

Water Permit No. 7426-3

Glendale Hutterian Brethren

**Diversion Rate and Acreage have been
transferred to:**

8292A-3

8292B-3

8292C-3

8292D-3

8292E-3

**The diversion rate and acreage balance to No.
7426-3 is ZERO.**

**The status of Permit No. 7426-3 on the
database
Is "IP"**

WATER PERMIT NO. 7426-3

Name of Applicant: Spink Hutterian Brethren

Address: 18206 Spink Lane, Frankfort SD 57440

Phone: 605 472-1269

Amount of Water Claimed: 2.63 cfs

Total Acres: 185

Source of Water Supply: James River

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 9 miles south of Frankfort

PRIORITY

Date Received: 9-11-12

Application/License Fee: \$ 1050

Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: SW 1/4 NW 1/4 Sec 16-T115N-
R62W

Land to be Irrigated: N 1/2, NE 1/4 SW 1/4, SW
1/4 SE 1/4 Sec 16-T115N-R62W

Depth of Well: NA

Well Driller:

Remarks:

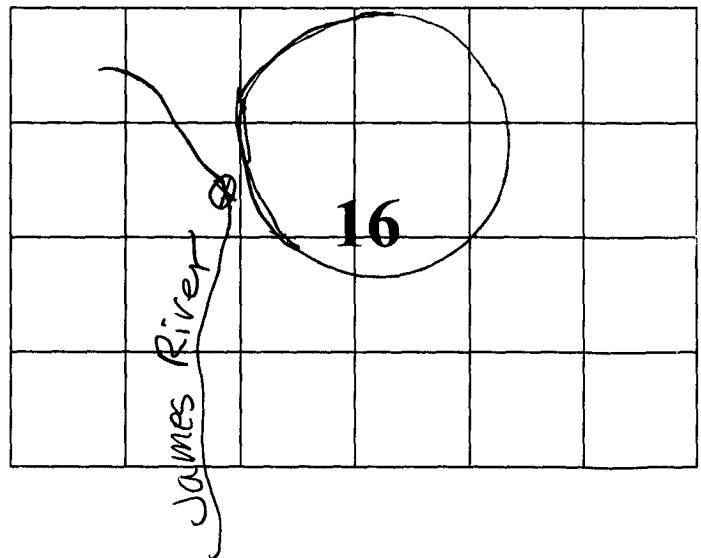
Type of Map: aerial

Prepared by: Eric Gonlund

Reviewed and the Number Assigned on: 9-13-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7426-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Redfield Press</u> <u>Plainsman</u>

RECEIVED

SEP 11 2012

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name of Applicant Spink Hutterian Brethren Phone 605 472-1269(check one) ☒ Owner ☐ Tenant/lesseeMailing Address 18206 Spink Lane Frankfort SD 57440
(Address) (City) (State) (Zip Code)2. Amount of water claimed 2.63*CFS or 1185 **GPM ***AF Total Acreage 185
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply James River4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink
SW 1/4 NW 1/4 Section 16, T115N, R62W5. County or counties where water will be used Spink6. Annual period during which water is to be used April 1 - October 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)

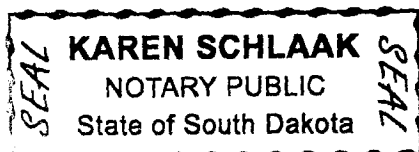
Land Description	Acres	Land Description	Acres
Section 16, T115N, R62W	185		
(see attached map for breakdown of acres)			

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

Develop a pivot that will only make full rotation capable of irrigating 185 acres. Requesting the statutory limit of 1185 for 185 acres.

STATE OF SOUTH DAKOTA)
County of Hughes) SS

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

I, Paul Wipf, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.Applicant's signature Paul P WipfSubscribed and sworn to before me this 11th day of September 20 12

Commission expires 4/1/2013

Karen Schlaak
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7426-3**

Date of first receipt of application September 11, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7426-3 to Spink Hutterian Brethren, c/o Paul Wipf, 18206 Spink Lane, Frankfort SD 57440 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. 7426-3 appropriates 2.63 cfs from the James River located in the SW 1/4 NW 1/4 Section 16 to irrigate 185 acres located in the E 1/2 NW 1/4, NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 16; all in T115N-R62W.
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 September 11, 2012.
4. The date of approval of Permit No. 7426-3 is December 17, 2012.
5. One-fifth of the construction is to be completed on or before June 17, 2015.
6. All construction is to be completed on or before December 17, 2017.
7. Water is to be put to beneficial use on or before December 17, 2021.
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. Diversion of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b) This permit does not authorize diversions from James River when there is less than 20-cfs bypassing the USGS gaging station at Huron SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

