

Considered: _____

WATER PERMIT NO. 5305-3

42

HAP No. same 463-2422

Name of Applicant Bon Homme Hutterian Brethern, Inc.

Post Office Address RR1 Box 59 Tabor, SD 57063

Amount of Water Claimed 4.6 cfs Total Acres 90

Source of Water Supply surface water

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.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received March 15, 1989 Fee \$225⁰⁰ Remarks _____

Corrected Application Received March 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 NE 1/4 Sect 21 - T93N - R58W

Land to be Irrigated E 1/2 Section 16 - T93N - R58W

	6	5	4	3	2
	7	8	9	10	11
	18	17	16	15	14
	19	20	21	22	23

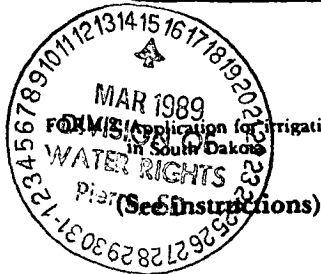
~ Average to be irrigated
pump site

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 Brian A. Brown



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

No. 5305-3 Hydrologic Unit 10170101
Basin Missouri River
Newspaper Tyndall Tribune & Register Box 520

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

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

- Name of Applicant Bon Homme Hutterian Brethern, Inc. Phone No. 463-2422
Post Office Address RR 1 Box 59 Tabor State South Dakota Zip Code 57063
(Street, RR or Box) (City)
- Amount of water claimed (c.f.s.) 4.6 Total acres irrigated 718.6 90
- Source of Water supply Lewis and Clark Reservoir Missouri River
- Location of point of diversion Missouri River - Max Pool - Hwy - Approx - 1208-
NE $\frac{1}{4}$ Section 21-T93N-R58W
County Bon Homme
- Counties where water will be used Bon Homme
- Annual period during which water is to be used May 1 through October 30
- 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.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 16-T93N-R58W	4
SE $\frac{1}{4}$ NE $\frac{1}{4}$ "	8
NW $\frac{1}{4}$ SE $\frac{1}{4}$ "	31
NE $\frac{1}{4}$ SE $\frac{1}{4}$ "	18

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 16-T93N-R58W	21
SE $\frac{1}{4}$ SE $\frac{1}{4}$ "	8

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____ (Specify)
- Crops to be Irrigated: Corn, Small Grain, Soybeans, Alfalfa
- 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 J. 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 J. Stahl

Subscribed and sworn to before me this 13th day of March 1989

[Signature]

Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5305-3 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 changes, amendments or corrections March 17, 1989.

Date corrected application received March 27, 1989.

The Water Management Board approved Water Permit Application No. 5305-3 on May 10, 1989 for the Bon Homme Hutterian Brethern, Inc., RR #1 Box 59, Tabor, South Dakota 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. 5305-3 appropriates 1.28 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 acreage to be irrigated in the SE1/4, S1/2 NE1/4 Section 16; 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. 5305-3 is approved for a diversion rate of 1.28 cfs.
- 2) This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: John H. Tatt
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1989
(date)

SOUTH DAKOTA
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

The correct fee for this application is \$225.

150.00 60. "

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

The correct fee for this application is \$250.

225.00

90 "

375.00

March 17, 1989

Stahl

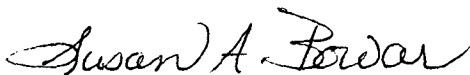
page 2

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 that reads "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 Bower

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4350

WR#

OWNERS NAME: Bon Homme Hutterian Brethren Inc. OWNERS ADDRESS: c/o Benjamin J. Stahl
RR 1, Box 59
Tabor, SD 57063

COUNTY LAND LOCATED IN: Bon Homme PHONE: 663-2422

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION SW 1/4 Sec. 21-T93N-R58W

Depth _____

Legal Description	Acres	Legal Description	Acres
SW 1/4 NE 1/4 Sec. 16-T93N-R58W	7	SW 1/4 SE 1/4 Sec. 16-T93N-R58W	36
SE 1/4 NE 1/4 " "	25	SE 1/4 SE 1/4 " "	8
SW 1/4 SE 1/4 " "	36	NE 1/4 SW 1/4 " "	3
NE 1/4 SE 1/4 " "	18	SE 1/4 SW 1/4 " "	3

OTHER: TOTAL = 136 A

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ (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 Eltree Crofton silt loams, 9-15% slope are subject to an erosion hazard. This area shall remain in permanent vegetation. We also feel that the water should be shut off when passing through this area.



