

WATER PERMIT NO. 6005-3

Name of Applicant: **Benedictine Hilltop Addition, Sacred Heart Monastery**

Address: **1005 W 8th, Yankton SD 57078**

Phone: **605 668-1485**

Amount of Water Claimed: **0.04 cfs (18 gpm)**

Total Acres: **9 additional acres**

Source of Water Supply: **Missouri River**

Water to be used for: **irrigation of area landscaping**

County: **Yankton**

Type of Waste Disposal System: **NA**

Location: **in Yankton**

PRIORITY Date Received: **5-12-97**

Fee: **\$150.00**

Corrected Application Received: **5-16-97**

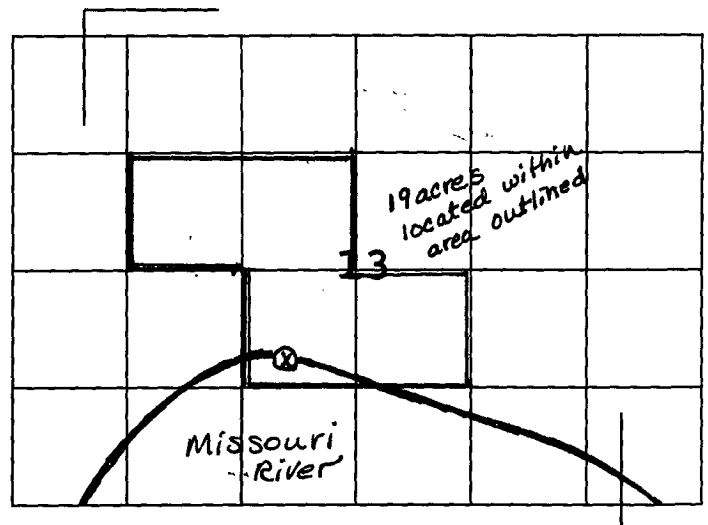
Period of Annual Use: **April 1 - October 31**

Remarks: **Additional water and acreage to that authorized by Water Permit No. 4764-3**

Diversion Point: **NE 1/4 SW 1/4**

Sec 13-T94N-R56W

Land to be Irrigated: **NE 1/4 SW 1/4, S 1/2 NW 1/4, NW 12/4 SE 1/4 Sec 13-T94N-R56W**



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Ken Buhler**

Reviewed and the Number Assigned on: **5-21-97**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6005-3**

Date of first receipt of application May 12, 1997.

Date of return to applicant for corrections, amendments or changes May 12, 1997.

Date of receipt of corrected application May 16, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6005-3 to Benedictine Hilltop Addition, Sacred Heart Monastery, 1005 W 8th, Yankton SD 57078 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. 6005-3 appropriates 0.04 cubic feet of water per second (cfs) (18 gallons per minute). Water Permit No. 4764-3 appropriates 0.14 cfs from the Missouri River at a point located in the NE 1/4 SW 1/4 Section 13 to irrigate 10 acres located in the NE 1/4 SW 1/4, SE 1/4 NW 1/4 Section 13; all in T93N-R56W. This permit authorizes appropriation of an additional 0.04 cfs and to irrigate 9 additional acres located in portions of the NE 1/4 SW 1/4, S 1/2 NW 1/4, NW 1/4 SE 1/4 Section 13-T93N-R56W.
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 May 12, 1997.
4. The date of approval of Permit No. 6005-3 is August 4, 1997.
5. One-fifth of the construction is to be completed on or before January 4, 2000.
6. All construction is to be completed on or before August 4, 2002.
7. Water is to be put to beneficial use on or before August 4, 2006.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 7 1997

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>6005-3</u> Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u> Newspaper <u>Daily Press & Dakotan, Yankton, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 4764-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

Acreage addition

1. Name of Applicant Benedictine Hilltop Addition Sacred Heart Monastery ☒ Owner ☐ Tenant/Lessee Phone (605) 668-1485
Mailing Address 1005 W. 8th Yankton (Street, RR, or Box) State S. D. (Zip Code) 57078
(check one)
2. Amount of water claimed 0.04 *CFS or 18 **GPM ***AF Total Acreage 9 add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Missouri River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Mile 806.60L
Section 13, Township 93 North, Range 56 West, (NE1/4 SW1/4)
Yankton County S. D.
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used ~~May - Mid Oct.~~ April 1 - Oct. 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
501 Summit St. Yankton, S.D. 57078	9.0		
NE1/4 SW1/4, S1/2 NW1/4, NW1/4 SE1/4			
sec. 13-T93N-R56W			