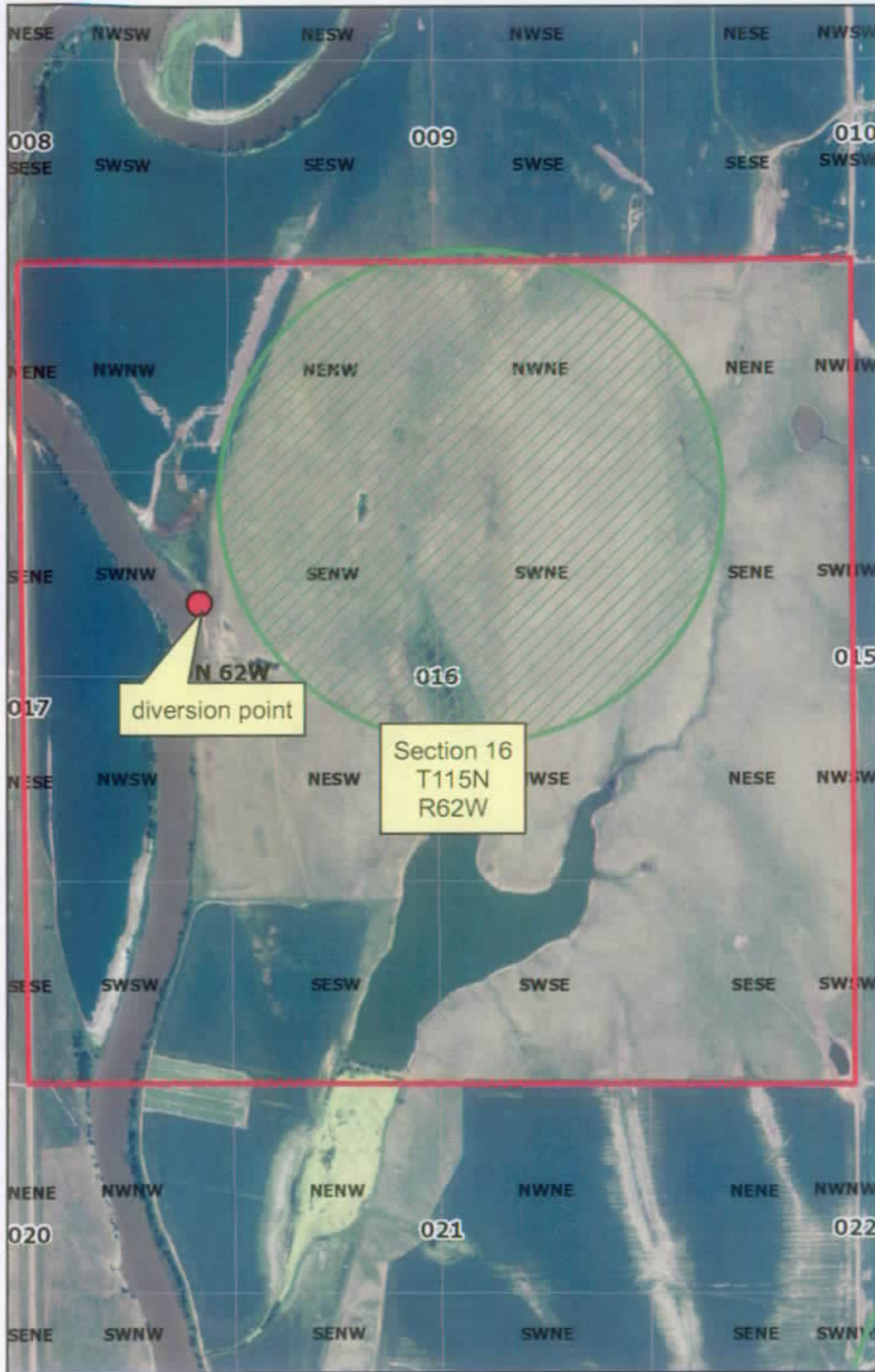
WATER MANAGEMENT BOARD

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

JAN 25 2013
date



Water Permit Application - Spink Hutterian Brethren



Section 16, T115N, R62W

NE 1/4 NW 1/4	33 acres
NW 1/4 NE 1/4	39 acres
NE 1/4 NE 1/4	8 acres
SE 1/4 NW 1/4	38 acres
SW 1/4 NE 1/4	40 acres
SE 1/4 NE 1/4	11 acres
NE 1/4 SW 1/4	6 acres
NW 1/4 SE 1/4	10 acres

1,100 550 0 1,100 Feet



diversion point - SW 1/4 NW 1/4 Section 16, T115N, R62W



Eric Gronlund

Eric Gronlund PE
Water Rights Program, DENR
based on representation by Paul Wipf
with Spink Hutterian Brethren

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/11, 20 12

RECEIVED OF Spink Hutterian Brethren 18206 Spink Ln Frankfort SD 57440

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

Fee for Application for Permit No. <u>7426-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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. <u>7426-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. 05572

By Harold Erdreich
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7426-3, Spink Hutterian Brethren**

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. 7426-3, Spink Hutterian Brethren, c/o Paul Wipf, 18206 Spink Lane, Frankfort SD 57440.

The Chief Engineer is recommending APPROVAL of Application No. 7426-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) as conditioned 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. Diversion of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b) This permit does not authorize diversions from James River when there is less than 20-cfs bypassing the USGS gaging station at Huron SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 23, 2012

REPORT ON WATER PERMIT APPLICATION NO. 7426-3

Spink Hutterian Brethren

September 18, 2012

Spink Hutterian Brethren, c/o Paul P. Wipf, has filed Water Permit Application No. 7426-3 to appropriate 2.63 cubic feet of water per second (cfs) from the James River to irrigate 185 acres of land located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16; all in T115N-R62W. The diversion point is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16-T115N-R62W. The annual period of use requested is from April 1 through October 31.

