

Considered: _____

WATER PERMIT NO. 5304-3

42

HAP No. same 463-2422

Name of Applicant Bon Homme Lutheran Brethren, Inc.

Post Office Address RRI Box 59 Tabor, SD 57063

Amount of Water Claimed 2.3 cfs Total Acres 60

Source of Water Supply Missouri River

Water to be used for irrigation County Bon Homme

About 5 miles SW of Tabor

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Mar 15, 1989 Fee \$150⁰⁰ Remarks _____

Greater than 1 cfs / 10 acres

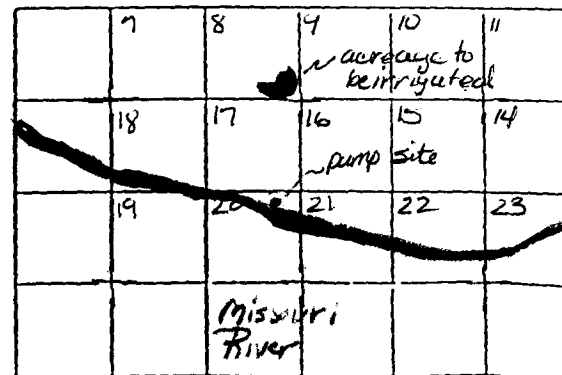
Corrected Application Received Mar 24, 1989 Period of Annual Use May 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point N 1/2 NE 1/4 Sect 20 - T43N-R58W

Land to be Irrigated SE 1/4 Section 8 - T43N-R58W



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial PREPARED BY Gary L. Compton Reviewed and the Number

assigned on March 27, 1989 By Susan A. Power

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 5304-3 Hydrologic Unit 10170101
Basin Missouri River
Newspaper Tynall Tribune Register Box 520 57066
(Wet)

(See instructions)



Soil/Water Compatibility Permit and Permit To Appropriate Water

- ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Bon Homme Hutterian Brethern, Inc. Phone No. 463-2422
Post Office Address RR1 Box 59 Tabor State South Dakota Zip Code 57063
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s) 2.3 Total acres irrigated --71.0-- 60
3. Source of Water supply Kewis and Clark Reservoir Missouri River
4. Location of point of diversion Missouri River Max Post Ltrv Approx 1020 ft
N 1/2 NE 1/4 Section 20-T93N-R58W
_____ County Bon Homme
5. Counties where water will be used Bon Homme
6. Annual period during which water is to be used May 1 through October 30
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.
NE 1/4 SE 1/4 Sec 8-T93N-R58W	11
SW 1/4 SE 1/4	18
SE 1/4 SE 1/4	31

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
(Specify)
9. Crops to be Irrigated: Corn, Small Grain, Soybeans, Alfalfa
10. Give a description of proposed project. (Attach sheet if more space is needed)

See Water License # 3847-3

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Bon Homme ss

I, Benjamin A. Stahl, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Benjamin A. Stahl

Subscribed and sworn to before me this 13th day of March 19 89

[Signature]
Notary Public

A black and white photograph of a film strip. The film strip is divided into several frames. The top left frame contains the text 'T423'. The top middle frame contains the text 'T401'. The top right frame contains the text 'U.L.' and 'T401'. The bottom right frame contains the text 'T440'. The bottom center frame contains the text '8'. There are also some illegible markings and a small '451' in the bottom right corner.

Section 20

1380' W

Section 21

SOUTH DAKOTA
WATER PERMIT No. 5304-3 FOR IRRIGATION

Date of first receipt of application March 15, 1989.

Date Soil/Water Compatibility Permit received March 30, 1989.

Date of return to applicant for required corrections, amendments, or changes March 17, 1989.

Date of receipt of corrected application March 27, 1989.

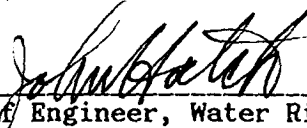
The Water Management Board approved Water Permit Application No. 5304-3 on May 10, 1989 for the Bon Homme Hutterian Brethern, Inc, RR #1, Box 59, Tabor, SD 57063 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5304-3 appropriates 0.86 cubic feet of water per second from the Missouri River to irrigate 60 acres. The point of diversion is located in the N1/2 NE1/4 Section 20 and the acreage to be irrigated is in the S1/2 SE1/4, NE1/4 SE1/4 Section 8; all in T93N, R58W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 to October 31.
3. The date from which applicant may claim right is March 15, 1989.
4. One-fifth of the construction is to be completed on or before November 10, 1991.
5. All construction is to be completed on or before May 10, 1994.
6. Water is to be put to beneficial use on or before May 10, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

- 1) Permit No. 5304-3 is approved for a diversion rate of 0.86 cfs.
- 2) This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1989

(date)



Department of Water & Natural Resources

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

March 17, 1989

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

Dear Mr. Stahl:

This letter is in reference to the permit applications received from you March 15, 1989.

