

WATER PERMIT NO. 6117-3

Name of Applicant: Benedictine Hilltop Addition, Sacred Heart Monastery

Address: 1005 W 8th St, Yankton SD 57078

Phone: 605 668-1502

Amount of Water Claimed: 0.04 (18 gpm)

Total Acres: 7 acres

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: in Yankton

PRIORITY Date Received: 11-5-1998

Fee: \$150.00

Corrected Application Received: 12-21-1998

Period of Annual Use: May 1 – October 31

Remarks: Water Right No. 6005-3 authorizes 0.18 cfs to irrigate 14.2 acres. This permit is to irrigate an additional 7 acres.

Diversion Point: NE ¼ SW 1/4

Sec 13-T93N-R56W

Land to be Irrigated: S ½ NW ¼, NE ¼ SW ¼

Sec 13-T93N-R56W

Depth of Well: NA

Well Driller:

Remarks:

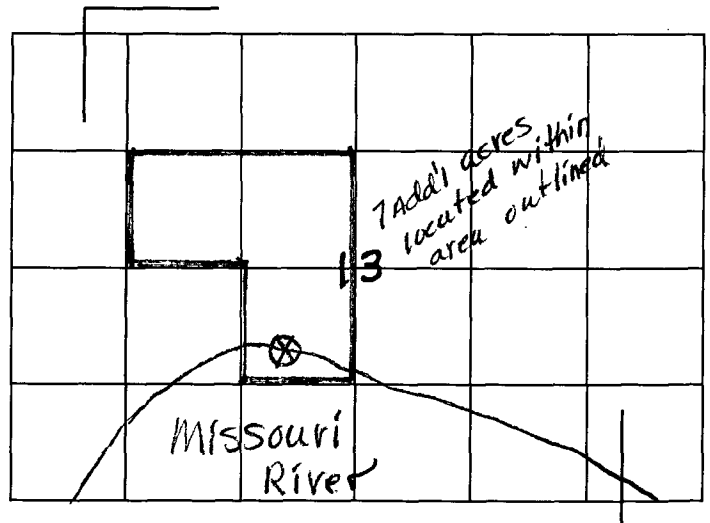
Type of Map: aerial

Prepared by: Ken Buhler

Reviewed and the Number Assigned on: 12-28-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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>6117-3</u> Hydrologic Unit <u>10170181</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 ☒ Owner Phone (605) 668-1502
Sacred Heart Monastery ☐ Tenant/Lessee
Mailing Address 1005 W. 8th St. Yankton (check one) State SD 57078
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed .04 *CFS or 18 **GPM ***AF Total Acreage 7
(*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) County Yankton
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used May - ~~Aug~~ 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
1005 W. 8th Yankton, SD	4		
1105 W. 8th Yankton, SD	3		
5 1/2 NW 1/4, NE 1/4 SW 1/4			
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)

County of Yankton ss

I, Jr. Jennifer Kehrwald, 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

Jr. Jennifer Kehrwald

Subscribed and sworn to before me this 20th day of November 1998

Elizabeth A. Brinkman
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 6117-3**

Date of first receipt of application November 5, 1998.

Date of return to applicant for corrections, amendments or changes November 5, 1998.

Date of receipt of corrected application December 21, 1998.

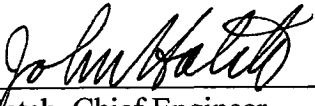
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6117-3 to Benedictine Hilltop Addition, Sacred Heart Monastery, 1005 W 8th St, Yankton SD 57078 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6117-3 appropriates 0.04 cubic feet of water per second (18 gallons per minute) from their existing Missouri River diversion point located in the NE ¼ SW ¼ Section 13 to irrigate 7 additional acres located in the S ½ NW ¼, NE ¼ SW ¼ Section 13; all in T93N-R56W. This permit authorizes an expansion to irrigation currently authorized by Water Right No. 6005-3.
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: May 1 – October 31.
3. The date from which applicant may claim right is November 5, 1998.
4. The date of approval of Permit No. 6117-3 is February 22, 1999.
5. One-fifth of the construction is to be completed on or before August 22, 2001.
6. All construction is to be completed on or before February 22, 2004.
7. Water is to be put to beneficial use on or before February 22, 2008.
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