Review of Water Source

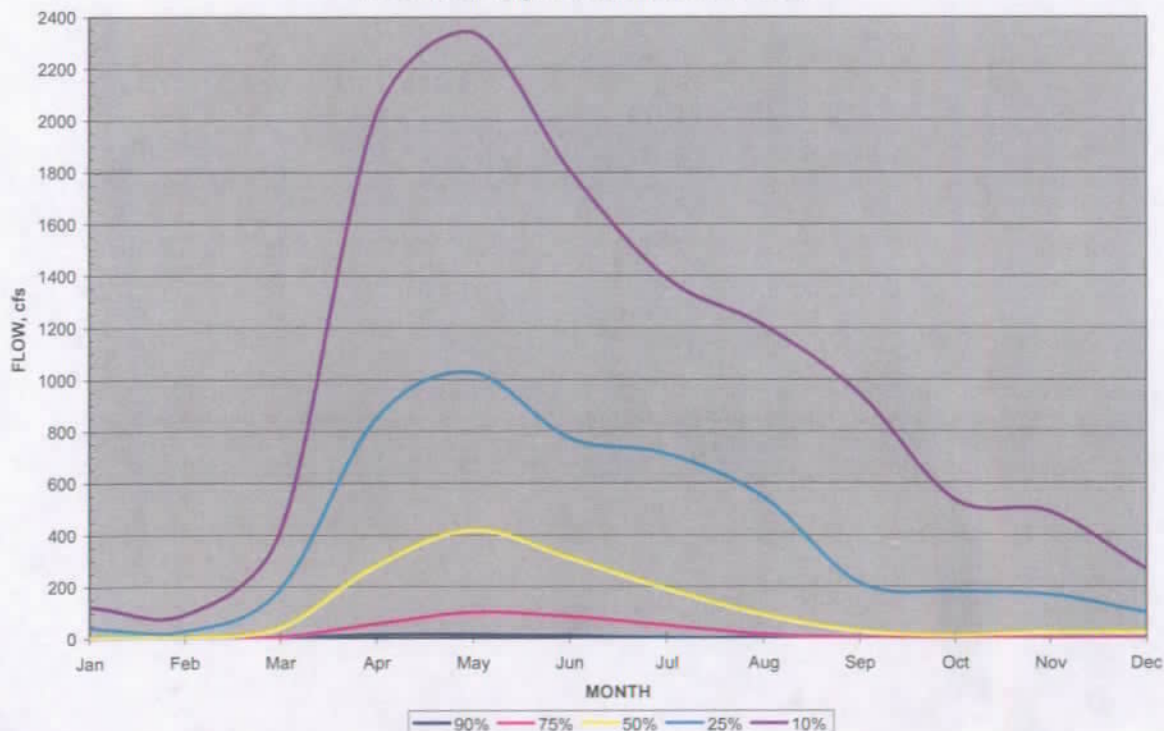
The water source for the proposed project is the James River in Spink County. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are in South Dakota. During extended periods of low precipitation the James River experiences extremely low flows and cannot be considered a reliable source of water.

The U.S. Geological Survey (USGS) operates a stream flow gaging station on the James River near Ashton, SD, approximately 36 river miles upstream of the proposed project. The historical data from 1945 to 2010 for the Ashton, SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 9 to 418-cfs April through October of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 0 to 98-cfs for the same time period. (Table 1 and Hydrograph 1)

Table. 1 James River Monthly Median Flow (cfs) Ashton, SD

Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10% chance	122	89	407	2021	2340	1810	1391	1208	945	534	488	265
25% chance	38	25	186	848	1027	773	711	543	211	178	167	96
50% chance	6	3	40	280	418	310	190	90	26	9	22	22
75% chance	0	0	4	53	98	81	47	12	1	0	0	0
90% chance	0	0	0	13	12	7	0	0	0	0	0	0