The applications are incomplete for the following reason(s):

- (1) The fee for each application needs to be submitted.

The legal locations for the point of diversion and the acreage to be irrigated have been determined as follows:

Application #1 - Point of diversion:

N1/2 NE1/4 Section 20-T93N-R58W

Acreage to be irrigated:

NE1/4 SE1/4 Section 8-T93N-R58W	---	14 acres
SW1/4 SE1/4 " "	---	18 acres
SE1/4 SE1/4 " "	---	40 acres

TOTAL	-----	72 acres
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The correct fee for this application is \$225.

Application #2 - Point of diversion:

N1/2 Section 21-T93N-R58W

Acreage to be irrigated:

SW1/4 NE1/4 Section 16-T93N-R58W	---	7 acres
SE1/4 NE1/4 " "	---	25 acres
NW1/4 SE1/4 " "	---	36 acres
NE1/4 SE1/4 " "	---	18 acres
SW1/4 SE1/4 " "	---	36 acres
SE1/4 SE1/4 " "	---	8 acres
NE1/4 SW1/4 " "	---	3 acres
SE1/4 SW1/4 " "	---	3 acres

TOTAL	-----	136 acres
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The correct fee for this application is \$250.

March 17, 1989

Stahl

page 2

These legal descriptions will be added to your applications unless we hear differently from you.

The Water Management Board cannot consider a water permit application until it is complete. Please return the **two** required fees to begin processing of your water permit applications.

Feel free to contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Susan A. Bowar".

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

Conversation or File Documentation

NAME OF PERSON OR FILE: Benjamin Stahl - Bon Homme Hutt. Breth.ADDRESS: _____ COUNTY Bon HommeDATE: March 21, 1989 TELEPHONE _____RE: Letter Sent to Mr. Stahl concerning his application.

COMMENTS:

Mr. Stahl called to day to say that the acreages listed on my letter of March 17, 1989 are too high. I explained to him that the acreages were determined using the area outlined in red on the maps, that were submitted. He said that for application #1, the maximum number of acres to be irrigated would be 60 acres and for application #2 the maximum number would be 90 acres. I asked him to return my letter w/ the acreages listed as he wants them on his application. The fee for 60 acres is \$150 and for 90 acres is \$225. Mr. Stahl said he would return the letter w/ the proper acreages listed along with the fees. Because they wanted this application to be heard @ the May, meeting, the information for a S/w permit was already forwarded. I called Jim Stukel to tell him the acreage listing he received was high and that I would forward the changes when I received them.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Susan Bourer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 27, 1982

RECEIVED OF Don James Hutterian Brothers, Inc., RR #1, Box 52, Tabor, SD 57063

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

Fee for Application for Permit No. <u>5304-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	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	150	00

By John Hatch/mra
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4351

WR#

OWNERS NAME: Don House Hutterian Brothers, Inc. OWNERS ADDRESS: c/o Benjamin J. Stahl

RR 1, Box 57
Tabor, SD 57063

COUNTY LAND LOCATED IN: Don House PHONE: 463-2422

LEGAL DESCRIPTION:

☐ Well

☐ Surface

1. LOCATION SW 1/4 Sec. 20-T33N-R56W

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 Sec. 8-T93N-R56W</u>	<u>14</u>		
<u>SW 1/4 Sec. 18</u>	<u>14</u>		
<u>SW 1/4 Sec. 40</u>	<u>40</u>		
		<u>TOTAL ACRES =</u>	<u>72</u>

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: 1 GUN: _____ OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: corn, small grain, soybeans, alfalfa

WATER QUALITY:

4. WATER SAMPLE NUMBER: Missouri River 7. ADJUSTED (SAR): 2.6
5. SALINITY (EC X 10⁶): 529 8. PERCENT SODIUM: 35
6. SODIUM (SAR): 1.4

Requirements: The area mapped as Hutter-Bethan complex, 9-40E slope, is excessively steep & has a severe erosion hazard. Based on the position of these areas, it may be removed from the project without severely hampering the project. As such, these areas shall not be irrigated.



1 APPROVED 1 REQUIREMENTS
____ DISAPPROVED
____ WAIVER

[Signature]
Director, Division of Conservation

3/29/89
Date

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

Report on Application No. 5304-3
Bon Homme Hutterian Brethern, Inc.
March 30, 1989

Background

Water Permit Application No. 5304-3 proposes to divert 2.3 cubic feet of water per second (cfs) from the Missouri River. The diversion point is located in the N1/2 NE1/4 Section 20, T93N-R58W, in Bon Homme County. The water will be used to irrigate 60 acres in the S1/2 SE1/4 and NE1/4 SE1/4 Section 8, T93N-R58W.