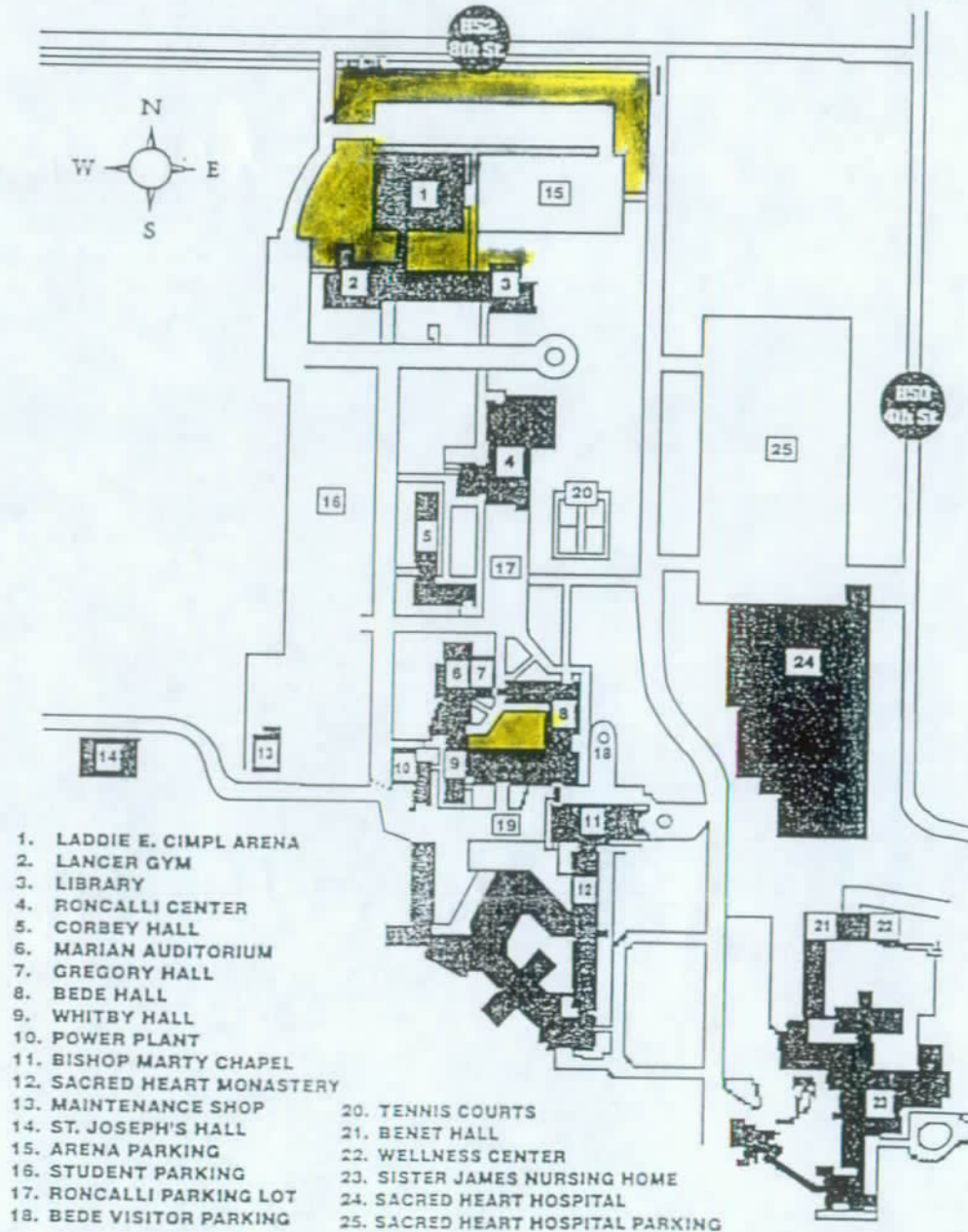
By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 12 1999

date



MOUNT MARTY COLLEGE



Mt. Marty
 irrigation
 expansion
 3.0 acres



NOT TO SCALE 1993

NW CORNER SEC 13 T31N R56W



[Signature]
 KEN BUHLER
 NATURAL RESOURCES ENGINEER
 DEWR - WATER RIGHTS

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415909

Pierre, November 5, 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. <u>6117-3</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 _____
Chief Engineer