[Signature]
Director, Division of Conservation

☒ APPROVED ☒ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

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

Date

3/29/89

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 27, 19 89

RECEIVED OF Don Homme, Lutterian 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. <u>5305-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	225	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	225 00

By

John Hatch/mra
Chief Engineer John Hatch/mra

Report on Application No. 5305-3
Bon Homme Hutterian Brethern, Inc.
March 31, 1989

Background

Water Permit Application No. 5305-3 proposes to divert 4.6 cubic feet of water per second (cfs) from the Missouri River. The diversion point is located in the NE1/4 Section 21, T93N-R58W, in Bon Homme County. The water will be used to irrigate 90 acres in the SE1/4 and S1/2 NE1/4 Section 16, T93N-R58W.

Discussion

Application No. 5305-3 requests a diversion rate of 4.6 cfs to irrigate 90 acres. In accordance with SDCL 46-5-6, 46-5-6.1, 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.

Conclusions 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. 5305-3.
2. The diversion rate should not exceed 1.0 cfs for irrigation of 70 acres. The diversion rate for Water Permit Application No. 5305-3 should be limited to 1.3 cfs to irrigate 90 acres.
3. Approval of Application No. 5305-3 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. 5305-3 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.



M. RASSOOL AHADI
Natural Resources Engineer

Approved by



JAMES WINTERTON, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5305-3, 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. 5305-3, Bon Homme Hutterian Brethern, Inc., RR 1, Box 59, Tabor SD.

The Chief Engineer is recommending APPROVAL of Application No. 5305-3 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. 5305-3 is approved for a diversion rate of 1.3²⁸ cfs. *JH*
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
JOHN HATCH, Chief Engineer
April 3, 1989

**South Dakota 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., 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 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 + 80%

twenty days upon written request to
the Chief Engineer from the appli-
cant or a petitioner. The request for a
delay must be received by April 28,
1989.

These applications are made pur-
suant 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.

(Apr. 12 & 19)

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
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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

 **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.



MONTH--	OCT 89	SEP 89	AUG 89	JUL 89	JUN 89	MAY 89	APR 89	MAR 89	TOTALS
HOURS--		207	435	200	132				974 ***
KW----	.0	83.0	78.0	79.0	87.0	.0	.0	.0	
KW CHG--	.00	402.55	378.30	383.15	.00	.00	.00	.00	1164.00
KWH----		17250	34000	15800	11500				78550
KWH CHG	.00	752.00	1283.00	703.10	920.00	.00	.00	.00	3658.10
CREDITS	.00	.00	.00	.00	.00	.00	.00	.00	
PENALTY	.00	.00	.00	27.60	.00	.00	.00	.00	27.60
SALES--	.00	1154.55	1661.30	1086.25	920.00	.00	.00	.00	4822.10

1989 IRRIGATION SEASON SUMMARY

684000-03 BON HOMME COLONY

93-58-17-7

TOTAL HP

40

-70 acres 450 gpm

MONTH--	OCT 89	SEP 89	AUG 89	JUL 89	JUN 89	MAY 89	APR 89	MAR 89	TOTALS
HOURS--		92	180	133	80				485 ***
KW----	.0	7.0	5.0	3.0	5.0	.0	.0	.0	
KW CHG--	.00	33.95	24.25	14.55	.00	.00	.00	.00	72.75
KWH----		650	900	400	400				2350
KWH CHG	.00	402.69	41.30	20.30	32.00	.00	.00	.00	496.29
CREDITS	.00	.00	.00	.00	.00	.00	.00	.00	
PENALTY	.00	.00	.00	.96	.00	.00	.00	.00	.96
SALES--	.00	436.64	65.55	34.85	32.00	.00	.00	.00	569.04

