free to contact our office.

Sincerely,

Betty Westlund
Natural Resources Analyst

BW:ms
Enc.

WATER RIGHTS DIVISION
(605) 773-3352

June 11, 1984

Joshua Wollman
Box 146, RR#1
Poinsett Hutterian, Inc.
Estelline, South Dakota 57234

Dear Mr. Wollman:

Upon receipt of the aerial photo of Section 31, T114N, R50W the center pivot drawn on the map of the land to be irrigated shows land in the $N\frac{1}{2}SW\frac{1}{4}$ of Section 31. This land should be shown on the application. Also it should be noted on your WI-1 submitted to the Division of Conservation to be approved by the State Conservation Commission.

We are enclosing a copy of your map and the original of your application for your corrections.

If you have any questions please contact this office.

Sincerely,

Betty Westlund
Natural Resources Analyst

BW:ms
Enc.

WATER RIGHTS DIVISION

(605) 773-3352

August 23, 1984

Joshua Wollman
Poinsett Hutterian Brethern, Inc.
RR#1, Box 146
Estelline, South Dakota 57234

Dear Mr. Wollman:

We are returning your check in the amount of \$250.00 for permit application fee. This fee was paid May 24, 1984 as shown on receipt No. 4 9669. This application will be considered before the Water Management Board on September 26, 1984.

Thank you,

Kevin C. Larson
Water Resources Engineer

KCL:ms
Enc.

No. 5026-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Deuel) ss.

I, Gary DeJong hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Clear Lake Courier

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

City of Clear Lake

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

August 16, 1984

August 23, 1984

Gary DeJong
(Signature)

Publisher
(Title)

Aug 23 1984
(Date Signed)

Cost of Printing: 39.08



NOTICE OF HEARING
ON APPLICATION NO. 5026-3
TO APPROPRIATE WATER

Notice is hereby given that Poinsett
Hutterian Brethern whose mailing
address is Route #1, Box 146, Estelline,
South Dakota has made an application
for a permit to appropriate 1.55 cubic
feet per second of water from one well 46
feet deep. The point of diversion will be
located in the approximate center of the
NW 1/4, Section 31 T114N-R50W. The
water will be used to irrigate 160 acres of
land in the NW 1/4 Section 31,
T114N-R50W.

Pursuant to SDCL 46-2A-2 the Chief
Engineer of the Water Rights Division
recommends APPROVAL of Appli-
cation No. 5026-3 because 1) unappro-
priated water is available, 2) will be no
unlawful impairment of existing rights,
3) is beneficial use of water and 4) is in
the public interest.

This application will be considered by
the Water Management Board at the
Civil Defense Room, Capitol Building,
Pierre, South Dakota, September 26,
1984 at 10:00 a.m.

The recommendation of the Chief
Engineer is not final or binding upon the
Board and the Board is authorized to
make a determination on this application
after it reaches a conclusion based upon
facts presented at the public hearing.
Any interested person who may be
affected by a Board decision and who
intends to participate in the hearing
before the Board and present evidence or
cross-examine witnesses according to
SDCL 1-26, must file a written petition
with BOTH the Applicant and the Chief
Engineer by September 14, 1984. The
petition may be informal, but it must
include a statement describing the
petitioners interest in the application,
the reason for the petitioner's opposition
to or support of the application, and the
signature and mailing address of the
petitioner or his legal counsel if legal

counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-18, 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-4-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01 thru 74:02:01:15;

This hearing is an adversary proceeding. The applicant or any person after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by September 14, 1984.

Aug. 16 & 23

Instruction to Newspaper - Publish first publication of the following Notice on or before August 16, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5026-3 to Appropriate Water and/or to Amend Water Permit or Water Rights No. _____

Notice is hereby given that Poinsett Hutterian Bretharn whose mailing address is Route #1, Box 146, Estelline, South Dakota has made an application for a permit

to appropriate 1.55 cubic feet per second of water from one well 46 feet deep. The point of diversion will be located in the approximate center of the NW $\frac{1}{4}$, Section 31 T114N-R50W. The water will be used to irrigate 160 acres of land in the NW $\frac{1}{4}$ Section 31, T114N-R50W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5026-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at the Civil Defense Room, Capitol Building, Pierre, South Dakota, September 26 19 84 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by September 14, 1984. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by September 14, 1984.