John Hatch (P)

REPORT ON WATER PERMIT APPLICATION NO. 6117-3
Benedictine Hilltop Addition, Sacred Heart Monastery
January 14, 1999

Application No. 6117-3, Benedictine Hilltop Addition, Sacred Heart Monastery, proposes to appropriate 0.04 cubic feet of water (18 gallons per minute) per second from the Missouri River. The diversion point is to be located in the NE1/4 SW1/4 of Section 13 T93N-R56W. The water will be used for irrigation of an additional 7 acres located in the S1/2 NW1/4, NE1/4 SW1/4 also in Section 13. This application proposes expansion of irrigation currently authorized by Water Right No. 6005-3. The proposed project is located in the City of Yankton in Yankton County.

Review of Existing Water Rights

There are several existing water rights/permits that divert water from the Missouri River in Yankton County. The Missouri River is a reliable water source, adverse impacts with existing water rights is not expected.

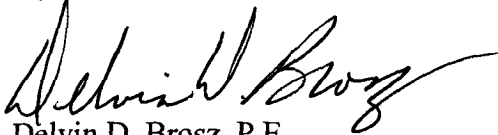
Conclusions

1. This application proposes to appropriate 0.04 cubic feet of water per second (cfs) from the Missouri River for irrigation of 7 acres.
2. This application proposes an expansion of irrigation currently authorized by Water Right No. 6005-3.
3. Adverse impacts with existing water rights is not expected



Mark D. Rath
Natural Resources Engineer III

Approved by:



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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6117-3, 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. 6117-3, Benedictine Hilltop Addition, Sacred Heart Monastery, 1005 W. 8th Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6117-3 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 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", written in a cursive style.

JOHN HATCH, Chief Engineer
January 25, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

January 26, 1999

Benedictine Hilltop Addition
Sacred Heart Monastery
%Jay Magorian
1005 W. 8th St.
Yankton, SD 57078

Dear Mr. Magorian:

Water Permit Application No. 6117-3 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 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6117-3 to Appropriate Water to be published twice. Please publish the first notice on February 3, 1999, 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, %Jay Magorian, 1005 W. 8th St., Yankton, SD 57078 (Ph # (605) 668-1502).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 6117-3

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

Date _____

We are in receipt of your letter of January 26, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6117-3 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 February 3, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6117-3 to Appropriate Water

Notice is given that Benedictine Hilltop Addition, Sacred Heart Monastery, 1005 W 8th St, Yankton SD 57078 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (18 gallons per minute) from their existing Missouri River diversion point located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13 to irrigate 7 additional acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13; all in T93N-R56W. This application proposes an expansion to irrigation currently authorized by Water Right No. 6005-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6117-3 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 February 22, 1999.

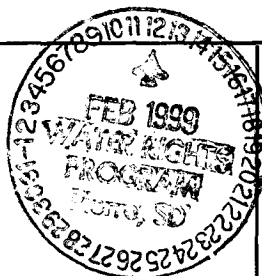
The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.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

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

SS.



Adrian Pratt being first duly sworn says: That he is the Editor of the Yankton Printing Company, a corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily newspaper of general circulation, printed and published in the City and County of Yankton, South Dakota; that he has personal knowledge of all the facts stated in this affidavit; and that the advertisement captioned **NOTICE OF APPLICATION NO. 6117-3 TO APPROPRIATE WATER**

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each week for two successive weeks, the first publication being made on the 3rd day of February, 1999, and the last publication being made on the 10th day of February, 1999.

The first publication being made on the 3rd day of February
The second publication being made on the 10th day of February
The third publication being made on the day of
The fourth publication being made on the day of
The fifth publication being made on the day of
The sixth publication being made on the day of
The seventh publication being made on the day of
The eighth publication being made on the day of
The ninth publication being made on the day of
The tenth publication being made on the day of

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies daily and has been published in the English language within the said County of Yankton for more than one year next prior to the first publication of said notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the place of publication of said newspaper. That the full amount of the fee paid for the publication of the annexed notice is \$ 55.00, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 10th day

of February, 1999

Notary Public, South Dakota

My Commission Expires 8-19-2003

2+3 & 10 NOTICE OF APPLICATION NO. 6117-3 TO APPROPRIATE WATER

Notice is given that Benedictine Hilltop Addition, Sacred Heart Monastery, 1005 W 8th St. Yankton SD 57078 has filed an application for a water permit to appropriate 0.04 cubic feet of water per second (18 gallons per minute) from their existing Missouri River diversion point located in the NE 1/4 SW 1/4 Section 13 to irrigate 7 additional acres located in the S 1/2 NW 1/4, NE 1/4 SW 1/4 Section 13; all in T93N-R56W. This application proposes an expansion to irrigation currently authorized by Water Right No. 6005-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6117-3 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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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 February 22, 1999.

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.

Publication Fees \$

Received Payment,



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 5, 1998

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



Dear Mr. Magorian:

Thank you for submitting the *Application for a Permit to Appropriate Water for Irrigation*. In order to complete the application the following is required.

Enclosed is copy of an aerial photo map prepared by Ken Buhler after he completed the inspection on the two existing water permits for the monastery. Please outline the property boundaries of the monastery on this map. I am assuming the existing Missouri River diversion point will be used for irrigation of the additional 7 acres. *Yes*

We are in receipt of the \$150.00 application filing fee. In addition to the application filing fee, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit the \$50 for the licensing of the water permit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1999

Benedictine Hilltop Addition
Sacred Heart Monastery
%Jay Magorian
1005 W. 8th St.
Yankton, SD 57078

Dear Mr. Magorian:

Enclosed is Water Permit No. 6117-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

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

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 415979

Pierre, December 21, 1998

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. 60117-3

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 HATCHKS

Permit No. 6117-3
Missouri River - Water District

Contact Person & Address: **Marvin Ebel**

Related Permits: **6005-3**

Report Of Examination Of Works

On, **September 21, 2009**, I made a thorough examination of the water use system constructed by **Benedictine Hilltop Addition, Sacred Heart Monastery** of **1005 W 8th St, Yankton SD 57078** holder of Permit No. **6117-3**, bearing the priority of **November 5, 1998** authorizing the diversion of **0.04** cu. ft. per second of the waters of **surface water (Missouri River)** for **irrigation** purposes, in **Yankton** County.

The system is in the following condition **good**. The point of diversion is located **from the NW corner of Section 13 T93N R55W, 3350 ft south and 1920 ft east** with a longitude of **-97.409945** and a latitude of **42.870516** as determined using **GPS**. Irrigation authorized by Water Permit No **6117-3** should be incorporated and licensed with irrigation authorized by Water Right No. **6005-3** since it constitutes all one irrigation system. The works are capable of diverting and conveying to the place of use **0.22 cfs** from the **Missouri River** with the priority dates **April 6, 1981 (0.14 cfs); May 12, 1997(0.04 cfs) and November 5, 1998 (0.04 cfs for 7 acres)** which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All land is located in **Sec 13 T93N R56W**

There are a total of 21.2 irrigated acres located within portions of the SW ¼ NW ¼; SE ¼ NW ¼; NE ¼ SW ¼; NW ¼ SE ¼.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Pump:

- 1) Make **Peabody Barnes**
- 2) Model **251 CU-1**
- 3) Capacity **100** GPM

Motor:

- 1) Make **Teaco**
- 2) Model No. **DZ293075130**
- 3) Horsepower rating **2** hp

DISTRIBUTION LINES OR CANALS:

- 1) Type **steel** 2) Size **4** inches 3) Type **pvc** 4) Size **4** inches 5) Type **pvc** 6) Size **3** inches 7) Type **steel**
8) Size **2** inches

SYSTEM TYPE:

Pop-up Sprinklers:

- 1) Make **Rainbird** 2) Number of stations **30** 3) Capacity **100** GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate **no**
11) **Comments : none**