1989 IRRIGATION SEASON SUMMARY

684000-04 BON HOMME COLONY

93-58-17-5N

TOTAL HP

200

=344 2200 gpm

MONTH--	OCT 89	SEP 89	AUG 89	JUL 89	JUN 89	MAY 89	APR 89	MAR 89	TOTALS
HOURS--	141	93	276	294	14				818 ***
KW----	68.0	240.0	156.0	72.0	760.0	.0	.0	.0	
KW CHG--	.00	1764.00	1146.60	529.20	.00	.00	.00	.00	3439.80
KWH----	9600	22400	43200	21200	11200	800			108400
KWH CHG	768.00	1243.20	2142.00	1041.60	896.00	60.00	.00	.00	6150.80
CREDITS	.00	.00	.00	.00	.00	.00	.00	.00	
PENALTY	.00	.00	.00	26.88	.00	.00	.00	.00	26.88
SALES--	768.00	3007.20	3288.60	1570.80	896.00	60.00	.00	.00	9590.60

1989 IRRIGATION SEASON SUMMARY

684000-05 BON HOMME COLONY

93-58-17-2

TOTAL HP

50

86 = 550 gpm

MONTH--	OCT 89	SEP 89	AUG 89	JUL 89	JUN 89	MAY 89	APR 89	MAR 89	TOTALS
HOURS--		50	195	124					369 ***
KW----	.0	6.0	4.0	5.0	.0	.0	.0	.0	
KW CHG--	.00	44.10	29.40	36.75	.00	.00	.00	.00	110.25
KWH----	230	300	780	620	400				2330
KWH CHG	18.40	493.61	41.16	34.72	32.00	.00	.00	.00	619.89
CREDITS	.00	.00	.00	.00	.00	.00	.00	.00	
PENALTY	.00	.00	.00	.96	.00	.00	.00	.00	.96
SALES--	18.40	537.71	70.56	71.47	32.00	.00	.00	.00	730.14



5305-3

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

BON HOMME HUTTERIAN BRETHERN
RR 1 BOX 59
TABOR SD 57063

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

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: BON HOMME HUTTERIAN BRETHERN RR 1 BOX 59 TABOR SD 57063	4. Article Number P 694 057 449 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X <i>Benjamin J. Stahl</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	
7. Date of Delivery	

PS Form 3811, Apr. 1989

★ U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT



GREAT FACES. GREAT PLACES.

February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

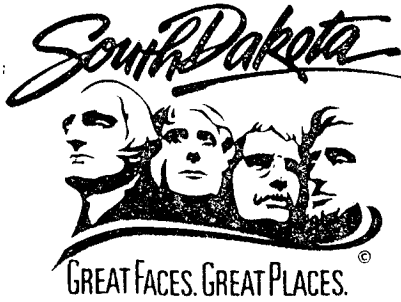
Dear Mr. Stahl:

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



**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



**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

RECEIPT

414824

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 22, 19 96

RECEIVED OF BonHomme Hutterian Brethern, Inc., RR 1, Box 99, 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>5305-3</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 (CF)
Chief Engineer

Permit No. 5305-3
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. 5305-3, bearing the priority of March 15, 1989 authorizing the diversion of 1.28 cu. ft. of water per second and storage of 12 acre-feet all from surface water for irrigation purposes, in Bon Homme County.

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

- A. Works used to divert the water:
An 80 HP John Deere Diesel motor with a 2000 GPM Cornell Pump.
- B. Works used to transport water to place of use:
200 feet of 6" PVC, 2100 feet of 8" PVC, 1180 feet of 10" PVC.
- C. Works used to apply water to beneficial use:
A 1000 GPM, 10 tower Zimmatic Center Pivot (high pressure).

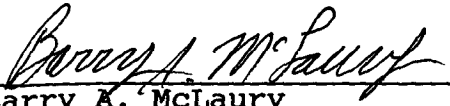
The system is in the following condition: Excellent. The point of diversion is located 1390 feet S and 400 feet E from the N quarter corner of Section 21; T93N-R58W (SW1/4 NE1/4). The works are capable of diverting and conveying to the place of use 2.22 cu. ft. of water per second and 12 acre-feet of storage which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>T93N-R58W</u>	<u>SECTION 16</u>	<u>SW1/4 NE1/4</u>	<u>03 acres</u>
		<u>SE1/4 NE1/4</u>	<u>01 acres</u>
		<u>NW1/4 SE1/4</u>	<u>37 acres</u>
		<u>NE1/4 SE1/4</u>	<u>07 acres</u>
		<u>SW1/4 SE1/4</u>	<u>22 acres</u>

comprising a total of 70 acres of land and the license should be issued for 1.00 cfs and 12 acre-feet of storage.

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

REPORT ON INSPECTION OF PERMIT NO. 5305-3

DATE OF INSPECTION: June 7, 1994

Other permit(s) associated with the project: 5304-3

Name of inspection contact: Ben Stahl, Jr.

Contact relationship to permit holder: Farm Manager

Name/address of permit holder: Bon Homme Hutterian Brethern, RR1, Box 59, Tabor, SD 57063

DIVERSION POINT LEGAL LOCATION: 1390 feet S and 400 feet E from the N quarter corner of Section 21; T93N-R58W (SW1/4 NE1/4).

PUMP INFORMATION:

Pump:

- 1) Make Aurora
- 2) Model 6YB64B43
- 3) Capacity 2000 GPM

Motor:

- 1) Make John Deere Diesel
- 2) Model No. 4239DL 07
- 3) Horsepower rating 80 hp

AT THE HOG LAGOON:

Pump:

- 1) Make Cornell
- 2) Model 6RB
- 3) Capacity 1500-2000 GPM

Motor:

- 1) Make Cummins 6 Cylinder Diesel
- 2) Model No. 6CTA83-P
- 3) Horsepower rating 250 hp

AT THE REGULATING DAM:

Pump:

- 1) Make Aurora
- 2) Model MA-2754-88
- 3) Capacity 1000 GPM

Motor:

- 1) Make Cummins 6 cylinder diesel
- 2) Model No. 44235748
- 3) Horsepower rating 150 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size 06 inches 3) Length 200 feet
- 1) Type PVC 2) Size 08 inches 3) Length 2100 feet
- 1) Type PVC 2) Size 10 inches 3) Length 1180 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1390 feet
- 3) Number of towers 10
- 4) End gun Y
- 5) High or low pressure High
- 6) Capacity 1000 GPM

REGULATING DAM INFORMATION:

- 1) Height to crest 40 feet
- 2) Height to primary spillway 30 feet
- 3) Height to secondary spillway 33 ft
- 4) Crest width 15 feet
- 5) Crest length 300 feet
- 6) Spillway length 200 feet
- 7) Spillway width 20 feet
- 8) Approx. storage 12 ac-ft
- 9) Approx. storage to crest 16 ac-ft
- 10) Date constructed: 1962
- 11) Outlet tubes:
 - a) diameter 12 inches
 - b) type CMP
 - c) valved N
 - d) valve type Drop Inlet
- 12) Category of Dam III?
- 13) Inspection Sheet Completed N

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5305-3

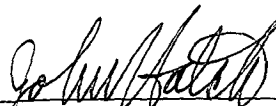
(1) Bon Homme Hutterian Brethren, RR 1, Box 59, Tabor SD 57063 made Application No. 5305-3, March 15, 1989 for a water permit to divert 1.28 cubic feet of water per second from the Missouri River, Bon Homme County, South Dakota for irrigation purposes. Permit No. 5305-3, with a priority date of March 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, 1988.