8. Give a description of the project. (Attach sheet if more space is needed)

Additional irrigation for landscaping.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

ss

County of Yankton

I, Sister Joelle Bauer, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Sister Joelle Bauer
Subscribed and sworn to before me this 9th day of May 1997
Elizabeth A. Brinkman
Notary Public

RECEIPT

Division of Water Rights

415357

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 16, 19 97

RECEIVED OF Benedictine Sisters, Sacred Heart Monastery, 1005 W. 8th St., Rapid City, SD 57078

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

Fee for Application for Permit No. <u>6005-J</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatch 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 28, 1997

Jay Magorian
Sacred Heart Monastery
1005 W 8th
Yankton, SD 57078

Dear Mr. Magorian:

I am writing in response to our recent telephone call regarding Mt. Marty College's Water Permit (No. 4764-3). The Water Permit was approved for a diversion rate of 0.14 cubic feet of water per second (63 gallons per minute) to irrigate 10 acres. An inspection of the developed system identified a couple of discrepancies from the original permit. The discharge rate was determined to be limited by the head and sprinkler pressure and was reported to be 0.18 cubic feet per second (80 gallons per minute). The acreage under irrigation was determined to be:

Mt. Mary College System	7 stations	30 heads/station	5.9 acres
Sacred Heart Convent	6 stations	30 heads/station	4.9 acres
Sacred Heart Hospital	14 zones	30 heads/zone	3.4 acres
Total:			14.2 acres

A new permit application must be completed to reflect the additional acreage and diversion rate. You indicated on the phone that in addition to the existing discrepancies (4.2 acres and 0.04 cubic feet per second), you plan to expand the Convent irrigation system 4.4 acres.

I have enclosed an Application for a Water Permit and instructions to add 9 acres and to authorize the correct diversion rate. If you have any questions, please feel free to contact me.

Very truly yours,

Ken Buhler
Natural Resources Engineer
Water Rights Program
(605)773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 12, 1997

Jay Magorian
Sacred Heart Monastery
1005 West 8th
Yankton, SD 57078

Mr. Magorian:

Thank you for submitting the *Application for a Permit to Appropriate water* for the irrigation of the grounds at the Sacred Heart complex.

Before we can continue processing the application a filing fee is required. The application filing fee for the irrigation of 9 additional acres and the appropriation of 18 gallons per minute is \$150. The check should be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

WATER PERMIT APPLICATION NO. 6005-3
SACRED HEART MONASTERY
MAY 27, 1997

Water Permit Application No. 6005-3 proposes to appropriate 0.04 cubic feet of water per second (cfs), (18 gallons per minute). Water Permit No. 4764-3 appropriates 0.14 cfs from the Missouri River at a point located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13 to irrigate 10 acres located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13; all in T93N-R56W. This application is for an additional 0.04 cfs to irrigate 9 additional acres located in portions of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13-T94N-R56W.

Discussion:

The water will be diverted from the Missouri River at a point below Gavins Point Dam. Ample unappropriated water is available from the Missouri River. Adverse impacts to existing users are not expected.

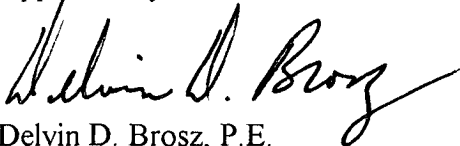
Conclusions:

1. Unappropriated water is available from the Missouri River for Water Permit Application No. 6005-3
2. This diversion can be made without adversely affecting existing water users.