Mark D. Rath
Natural Resources Engineering Specialist
DENR, Water Rights Program

01-23-2010

Date



Mark D. Rath

Mark D. Rath
Natural Resources Engineering Specialist
4/07/2010



6117-3

Licensing of Acreage Outside of Permitted Area

NAME: Benedictine Hilltop Addition, Sacred Heart Monastery

ADDRESS: 1005 W 8th, Yankton SD 57078

DATE: 4/23/10

COUNTY: Yankton

TELEPHONE: 605-668-6000

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 21.2 acres as compared to 21.2 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

yes

- **Owned by Same Property Owner**

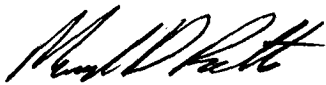
yes

- **Developed Prior to Expiration of Construction Period**

yes

RECOMMENDED ACTION

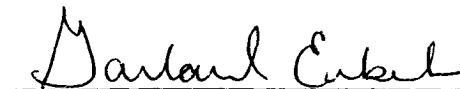
Based on the above criteria, it is recommended that the NW ¼ SE ¼ of Sec 13 T93N-R55W area be included in the water license.



Mark D Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program



**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.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6117-3**

(1) Benedictine Hilltop Addition, Sacred Heart Monastery, 1005 W 8th St, Yankton SD 57078 made Application No. 6117-3, November 5, 1998 for a water permit to divert 0.04 cubic feet of water per second from the Missouri River, Yankton County, South Dakota for irrigation purposes. Permit No. 6117-3, with a priority date of November 5, 1998 was approved February 22, 1999 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 22, 2004 and for the application to beneficial use of said water on or before February 22, 2008.

Water Right No. 6005-3 authorizes diversion of 0.18 cfs from the river with priority dates of April 6, 1981 (established under Water Permit No. 4764-3) and May 12, 1997 (established under No. 6005-3) to irrigate 14.2 acres. No. 6117-3 was obtained to increase the diversion rate from the existing diversion point and to expand the area currently irrigated. The applicable portions of Water Right No. 6005-3 are incorporated into Water License No. 6117-3.

An inspection of the water use system found acreage developed outside of the permitted area. Pursuant to SDCL 46-5-30.5, acreage developed outside the permitted area may be licensed provided no increase in the permitted acreage occurs and no additional water is appropriated. The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that the change in acreage does not impair existing water rights and the overall project as developed is consistent with the original application.

(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 0.22 cubic feet of water per second for beneficial use. The location of the diversion point is 3,350 feet south and 1,920 feet east of the NW corner of Section 13, T93N, R55W (NE ¼ SW ¼)

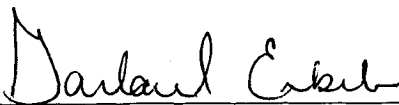
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

- 21.2 irrigated acres located within portions of the S ½ NW ¼, NE ¼ SW ¼, and NW 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 St, Yankton SD 57078 the holder and/or owner of Incorporated Water Right No. 6117-3 is issued a license to appropriate water, the right to use 0.22 cubic feet of water per second from the Missouri River with priority dates of April 6, 1981 (0.14 cfs); May 12, 1997 (0.04 cfs) and November 5, 1998 (0.04 cfs) from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 6117-3 and subject to the following qualification:

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



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 15 2010

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 26, 2025

6117-3

Benedictine Hilltop Addition
Sacred Heart Monastery
c/o Bonnie Gacnik
1005 W 8th St
Yankton SD 57078

Dear Ms. Gacnik:

I write to you today in response to the 2025 Irrigation Questionnaire information submitted for Water Right No. 6117-3, which authorizes diversion of 0.22 cubic feet of water per second (approx. 100 gpm) from the Missouri River for irrigation of 21.2 acres located within portions of the S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13-T93N-R56W, Yankton County.

On this year's questionnaire you reported the irrigation of 26.47 acres. If an additional 5.27 acres have been developed for irrigation, additional permitting would be required.

Please contact me to either revise your 2025 Irrigation Questionnaire or discuss additional permitting.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
Amanda.Dewell@state.sd.us
(605) 773-3352