Discussion

Application No. 5304-3 requests a diversion rate of 2.3 cfs to irrigate 60 acres. In accordance with SDCL 46-5-6, 45-5-6.1, and Section 74:02:01:05, General Rules, the diversion rate can not exceed the rate of 1.0 cfs for irrigation of each 70 acres.

Conclusion and Recommendations

1. The Missouri River is known to have ample supplies of unappropriated water available, therefore, water is available from the Missouri River to meet the needs of Water Permit Application No. 5304-3.
2. The diversion rate should not exceed 1.0 cfs for irrigation of each 70 acres. The diversion rate for Water Permit Application No. 5304-3 should be limited to 0.86 cfs to irrigate 60 acres.
3. Approval of Application No. 5304-3 is in the public interest and constitutes a beneficial use of the waters of the state.
4. It is recommended that the Water Permit Application No. 5304-3 be approved with the following qualifications:
 - A) Diversion rate should be limited to 1.0 cfs for each 70 acres.
 - B) Irrigation questionnaire should annually be submitted.

MR Ahadi

M. RASSOOL AHADI
Natural Resources Engineer
(605)773-3352

Approved by

James Winterton

JAMES WINTERTON, P.E.
Natural Resources Engineer IV

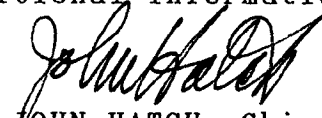
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5304-3, Bon Homme Hutterian Brethern, Inc

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. 5304-3, Bon Homme Hutterian Brethern, Inc., RR 1, Box 59, Tabor SD.

The Chief Engineer is recommending APPROVAL of Application No. 5304-3 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:

1. Permit No. 5304-3 is approved for a diversion rate of 0.86 cfs.
2. 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
April 3, 1989

**Department of
Water & Natural Resources**

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

April 5, 1989

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

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

Dear Mr. Stahl:

Water Permit Application Nos. 5304-3 and 5305-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Tyndall Tribune & Register printed at Tyndall, SD. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

April 5, 1989

Tyndall Tribune & Register
Box 520
Tyndall, SD 57066

Dear Sir:

Enclosed is a Notice of Hearing on Application Nos. 5304-3 and 5305-3 to be published twice. Please publish the first notice on or before April 12, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Bon Homme Hutterian Brethern, Inc., RR #1, Box 59, Tabor, SD 57063.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before April 12, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS on Application Nos. 5304-3 and 5305-3 to Appropriate Water

Notice is given that the Bon Homme Hutterian Brethern, Inc., RE #1, Box 59, Tabor, SD 57063 has filed the following applications for water permits:

Water Permit Application No. 5304-3 is to appropriate 2.3 cubic feet of water per second from the Missouri River to irrigate 60 acres. The point of diversion is located in the N1/2 NE1/4 Section 20 and the acreage to be irrigated in the S1/2 SE1/4, NE1/4 SE1/4 Section 8; all in T93N, R58W.

Water Permit Application No. 5305-3 is to appropriate 4.6 cubic feet of water per second from the Missouri River to irrigate 90 acres. The point of diversion is located in the NE1/4 Section 21 and the acres to be irrigated in the SE1/4, S1/2 NE1/4 Section 16; all in T93N, R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 5304-3 and 5305-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. These applications will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

These applications are made pursuant to 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

No. 5304-3 and 5305-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Bon Homme) ss.

I, Wayne L. Bertrand hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Tyndall Tribune & Register

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 Tyndall

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

April 12, 1989

April 19, 1989

Wayne L. Bertrand
(Signature)

Publisher
(Title)

4-19-89
(Date Signed)

Cost of Printing: \$ 41.81

96 lines @ 24.2 x 80% x 1

Public Notices

NOTICE OF HEARINGS
on Application
Nos. 5304-3 and 5305-3
to Appropriate Water

Notice is given that the Bon
Homme Hutterian Brethern, Inc., RR
1, Box 59, Tabor, SD 57063 has filed
the following applications for water
permits:

Water Permit Application No.
5304-3 is to appropriate 2.3 cubic feet
of water per second from the Mis-
souri River to irrigate 60 acres. The
point of diversion is located in the N
1/2 NE 1/4 Section 20 and the acreage
to be irrigated in the S 1/2 SE 1/4, NE
1/4 SE 1/4 Section 8; all in T93N,
R58W.

Water Permit Application No.
5305-3 is to appropriate 4.6 cubic feet
of water per second from the Mis-
souri River to irrigate 90 acres. The
point of diversion is located in the NE
1/4 Section 21 and the acres to be
irrigated in the SE 1/4, S 1/2 NE 1/4
Section 16; all in T93N, R58W.