Ken Buhler
Natural Resources Engineer

Approved by



Delvin D. Brosz, P.E.
Natural Resources Engineer

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6005-3, Benedictine Hilltop Addition Sacred Heart Monastery**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6005-3, Sacred Heart Monastery, Sister Joelle Bauer, 1005 West 8th, Yankton, SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6005-3 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 qualification:

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

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
June 2, 1997



**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.

June 2, 1997

Benedictine Hilltop Addition
Sacred Heart Monastery
Sister Joelle Bauer
1005 West 8th
Yankton, SD 57078

Dear Sister Bauer:

Water Permit Application No. 6005-3 for irrigation of landscaping 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 Daily Press & Dakotan printed at Yankton, SD (Ph # (605) 665-7811). 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.

c: Jay Magorian, Benedictine Hilltop Addition, Sacred Heart Monastery, 1005 West 8th, Yankton, SD 57078.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 2, 1997

Daily Press & Dakotan
P.O. Box 56
Yankton, SD 57078-0056

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6005-3 to be published twice. Please publish the first notice on June 10, 1997, 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 Benedictine Hilltop Addition, Sacred Heart Monastery, Sister Joelle Bauer, 1005 West 8th, Yankton, SD 57078 (Ph # (605) 668-1485).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 June 10, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6005-3 to Appropriate Water
and to Amend Water Permit No. 4764-3

Notice is given that Benedictine Hilltop Addition, Sacred Heart Monastery, 1005 W 8th, Yankton SD 57078 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (cfs) (18 gallons per minute). Water Permit No. 4764-3 appropriates 0.14 cfs from the Missouri River at a point located in the NE 1/4 SW 1/4 Section 13 to irrigate 10 acres located in the NE 1/4 SW 1/4, SE 1/4 NW 1/4 Section 13; all in T93N-R56W. This application is for an additional appropriation of 0.04 cfs and to irrigate 9 additional acres located in portions of the NE 1/4 SW 1/4, S 1/2 NW 1/4, NW 1/4 SE 1/4 Section 13-T94N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6005-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 June 27, 1997.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



6+10&17
NOTICE OF APPLICATION NO. 6005-3 TO
APPROPRIATE WATER AND TO AMEND
WATER PERMIT NO. 4764-3

Notice is given that Benedictine Hilltop Addition, Sacred Heart Monastery, 1005 W 8th, Yankton SD 57078 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (cfs) (18 gallons per minute). Water Permit No. 4764-3 appropriates 0.14 cfs from the Missouri River at a point located in the NE 1/4 SW 1/4 Section 13 to irrigate 10 acres located in the NE 1/4 SW 1/4, SE 1/4 NW 1/4 Section 13; all in T93N-R56W. This application is for an additional appropriation of 0.04 cfs and to irrigate 9 additional acres located in portions of the NE 1/4 SW 1/4, S 1/2 NW 1/4, NW 1/4 SE 1/4 Section 13-T94N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6005-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Yankton) SS

I, Carrie L. Goeden

certify that the attached printed Notice was taken
from the Yankton Daily Press &
Dakotan

printed and published in Yankton

County of Yankton and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 10, 1997

June 17, 1997

Cost of Printing \$42.46

Carrie L. Goeden
(Signature)

Accounting Assistant
(Title)

June 17, 1997
(Date Signed)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 14, 1997

Benedictine Hilltop Addition
Sacred Heart Monastery
Sister Joelle Bauer
1005 West 8th
Yankton, SD 57078

Dear Sister Bauer:

The original notice of hearing for Water Permit Application No. 6005-3 was published with an error in the legal description of the lands to be irrigated. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Daily Press and Dakotan printed at Yankton SD.

For your information, a copy of the readvertisement notice, is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: Jay Magorian, Benedictine Hilltop Addition, Sacred Heart Monastery, 1005 West 8th, Yankton, SD 57078.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 14, 1997

Daily Press & Dakotan
P.O. Box 56
Yankton, SD 57078-0056

ATTENTION: Legal Department

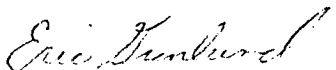
Enclosed is a Notice for Readvertisement of Hearing on Application No. 6005-3 to be published twice. Please publish the first notice on July 18, 1997 with the second publication 7 days later.

Please **BILL the WATER RIGHTS PROGRAM** for the cost of publication.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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

FIRST TRANSMITTAL NOTICE

No.6005-3

Date _____

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

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter of July 14, 1997 enclosing Notice of Application No. 6005-3 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 July 18, 1997 with the second publication 7 days later.

READVERTISEMENT OF APPLICATION NO. 6005-3 to Appropriate Water
and to Amend Water Permit No. 4764-3

Notice is given of readvertisement of Application No. 6005-3 for Benedictine Hilltop Addition, Sacred Heart Monastery, 1005 W 8th, Yankton SD 57078. Readvertisment of the Application No. 6005-3 published on June 10 and 17, 1997 is needed to correct the legal description of the additional lands to be irrigated. The additional acres to be irrigated were incorrectly advertised as being located in Section 13-T94N-R56W. The correct location of the additional acres to be irrigated is Section 13-T93N-R56W.

Application No. 6005-3 requests to appropriate 0.04 cubic feet of water per second (cfs) (18 gallons per minute). Water Permit No. 4764-3 appropriates 0.14 cfs from the Missouri River at a point located in the NE 1/4 SW 1/4 Section 13 to irrigate 10 acres located in the NE 1/4 SW 1/4, SE 1/4 NW 1/4 Section 13; all in T93N-R56W. This application is for an additional appropriation of 0.04 cfs and to irrigate 9 additional acres located in portions of the NE 1/4 SW 1/4, S 1/2 NW 1/4, NW 1/4 SE 1/4 Section 13-T93N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 6005-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 August 4, 1997.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Yankton)

I, Carrie L. Goeden

certify that the attached printed Notice was taken

from the Yankton Daily Press
and Dakotan

printed and published in Yankton

County of Yankton and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

July 18, July 25, 1997

Cost of Printing \$50.18

Carrie L. Goeden
(Signature)

Accounting Clerk
(Title)

7/25/97
(Date Signed)

7+18 & 25
**READVERTISEMENT OF APPLICATION
NO. 6005-3 TO APPROPRIATE WATER AND
TO AMEND WATER PERMIT NO. 4764-3**

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PAYMENT REQUEST FORM

PAYEE: Yankton Daily Press & Dakotan
319 Walnut Street
Yankton, SD 57078

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Readvertisement of Application No. 6005-3 to Appropriate Water and
to Amend Water Permit No. 4764-3, published on July 18 & 25, 1997.

AMOUNT: \$50.18

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: _____

John H. H. H.

7-31-97

I declare and affirm under the penalties of perjury that this claim is
in all things, true and correct. I further agree to comply with the
provisions of the Civil Rights Act of 1964 and regulations issued
thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 7 1997

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

Dear Sister Bauer:

Enclosed is Water Permit No. 6005-3 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 Program
605 773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



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

Date October 10, 1997

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Benedictine Hilltop Addition
Sacred Heart Monastery 1005 W. 8th Street
(name) (address)

YANKTON SD 57078 605-668-1502
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 6005-3.

Water Permit No. 6005-3 states that the diversion system is to be constructed by August 4, 2002, and that the water is put to beneficial use by
(date)

August 4, 2006.
(date)

The diversion system was completed on October 1, 1997.
(date)

Applying the water to beneficial use was completed on October 1, 1997.
(date)

You may schedule an inspection so that the Water License may be issued.

Joe Jennifer Kehrwald
(signature)
Business Manager

REPORT ON INSPECTION OF PERMIT NO. 4764-3

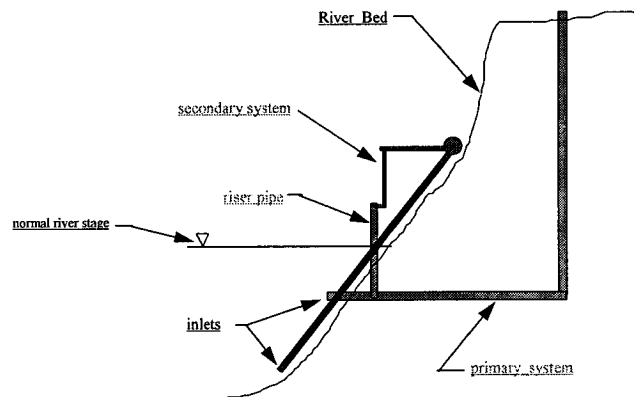
DATE OF INSPECTION: August 2, 1995

Other permit(s) associated with the project: na

DIVERSION POINT LEGAL LOCATION: 4000' S30°E from the NW corner of Sec. 13, T93N-R56W, (NE¼ SE¼ NE¼ SE¼ Sec. 13, T93N-R56W)

SYSTEM SUMMARY: Water is diverted from the Missouri River through either a "primary system" or a "secondary system". The primary system consists of a 12-inch diameter wet well 15' deep, with the inlet at the end of a 50' lateral. If Gavins Point Dam is discharging between 26,000 to 29,000 cfs the river stage is high enough (gage height =14.5 to 14.9), for the system to work. Lower discharges result in a river stage too low for the primary system. The secondary system involves supplying water to the wet well with a second pump that has a lower intake. Water from the secondary system enters the primary system through a riser pipe that is connected to the wet well's lateral approximately ten feet from the primary intake. A check valve is located between the primary intake and the riser pipe to prevent back flow. The secondary system can be used with Gavins Point discharges as low as 8,000 cfs (gage height = 11.5)

PRIMARY SYSTEM INFORMATION:



Wet Well

- 1) Wet well Depth 15'
- 2) Casing Diameter 12 inches
- 3) Casing type PVC (80 psi pipe)

- 4) Lateral length 50'
- 5) Lateral Diameter 12 inches
- 6) Lateral type PVC (100 psi pipe)
- 7) Inlet material Screen wrapped Saw Slotted PVC pipe
- 8) Inlet length 3 feet

Pump:

- 1) Make Vertiline
- 2) Model No. 38271707
- 3) Type 6TM, 8 Stage
- 4) Capacity 100 GPM
- 5) Model WX-252 Well-X-Trol by Amtrol pressure tank at pump to regulate pump

Motor:

- 1) Make U.S. Electric
- 2) Frame No. 254TPH
- 3) ID # R7179-01-204
- 4) Horsepower rating 100 hp

SECONDARY SYSTEM INFORMATION:

- 1) Suction line length 60'
- 2) Suction line diameter 4 inches
- 3) Suction line type PVC
- 4) Discharge line length 15'
- 5) Discharge line diameter 3 inches
- 6) Discharge line type PVC
- 7) Riser pipe height (above lateral) 5 feet
- 8) Riser pipe diameter 8 inches
- 9) Riser pipe type steel

Pump:

- 1) Make Peabody Barns
- 2) Model 251CU-1
- 3) Type P/B 3x3 Self Priming Clear Water Centrifugal Pump

Motor:

- 1) Make Teco Electric Motor
- 2) Serial No. DZ293075130
- 3) Horsepower rating 2 hp

DISTRIBUTION LINES:

- A) 1) Type Steel 2) Size 4 inches 3) Length 100 feet (underground from primary pump to base of hill)
- B) 1) Type PVC 2) Size 4 inches 3) Length 180 feet (from end of 4" steel up the hill)
- C) 1) Type PVC 2) Size 3 inches 3) Length 475 feet (buried from top of hill to underground sprinkler system in SE corner of Hospital)
- D) 1) Type PVC 2) Size 3 inches 3) Length 375 feet (buried from top of hill to underground sprinkler system in NW corner of Hospital)
- E) 1) Type PVC 2) Size 3 inches 3) Length 1600 feet (buried from top of hill to pressure tanks in maintenance shop, to underground sprinkler system at orchard and to underground sprinkler system at cemetery)

SYSTEM TYPE:**Underground sprinklers:**

System limited by head and sprinkler pressure, Maximum discharge = 80 GPM

- A) Mt. Marty College System: 7 stations, 30 heads/station, 4 days/week, 1 hr/sta. 5.9 acres total
- B) Sacred Heart Convent: 6 stations, 30 heads/ station, 4 days/week, 1 hr/sta. 4.9 acres total
- C) Sacred Heart Hospital: 14 zones, 30 heads/zone, 3.4 acres total

Note: Tank Battery of 6 Well-X-Troll Model WX-252 pressure tanks located in maintenance shop to assist system

Permit Nos. 4764-3 & 6005-3
Missouri River - Water District

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

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

I have this day, **August 2, 1996**, made a thorough examination of the water use system constructed by **Benedictine Hilltop Addition of 1005 West Eighth, Yankton, SD 57078** holder of Permit Nos. **4764-3 & 6005-3**; bearing the priorities of **April 6, 1981** and **May 12, 1997** respectively, authorizing the diversion of **0.14** cu. ft. per second and **0.04** cu. ft. per second respectively of the waters of **the Missouri River** for **irrigation** purposes, in **Yankton** County.

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

A. Works used to divert the water:

Water is diverted from a wet well along the Missouri River located 4000' S30°E from the NW corner of Sec.13, T93N-R56W, (NE¼ SE¼ NE¼ SE¼ Sec. 13, T93N-R56W). The wet well uses a Vertiline 8 stage pump powered by a US Electric motor.

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

Water is transported to place through 100 feet of 4-inch diameter steel pipe, 180 feet of 4-inch diameter PVC pipe, and 2,450 feet of 3-inch diameter PVC pipe.

C. Works used to apply water to beneficial use:

Water is applied to beneficial use through an underground irrigation system which consists of 27 separate zones or stations with a total of 810 sprinklers.

The system is in the following condition **good**. The point of diversion is located **4000' S30°E from the NW corner of Sec.13, T93N-R56W, (NE¼ SE¼ NE¼ SW¼ Sec. 13, T93N-R56W)**. The works are capable of diverting and conveying to the place of use **0.18** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

14.2 acres in the NE¼ SW¼, S½ NW¼ and the NW¼ SE¼ of Sec. 13, T93N-R56W comprising a total of **14.2** acres of land and the license should be issued for **0.18** cfs. Applicable permit qualifications have been complied with: **yes**

Exceptions to compliance are:



Ken Buhler
Natural Resources Engineer
DENR, Water Rights Program

9/4/98
Date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 17, 1998

Permit No. 6005-3

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

Dear Sister Bauer:

The investigation of your water use system was conducted on August 2, 1996, by Ken Buhler, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 4764-3 and 6005-3. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 4764-3 will be incorporated into 6005-3.

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

**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 \$50.00 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 number. This will insure proper handling of the fee.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415875

Pierre, September 28, 19 98

RECEIVED OF Benedictine Sisters, Sacred Heart Monastery, 1005 W. 8th St., Yankton, SD 57078
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>6005-3</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 _____
Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 10 1998

6005-3

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

Dear Sister Joelle Bauer:

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

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

Very truly yours,

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

ks
enclosures

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6005-3

(1) Benedictine Hilltop Addition, Sacred Heart Monastery, 1005 W 8th, Yankton SD 57078 made Application No. 6005-3, May 12, 1997 for a water permit to divert 0.04 cubic feet of water per second (cfs) from the Missouri River, Yankton County, South Dakota for irrigation purposes. Permit No. 6005-3, with a priority date of May 12, 1997 was approved August 4, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 4, 2002 and for the application to beneficial use of said water on or before August 4, 2006.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on October 15, 1997. The *Notice* stated the diversion system was completed on October 1, 1997 and the water placed to beneficial use on October 1, 1997.

Water Permit No. 4764-3, with a priority date of April 6, 1981, authorized diversion of 0.14 cfs from the Missouri River to irrigate 10 acres. The applicable portions of No. 4764-3 are incorporated into this Water License No. 6005-3.

(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 0.18 cubic feet of water per second for beneficial use. The location of the diversion point is 4,000 feet south 30° east from the northwest corner of Section 13-T93N-R56W (NE ¼ SW ¼).

(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:

14.2 acres located in portions of the NE ¼ SW ¼, S ½ NW ¼ and the NE ¼ SE ¼, **Section 13-T93N-R56W**

(4) Pursuant to South Dakota Water Law 46-5-30.1 Benedictine Hilltop Addition, Sacred Heart Monastery, 1005 W 8th, Yankton SD 57078 the holder and/or owner of Incorporated Water Right No. 6005-3 is issued a license to appropriate water, the right to use 0.18 c feet of water per second from the Missouri River with priority dates of April 6, 1981 (0.14 cfs) and August 4, 1997 (0.04 cfs) 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. 6005-3 and subject to South Dakota State Law.


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

NOV 10 1998

date



6005-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JUL 15 2010

6005-3
6117-3

Jay Magorian
Benedictine Hilltop Addition
Sacred Heart Monastery
1005 W 8th
Yankton SD 57078

Dear Mr. Magorian

Enclosed is Water License No. 6117-3. The water license is the final document which completes the process of obtaining a water right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

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.

Sincerely,

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

enclosures

Note: The applicable portions of Water Right No. 6005-3 were incorporated into Water License No. 6117-3.