(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 1.00 cubic feet of water per second for beneficial use. The location of the diversion point is Missouri River - 1,390 feet south and 400 feet east from the north quarter corner of Section 21-T93N-R58W (SW 1/4 NE 1/4) and 12 acre-feet regulating pond - SE 1/4 SE 1/4 Section 16-T93N-R53W.

(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:

Section 16-T93N-R58W	SW 1/4 NE 1/4	3 acres
	SE 1/4 NE 1/4	1 acre
	NW 1/4 SE 1/4	37 acres
	NE 1/4 SE 1/4	7 acres
	SW 1/4 SE 1/4	22 acres
	Total	70 acres

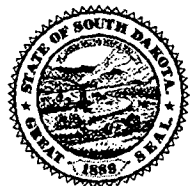
(4) Pursuant to South Dakota Water Law 46-5-30.1 Bon Homme Hutterian Brethren, RR 1, Box 59, Tabor SD 57063 the holder and/or owner of Water Permit No. 5305-3 is issued a license to appropriate water, the right to use 1.00 cubic feet of water per second from the Missouri River and a 12 acre-feet regulating pond with a priority date of March 15, 1989 from the location 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 Water Permit No. 5305-3 and subject to South Dakota State Law.



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

APR 4 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 4 1996

5305-3

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

Dear Mr. Stahl:

Enclosed is Water License No. 5305-3 and Receipt No. 414824 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5305-3 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,

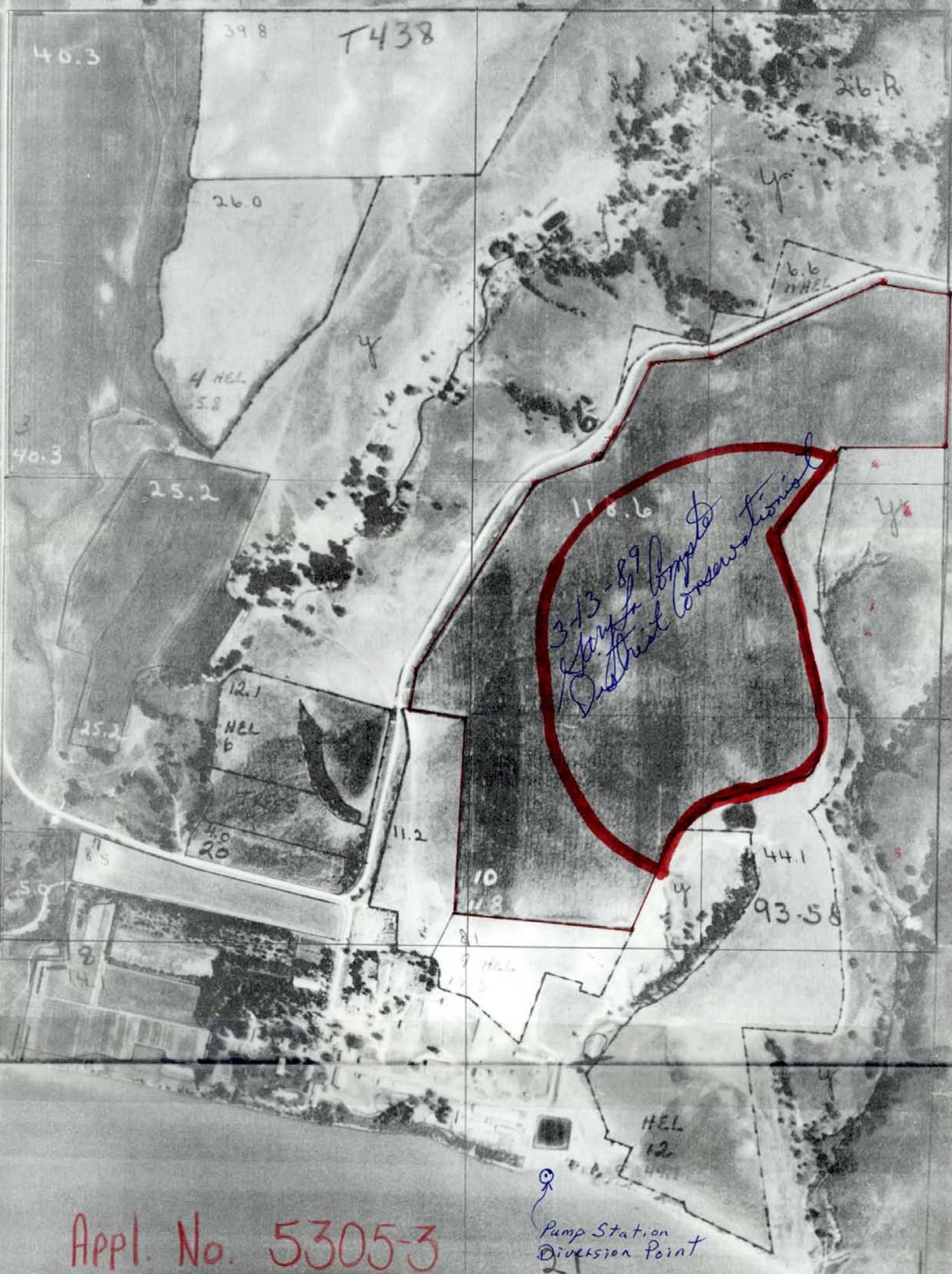
JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