Pursuant to SDCL 46-2A-2, the
Chief Engineer of the Water Rights
Division recommends APPROVAL of
Application Nos. 5304-3 and 5305-3
because 1) unappropriated water is
available, 2) existing rights will not
be unlawfully impaired, 3) it is a ben-
eficial use of water and 4) it is in the
public interest. These applications
will be considered by the Water Man-
agement Board at 523 E. Capitol, Joe
Foss Building, Room 216, Pierre, SD
on May 10, 1989 at 10:00 a.m. The
Chief Engineer's recommendation is
not final or binding upon the Board.
The Board is authorized to 1) ap-
prove, 2) approve with qualifica-
tions, 3) defer or 4) deny these
applications based on the facts
presented at the public hearing.

Any interested person that in-
tends to participate in a hearing be-
fore the Board by presenting evidence
or cross-examining witnesses ac-
cording to SDCL 1-26, must file a
written petition with BOTH the ap-
plicant and Chief Engineer by April
28, 1989. The Chief Engineer's ad-
dress is "Water Rights Division, Foss
Building, 523 E. Capitol, Pierre, SD
57501 (605-773-3352)". The petition
may be informal, but must include a
statement describing the petitioner's
interest in the applications, the peti-
tioner's reasons for opposing or sup-
porting the applications and the sig-
nature and mailing address of the pe-
titioner or legal counsel if legal
counsel is obtained. The applicant
need not file a petition. Contact the
Water Rights Division to request in-
formation on this application or to
assure access to the hearing by the
handicapped.

These hearings are adversary
proceedings. Any person filing a pe-
tition and/or the applicant have the
right to be represented by a lawyer.
These and other due process rights
will be forfeited if not exercised. De-
cisions of the Board may be appealed
to the Circuit Court and State
Supreme Court as provided by law.
The time of the hearing will also be
automatically delayed for at least
twenty days upon written request to
the Chief Engineer from the appli-

 **Department of
Water & Natural Resources**

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

SEP 12 1989

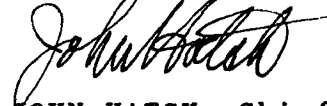
Benjamin Stahl
Bon Homme Hutterian Brethren, Inc
RR #1 Box 59
Tabor, SD 57063

Dear Mr. Stahl:

Enclosed are Water Permit Nos. 5304-3 and 5305-3 as approved by the Water Management Board authorizing you to construct your water diversion systems and put the water to beneficial use, not exceeding the limits as specified in the Water Permits.

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 the Water Licenses may be issued, thus completing your acquisition of Water Rights.

Very truly yours,



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

enclosures

PLEASE NOTE: Certain changes can be made in your permits within the five year construction period, usually without affecting the priority dates 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.



South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

BON HOMME HUTTERIAN BRETHERN
RR 1 BOX 59
TABOR SD 57063

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

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

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

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

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

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

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

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

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

Very truly yours,

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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 1, 1991

BON HOMME HUTTERIAN BRETHREN
RR1 BOX 59
TABOR SD 57063

NOTICE

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

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

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

The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 3847-3; 5305-3; & 5304-3 until either the 1990 chemigation report(s) is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

Very truly yours,

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

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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 20, 1991

3847-3

5304-3

5305-3

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

Dear Mr. Stahl:

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

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5304-3

DATE OF INSPECTION: June 7, 1994

Other permit(s) associated with the project: 3847-3

Name of inspection contact: Ben Stahl, Jr.

Contact relationship to permit holder: Farm Manager

Name/address of permit holder: Bon Homme Hutterian Brethern

DIVERSION POINTS LEGAL LOCATIONS: #1: 400 feet E and 165 feet N from the SW corner of Section 17 (SW1/4 SW1/4); (#2) 1380 feet W and 525 feet S from the NE corner of Section 20 (NW1/4 NE1/4); (#3) 600 feet E and 860 feet S from the NW corner of Section 21 (NW1/4 NW1/4); all in T93N-R58W.

AT THE RIVER:

Pump: (#1)

- 1) Make Cornell
- 2) Model No. 72343
- 3) Capacity 2000 GPM

Pump: (#2) (2 identical pumps & motors)

- 1) Make Cornell & Cornell
- 2) Model Nos. 5YB-F16 & 5YB-F16
- 3) Capacity 1100 & 1100 GPM

Pump: (#3)

- 1) Make Gormann-Rupp
- 2) Capacity 850 GPM

Motor:

- 1) Make US Electrical
- 2) Model No. 405T
- 3) Horsepower rating 125 hp

Motor:

- 1) Make US Electrical
- 2) Frame Nos. 365TS & 365TS
- 3) Horsepower ratings 100 & 100 hp

Motor:

- 1) Make John Deere Diesel
- 2) Horsepower rating 100 hp

BOOSTER PUMP: (NE1/4 Section 17)

Pump:

- 1) Make Aurora
- 2) Model H77-10069
- 3) Capacity 900 GPM

Motor:

- 1) Make Toshiba
- 2) Model No. B0404VGF1U3
- 3) Horsepower rating 40 HP

DISTRIBUTION LINES:

- 1) Type PVC 2) Size 08 inches 3) Length 9,900 feet
- 1) Type PVC 2) Size 10 inches 3) Length 1,700 feet
- 1) Type PVC 2) Size 15 inches 3) Length 1,320 feet

SYSTEM TYPE:

Center pivots:

- 1) Make Zimmatic (pivot #1)
 - 2) Overall length 1240 feet
 - 3) Number of towers 7
 - 4) End gun Y
 - 5) High or low pressure High
 - 6) Capacity 900 GPM
- 1) Make Zimmatic (pivot #2)
 - 2) Overall length 1320 feet
 - 3) Number of towers 9
 - 4) End gun Y
 - 5) High or low pressure Low
 - 6) Capacity 750 GPM
-
- 1) Make Zimmatic (pivot #3)
 - 2) Overall length 1290 feet
 - 3) Number of towers 7
 - 4) End gun Y
 - 5) High or low pressure Low
 - 6) Capacity 750 GPM
- 1) Make Zimmatic (pivot #4)
 - 2) Overall length 1290 feet
 - 3) Number of towers 7
 - 4) End gun Y
 - 5) High or low pressure Low
 - 6) Capacity 750 GPM
-
- 1) Make Zimmatic (pivot #5)
 - 2) Overall length 1320 feet
 - 3) Number of towers 9
 - 4) End gun Y
 - 5) High or low pressure low
 - 6) Capacity 850 GPM
- 1) Make Zimmatic (pivot #6)
 - 2) Overall length 1290 feet
 - 3) Number of towers 7
 - 4) End gun Y
 - 5) High or low pressure low
 - 6) Capacity 750 GPM

- 1) Make Zimmatic (pivot #7)
- 2) Overall length 1040 feet
- 3) Number of towers 6
- 4) End gun Y
- 5) High or low pressure low
- 6) Capacity 550 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y
- 6) Interlock type electrical
- 7) Injection pump type double piston
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y
- 11) Comments : Discharge hose not at site.
Nice sysytem.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

Permit No. 5304-3
Missouri River - Water District

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

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

On this day, June 7, 1994, I made a thorough examination of the water use system constructed by Bon Homme Hutterian Brethern of RR1, Box 59, Tabor, SD 57063 holder of Permit No. 5304-3 and Water License No. 3847-3, bearing the priority of June 4, 1971, June 9, 1975, March 31, 1977, March 15, 1989 (consecutively) authorizing diversions of 4.0, 2.27, 5.46, 0.86 (consecutively) cu. ft. of water per second from surface water for irrigation purposes, in Bon Homme County.

NOTE: At the time of licensing, Water License No. 3847-3 will incorporated into Water Permit No. 5304-3. Water Permit No. 5304-3 covers the pivot in the SE1/4 of Section 8, with the rest of the system being covered by water license No. 3847-3. Permit Nos. 431-3 & 2186-3 were combined into Water License No. 3847-3 on October 7, 1979 and permits 431-3 & 2186-3 were placed in canceled status. All lands & diversions will be covered under 5304-3.

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

A. Works used to divert the water:

A 125 HP U.S. Electrical Motor with a 2000 GPM Cornell Pump.

2 100 HP U.S. Electrical motors with 1100 GPM Cornell pumps.

A 100 HP John Deere Diesel motor with a 850 GPM Gormann-Rupp pump.

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

1320 feet of 15" PVC, 1700 feet of 10" PVC, 6600 feet of 8" PVC.

A 900 GPM Aurora booster pump powered by a 40 HP Toshiba Electric Motor, located in the center of the NE1/4 of Section 17; T93N-R58W.

C. Works used to apply water to beneficial use:

7 Zimmatic center pivots: #1=7 tower & 900 GPM; #2=9 tower & 750 GPM; #3=7 tower & 750 GPM; #4=7 tower & 750 GPM; #5=9 tower & 850 GPM; #6=9 tower & 850 GPM; #7=6 tower & 550 GPM. Pivot #1 is the only high pressure system. There are (7) 4" risers used to irrigate the gardens in the SW1/4 of Section 16 & NW1/4 of Section 21.

The system is in the following condition: Excellent. The points of diversion are located (#1) 400 feet E and 165 feet N from the SW corner of Section 17 (SW1/4 SW1/4); (#2) 1380 feet W and 525 feet S from the NE corner of Section 20 (NW1/4 NE1/4); (#3) 600 feet E and 860 feet S from the NW corner of Section 21 (NW1/4 NW1/4); all in T93N R58W. The works are capable of diverting and conveying to the place of use 11.22 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T93N-R58W

SECTION 08

<u>NE1/4 SE1/4</u>	<u>10 acres</u>
<u>SW1/4 SE1/4</u>	<u>13 acres</u>
<u>SE1/4 SE1/4</u>	<u>28 acres</u>

<u>NW1/4 SW1/4</u>	<u>33 acres</u>
<u>NE1/4 SW1/4</u>	<u>33 acres</u>
<u>SW1/4 SW1/4</u>	<u>33 acres</u>
<u>SE1/4 SW1/4</u>	<u>33 acres</u>

SECTION 17

<u>NW1/4 NW1/4</u>	<u>30 acres</u>
<u>NE1/4 NW1/4</u>	<u>01 acres</u>
<u>SW1/4 NW1/4</u>	<u>39 acres</u>
<u>SE1/4 NW1/4</u>	<u>02 acres</u>

<u>NW1/4 NE1/4</u>	<u>33 acres</u>
<u>NE1/4 NE1/4</u>	<u>33 acres</u>
<u>SW1/4 NE1/4</u>	<u>33 acres</u>
<u>SE1/4 NE1/4</u>	<u>33 acres</u>

<u>NW1/4 SW1/4</u>	<u>20 acres</u>
<u>NE1/4 SW1/4</u>	<u>37 acres</u>
<u>SW1/4 SW1/4</u>	<u>11 acres</u>
<u>SE1/4 SW1/4</u>	<u>37 acres</u>

<u>NW1/4 SE1/4</u>	<u>38 acres</u>
<u>NE1/4 SE1/4</u>	<u>26 acres</u>
<u>SW1/4 SE1/4</u>	<u>38 acres</u>
<u>SE1/4 SE1/4</u>	<u>26 acres</u>

SECTION 18

<u>NE1/4 NE1/4</u>	<u>29 acres</u>
<u>SE1/4 NE1/4</u>	<u>35 acres</u>
<u>NE1/4 SE1/4</u>	<u>32 acres</u>
<u>SE1/4 SE1/4</u>	<u>29 acres</u>

SECTION 16

<u>SW1/4 SW1/4</u>	<u>09 acres</u>
<u>SE1/4 SW1/4</u>	<u>06 acres</u>

SECTION 21

<u>NW1/4 NW1/4</u>	<u>16 acres</u>
--------------------	-----------------

comprising a total of 776 acres of land and the license should be issued for 11.08 cfs.

NOTE: 3 pivots may be operated at one time from each diversion point located in the NW1/4 NE1/4 of Section 20 and the diversion point located in the SW1/4 SW1/4 of Section 17; both in T93N-R58W.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None

Date: April 4, 1995


Barry A. McLaury
Environmental Scientist
DENR, Water Rights Division

Water Rights Program -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Bon Homme Hutterian Brethern, Inc.

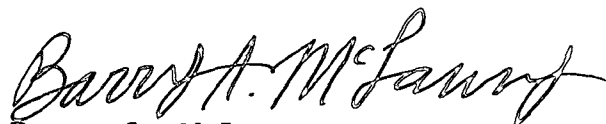
ADDRESS: RR1 Box 59, Tabor, SD 57063 COUNTY: Bon Homme

DATE: August 3, 1995 TELEPHONE: 463-2422

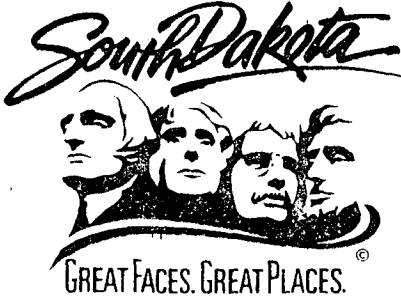
RE: XX

COMMENTS:

Today I called Bon Homme Colony and spoke to Ben Stahl, Sr., Boss of Bon Homme Colony. I had a question about the irrigated acreage in the NW1/4 of Section 16; T93N-R58W. He said they used to irrigate the acreage with a big gun, but don't anymore. He said it had been a lot longer than 3 years since they watered the area. I then explained that the acreage would be left off the water license. This acreage was covered under Water License No. 3847-3. Permit No. 3847-3 will be incorporated into 5304-3 during licensing.



Barry A. McLaury
Environmental Scientist
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 16, 1995

5304-3
5305-3

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

Dear Mr. Stahl:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 5304-3 and 5305-3, has been completed. Your final water right documents, the Water Licenses, can now be issued.