James River Gage at Ashton, SD 1945 - 2010

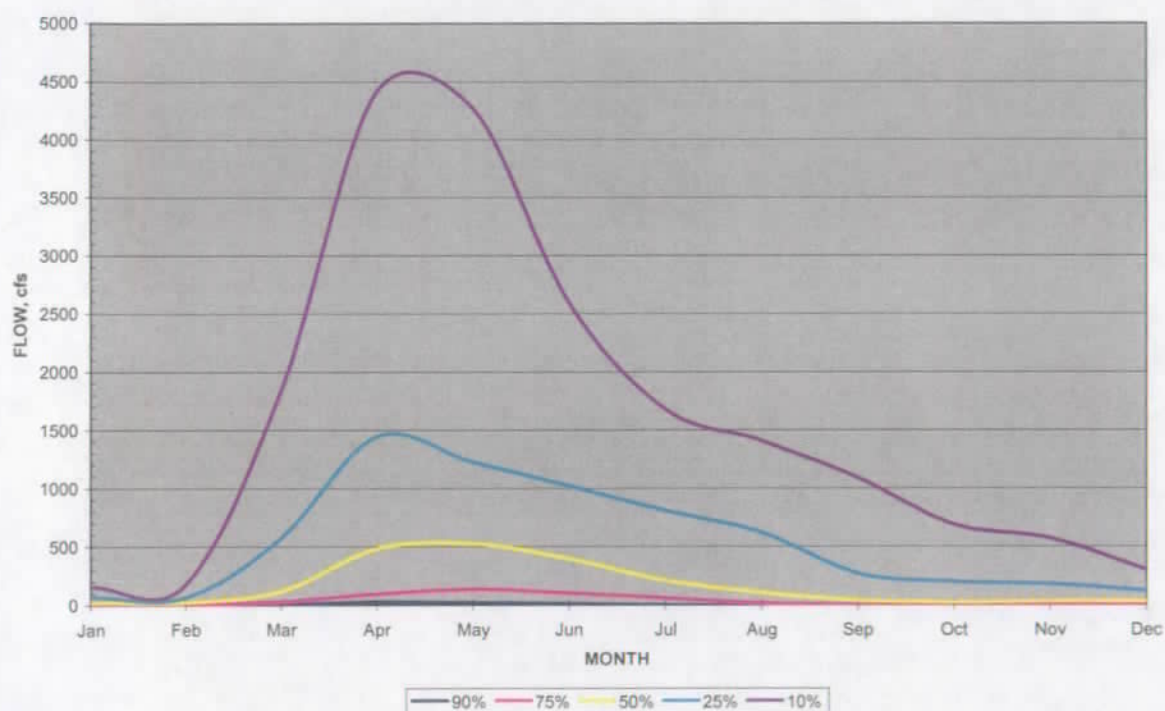


The U.S. Geological Survey (USGS) also operates a stream flow gaging station on the James River at Huron, SD, approximately 41 river miles downstream of the proposed project. The historical data from 1943 to 2010 for the Huron, SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 24 to 525-cfs April through October of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 0 to 131-cfs for the same time period. (Table 2 and Hydrograph 2)

Table. 2 James River Monthly Median Flow (cfs) Huron, SD

Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10% chance	155	172	1831	4404	4262	2597	1677	1407	1088	687	570	299
25% chance	68	64	574	1442	1224	1021	808	620	271	200	179	121
50% chance	24	23	120	482	525	397	212	107	40	24	30	33
75% chance	0	2	29	91	131	99	56	15	0	0	0	0
90% chance	0	0	5	27	19	12	0	0	0	0	0	0

James River Gage at Huron, SD 1943 - 2010



As noted at the July 1980 Water Rights Commission Meeting, Findings of Fact, Conclusion of Law, and Final Decision, the presumption can be made that the stream flow rates recorded at the gaging stations cited above are post withdrawal of no more than 50-percent of those water right allocations authorized upstream of the gage's location during the normal irrigation season. As an example, during normal climatic conditions, a July median flow at the Huron gage of 212 cfs represents water bypassing the gage after 50% of the upstream appropriated irrigation withdrawals have taken place.

USGS historical data for the Ashton and Huron, SD stream flow gages indicate non-appropriated water is available in the James River during normal to wetter climatic conditions for the April through October annual period. During late summer and early fall months, the James River cannot be considered a reliable source of water.

Review of Existing Water Rights

In 1965 the SD Water Rights Commission, a predecessor to the SD Water Management Board, placed a 300-cfs diversion limit on the James River in South Dakota with a maximum combined diversion limit of 200-cfs from North Dakota border to Huron, SD. Due to the Missouri River backwater into the James River, the 300-cfs restriction has been applied from the North Dakota border to the Yankton-Hutchinson County Line.

Presently there are 101 Water Rights with diversions totaling 252.74-cfs from the North Dakota border to the Yankton-Hutchinson, SD County Line. From the North Dakota border to Huron, SD there are 67 Water Rights with diversions totaling 165.34-cfs. Spink Hutterian Brethren has also filed Water Permit Application Nos. 7424-3, 7425-3, and 7427-3 to appropriate a combined 18.69 cubic feet of water per second (cfs) from the James River. If Water Permit Applications 7424-3, 7425-3, 7426-3, and 7427-3 are approved, diversions from both the total river and the North Dakota border to Huron, SD river reach would still be below the established limits.

There are three water rights diverting water from the James River within the 3 mile stretch encompassing this project and the three other applications, Water Permit No. 1538-3, 2396-3, 5737-3, all held by Spink Hutterian Brethren. Combined, these three water rights appropriate 7.76 cfs. Spink Hutterien Brethren also holds Water Right 1979-3 located 4.4 miles downstream of this application. See the table below for water rights held by others in the downstream vicinity of this application.

Downstream James River Water Rights:

WR No.	Appx. Distance Downstream From Application (miles)	Diversion (cfs)	Priority Date	Use	WR Holder
2396-3	1.25	1.88	10/10/1975	IRR	Spink Hutterian Brethren
5737-3	2.25	1.88	12/17/1992	IRR	Spink Hutterian Brethren
1538-3	3.0	4.0	03/19/1968	IRR	Spink Hutterian Brethren
6375-3	3.25	5.35	01/02/2003	IRR	Bixler Farms
6738-3	3.5	2.89	07/05/2006	IRR	Ruden Enander
2386-3	4.25	1.28	09/24/1975	IRR	Harvey Wollman
6398-3	4.3	0.61	02/24/2003	IRR	Harvey Wollman
1979-3	4.4	3.76	03/27/1973	IRR	Spink Hutterian Brethren
6182-3	5.9	7.03	02/22/2000	IRR	Oscar Inc.
6183-3	8.5	7.83	02/22/2000	IRR	Oscar Inc.

If approved, with qualifications, the applicant's diversion of water would not be expected to adversely impact existing Water Rights or domestic use on the James River.

Review of Qualifications

In 2007, Water Rights staff reviewed all of the shut-off and by-pass qualifications on the existing James River water rights/permits. Based on this review, the Chief Engineer recommended amending the existing qualifications in order to standardize them. The Water Management Board adopted the standardized qualifications and amended the existing water rights/permits. In addition, it was the intent that future appropriations of water from the James River be administered with the same amended qualifications.