REPORT ON APPLICATION NO. 5026-2

POINSETT HUTTERIAN, INC.

August 1, 1984

Application No. 5026-2 proposes to irrigate 160 acres in the NW $\frac{1}{4}$ of Section 31, T114N, R50W from one 46 foot well. The applicant will withdraw 1.55 cubic feet per second of ground water from the Big Sioux-Brookings management unit.

The Big Sioux-Brookings management unit is a glacial sand and gravel aquifer. The aquifer contains an estimated 642,230 acre feet of recoverable water (Hedges 1981). The aquifer is generally under water table conditions.

The Division of Water Rights monitors 68 observation wells in this management unit. These wells have shown the seasonal fluctuations due to the spring runoff and the affects of high capacity wells. Hydrographs also indicate the fluctuations of head pressure in the portion of the aquifer under artesian conditions. In no case did the hydrographs indicate a water depletion problem at the present level of development. Attached are hydrographs for six observation wells located close to the proposed permit.

Presently, appropriations issued by the Water Managment Board total approximately 91,051 acre feet of water from the BS:B unit. This is 14% of the total amount of recoverable water. Water use figures are as follows:

	Appropriated	Reported used	% of Available Actually used
1981	91,361	9,040	1.41
1982	92,000	4,494	0.70
1983	91,051	7,553	1.18

These values for actual water use verses amount appropriated are typical for the entire state. This shows that on paper the aquifer is approaching full appropriation, but actual usage values show that more development can take place.

Although there is a large number of permits issued in this management unit (197) interference between wells has not and should not be a problem. This is mainly due to the aquifer being under water table conditions, but also is due to the large amount of water available in the system. There should not be any adverse affects on existing permits if this application is approved.

Conclusions

1. There is a reasonable probability that unappropriated water is available for this application.
2. Observation wells are being monitored and do not indicate any problems with interference.

Gale N. Selken

GALE N SELKEN
Hydrologist

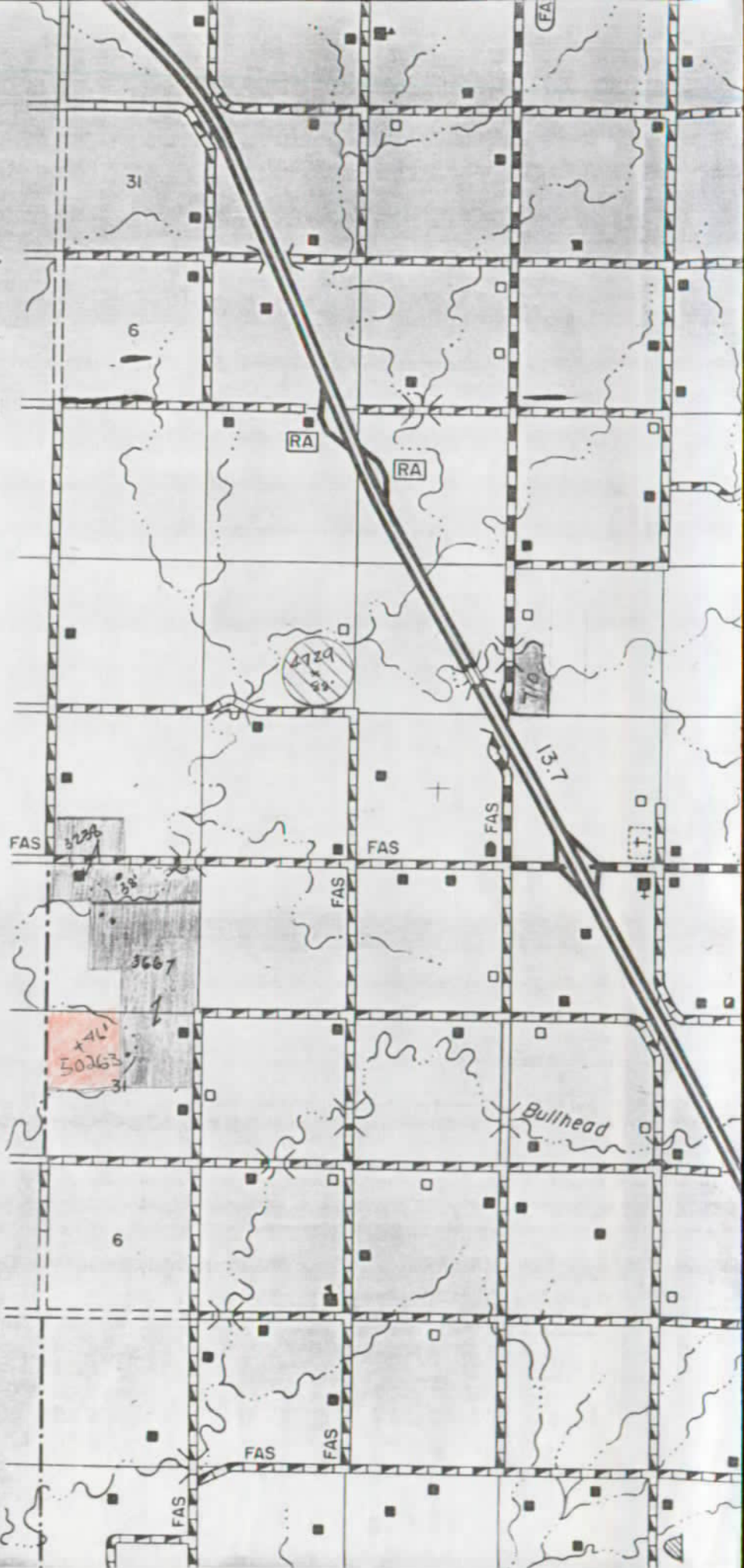
References

1. Hedges, Burch, Iles, Evaluation of Ground Water Resources, Eastern South Dakota, Upper Big Sioux Basin South Dakota and Iowa, SDGS, Vermillion, 1982.
2. Water Rights Division Files, Division of Water Rights, Pierre SD. 1984.
3. Irrigation Questionnaire Files, Division of Water Rights, Pierre SD. 1984.
4. Observation Well File, Microfische and Computer Files, Division of Water Rights, Pierre SD, 1984.

44°40'

T 114 N

H A M L I N C O U N T Y



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5026-3, Poinsett Hutterian, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5026-3, Joshua Wollman, Poinsett Hutterian, Inc., RR #1, Box 146, Estelline SD.

The Chief Engineer is recommending APPROVAL of Application No. 5026-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The irrigation well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
August 10, 1984



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

October 23, 1984

Joshua Wollman
Poinsett Hutterian, Inc.
Box 146, Rt 1
Estelline SD 57234

Dear Mr. Wollman:

Enclosed herewith is your Water Permit No. 5026-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5026-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Box 146 Estelline So. Dak
Date NOV-15-84

TO: Water Rights
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.

5026-3.

Water Right Permit No. 5026-3 states that the diversion system is to be constructed by the Poinsett Colony and that the water is put to beneficial use by the same.

The diversion system was completed on June 30 - 84. Applying the water to beneficial use was completed on Oct 1 - 84.

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.

Joshua Wollman
(Signature) Ben. myer



LICENSE FOR PERMIT NUMBER 5026-3

1. Legal location of wells: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T114N-R50W

dams & structures: _____

2. Well Information: Well Drilling Firm Irrigation Supply Inc.

No. of wells 1 Depth 46 feet

Casing a) diameter 16 inches

Screen a) type stainless steel

b) length 26 feet

b) length 20 feet

c) type steel

Static Water Level 5 feet

Pump a) make No tag

Motor a) make **

b) model _____

b) model no. _____

c) size _____

c) horsepower rating 50

d) capacity 700 GPM

d) motor efficiency rating _____

e) turbine pump

no. of stages _____

3. Distribution lines:

a) size of lines 8 inches

b) type steel

c) length 50 feet

** At the time of inspection, the
motor was in the shop to be
repaired.

4. Dam information:

a) height to crest _____

i) Outlet tubes:

b) height to spillway _____

1) diameter _____

c) crest width _____

2) type _____

d) crest length _____

3) valued (Y/N) _____

e) spillway length _____

4) valve type _____

f) spillway width _____

5) location on structure _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

5. System Type: a) sideroll:

b) towline:

1) length _____ feet

1) length _____ feet

2) diameter of pipe _____

2) make, model & number of sprinklers _____

3) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) spacing of sprinklers _____

4) nozzle size _____

5) nozzle size _____

5. System Type: c) center pivot

- 1) make Lockwood
- 2) number of towers 9
- 3) distance between towers
138
- 4) overall length 1250 feet
- 5) End gun (Y/N) Y
- 6) high or low pressure high
- 7) make & size of nozzles

- 8) PSI reading while system is
running 60
- 9) GPM 700

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

X

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

X

2. Special Qualifications to permit being abided by.

X

3. All Structures, wells and lands on map.

REMARKS:

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

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Poinsett Hutterian
Brethern Association of RR 1, Box 146, Estelline, S.D. 57234 holder of
 Permit No. 5026-3, bearing the priority of May 23 1984 authorizing
 the diversion of 1.55 cu. ft. per second of the waters of groundwater-Big Sioux well
 for irrigation purposes, in Deuel County.

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

A. Works used to divert the water:

A pump, 700 gallons per minute capacity.

A motor, 50 horse power.

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

8 inch galvanized pipe, 50 feet long from the well to center pivot.

C. Works used to apply water to beneficial use:

A Lockwood pivot with 9 towers, 1250 feet long, 700 gallons per minute capacity.

The system is in the following condition: The motor was in the shop to be repaired, the rest, good.

The point of diversion is located :well, 1360 feet east, 1530 feet south from the Northwest corner
of Section 31, T114N-R50W (SE $\frac{1}{4}$ NW $\frac{1}{4}$)

The works are capable of diverting and conveying to the place of use 1.56
 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 Section 31, T114N-R50WNE $\frac{1}{4}$ NW $\frac{1}{4}$ 26.0 ac.NW $\frac{1}{4}$ NW $\frac{1}{4}$ 26.0 ac.SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.5 ac.SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35.0 ac.comprising a total of 122.5 acres of land and the license should be issued for 1.55 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: _____ Date 8/28/86

No well log is available.

(signature)M. Shadi

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

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

January 29, 1988

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

NOTICE

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

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

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

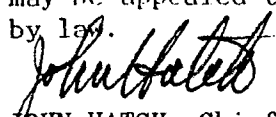
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

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

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

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


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 11, 1988

R E Kahnke
Irrigation Supply Inc.
405 5th Ave NW
Watertown, SD 57201

Dear Mr. Kahnke:

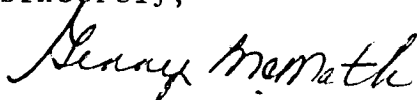
Our office is in the process of issuing a water license for an irrigation permit held by Poinsett Hutterian Brethren, Estelline, SD. In order to complete their file and before the license can be issued, a well log is needed for the following described well.

Well: 1360'E & 1530'S of the NW corner Section 31,
T114N, R50W (SE 1/4 NW 1/4).

If you still have a copy of the well log for the above well, please forward a copy of the log to our office. We have a test hole log, but do not have the "as constructed" log. The water license is ready to be issued but cannot be done until this information is obtained.

Your prompt attention in this matter will be appreciated. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

cc: Joshua Wollman, Poinsett Hutterian Brethren



Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 5026-3

March 3, 1987

Poinsett Hutterian Brethren, Inc.
RR 1, Box 146
Estelline, South Dakota 57234

ATTENTION: Joshua Wollman

Dear Mr. Wollman:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 5026-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 16, 1987

RECEIVED OF Poinsett Hutterian Brethren, Inc., RR 1, Box 146, Estelline, SD 57234

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5026-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	50	00

By John Hatch
Chief Engineer JOHN HATCH (INS)



Department of Water & Natural Resources

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

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

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

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

SUBJECT: One Year Suspension Of Water Permit No(s). 4353-3,
3223-3, 2174-3, 5026-3, 5038-3, 2175-3, 2413-3

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 4353-3, 3223-3, 2174-3, 5026-3, 5038-3, 2175-3, 2413-3 be **SUSPENDED** until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.



Department of Water & Natural Resources

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

April 14, 1988

NOTICE

TO: Joshua Wollman, Poinsett Hutterian Brethren, RR #1
Box 146, Estelline, SD 57234

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

SUBJECT: Notice of Hearing to Consider Request for
Reconsideration of Suspended Water Permit Nos. 2174-3,
2175-3, 2413-3, 3223-3, 5026-3, 5038-3 and Water Right
No. 4353-3

The hearing on your March 21, 1988 request to the Water Management Board to reconsider suspension of Water Permit Nos. 2174-3, 2175-3, 2413-3, 3223-3, 5026-3, 5038-3 and Water Right No. 4353-3 has been scheduled for 9:15 am, May 11, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD.

As stated in the notice to you dated January 29, 1988, the hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your permits, defer action or taken no action. The hearing is an adversary proceeding and any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

cc: Harold Deering, Assistant Attorney General



Dear Sir

Regarding my Telephone
Conversation as of the other Day.
Regarding a One yr suspension of
water Permit. This is a major
Penalty that either you or we
can afford in the business and kind
of farming, the forms we talked about
the other Day, were received by us
and Passed on to our New Irrigator
Irv Tschetter to have him fill them
out and to see to it that they are to
be mailed back, so in the mean
time, we had to leave on a Business
Trip into Canada for three - four weeks
As he got home they were mislaid
and stated they does not to be found
as things are when you get back
from Vacation, ever

Not realizing how important those things are, as being new in the Business, he did not mention to me or Jonathan that they got lost and haven't been mailed, owing you our apology to this matter. We are truly sorry about all this, and need to know what we can do in order to correct this, so we can Irrigate this season. Hope you realize this is a big investment that costs us a fortune, and would appreciate not to have a set-back this coming season. When it comes time to Irrigate, I trust you may be of help to us. The truly Hope we can appeal to this matter and trust that in the future you will find us more cooperative. over

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

Sincerely yours
Joshua Hollman
Sec Treas.

Joshua Wollman-Poinsett Hutterian Brethren

Water Permit Nos. 2174-3, 2175-3, 2413-3, 3223-3, 5026-3, 5038-3
and Water Right No. 4353-3

GENERAL

Application Nos. 2174-3, 2175-3, 2413-3, 3223-3, and 4353-3
were submitted by: Poinsett Hutterian Brethren, Assoc.
Joshua Wollman, Mgr.
Estelline, SD 57234

Application No. 5026-3 was submitted by:
Poinsett Hutterian, Inc.
Joshua Wollman, Mgr.
RR #1 Box 146
Estelline, SD 57234

Application No. 5038-3 was submitted by:
Poinsett Hutterian Brethren, Inc.
Joshua Wollman, Mgr.
Box 146
Estelline, SD 57234

Permits Approved:	No. 2174-3	March 20, 1975
	No. 2175-3	March 20, 1975
	No. 2413-3	November 13, 1975
	No. 3223-3	February 23, 1977
	No. 4353-3	March 28, 1979
	No. 5026-3	September 26, 1984
	No. 5038-3	March 6, 1985

Permit Licensed:	No. 4353-3	October 25, 1983
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Water Permit Nos. 2174-3, 2175-3, 2413-3, 3223-3 and Water
Right No. 4353-3 were Amended in 1985 to include the
Irrigation Questionnaire Qualification for violation of the
requirement to submit the 1984 irrigation questionnaire.

Water Permit Nos. 5026-3 and 5038-3 were approved with the
irrigation questionnaire qualification.

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

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

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

PAST VIOLATIONS

1. Violation of Requirement to Submit 1984 Irrigation Questionnaires:

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

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

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

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

2. 1987 Irrigation Questionnaire Violation

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

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

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

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

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

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

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



Department of Water & Natural Resources

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

May 13, 1988

NOTICE

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

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

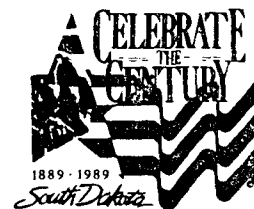
SUBJECT: Reinstatement of Suspended Water Permits and Notice of
One Year Suspension Without Reinstatement for Future
Irrigation Questionnaire Violations

The Water Management Board, following the May 11, 1988, hearing
passed the following motion:

"That the owners of Water Permits No. 1372-2 (Earl Sonnenschein & Sons); 1731-2 (Buckles Ranch); 235-3 (Russell Doolittle); 2171-3, 2497-3, 3229-3 (Harlan Stadheim); 2174-3, 2175-3, 2413-3, 3223-3, 4353-3, 5026-3, 5038-3 (Poinsett Hutterian Brethern); 3264-3 (John Heber); 3479-3, 4237-3 (Bob Kohnen) 3825-3 (Rod Page, operator); 4017-3 (Martin Ronning); 4257-3 (Patricia Ronning & Jeanette Hurrell); 4521-3 (Tom/William Maher & Harvey Buhl); 4564-3, 4611-3 (Wendell Bishop); 4660-3 (Dihl Grohs); 4732-3 (Gerald Benjamin); 4741-3 (Lois J Elsinger); 4827-3 (Gary Smith); 4844-3 (Gerald Goetsch); 4966-3 (Delano Hofer); 4985-3, 4992-3, 5043-3, 5044-3 (Ray & David Hanson); 4754-3 (Richard Beare); and 375-2 (Rhea Brill), have now submitted the 1987 irrigation questionnaires for these permits, that a 60 day suspension period has been completed and that these permits are reinstated effective immediately. The owners of the permits are also **NOTIFIED** that failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement."

If you have any questions, please contact us.

cc: Water Management Board



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5026-3

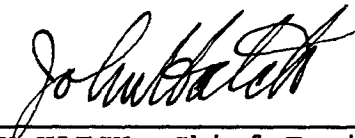
(1) Poinsett Hutterian Inc., of RR #1 Box 146, Estelline, South Dakota 57234 made Application No. 5026-3, May 23, 1984 for a water permit to appropriate 1.55 cubic feet of water per second from groundwater (one well), Deuel County, South Dakota for irrigation purposes. Permit No. 5026-3 with a priority date of May 23, 1984 was approved September 26, 1984 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before September 26, 1989 and for the application to beneficial use of said water on or before September 26, 1993.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.55 cubic feet of water per second for beneficial use. The location of the diversion point is: 1360 ft east and 1530 ft south from the NW corner of Section 31, T114N, R50W (SE1/4 NW1/4).

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

T114N, R50W Section 31 NE1/4 NW1/4	26.0	acres
NW1/4 NW1/4	26.0	"
SE1/4 NW1/4	35.5	"
SW1/4 NW1/4	35.0	"
Total	122.5	acres

(4) Pursuant to Section 46-5-30.1 Poinsett Hutterian, Inc., of RR #1 Box 146, Estelline, South Dakota 57234 the holder(s) and/or owner(s) of Water Permit No. 5026-3 is issued a license to appropriate water, the right to use 1.55 cubic feet of water per second from groundwater (one well) with a priority date of May 23, 1984 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5026-3 and subject to South Dakota State Law.



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

SEP 14 1989



Department of Water & Natural Resources

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

5026-3

SEP 14 1989

Poinsett Hutterian Inc.
c/o Joshua Wollman
RR #1 Box 146
Estelline, SD 57234

Dear Mr. Wollman:

Enclosed is Water License No. 5026-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 410783 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5026-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive style with a large, stylized "J" and "H".

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

enclosures