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

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$100.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 8, 1995

SECOND NOTICE
Permit Nos. 5304-3
5305-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

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

Dear Mr. Stahl:

On August 16, 1995, you were notified the final inspection fees of \$50.00 per license (\$100.00 total) is due before Water License Nos. 5304-3 and 5305-3 can be issued. As of this date, the fees have not been received.

The fees are a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$100.00 fee (\$50.00 per license), your Water Licenses will be sent to you. This is the final document for the perfection of your Water Rights. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fees are paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

5304-3
5305-3

Benjamin J. Stahl
BonHomme Hutterian Brethern, Inc
RR 1, Box 59
Tabor, SD 57063

4a. Article Number

Z 348 313 249

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

11-9-95

5. Signature (Addressee)

Benjamin J. Stahl

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991

★U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 1996

THIRD NOTICE
Permit Nos. 5304-3
5305-3

**NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NOS. 5304-3 and 5305-3 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE**

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

Dear Mr. Stahl:

On August 16, 1995, and November 8, 1995, you were notified the final inspection fees of \$50.00 per license (\$100.00 total) is due before Water License Nos. 5304-3 and 5305-3 can be issued. To date, the fees have not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit Nos. 5304-3 and 5305-3 until the \$100.00 fee is paid. **Please remit the License fees to the Department of Environment and Natural Resources, Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181.**

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-33352

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5304-3

(1) Bon Homme Hutterian Brethern, RR 1, Box 59, Tabor SD 57063 made Application No. 5304-3, for a water permit to appropriate 0.86 cubic feet of water per second from the Missouri River, Bon Homme County, South Dakota for irrigation purposes. Permit No. 5304-3, with a priority date of March 15, 1989 was approved May 10, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 10, 1994 and for the application to beneficial use of said water on or before May 10, 1998.

The applicable portions of Water Right No. 3847-3 have been incorporated into this Water License No. 5304-3. Priority dates, as they pertain to the acres irrigated, are described in (3) of this license.

(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 11.08 cubic feet of water per second for beneficial use. The location of the diversion points are: 1) 400 feet east and 165 feet north from the southwest corner Section 17 (SW 1/4 SW 1/4); 2) 1380 feet west and 525 feet south from the northeast corner of Section 20 (NW 1/4 NE 1/4); 3) 600 feet east and 860 feet south from the northwest corner of Section 21 (NW 1/4 NW 1/4); all in T93N-R58W. Diversion points can be moved along the river between points in the SE 1/4 SE 1/4 Section 18 and the NW 1/4 NW 1/4 Section 21-T93N-R58W (as authorized under No. 3847-3).

(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:

		Acres	Priority date			Acres	Priority date
Sec 8-T93N-R58W	NE 1/4 SE 1/4	10	3-15-89	Sec 17-T93N-R58W	NW 1/4 NW 1/4	30	3-13-77
	SW 1/4 SE 1/4	13	3-15-89		NE 1/4 NW 1/4	1	1-9-75
	SE 1/4 SE 1/4	28	3-15-89		SW 1/4 NW 1/4	39	3-13-77
					SE 1/4 NW 1/4	2	1-9-75
	NW 1/4 SW 1/4	33	3-31-77				
	NE 1/4 SW 1/4	33	3-31-77		NW 1/4 NE 1/4	33	1-9-75
	SW 1/4 SW 1/4	33	3-31-77		NE 1/4 NE 1/4	33	1-9-75
	SE 1/4 SW 1/4	33	3-31-77		SW 1/4 NE 1/4	33	1-9-75
Sec 16-T93N-R58W	SW 1/4 SW 1/4	9	6-4-71		SE 1/4 NE 1/4	33	1-9-75
	SE 1/4 SW 1/4	6	6-4-71				
					NW 1/4 SW 1/4	20	3-31-77
Sec 18-T93N-R58W	NE 1/4 NE 1/4	29	3-31-77		NE 1/4 SW 1/4	37	6-4-71
	SE 1/4 NE 1/4	35	3-31-77		SW 1/4 SW 1/4	11	3-31-77
	NE 1/4 SE 1/4	32	3-31-77		SE 1/4 SW 1/4	37	6-4-71
	SE 1/4 SE 1/4	29	3-31-77				
Sec 21-T93N-R58W					NW 1/4 SE 1/4	38	6-4-71
					NE 1/4 SE 1/4	26	6-4-71
	NW 1/4 NW 1/4	16	6-4-71		SW 1/4 SE 1/4	38	6-4-71
					SE 1/4 SE 1/4	26	6-4-71
		total	776 acres				

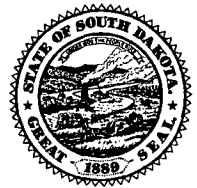
(4) Pursuant to South Dakota Water Law 46-5-30.1 Bon Homme Hutterian Brethern, RR 1, Box 59, Tabor SD 57063 the holder and/or owner of Incorporated Water Permit No. 5304-3 is issued a license to appropriate water, the right to use 11.08 cubic feet of water per second from the Missouri River with priority dates of June 4, 1971, January 9, 1975, March 31, 1977 and March 15, 1989 from the locations specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5304-3 and subject to South Dakota State Law.



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

JUL 2 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

5304-3

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

Dear Mr. Stahl:

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

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

Very truly yours,

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

ks
enclosures

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

RECEIPT

414823

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, February 29, 19 96

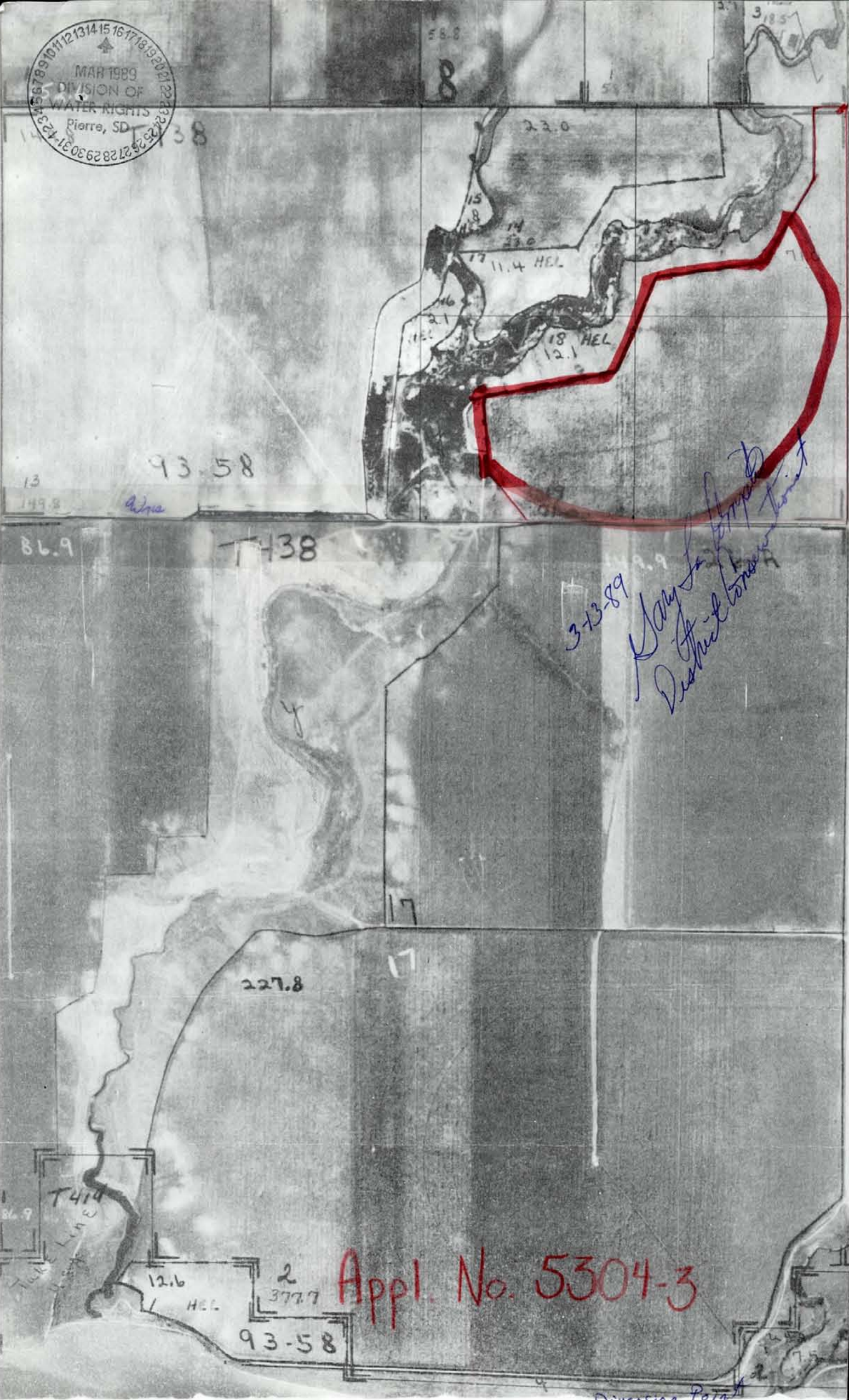
RECEIVED OF BonHomme Hutterian Brethern, Inc., RR 1, Box 59, Tabor, SD 57063

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5304-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer



Appl. No. 5304-3

Diversion Point
* Pump Station