Therefore, if approved, Application No. 7426-3 should contain the following qualifications.

- This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.

- This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Huron, SD after pumping.

Conclusions

1. Water Permit Application No. 7426-3, Spink Hutterian Brethren, c/o Paul P Wipf, proposes to appropriate 2.63 cubic feet of water per second (cfs) from the James River to irrigate 185 acres of land located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16; all in T115N-R62W. The diversion point is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16-T115N-R62W.
2. USGS historical data for the Ashton and Huron, SD stream flow gages indicate non-appropriated water is available in the James River during normal and wetter climatic conditions for the April through October annual period.
3. If Application No 7426-3 is approved, the following qualifications should be included:
 - This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Huron, SD after pumping.
4. If Application No 7426-3 is approved, the total James River diversion of 255.37-cfs is below the 300-cfs limit. The total diversion from the North Dakota state line to Huron, SD, will be 167.97-cfs, well within the 200-cfs limit set by the Water Rights Commission.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program

Affidavit of Publication

612

STATE OF SOUTH DAKOTA NOV - 1 2012
County of Spink: ss.

WATER RIGHTS PROGRAM

I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

#662 Notice

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on October 31st, that Twenty-nine and .75/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 31st day of October, 2012.


Notary Public, South Dakota

My commission expires 04/06/2016.

Notice

#662

NOTICE OF APPLICATION NOS. 7424-3, 7425-3, 7426-3 & 7427-3 TO APPROPRIATE WATER

Notice is given that Spink Hutterian Brethren, c/o Paul P Wipf, 18206 Spink Lane, Frankfort SD 57440 has filed the following applications for a water permit.

Application No. 7424-3 proposes to appropriate 3.84 cubic feet of water per second (cfs) from the James River located in SW 1/4 SE 1/4 Section 28 for irrigation of 270 acres located in the W 1/2 Section 33; all in T115N-R62W.

Application No. 7425-3 proposes to appropriate 6.67 cfs from the James River located in the SW 1/4 SW 1/4 Section 16 to irrigate 408 acres located in the S 1/2 Section 17 and NE 1/4 Section 20; all in T115N-R62W.

Application No. 7426-3 proposes to appropriate 2.63 cfs from the James River located in the SW 1/4 NW 1/4 Section 16 to irrigate 185 acres located in the E 1/2 NW 1/4, NE 1/4, NE 1/4 SW 1/4, SW 1/4 NW 1/4 Section 16; all in T115N-R62W.

Application No. 7427-3 proposes to appropriate 8.18 cfs from the James River located in the SE 1/4 SW 1/4 Section 21 to irrigate 575 acres located

in Section 22; all in T115N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7424-3, 7425-3, 7426-3 and 7427-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 November 12, 2012.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or 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 these applications.

Steven M. Pirner, Secretary
Department of Environment
and Natural Resources

Published at an approximate cost of \$29.75. (Oct 31)

Should be NW 1/4 SE 1/4



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 23, 2012

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7424-3, 7425-3, 7426-3 and 7427-3 to Appropriate Water. Please publish the notice once on October 31, 2012. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Spink Hutterian Brethren, c/o Paul Wipf, 18206 Spink Lane, Frankfort SD 57440 (Ph # 605-472-1269).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 23, 2012 9:32 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: Spink Hutterian Brethren notice
Attachments: 7424-27-3pluralpublic-short.docx

Ruby,

Attached is Notice of Application Nos. 7424-3, 7425-3, 7426-3 & 7427-3 to Appropriate Water for Spink Hutterian Brethren, c/o Paul Wipf, 18206 Spink Lane, Frankfort SD 57440 (ph 605 472-1269).

Please publish the notice on October 31, 2012. The information regarding the notice is being sent in the mail today. Please send us the affidavit ASAP after publication.

Thanks,

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

October 23, 2012

Spink Hutterian Brethren
Paul Wipf
18206 Spink Lane
Frankfort SD 57440

Dear Mr. Wipf:

Water Permit Application Nos. 7424-3, 7425-3, 7426-3 and 7427-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Redfield Press printed at Redfield SD (Ph # 605-472-0822) and the Plainsman printed at Huron SD (Ph # 605-352-6401). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

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 applications.

Instruction to Newspaper - Publish the Notice on October 31, 2012. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 7424-3, 7425-3, 7426-3 & 7427-3 to Appropriate Water

Notice is given that Spink Hutterian Brethren, c/o Paul P Wipf, 18206 Spink Lane, Frankfort SD 57440 has filed the following applications for a water permit.

Application No. 7424-3 proposes to appropriate 3.84 cubic feet of water per second (cfs) from the James River located in SW 1/4 SE 1/4 Section 28 for irrigation of 270 acres located in the W 1/2 Section 33; all in T115N-R62W.

Application No. 7425-3 proposes to appropriate 6.67 cfs from the James River located in the SW 1/4 SW 1/4 Section 16 to irrigate 408 acres located in the S 1/2 Section 17 and NE 1/4 Section 20; all in T115N-R62W.

Application No. 7426-3 proposes to appropriate 2.63 cfs from the James River located in the SW 1/4 NW 1/4 Section 16 to irrigate 185 acres located in the E 1/2 NW 1/4, NE 1/4, NE 1/4 SW 1/4, SW 1/4 NW 1/4 Section 16; all in T115N-R62W.