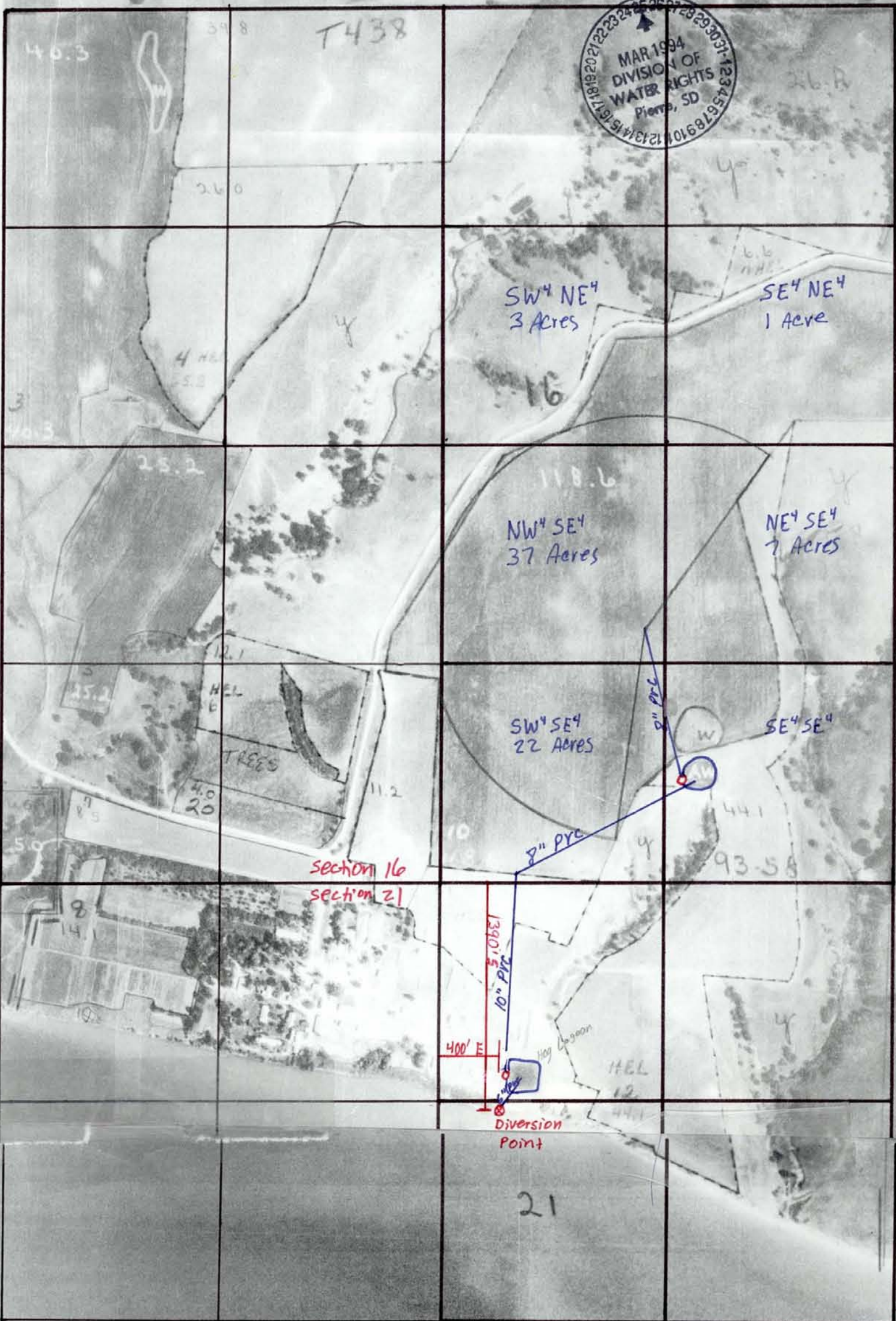
NOTE: The inspection of your water use system found the pump capacity at the river to be 2000 gallons per minute (4.44 cfs) and the pump capacity of the center pivot to be 1000 gallons per minute (2.22 cfs). Under South Dakota Water Law, you can divert a maximum of 1.00 cfs for every 70 acres irrigated. Based upon the 70 acres irrigated, the water license was issued for a maximum allowable diversion rate of 1.00 cfs (= 450 gallons per minute).



NOT TO SCALE



Appl. No. 5305-3



Barry McLaury *Barry A. McLaury*
Environmental Scientist
Division of Water Rights
Date *August 4, 1995*



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 6, 2024

5305-3

Bon Homme Httrn Breth
c/o Jonathan Waldner
31232 Colony Rd
Tabor SD 57063

Dear Mr. Waldner:

I am writing in regard to Water Right No. 5305-3. The water right authorizes diversion of 1.0 cubic feet of water per second from the Missouri River and a 12 ac-ft holding pond, for the irrigation of 70 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T93N, R58W.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the number of irrigated acres and amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

The following information is what was reported and what is authorized:

- Reported water use – 1200 GPM – 2.67 cfs
- Reported acres irrigated – 130.0
- Authorized water use – 450 GPM – 1.0 cfs
- Authorized acres irrigated – 70.0

Often, irrigators estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the forms in a timely manner each year, we need the forms to reflect accurate information to ensure everyone is limiting their use to the amount of water appropriated to them.

The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water and irrigate as many acres as claimed on your questionnaire, you are exceeding the limits of your water right. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: A new permit will be required to increase the number of irrigated acres and the rate of diversion.

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 14, 2024

5305-3

Bon Homme Httrn Breth
c/o Jonathan Waldner
31232 Colony Rd
Tabor SD 57063

Dear Mr. Waldner:

Thank you for taking the time to discuss the development of additional acres on the system authorized under Water Right No. 5305-3, and the need for an Irrigation Permit Application. As discussed on the phone, I have completed the majority of the application with the information you had provided.

Indicated with a highlighter, are the portions of the application that require your attention, with notes for the information that is needed. I hope this is helpful.

I have also enclosed an arial map of Section 16, T93N, R58W. On this image, you should outline the entire area that is currently being irrigated by this system and mark with an "X" the location you are pumping from the Missouri River. *(2 copies in case of mistakes)*

The filing fee for irrigating the additional 60 acres (total of 130 acres) would be \$500.00 plus the \$200.00 inspection/licensing fee, totaling \$700.00. Checks should be made payable to the SD Water Rights Program. Payment may also be made over the phone by calling our Fiscal Office at (605) 773-5559.

If you have any questions, please give me a call.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures