

Considered: _____

WATER PERMIT NO. 5627-3

Phone: 605 873-2703

Name of Applicant: Poinsett Colony

Post Office Address: RR 1, Box 146, Estelline SD 57234

Amount of Water Claimed: 1.85 cfs Total Acres: 160

Source of Water Supply: groundwater

Water to be used for: irrigation County: Hamlin

About 5 miles N, 1 W of Estelline

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 1-29-92 Fee: \$250 Remarks _____

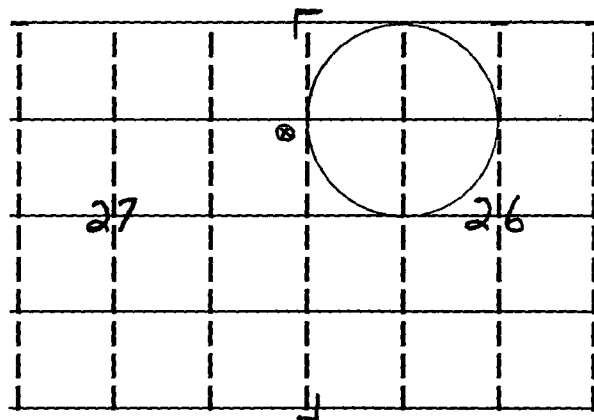
Corrected Application Received 2-25-92 Period of Annual Use April 1-Oct 31

WATER QUALITY APPROVAL RECEIVED 3/1/92 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SE 1/4 NE 1/4 Sec 27-T114N-R51W

Land to be Irrigated: NW 1/4 Sec 26-T114N-R51W



Well Log: Driller: Pullman Drilling Licensed YES X NO _____

Depth of Well: 80' REMARKS _____

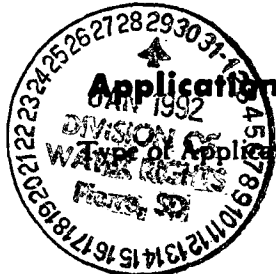
Type of Map: aerial PREPARED BY: Alan Bender, SDSU Reviewed and the Number

Assigned on 2-27-92 By Karen Schlaak

(See instructions)

No. 5627-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Estelline Journal, Box 159, (Thurs)
873-2475 57234

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 PAINSETT COLONY Phone No. 605-873-2703
 - Post Office Address Estelline RR1-Box 146 State S Dak Zip Code 57234
(Street, R.R. or Box) (City)
 - Amount of water claimed (c.f.s) 1.85 Total acres irrigated 160
 - Source of Water supply WELL
 - Location of point of diversion Center as shown on Sec 26 Map Enclosed
Center of Sec 26 NW Quarter T114N R51
SE 1/4 NE 1/4 Sec 27-T114N-R5W County Hamlin
 - Counties where water will be used Hamlin
 - Annual period during which water is to be used 4-10 as marked April 1 - Oct 31
 - 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.
<u>NW QUARTER OF SEC</u>	<u>160</u>
<u>26</u>	
<u>TOWNSHIP 114 N R 51</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____ (Specify) _____
- Crops to be Irrigated: Soybean - Corn - Wheat
- Give a description of proposed project. (Attach sheet if more space is needed)
Will try to set up a used Center Pivot this coming Spring
if we can buy it rite, Plan on irrigating crop in 1992

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 Hamlin)^{ss}

I, Joshua Wellman, 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 Painsett Colony
By Joshua Wellman

Subscribed and sworn to before me this 27 day of January 1992

James D. Olson
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5627-3 FOR IRRIGATION

Date of first receipt of application January 29, 1992.

Date Soil/Water Compatibility Permit received March 9, 1992.

Date of return to applicant for corrections, amendments or changes January 29, 1992.

Date of receipt of corrected application February 25, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5627-3 to Poinsett Colony, RR 1, Box 146, Estelline SD 57234 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. 5627-3 appropriates 1.85 cubic feet of water per second (cfs) from one existing well (Big Sioux:Brookings Aquifer) 80 feet deep located in the SE 1/4 NE 1/4 Section 27 to irrigate 160 acres located in the NW 1/4 Section 26; all in T114N-R51W. This well is authorized by Water Permit No. 5328-3 which appropriates 1.85 cfs for irrigation of the SW 1/4 Section 26 and NE 1/4 Section 27; all in T114N-R51W.
2. The amount of the appropriation may not exceed 2 acre feet annually 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: April 1 - October 31.
3. The date from which applicant may claim right is January 29, 1992.
4. The date of approval of Permit No. 5627-3 is June 17, 1992.
5. One-fifth of the construction is to be completed on or before December 17, 1994.
6. All construction is to be completed on or before June 17, 1997.
7. Water is to be put to beneficial use on or before June 17, 2001.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

(continued)

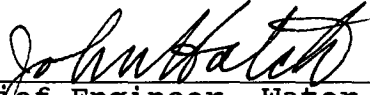
Water Permit No. 5627-3

Page 2

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 Environment and Natural Resources

AUG 6 1992

date

Supplemental information

(type or print in ink)



1. Well Information - Proposed construction

WELL NO. 2

- a) Drill Hole Diameter 25 in Depth 80 ft
- b) Casing Type plastic Diameter 16 in Thickness _____
- c) Screen Type plastic Diameter 16 in Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- ✓ e) Depth to Top of Water Bearing Material 50
- ✓ f) Depth to Water (ground surface to water level) 7
- ✓ g) Distance to nearest existing domestic well:
On applicants property > 5000' On property owned by others 1400'

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If Pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway width _____

g) X & Y Slope

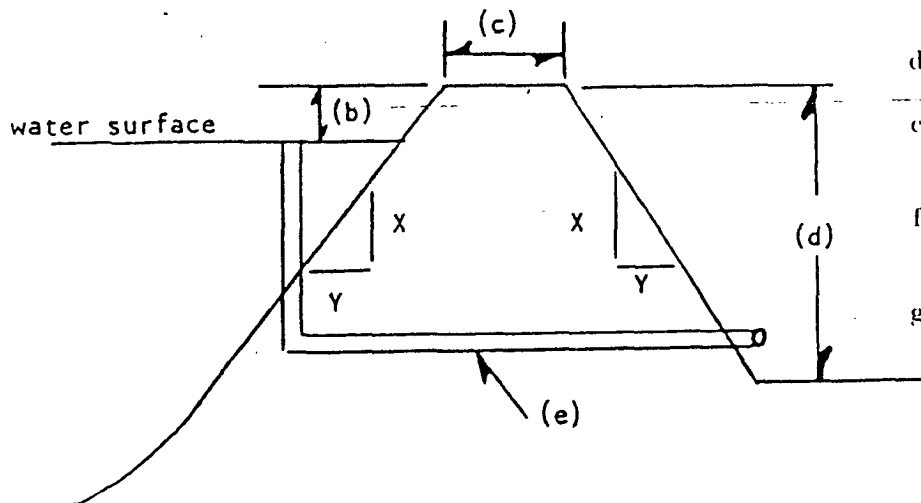
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Joshua Wollman
Signature of Applicant

DATE OF WELL: 1988/11/4

TYPE: IRRIGATION

COUNTY: HAMLIN

TWP: 114-N

RG: 51-W

SEC: 27

LOCATION: NE NE

WELL OWNER LAST NAME: ~~CLARENCE COLONY~~

FIRST NAME:

~~ADDRESS: PO BOX 132 A RR 2 Poinsett colony~~~~CITY: CASTLEWOOD~~

ST: SD

ZIP: 57223

CASING DATA (STEEL, PLASTIC, OTHER): PLASTIC

SCREEN (PERF/MANUF): MANUF

DIA(in): 16

LGTH(ft): 20

PIPE DIA FROM TO HOLE DIA

16 INCH.....0....60....25.....

Poinsett Hutterian Brethren, Inc.

Box 146

Estelline, SD 57234

Poinsett Hutterian Brethren, Inc.

Box 146

Estelline, SD 57234

MATERIAL: STAINLESS STEEL

SLOT SIZE FROM TO

.060.....60....80.....

FORMATION	FROM	TO
SANDY YELLOW CLAY.....	0.....	10
ROCKY YELLOW CLAY.....	10.....	20
SANDY YELLOW & BLUE CLAY.....	20.....	36
ROCKY.....	36.....	38
BLUE CLAY - ROCKY.....	38.....	50
ROCKS & GRAVEL.....	50.....	80
BLUE CLAY.....	80.....	81



PROPOSED USE (DOM, IRR, MUN, IND, TEST, STOCK): IRR

GROUT(YES/NO): YES

DEPTH(ft): 20

GROUTING MATERIAL: BENTONITE & CEMENT

PACKER or SEAL USED(YES/NO): YES

MATERIAL USED: PEAROCK 15 TON

WELL DISINFECTED(YES/NO): NO

EXPLAIN:

BACTERIOLOGICAL ANALYSIS(YES/NO): NO

LABORATORY SENT TO:

STATIC WATER LEVEL(ft): 7FT.

800 GPM W/ TURBINE

10-85

Date 2-10-89

#1564

NC

NOT TO SCALE

198

T609

77.7
142.1

155.6
T590

379-200-R
D15

Well

Well

Clark R. B.

151.0 T637

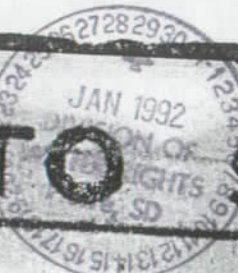
Well on Sec 27 R51 T114
will be used to Irrigate
Sec 26 NW Quarter R51 - 114
as inclosed on form.

114-51

145.7
T510

379-200-R
D15

NOT TO SCALE



57.1
T580

7.5
T588 6.1
158.4 134.9

379-200-R
D15

POINT OF PIVOT

WATER LINE

Drought Dark Spot
Has been filled in.

NC

50.0

5.5

Clark R. B.

2.6

T513
129.6

T2018
NC
446.5 132.6

Permit 5033
53.3

5.3

10.8

NC

114-51

149.8
T585

222.9
T520
379-200-R
D15
30.6

NOT TO SCALE

57.1
T580

cleaned up
↓

42.8
NC

50.0

excavated off
↓

NC

T588
158.4

379-200-R
D15

T2018
NC
146.5

2.6
T513
129.6

10.8

NC

114-51

149.8
T585

222.9
T520

379-200-R
D15
30.6

131.7

57.09
142.1

15.2
133.3
5.8
1450

379-200-R
D15

NW 1/4 NE 1/4
32.5 Acres

NE 1/4 NE 1/4
32.5 Acres

well 2

1250'

1380'

SW 1/4 NE 1/4
32.5 Acres

SE 1/4 NE 1/4
32.5 Acres

well 1

151.0 T837

148.4
T504

114-51

145.7
T510

- Poinsett Colony

-Sec 26-114-51

- Soil map - Hamlin County

R. Mueller - SCS

Feb 3, 1992



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1992

Poinsett Colony
Joshua Wollman
RR 1, Box 146
Estelline SD 57234

Dear Mr. Wollman:

In regard to your water permit application received on January 29, 1992, the following information needs to be submitted and clarified in order to process your application.

1. On Item No. 4 of the application states the location of the point of diversion (place where the well is located) as the center of Section 26. From the map submitted with the application, it would appear that the well is located in the NE 1/4 NE 1/4 Section 27-T114N-R51W. Do you agree with this location?
2. The map is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
3. A soils map is required of the land to be irrigated in order to proceed with the Soil/Water Compatibility permit.
4. The filing fee for this application will be \$250.00.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



COOPERATIVE EXTENSION SERVICE

South Dakota State University
Box 2120
Brookings, SD 57007-1496



College of Agriculture and
Biological Sciences

Agricultural Engineering Department
Ag. Engineering & Mechanized Ag.
Phone (605) 688-5141

Date: February 3, 1992

To: Karen Schlaak
Natural Resources Analyst

From: Alan R. Bender, Specialist
South Dakota Cooperative Extension Service

Re: Irrigation permit for NW 1/4 of S 26 T114N-51W

Dear Ms. Schlaak,

I visited with Mr. Wollman about his application for the pivot on WE 1/4 of Section 26. I signed it because the information on the map is correct. The well on Section 27 is already producing and supplying water to the SW 1/4 on the Section 26. The new application is to divert water from the same well to a new installation on the NW 1/4 as is shown on the map. The soils map will be enclosed with the application and should not differ materially from the other permits.

If you have questions that I can help you obtain answers, please feel free to call me.

Sincerely,

A handwritten signature of Alan R. Bender in dark ink, written over the printed name.

Alan R. Bender

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413058

Pierre, February 6, 1992

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

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

Fee for Application for Permit No. <u>5627-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	250 00

By J. H. Hatch CE
Chief Engineer

Conversation or File Documentation

NAME OF PERSON OR FILE: Poinsett ColonyADDRESS: Estelline COUNTY _____DATE: 2-7-93 TELEPHONE _____RE: pending application

COMMENTS:

Concerning the location of the pt of diversion:
Feb 3, 1992 letter from Alan Bender stated
the well in Section 27 ^{that is} and supplying water
to the SW 1/4 Sec 26 is the well that is
going to be used for this application.

Norma inspected the permit for SW 1/4 Sec 26
and said the well in the SE 1/4 NE 1/4 Sec 27
is the well used to irrigate the SW 1/4 Sec 26.

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: Karen Schlack



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1992

Poinsett Colony
Joshua Wollman
RR 1, Box 146
Estelline SD 57234

Dear Mr. Wollman:

Enclosed are two Form 2A which need to be completed and signed in order to process the water permit application for irrigation of the NW 1/4 Section 26-T114N-R51W.

The application and soils map has been forwarded to the Department of Agriculture so the soil/water permit can be obtained. Please submit the Form 2A as soon as possible.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Poinsett Colony - Josh Wollman

ADDRESS: _____ COUNTY: Hamlin

DATE: 2/25/92 TELEPHONE: 873-2703

RE: Discussion with Mr. Wollman

COMMENTS:

Mr. Wollman called requesting the status of their permit application for irrigation of the NW1/4 Section 26, T114N, R51W. I stated that we had requested the Form 2A's to be completed for the well and be submitted to this office. I also stated that we had not received a verbal 'okay' on the S/W Compatibility Permit. Mr. Wollman explained that the well to be utilized for this irrigation is the same one authorized by Water Permit No. 5328-3 as an additional well to Water Permit 5038-3. I stated I would have to check that file and also contact Dept. of Agriculture on the status of the S/W Permit.

I contacted Pete Jahraus of Ag and he stated that their application was in the pending file awaiting a water analysis. I explained that this is a previously permitted well that had a water analysis done in 1984 (water analysis for the original well for No. 5038-3). Pete said he'd have to check with Jim Stukel but that his initial reaction is that it would be okay.

I checked the file for WP No. 5328-3 and a well completion report and a form 2A for the permit were in this file. I made copies of the this information and attached it to the new application.

I called Mr. Wollman and told him that we had copies of the well completion report and Form 2A so he would not need to submit these. I also informed him of my conversation with Pete and told him if they feel that a new water sample is necessary they will contact him

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: Eric Gronlund

5627-3

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4679

WR#

OWNERS NAME: POINSETT COLONY OWNERS ADDRESS: RR 1 BOX 146
ESTELLINE, SD 57234-9456

COUNTY LAND LOCATED IN: HAMLIN PHONE: 873-2703

LEGAL DESCRIPTION:

☒ Well☐ Surface1. LOCATION: SE $\frac{1}{4}$ NE $\frac{1}{4}$ 27-T114N-R51W

Depth: _____

Legal Description	Acres	Legal Description	Acres
<u>NW$\frac{1}{4}$ 26-T114N-R51W</u>	<u>160</u>		

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

3. CROPS TO BE IRRIGATED: SOYBEANS, CORN, WHEAT

WATER QUALITY:

4. WATER SAMPLE NUMBER: 84-06257. ADJUSTED (SAR): 0.435. SALINITY (EC X 10⁶): 5608. PERCENT SODIUM: 5.576. SODIUM (SAR): 0.19

Requirements:

The two areas mapped as drainageways shall remain in permanent vegetation.



Russell I. Lane
Director, Division of Conservation

MARCH 5, 1992
Date

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

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

REPORT ON APPLICATION NO. 5627-3
for Poinsett Colony
April 8, 1992

Application No. 5627-3 proposes to appropriate 1.85 cfs from one existing well approximately 80 feet deep located in the SE 1/4 NE 1/4 of section 27 to irrigate 160 acres located in the NW 1/4 of section 26; all in T114N R51W. The well is authorized by Water Permit No. 5328-3 which appropriates 1.85 cfs for irrigation of the SW 1/4 of section 26 and the NE 1/4 of section 27; all in T114N R51W all in Hamlin County.

AQUIFER - BIG SIOUX BROOKINGS (BS-B)

The Big Sioux Brookings is a glacial outwash (sand and gravel) under predominantly unconfined conditions (water table). According to the well log submitted with the application the aquifer was from 50 to 80 feet below land surface with a static water level of 7 feet below land surface. This would indicate that the well is under artesian conditions. The well completion report indicates the well was capable of producing 800 gpm. The Big Sioux Brookings underlies 88,500 acres and contains an estimated 331,880 acre feet of recoverable water in Hamlin County (Hedges, 1982).

The Division of Water Rights monitors 22 observation wells completed into the Big Sioux Brookings aquifer in Hamlin County. Water level records for these show good response to climatic conditions, that is, rising quickly during wet years (recharge) and gradually declining during dry years. The influences of pumping by area irrigation wells are not apparent from looking at the record. Two observation wells HN-77F and HN-77E are located within 2 miles of this application. Water levels for these wells indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992). Hydrographs for these two wells are included with this report.

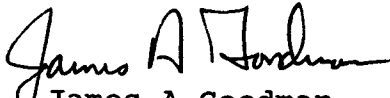
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are four existing irrigation wells in this section including the well for this application. Existing permits/rights in this section are No. 4130-3 (one well approximately 3/4 mile west), No. 5402-3 (one well approximately 1/2 mile south) and No. 5038-3 (one well approximately 1/4 mile west) and No. 5038-3 which is the same well this application proposes to utilize. These wells have been in use with no apparent problem. The aquifer in this area is under confined conditions (artesian) and drawdown due to pumping can be expected. Although drawdown will occur and probably extend to other wells this is not expected to be adverse and interference should not be a problem.

CONCLUSIONS

1. Water is available from the Big Sioux Brookings aquifer.

2. The Big Sioux Brookings aquifer is under artesian conditions at this site. Drawdown will occur as a result of pumping, but this is not expected to adversely affect water availability from the aquifer.
3. This well is constructed in accordance with SD Well Construction Standards.

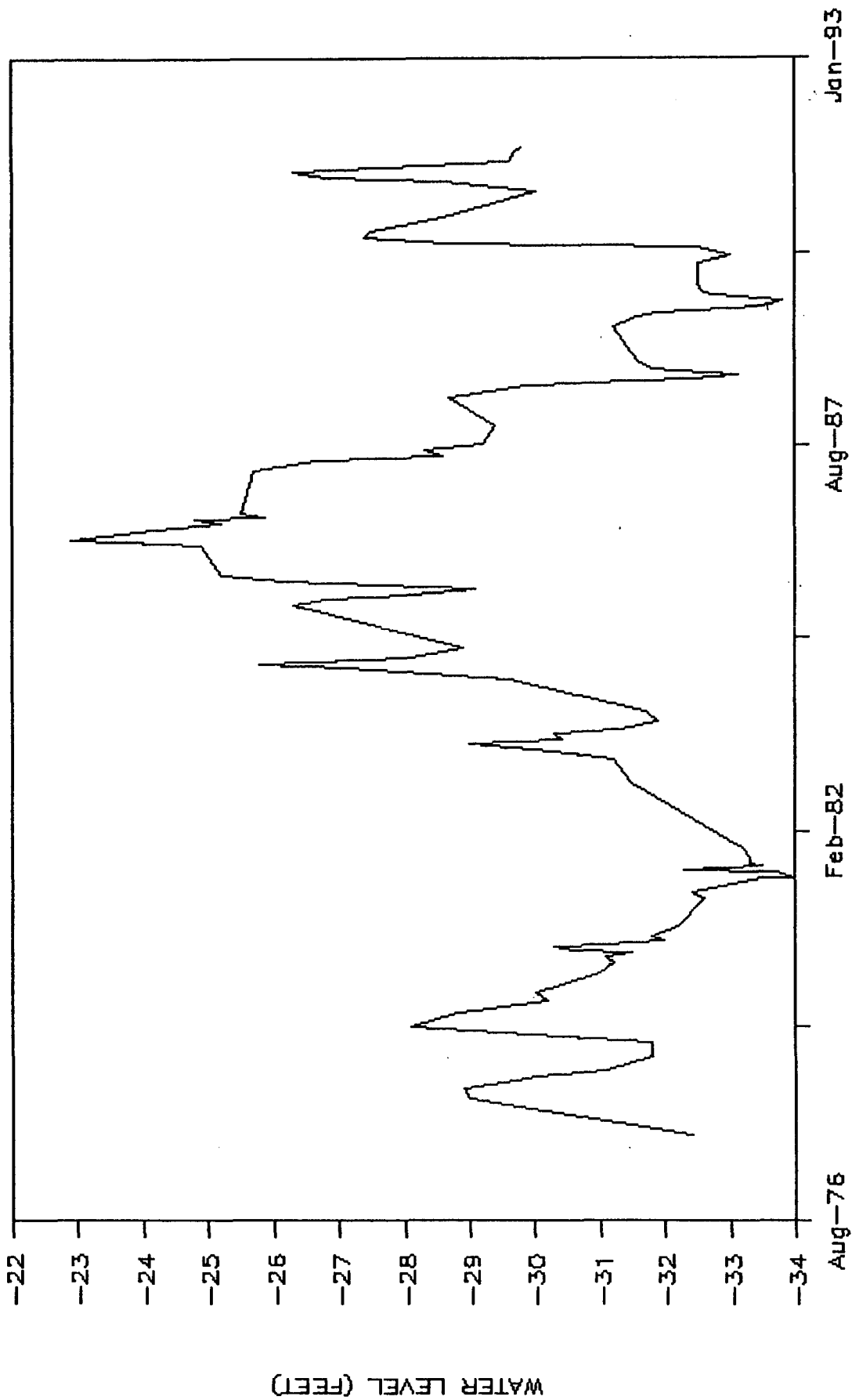

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1992, Observation Well Records for Big Sioux Brookings Aquifer in Hamlin County, unpublished, SD DENR, Division of Water Rights, Pierre, SD, 57501.

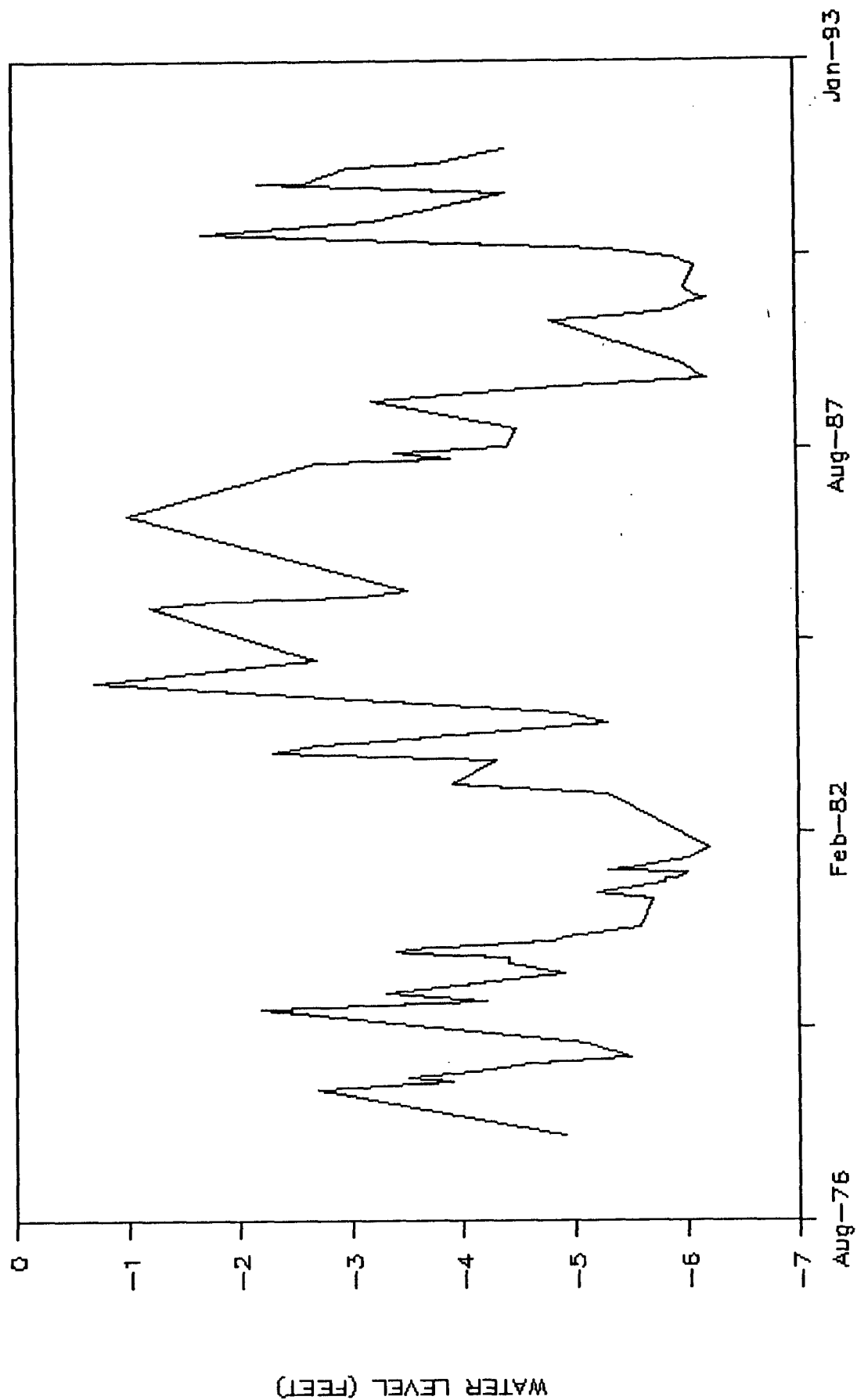
WATER RIGHTS OBSERVATION WELL

HN-77F



WATER RIGHTS OBSERVATION WELL

HN-77E



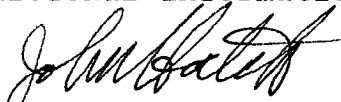
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5627-3, Poinsett Colony

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5627-3, c/o Joshua Wollman, RR 1 Box 146, Estelline, SD 57234.

The Chief Engineer is recommending APPROVAL of Application No. 5627-3 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) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
April 14, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

April 28, 1992

Joshua Wollman
Poinsett Colony
RR 1 Box 146
Estelline, SD 57234

Dear Mr. Wollman:

Water Permit Application No. 5627-3 for irrigation use has 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 Estelline Journal printed at Estelline, SD (Ph # 873-2475). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 28, 1992

Estelline Journal
Box 159
Estelline, SD 57234

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5627-3 to be published twice. Please publish the first notice on May 7, 1992, 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 Poinsett Colony, RR 1 Box 146, Estelline, SD 57234 (Ph # 873-2703).

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 May 7, 1992 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5627-3 to Appropriate Water

Notice is given that Poinsett Colony, RR 1 Box 146, Estelline, SD 57234 has filed an application for a water permit to appropriate 1.85 cubic feet of water per second (cfs) from one existing well (Big Sioux:Brookings Aquifer) 80 foot deep located in the SE 1/4 NE 1/4 Section 27 to irrigate 160 acres located in the NW 1/4 Section 26; all in T114N-R51W. This well is authorized by Water Permit No. 5328-3, which appropriates 1.85 cfs for irrigation of the SW 1/4 Section 26 and NE 1/4 Section 27; all in T114N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5627-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 26, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5627-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 3, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 3, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 3, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 26, 1992.

If a hearing is held, 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 this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Hamlin)

ss.

CONNIE JEAN JENSEN

My Commission Expires

Sept. 29, 1994

I, Connie Jensen

certify that the attached printed Notice was taken

from the Estelline JournalA newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the cityof EstellineCounty of Hamlin and State of South Dakota;
that the said notice was published in said newspaper on the following two dates:May 7May 14[Signature]

(Signature)

[Signature]

(Title)

5-15-92

(Date Signed)

Cost of Printing: 119 33.68 15126.94 222 8\$ 60.62

74-2x-May 7, 14

NOTICE OF HEARING on Application No. 5627-3

Notice is hereby given that Poinsett Colony, RR 1 Box 146, Estelline, SD 57234 has filed an application for a water permit to appropriate 1.85 cubic feet of water per second (cfs) from one existing well (Big Sioux-Brookings Aquifer) 80 foot deep in the SE 1/4 NE 1/4 Section 27 to irrigate 160 acres located in the NW 1/4 Section 26; all in T113N-R51W. This well is authorized by Water Permit No. 5328-3, which appropriates 1.85 cfs for irrigation of the SW 1/4 Section 26 and NE 1/4 Section 27; all in T114N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5627-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 26, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5627-3 and 2) the chief engineer's recommendation, a meeting of the Division of Water Rights office to hear this application is scheduled for June 3, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 3, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 3, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 26, 1992.

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This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 14, 1992

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

Joshua Wollman
Poinsett Colony
RR 1, Box 146
Estelline SD 57234

Dear Mr. Wollman:

I am writing to advise you that the legal notice of hearing published in the Estelline Journal for Water Permit Application No. 5627-3 was not correct. Enclosed is a copy of the Proof of Publication form that was submitted by the newspaper. We did not receive the a copy of the first publication in time to make corrections on the second publication. As a result, the legal notice will need to be readvertised. The readvertisement is needed to ensure that the Water Permit is free from legal problems due to inaccurate and incomplete public notice. The information needed to readvertise the notice is being sent to the Publisher of the Estelline Journal printed at Estelline SD.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cc: Estelline Journal



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 14, 1992

Estelline Journal
Box 159
Estelline, SD 57234

ATTENTION: Legal Department.

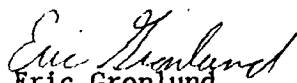
Enclosed is a Notice of Hearing on Application No. 5627-3 to be published twice. Please publish the first notice on May 21, 1992, with the second publication 7 days later.

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 Poinsett Colony, RR 1 Box 146, Estelline, SD 57234 (Ph # 873-2703).

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 May 21, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5627-3 to Appropriate Water

Notice is given that Poinsett Colony, RR 1 Box 146, Estelline, SD 57234 has filed an application for a water permit to appropriate 1.85 cubic feet of water per second (cfs) from one existing well (Big Sioux:Brookings Aquifer) 80 foot deep located in the SE 1/4 NE 1/4 Section 27 to irrigate 160 acres located in the NW 1/4 Section 26; all in T114N-R51W. This well is authorized by Water Permit No. 5328-3, which appropriates 1.85 cfs for irrigation of the SW 1/4 Section 26 and NE 1/4 Section 27; all in T114N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5627-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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For purposes of publishing 1) the notice of hearing on Application No. 5627-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 17, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 17, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 17, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 8, 1992.

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This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Hamlin) ss.

I, Connie Jensen
 certify that the attached printed Notice was taken
 from the Estelle's Journal

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and 74-2x-May 7, 14
 published in the Estelle's Journal

County of Hamlin and State of
 that the said notice was published in said new
 following two dates:

5-21-92

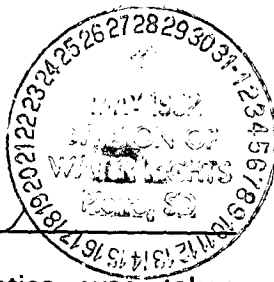
5-28-92

[Signature]
 (Signature)

[Signature]
 (Title)

5-28-92
 (Date Signed)

Cost of Printing: 60.62.



NOTICE OF HEARING on Application No. 5627-3

Notice is hereby given that Poinsett Colony, RR 1 Box 146, Estelline, SD 57234 has filed an application for a water permit to appropriate 1.85 cubic feet of water per second (cfs) from one existing well (Big Sioux: Brookings Aquifer) 80 foot deep in the SE 1/4 NE 1/4 Section 27 to irrigate 160 acres located in the NW 1/4 Section 26; all in T114N-R51W. This well is authorized by Water Permit No. 5328-3, which appropriates 1.85 cfs for irrigation of the SW 1/4 Section 26 and NE 1/4 Section 27; all in T114N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5627-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5645-3 and 2) the chief engineer's recommendation, a meeting of the Division of Water Rights office to hear this application is scheduled for June 17, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 17, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 17, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 8, 1992.

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CONNIE JENSEN
 My Comm
 Sept.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1992

Joshua Wollman
Poinsett Colony
RR 1 Box 146
Estelline, SD 57234

Dear Mr. Wollman:

Enclosed is Water Permit No. 5627-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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 License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 1993

Jonathon Wollman
Claremont Colony
Rt 2, Box 132A
Castlewood SD 57223

Dear Mr. Wollman

As we discussed during our phone conversation on January 19, 1993, enclosed is a copy of Water Permit No. 5627-3 and a transfer of ownership form.

The transfer form is completed except for your signature. The form needs to be signed in the presence of a notary public and returned with a filing fee of \$2.50. The legal description of the property being transferred is the same as the irrigated acreage described on Permit No. 5627-3.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 1993

**SECOND NOTICE
PERMIT NO. 5627-3**

Jonathon Wollman
Claremont Colony
Rt 2, Box 132A
Castlewood, SD 57223

Dear Mr. Wollman:

On January 19, 1993, notice was sent to you concerning the transfer of Water Permit No. 5627-3 in the name of Poinsett Colony. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water permit can then be transferred to your name. If you are not the present owner of the land covered under this water permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

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:

5627-3

Jonathon Wollman
Claremont Colony
Rt 2, Box 132A
Castlewood, SD 57223

4a. Article Number

P 318 052 509

4b. Service Type

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

7. Date of Delivery

4-1-95

5. Signature (Addressee)

Jonathon Wollman

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 5627-3

Date: January 19, 1993



I\We request that Water Permit No. 5627-3

formerly owned by: Poinsett Colony, RR 1, Box 146, Estelline SD 57234 be transferred to:

(name & address) Claremont Colony, Rt 2, Box 132A, Castlewood SD 57223 (Telephone No) 793-2115

Title to the following described land(s)/property has been transferred as described above:

NW1/4 section 26-T114N-R51W

I\We understand that the validity of Water Permit No. 5627-3 has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water permit is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

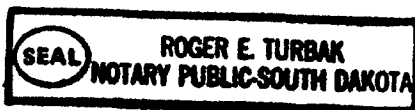
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Hamlin)

I\We Jonathan Wollman being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Jonathan Wollman
(Signed)

Subscribed and sworn to before me this 6th day of April, 1993.



Roger E. Turbak
(Notary Public)

My Commission Expires Nov. 16, 2000.

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

413727

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 12, 19 95

RECEIVED OF Claremont Colony, Rt 2 Box 132A, Castlewood, SD 57223

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. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5627-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch/Gmr
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 13, 1993

No. 5627-3

Jonathan Wollman
Claremont Colony
Rt 2, Box 132A
Castlewood, SD 57223

Dear Mr. Wollman:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 5627-3.

Our records now show you as the owner of Water Permit No. 5627-3.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 30, 1996

5627-3

Levi Tschetter
Poinsett Colony
RR 1 Box 146
Estelline, SD 57234

Dear Mr. Tschetter:

On a recent visit to your area, Mark Rath with our program, visited with you about various permits held by Poinsett Colony. It came to our attention that Water Permit No. 5627-3 should be listed in the name of Poinsett Colony rather than Claremont Colony. The permit was originally filed by Poinsett Colony. In 1993, Jonathan Wollman filed a "Notice of Transfer" changing the name on the permit to Claremont Colony.

I am enclosing a partially completed "Notice of Transfer of Ownership" form for use in changing the water permit back into the name of Poinsett Colony. Please review the form for accuracy and make any necessary corrections. Upon completion, please sign the form in the presence of a notary public and then return it to our office with a required filing fee of \$2.50.

If you have any questions concerning the transfer form or the permit, please contact either Mark Rath or myself at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 5627-3

Date: 10-1-96



I/We request that Water Permit No. 5627-3

formerly owned by: Claremont Colony

be transferred to: (name & address) Poinsett Colony, R.R. 1, Box 146
Estelline, SD, 57234 Telephone No. 605-873-2630

Title to the following described land/property has been transferred as described above:

NW¼ Section 26, T114N, R51W

I/We understand that the validity of Water Permit No. 5627-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Hamlin)

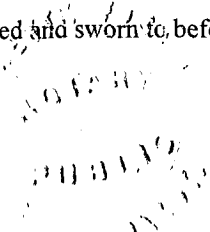
I/We Leni Tschetter being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Leni Tschetter

Leni Tschetter

(Signed)

Subscribed and sworn to, before me this 11 day of Oct, 19 96.



JEANETTE FOSTER
NOTARY PUBLIC, Hamlin County, SD
My commission expires 4/28/2004

Jeanette Foster

(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 16, 1996

5627-3

Levi Tschetter
Poinsett Colony
RR 1 Box 146
Estelline, SD 57234

Dear Mr. Tschetter:

This will acknowledge receipt of the "*Notice of Transfer of Ownership*" form you submitted for use in transferring Water Permit No. 5627-3 from Claremont Colony to Poinsett Colony. The form was completed properly, however can not be processed without a \$2.50 filing fee.

Please remit a total of \$2.50 as soon as possible. Upon receipt of the fee, Water Permit No. 5627-3 will be transferred to Poinsett Colony. Thank you, and if you have any questions please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

415172

Division of Water Rights

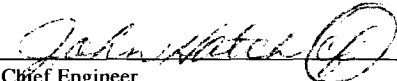
South Dakota Department of Environment and Natural Resources

Pierre, _____, October 28, 19 96

RECEIVED OF Poinsett Hutterian Brethren, Inc., RR 1, Box 146, Estelline, SD 57234
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5627-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 1996

No. 5627-3

Levi Tschetter
Poinsett Colony
RR 1, Box 146
Estelline, SD 57234

Dear Mr. Tschetter:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 5627-3.

Our records now show Poinsett Colony as the owner of Water Permit No. 5627-3.

Sincerely,

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

enclosure

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5627A-3

(1) Poinsett Colony, 46527 189th St, Estelline, SD 57234 made Application No. 5627A-3, June 17, 1997 for a water permit to reinstate Water Permit No. 5627-3. Water Permit No. 5627-3 appropriates 1.85 cubic feet of water per second from ground water (one well – Big Sioux:Brookings Aquifer), Hamlin County, South Dakota for irrigation purposes. Permit No. 5627A-3, with a priority date of June 17, 1997 was approved September 15, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 15, 2002 and for the application to beneficial use of said water on or before September 15, 2006.

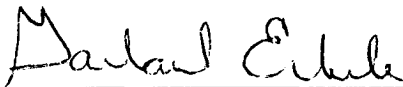
The applicable portions of Water Permit No. 5627-3 have been incorporated into this Water License No. 5627A-3.

(2) It is certified that the permit holder 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 1.85 cubic feet of water per second for beneficial use. The location of the diversion point is $\approx 1,370'S$ and $\approx 50'W$ of the NE corner of Section 27, T114N, R51W (SE $\frac{1}{4}$ NE $\frac{1}{4}$).

(3) The permit holder 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 26, T114N, R51W	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres
Total		136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Poinsett Colony, 46527 189th St, Estelline, SD 57234 the holder and/or owner of Incorporated Water Right No. 5627A-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well – Big Sioux:Brookings Aquifer) with a priority date of June 17, 1997 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 Incorporated Water Right No. 5627A-3 and subject to South Dakota State Law.



Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

APR 16 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

APR 16 2002

5627A-3

Levi Tschetter
Poinsett Colony
46527 189th St.
Estelline, SD 57234

Dear Mr. Tschetter:

Enclosed is Water License No. 5627A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 417098 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5627A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of No. 5627-3 are incorporated into Water License No. 5627A-3.

enclosures