Application No. 7427-3 proposes to appropriate 8.18 cfs from the James River located in the SE 1/4 SW 1/4 Section 21 to irrigate 575 acres located in Section 22; all in T115N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7424-3, 7425-3, 7426-3 and 7427-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 November 12, 2012.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or 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 these applications.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.

RECEIVED

DEC 21 2012

WATER RIGHTS
PROGRAM

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, TRISHA NELSON, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD ENVIRONMENTAL & NATURAL –
APPROPRIATE WATER**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 5TH day DEC 2012 That the full THIRTY-ONE & 68/100 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Trisha Nelson

Subscribed and sworn to before me this 20th day of DEC. 2012.

Shirley R. Barth
Notary Public, South Dakota

My term expires 10/25/17

Legal # 505

F.P. 12-05-12

**NOTICE OF
APPLICATION
NO. 7426-3**

to Appropriate Water

Notice is given that Spink Hutterian Brethren, c/o Paul P Wipf, 18206 Spink Lane, Frankfort SD 57440 has an application to appropriate 2.63 cubic feet of water per second from the James River located in the SW 1/4 NW 1/4 Section 16 to irrigate 185 acres located in the E 1/2 NW 1/4, NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 16; all in T115N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7426-3 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 this 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 this 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 December 17, 2012.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. No. 505 (adv.) Published once at the total approximate cost of \$31.68.

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

#704 Notice

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on December 5th, that Twenty-two and .75/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 5th day of December, 2012.



Notary Public, South Dakota

My commission expires 04/06/2016.

RECEIVED

DEC - 6 2012

WATER RIGHTS
PROGRAM

Notice

#704

NOTICE OF APPLICATION NO. 7426-3 TO APPROPRIATE WATER

Notice is given that Spink Hutterian Brethren, c/o Paul P Wipf, 18206 Spink Lane, Frankfort SD 57440 has an application to appropriate 2.63 cubic feet of water per second from the James River located in the SW 1/4 NW 1/4 Section 16 to irrigate 185 acres located in the E 1/2 NW 1/4, NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 16; all in T115N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7426-3 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 this 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 this 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 December 17, 2012.

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.

Steven M. Pirner, Secretary
Department of Environment and
Natural Resources.

Published at an approximate cost of
\$22.75. (Dec 5)

Schlaak, Karen

From: Ruby Crandall <rnewman.plainsman@midconetwork.com>
Sent: Monday, December 03, 2012 9:01 AM
To: Schlaak, Karen
Subject: Re: No. 7426-3, Spink Hutterian Brethren

I have received your email.
Thank you.

Ruby Crandall
Creative Services Supervisor

Plainsman/Payday/Print Shop
49 3rd Street SE
Huron, SD 57350

605-353-7412

1-800-859-3045, ext. 412

fax: 605-353-7422

rnewman.plainsman@midconetwork.com

On Dec 3, 2012, at 8:57 AM, Schlaak, Karen wrote:

Attached is a notice to be published on December 5, 2012.

Please bill the Water Right Program for the cost of publication. Send the affidavit and bill ASAP.

Let me know if you have questions.

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

<7426-3public-short.docx>

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, December 03, 2012 8:58 AM
To: 'office.redpress@midconetwork.com'; Ruby Crandall
(rnewman.plainsman@midconetwork.com)
Subject: No. 7426-3, Spink Hutterian Brethren
Attachments: 7426-3public-short.docx

Attached is a notice to be published on December 5, 2012.

Please bill the Water Right Program for the cost of publication. Send the affidavit and bill ASAP.

Let me know if you have questions.

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 3, 2012

Spink Hutterian Brethren
Paul Wipf
18206 Spink Lane
Frankfort SD 57440

Dear Mr. Wipf:

The Notice of Application Nos. 7424-3, 7425-3, 7426-3 and 7427-3 printed October 31, 2012, in the Huron Daily Plainsman and the Redfield Press contained an error. The error occurred in the legal description of the irrigated acres under No. 7426-3 (copy enclosed). Therefore, just the notice for No. 7426-3 needs to be readvertised to correct the error and to ensure your water permit is free from any legal entanglements due to insufficient public notice.

Both newspapers have been instructed to publish the notice again on December 5, 2012 with the date for submittal of petitions being December 17, 2012.

The Water Rights Program will pay the cost of publication. If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTICE OF APPLICATION NO. 7426-3 to Appropriate Water

Notice is given that Spink Hutterian Brethren, c/o Paul P Wipf, 18206 Spink Lane, Frankfort SD 57440 has an application to appropriate 2.63 cubic feet of water per second from the James River located in the SW 1/4 NW 1/4 Section 16 to irrigate 185 acres located in the E 1/2 NW 1/4, NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 16; all in T115N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7426-3 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 this 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 this 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 December 17, 2012.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.

December 7, 2012

PAYMENT REQUEST FORM

PAYEE: Redfield Press
PO Box 440
Redfield SD 57469

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Pub Notice Permit # 7426-3 Spink Colony

AMOUNT: \$22.75

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Gail Jacobson 12/7/12

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.



16 E &th Avenue
PO Box 440
Redfield, SD 57469
605-472-0822

RECEIVED

DEC - 6 2012

WATER RIGHTS
PROGRAM

ADVERTISING
INVOICE

Duplicate Bill
for
Coop Advertising

Date 12-5-12 Account No. 122559

SD Water Rights

Date	Coloumn inches of Advertising	Description and/or Other Charges	Amount
12-5-12		#704 Notice	\$ 22.75
Total Inches		X Rate \$ _____	
TOTAL			\$ 22.75

A finance charge of 1.5% per month will added to all past due balances.



Redfield, SD 57469

January 2, 2013

PAYMENT REQUEST FORM

PAYEE: Plainsman
PO Box 1278
Huron SD 57350

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Publication Notice for 7426-3 Spink Hutterian Brethren

AMOUNT: \$31.68

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Gene Jackson 1/2/13

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**

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

JAN 25 2013

Spink Hutterian Brethren
Paul Wipf
18206 Spink Lane
Frankfort SD 57440

Dear Mr. Wipf:

Enclosed is Water Permit No. 7426-3 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.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 29, 2016

No. 7426-3

Paul Wipf
Spink Hutterian Brethren
18206 Spink Lane
Frankfort SD 57440

Dear Mr. Wipf:

I am writing to inquire about the status of the irrigation system authorized by Water Permit No. 7426-3. Water Permit No. 7426-3 appropriates 2.63 cubic feet of water per second (cfs) from the James River located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16 to irrigate 185 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, T115N, R62W. The date listed on the permit to have one-fifth of construction completed was June 17, 2015. The date to complete all construction is December 17, 2017. Permit No. 7426-3 is enclosed.

In September of 2012, Spink Hutterian Brethren filed four water permit applications to appropriate water from the James River for irrigation. The applications were approved and issued authorizing construction of works and placing water to beneficial use. Submittal of the 2016 Irrigation Questionnaires indicate that the systems authorized by Water Permit Nos. 7424-3, 7425-3 and 7427-3 were operated last year. However the questionnaire indicates that the system has not been constructed under Water Permit No. 7426-3.

SD Codified Law 46-5-25 (attached) states "If one-fifth of the work is not completed within one-half the time allowed, as determined by the Water Management Board, the board may accept and approve an application for the use of any of the waters included in the permit issued to the prior applicant, and the right to use the waters under the former permit are forfeited."

This statute becomes relevant when the water source is at an appropriative level where DENR is no longer recommending favorable on requests for new permits. The James River is currently 0.24 cfs from the Water Management Board's established permitted diversion rate threshold of 300 cfs between the North Dakota/South Dakota border and the Hutchinson/Yankton County line. If a new application is filed to appropriate water from the James River it could mean the forfeiture of the Colony's Permit No. 7426-3 if one fifth of construction is not completed. Further if all construction is not completed by December 17, 2017, the permit is subject to cancellation for non-construction.

Please respond by January 13, 2017, regarding the level of construction that has occurred for Permit No. 7426-3. If someone files a new application, a DENR staff person will need to conduct an on-site visit to determine the extent of what construction has taken place. Ultimately it is a Water Management Board decision on whether Permit No. 7426-3 is subject to forfeiture should another application be filed.

If you have any questions regarding the SD Codified Law 46-5-25 and its implications or the water permitting process. Please feel free to contact me.

Sincerely,



Eric Gronlund

Water Rights Program, DENR

605 773-3352

eric.gronlund@state.sd.us

enclosure

South Dakota Codified Law 46-5-25

46-5-25. Diligent prosecution of construction work--Forfeiture of rights--Extension. The work of construction shall be diligently prosecuted to completion. If one-fifth of the work is not completed within one-half the time allowed, as determined by the Water Management Board, the board may accept and approve an application for the use of any of the waters included in the permit issued to the prior applicant, and the right to use the waters under the former permit are forfeited. However, the Water Management Board shall allow an extension of time at the request of the prior applicant, equal to the time during which work was prevented by the operation of law beyond the power of the applicant to avoid. This section does not apply to permits or licenses issued under § 46-5-8.1.

**SOUTH DAKOTA
WATER PERMIT NO. 7426-3**

Date of first receipt of application September 11, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7426-3 to Spink Hutterian Brethren, c/o Paul Wipf, 18206 Spink Lane, Frankfort SD 57440 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. 7426-3 appropriates 2.63 cfs from the James River located in the SW 1/4 NW 1/4 Section 16 to irrigate 185 acres located in the E 1/2 NW 1/4, NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 16; all in T115N-R62W.
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 September 11, 2012.
4. The date of approval of Permit No. 7426-3 is December 17, 2012.
5. One-fifth of the construction is to be completed on or before June 17, 2015.
6. All construction is to be completed on or before December 17, 2017.
7. Water is to be put to beneficial use on or before December 17, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

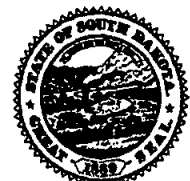
QUALIFICATIONS

1. Diversion of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b) This permit does not authorize diversions from James River when there is less than 20-cfs bypassing the USGS gaging station at Huron SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

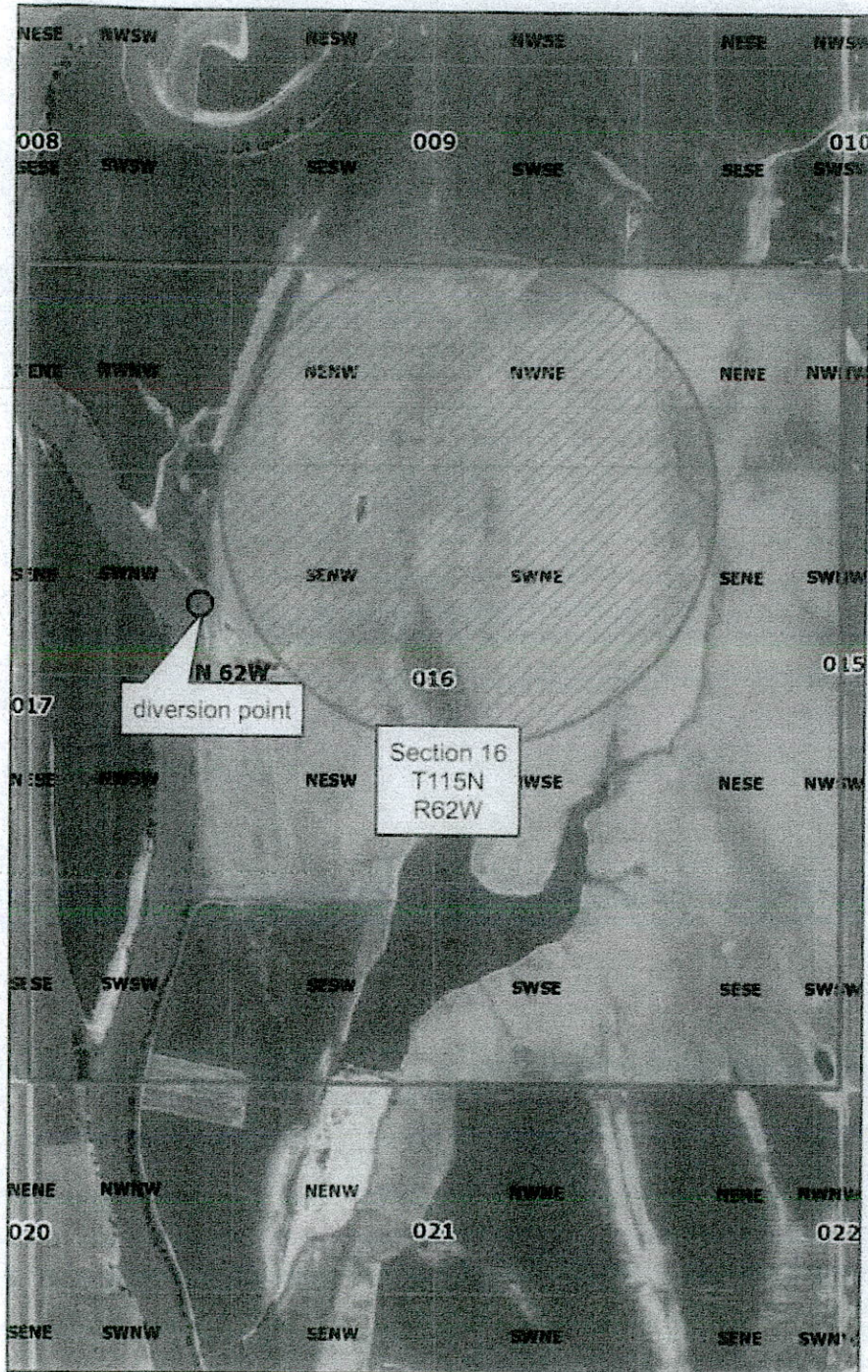
WATER MANAGEMENT BOARD

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

JAN 25 2013
date



Water Permit Application - Spink Hutterian Brethren



Section 16, T115N, R62W

NE 1/4 NW 1/4	33 acres
NW 1/4 NE 1/4	39 acres
NE 1/4 NE 1/4	8 acres
SE 1/4 NW 1/4	38 acres
SW 1/4 NE 1/4	40 acres
SE 1/4 NE 1/4	11 acres
NE 1/4 SW 1/4	6 acres
NW 1/4 SE 1/4	10 acres

1,100 550 0 1,100 Feet



diversion point - SW 1/4 NW 1/4 Section 16, T115N, R62W



Eric Gronlund

Eric Gronlund PE
Water Rights Program, DENR
based on representation by Paul Wipf
with Spink Hutterian Brethren

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

JUN - 9 2017

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 7426-3Date: June 9 2017

I/We request that Water Right/Permit No. 7426-3 formerly owned by:
Spink Hutterian Brethren be transferred to:

New Owner Name: Glendale Hutterian BrethrenAddress: 17866 Glendale DriveCity, State, Zip Frankfort SD 57440 Telephone No. 472-1247

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

E 1/2 NW 1/4, NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 16, T115N, R62W

☒ I understand that the validity of Water Right/Permit No. 7426-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, John Kleinsasser, the new owner, certify that the above information is true and correct.

John Kleinsasser
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

June 12 Date _____, 20 17

RECEIVED OF Glendale Hutterian Brethren 17866 Glendale Drive Frankfort SD 57440

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	50	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 <u>7426-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. 08267

By

Janne Goodman DM
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 27, 2017

7426-3

John Kleinsasser
Glendale Hutterian Brethren
17866 Glendale Dr
Frankfort SD 57440

Dear Mr. Kleinsasser:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Permit No. 7426-3.

The ownership change has been completed. Water Permit No. 7426-3, formerly held by Spink Hutterian Brethren is now listed in the name of Glendale Hutterian Brethren.

Enclosed for your records is Receipt No. 08267 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure