

WATER PERMIT NO. 8141-3

Name of Applicant: **Bon Homme Colony**

Address: **31232 Colony Rd, Tabor SD 57063**

Phone: **605 661-3526**

Amount of Water Claimed: **no additional**

Total Acres: **160**

Source of Water Supply: **Missouri River**

Water to be used for: **irrigation**

County: **Bon Homme**

Type of Waste Disposal System:

Location: **6 miles southwest of Tabor**

PRIORITY

Date Received: **3-17-15**

Application/License Fee: **\$ 1150 (need to refund)**

Corrected Application Received:

Period of Annual Use: **May 1 – October 31**

Remarks: **Utilizing one of the diversion points authorized by Water Right No. 5304-3 with no additional appropriation of water**

Diversion Point: **SW 1/4 SW 1/4 Sec 17-T93N-R58W**

Land to be Irrigated: **NW 1/4 Sec 8-T93N-R58W**

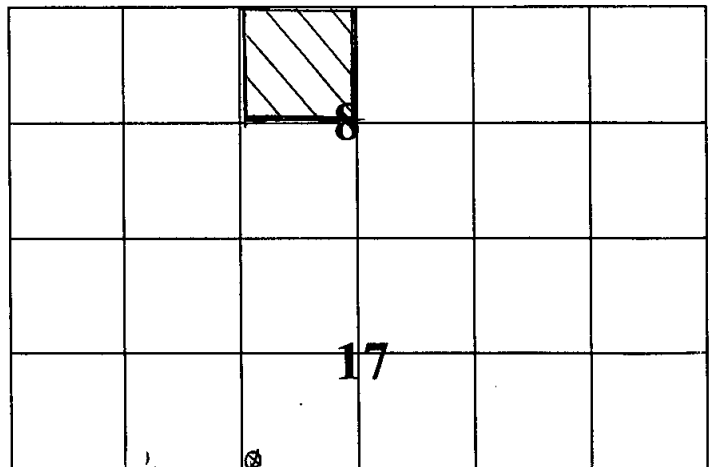
Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:



Reviewed and the Number Assigned on: **3-23-15**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8141-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u> <u>605-589-3242</u>
	Newspaper <u>Tribune & Register, Box 250, Tyndall 57064</u> <u>605-665-7811</u>
	<u>Press-Telegram, 319 Walnut, Yankton 57078</u>

RECEIVED
MAR 17 2015
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 to Appear on Irrigation Permit Bon Homme Colony
(check one) ☐ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address 31232 Colony Road Tabor SD 57063
(Address) (City) (State) (Zip Code)

Home Phone 605-463-2422 Cell 605-661-3526 Email NA

2. Amount of water claimed No additional *CFS or **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River

4. Location of point of diversion SW 1/4 SW 1/4 Section 17 T93N R58W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Bon Homme

5. County or counties where water will be used _____

6. Annual period during which water is to be used May 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
<u>NW 1/4 Section 8-T93N-R58W</u>	<u>160</u>		

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

Irrigation of additional 1/4 Section Using pump size
authorised by Water Rights 5304-3

I, Samuel J. Waldner, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 8141-3

Date of first receipt of application March 17, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8141-3 to Bon Homme Colony, Samuel J Waldner, 31232 Colony Road, Tabor SD 57063 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8141-3 authorizes irrigation of 160 new acres. Water Right No. 5304-3 appropriates 11.08 cubic feet of water per second from the Missouri River located between points in the SE 1/4 SE 1/4 Section 18 and the NW 1/4 NW 1/4 Section 21 for irrigation of 776 acres located in the S 1/2 Section 8, S 1/2 SW 1/4 Section 16, Section 17, E 1/2 NE 1/4, E 1/2 SE 1/4 Section 18, NW 1/4 NW 1/4 Section 21; all in T93N-R58W. This permit will utilize the existing Missouri River diversion point located in the SW 1/4 SW 1/4 Section 17 to irrigate 160 new acres located in the NW 1/4 Section 8; all in T93N-R58W. This permit does not authorize any increase in the developed diversion rate.
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 March 17, 2015.
4. The date of approval of Permit No. 8141-3 is May 11, 2015.
5. One-fifth of the construction is to be completed on or before November 11, 2017.
6. All construction is to be completed on or before May 11, 2020.
7. Water is to be put to beneficial use on or before May 11, 2024.
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 questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*
Jeanne Goodman, Chief Engineer

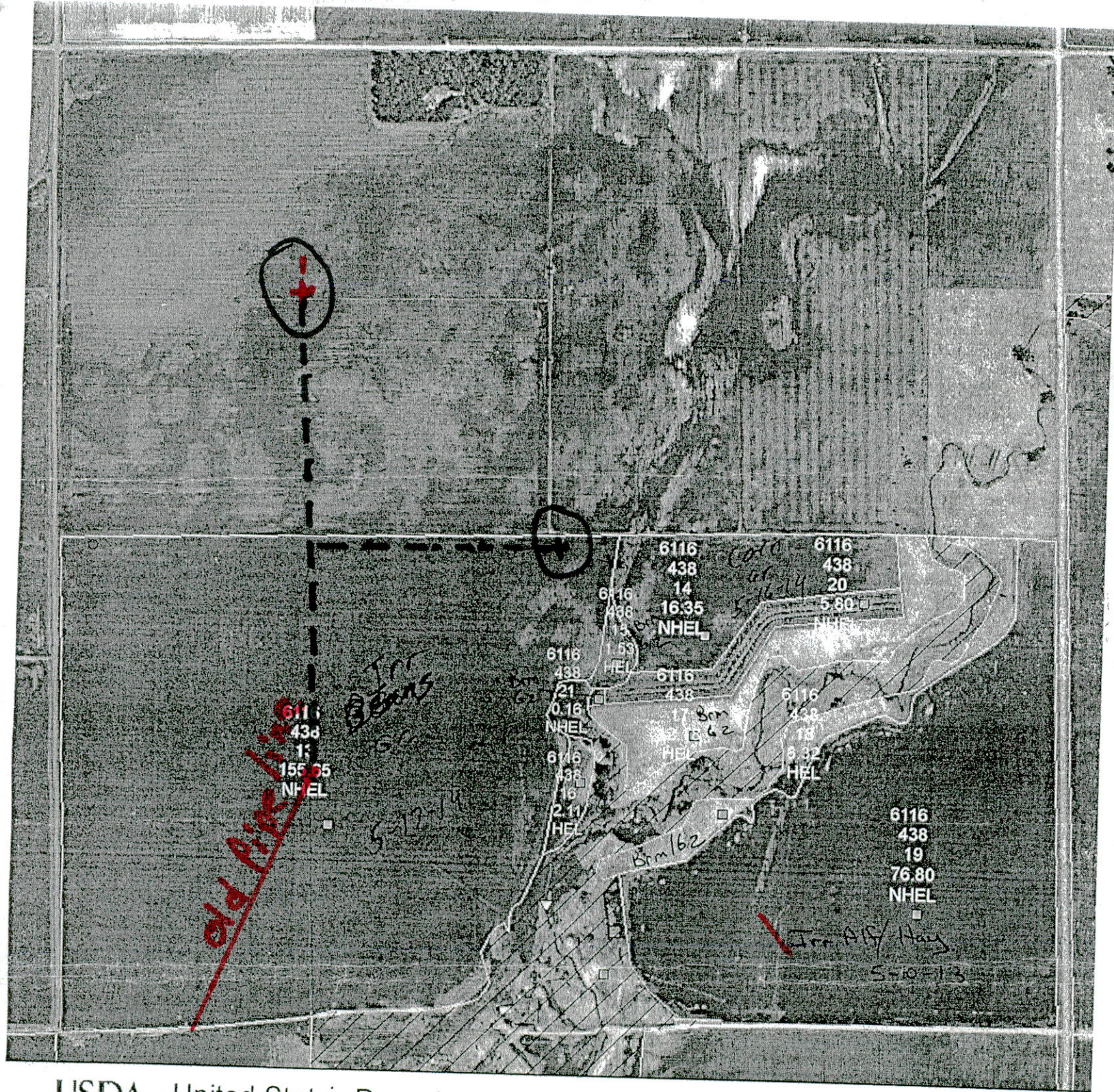
Water Rights Program

Department of Environment and Natural Resources

JUN 03 2015

date





United States Department of Agriculture
Farm Service Agency

PLSS: 8_93N_58W
Farm: 6116

Bon Homme County

1 inch equals 676 feet

December 05, 2013

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

RECEIVED

MAR 17 2015

**WATER RIGHTS
PROGRAM**

2012 Ortho-Photography - Not to Scale

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions
- Common Land Units
- CRP
- /// Non Cropland





United States Department of Agriculture
Farm Service Agency

December 05, 2013

PLSS: 17_93N_58W
Farm: 6116

Bon Homme County
1 inch equals 673 feet

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original determination (CPA-026 and attached maps) for exact wetland
boundaries and determinations, or contact NRCS.

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- Common Land Units**
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 - Non Cropland



MAR 17 2015

2012 Ortho-Photography - Not to Scale

**WATER RIGHTS
PROGRAM**

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/23, 2015

RECEIVED OF Bon Homme Hutterian Brethren 31232 Colony Rd Tabor SD 57063

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	1300 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>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
	1500 00

No. 07321

By Jeanne Goodman
Chief Engineer

Entity Detail File Annual Report Statement of Change Forms

Name **BON HOMME HUTTERIAN BRETHREN, INC.** [Obtain a Certificate of Good Standing](#)

Corporate ID **NS002026**

Incorporation/Qualification Date **10/18/1935**

Home State **SOUTH DAKOTA**

Status **Good Standing**

Last Annual Report **2014**

Corporation Type **Domestic Nonprofit**

Stock Info **7/7/1981 FARM QUAL BW**

Registered Agent Documents Officers

Year	Director	Officer Type	First	Middle	Last	Address	City	State	Zip	Country
2014	☒	President	ALVIN		STAHL	31232 COLONY RD.	TABOR	SD	57063	
2014	☒	Vice President	ROBERT		STAHL	31232 COLONY RD.	TABOR	SD	57063	
2014	☒	Secretary	SAMUEL		WALDNER	31232 COLONY RD.	TABOR	SD	57063	
2014	☒	Treasurer	SAMUEL		WALDNER	31232 COLONY RD.	TABOR	SD	57063	
2014	☒	Director	JOE		STAHL	31232 COLONY RD.	TABOR	SD	57063	
2014	☒	Director	LEONARD		STAHL	31232 COLONY RD.	TABOR	SD	57063	
2014	☒	Director	BEN		STAHL	31232 COLONY RD.	TABOR	SD	57063	

June 3, 2015

PAYMENT REQUEST FORM

PAYEE: Bon Homme Colony
Samuel J Waldner
31232 Colony Rd
Tabor SD 57063

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund on water permit no. 8141-3 (overpayment)

AMOUNT: \$450.00

FUNDING SOURCE:

GENERAL:

FEDERAL:

OTHER: Water Right Fees

COMMENTS:

AUTHORIZATION:



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 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8141-3, Bon Homme Colony**

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. Bon Homme Colony, c/o Samuel J Waldner, 31232 Colony Rd, Tabor SD 57063.

The Chief Engineer is recommending APPROVAL of Application No. 8141-3 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.

Jeanne Goodman, Chief Engineer
April 22, 2015

REPORT ON WATER PERMIT APPLICATION NO. 8141-3
Bon Homme Colony
April 9, 2015

Application No. 8141-3 proposes to utilize a diversion site from an existing irrigation project to irrigate 160 new acres. Water Right No. 5304-3 appropriates 11.08 cubic feet of water per second from the Missouri River located between points in the SE 1/4 SE 1/4 Section 18 and the NW 1/4 NW 1/4 Section 21 for irrigation of 776 acres located in the S 1/2 Section 8, S 1/2 SW 1/4 Section 16, Section 17, E 1/2 NE 1/4, E 1/2 SE 1/4 Section 18, NW 1/4 NW 1/4 Section 21; all in T93N-R58W. This application proposes to utilize the existing Missouri River diversion point located in the SW 1/4 SW 1/4 Section 17 to irrigate 160 new acres located in the NW 1/4 Section 8; all in T93N-R58W. This application, if approved, does not authorize any increase in the developed diversion rate. The proposed project is located approximately 9 miles east of the town of Springfield in Bon Homme County.

Review of the Water Source

The water source for this application is from the natural flow of the Missouri River in Lewis and Clark Lake in the reach impounded behind Gavins Point Dam along the southern border of Yankton County. The natural flow of the Missouri River at the location of the proposed diversion point means surface waters that would otherwise flow unimpeded downstream absent any dams and reservoirs owned and operated by the U.S. Army Corps of Engineers. The U.S. Army Corps of Engineers (USACE) constructed Gavins Point dam in the early 1950's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams, Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point, are operated as a system providing storage and water releases for the congressionally authorized purposes.

Gavins Point Dam has impounded the Missouri River in this river reach since the early 1950's. An estimation of the Missouri River natural flows at a location approximately 12 miles downstream of this project (Figure 1) can be derived from a research study the USGS completed in 2001 (Jacobson et. al.).

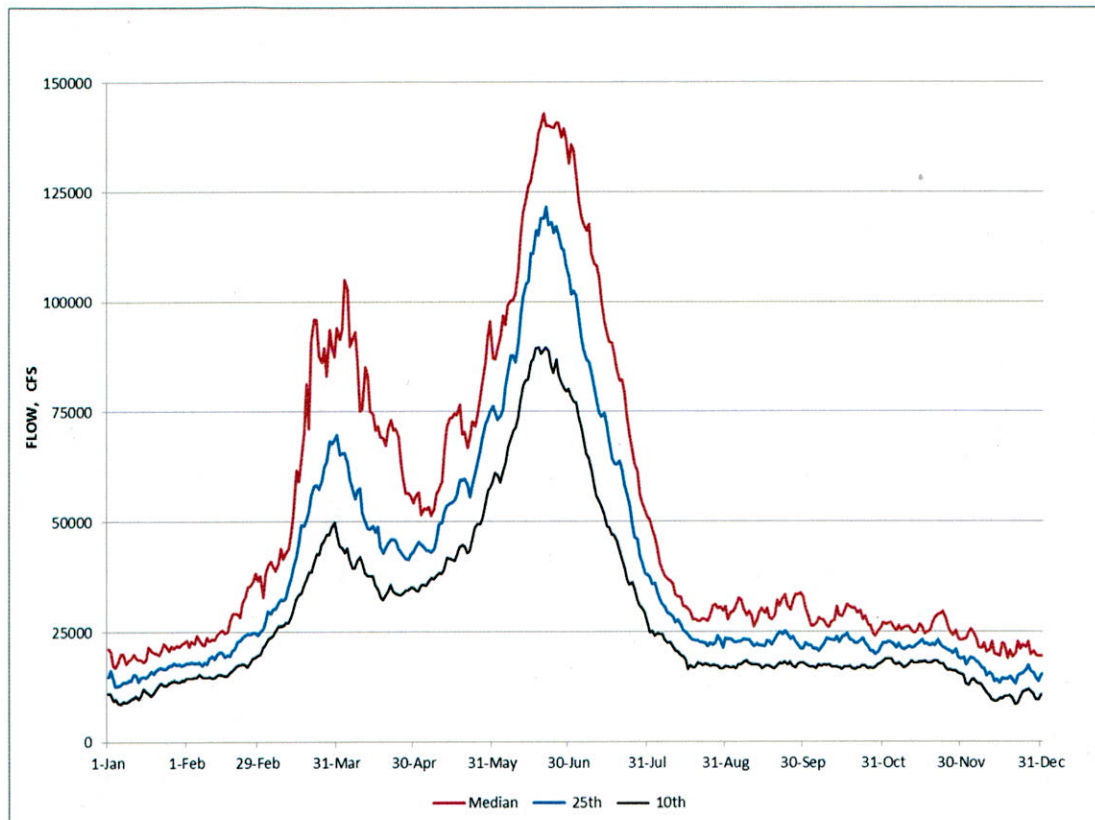


Figure 1. Natural Flow Hydrograph for the Missouri River at Gavins Point Dam; Robert B. Jacobson and Jeanne Heuser, U.S. Geological Survey, Columbia, MO. 2001.

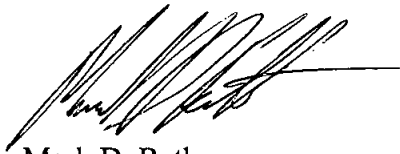
Even at the 10th percentile flow level, this hydrograph demonstrates there is ample natural flow available if this project is approved. Water availability is not a concern when using the natural flows of the Missouri River as a source.

Review of the Proposed Project and Existing Water Rights

There are 268 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1283.03 cfs. Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights.

Conclusions

1. This application proposes to irrigate an additional 160 acres with no additional diversion rate requested utilizing the same Missouri River diversion point as an existing irrigation covered by Water Right No. 5404-3 that currently authorizes 11.08 cfs for 776 acres.
2. This application, if approved and Water Right No. 5403-3 combined will authorize a total diversion rate of 11.08 cfs for irrigation of 936 acres.
3. The water source for this project is from the natural flow of the Missouri River in the reservoir reach of Lewis and Clark Lake immediately upstream of Gavins Point Dam.
4. Water availability for this project will not be a problem.



Mark D. Rath
Natural Resources Engineer III

References

- Jacobson R.B. and Heuser J. 2001. Visualization of Flow Alternatives, Lower Missouri River
U.S. Geological Survey Open-file Report OF02-122. U.S. Geological Survey.
- Water Rights. 2015. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg.,
Pierre, SD.

Affidavit of Publication

RECEIVED
MAY 04 2015

State of South Dakota }
County of Bon Homme } SS

WATER RIGHTS PROGRAM

Rebecca Dy Being first duly sworn says that the **Tyndall Tribune & Register** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice of Appl. No. 8141-3
79 @ 37.2

a printed copy of which is hereto attached, was printed and published in said newspaper for *One* successive weeks, upon the following dates:

April 29 2015 20.....
..... 20..... 20.....
..... 20..... 20.....
..... 20..... 20.....

That the full amount of the fee charged for the publication of said notice, \$ *29.39*, inures 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 has been agreed to be paid to any person whomsoever.

Rebecca Dy publisher
Subscribed and sworn to before me this
29 day of *April* 2015
Regina Schulz
Notary Public, South Dakota

my commission expires Oct 24, 2015

NOTICE OF APPLICATION

NO. 8141-3 to Appropriate Water

Notice is given that Bon Homme Colony, c/o Samuel J Waldner, 31232 Colony Rd, Tabor SD 57063 has filed an application to irrigate 160 new acres. Water Right No. 5304-3 appropriates 11.08 cubic feet of water per second from the Missouri River located between points in the SE 1/4 SE 1/4 Section 18 and the NW 1/4 NW 1/4 Section 21 for irrigation of 776 acres located in the S 1/2 Section 8, S 1/2 SW 1/4 Section 16, Section 17, E 1/2 NE 1/4, E 1/2 SE 1/4 Section 18, NW 1/4 NW 1/4 Section 21; all in T93N-R58W. This application proposes to utilize the existing Missouri River diversion point located in the SW 1/4 SW 1/4 Section 17 to irrigate 160 new acres located in the NW 1/4 Section 8; all in T93N-R58W. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8141-3 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 May 11, 2015.

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. Information concerning this application is available at <http://denr.sd.gov/public>. 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.

(April 29)

Published once at the total approximate cost of \$29.39

RECEIVED

MAY 04 2015

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 8141-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 29th DAY OF April 2015
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$31.11 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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.

PUBLISHED ON: 4/29/2015

FILED ON: 4/29/2015

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF April 2015

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

4-29
NOTICE OF APPLICATION NO.
8141-3 to Appropriate Water

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Published once at the total approximate cost of \$ 31.11



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 23, 2015

Tribune & Register
PO Box 520
Tyndall SD 57066

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8141-3 to Appropriate Water. Please publish the notice once on April 29, 2015. 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 Bon Homme Colony, c/o Samuel J Waldner, 31232 Colony Rd, Tabor SD 57063 (Ph # 605-463-2422).

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 23, 2015

Press & Dakotan
319 Walnut
Yankton SD 57078

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

April 23, 2015

Bon Homme Colony
Samuel J Waldner
31232 Colony Rd
Tabor SD 57063

Dear Mr. Waldner:

Water Permit Application No. 8141-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Tribune & Register printed at Tyndall SD (Ph # 605-589-3242) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(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 has also 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
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.

Instruction to Newspaper - Publish the Notice on April 29, 2015. 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 NO. 8141-3 to Appropriate Water

Notice is given that Bon Homme Colony, c/o Samuel J Waldner, 31232 Colony Rd, Tabor SD 57063 has filed an application to irrigate 160 new acres. Water Right No. 5304-3 appropriates 11.08 cubic feet of water per second from the Missouri River located between points in the SE 1/4 SE 1/4 Section 18 and the NW 1/4 NW 1/4 Section 21 for irrigation of 776 acres located in the S 1/2 Section 8, S 1/2 SW 1/4 Section 16, Section 17, E 1/2 NE 1/4, E 1/2 SE 1/4 Section 18, NW 1/4 NW 1/4 Section 21; all in T93N-R58W. This application proposes to utilize the existing Missouri River diversion point located in the SW 1/4 SW 1/4 Section 17 to irrigate 160 new acres located in the NW 1/4 Section 8; all in T93N-R58W. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8141-3 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 May 11, 2015.

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. Information concerning this application is available at <http://denr.sd.gov/public>. 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 _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

June 3, 2015

Bon Homme Colony
c/o Samuel J Waldner
31232 Colony Rd
Tabor SD 57063

Dear Mr. Waldner:

Enclosed is Water Permit No. 8141-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The application was submitted with a fee of \$1500.00. The application /license fee for Permit No. 8141-3 is \$1,150.00. Therefore, \$450.00 will be refunded to you. The refund check should be received within a couple of weeks.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return the 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Schlaak, Karen

Subject: FW: Irrigation overspray pics
Attachments: BH Colony - 1.jpg; BH Colony - 2.jpg

From: Smith, Kim (DENR)
Sent: Thursday, July 23, 2015 7:41 AM
To: Gronlund, Eric
Cc: Goodman, Jeanne
Subject: FW: Irrigation overspray pics

Eric - More photos from Bon Homme County.

NOTE: When replying to this email do **NOT** click the person's [\[mailto:myname@email.com\]](mailto:myname@email.com) address since this may result in your reply being undeliverable. Either copy and paste just the email address (e.g. myname@email.com) or type just the address into your reply message.

From: Bon Homme County Highway Dept [\[mailto:bhcohwy@hcinet.net\]](mailto:bhcohwy@hcinet.net)
Sent: Wednesday, July 22, 2015 1:33 PM
To: Smith, Kim (DENR)
Subject: Irrigation overspray pics

Good afternoon Kim!

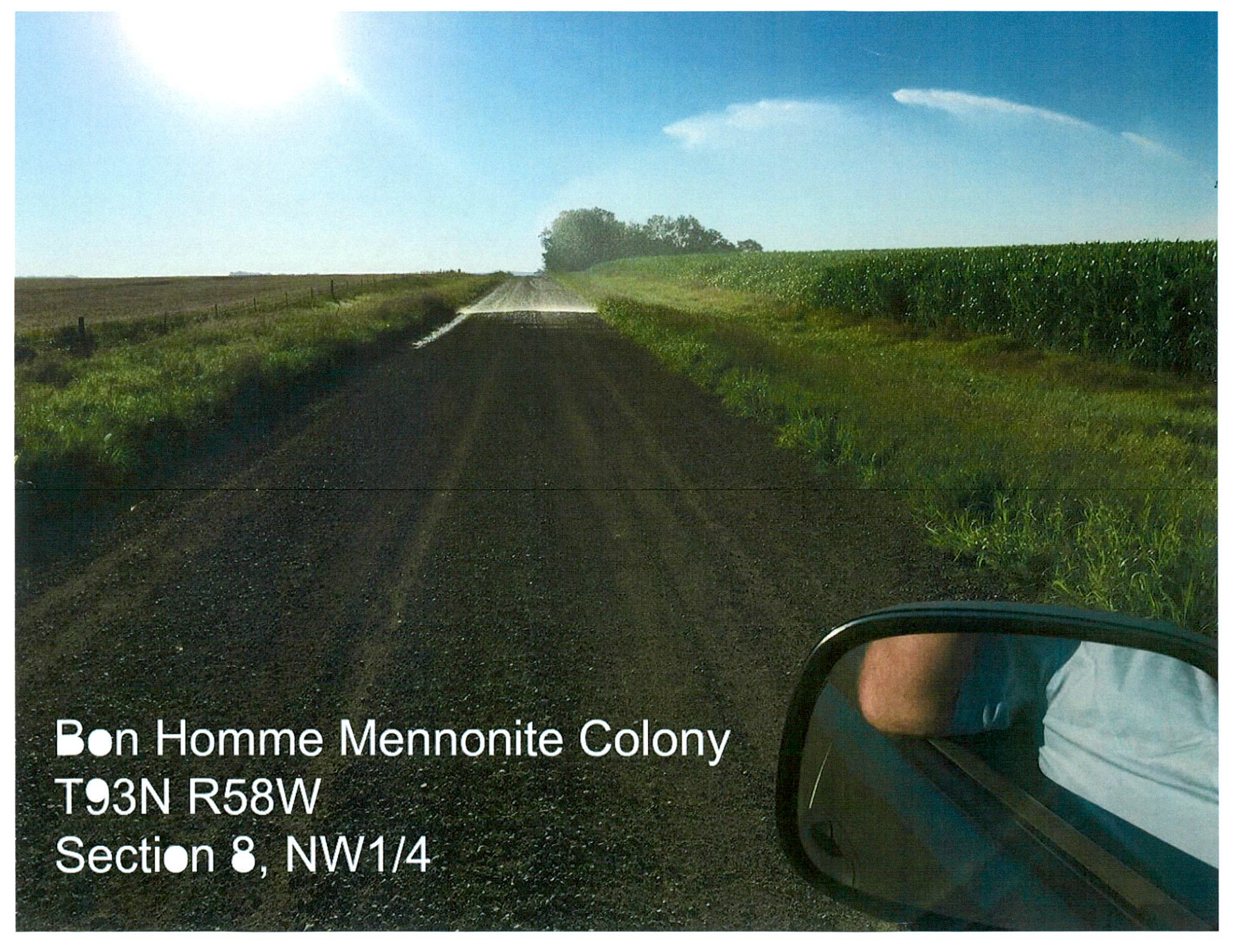
Please find attached two pictures of irrigation overspray in Bon Homme County. If you have any questions, feel free to contact Dennis, our highway superintendent, at (605) 464-1129.

Thanks and have a great day!

Amanda Larson
Bon Homme County

A gravel road stretches into the distance, flanked by green corn fields on the left and golden wheat fields on the right. The sky is a clear, bright blue. In the foreground, the dark shadow of the car's hood and the top of the windshield are visible. A small red sign is visible on the left side of the road in the distance.

Bon Homme Mennonite Colony
T93N R58W
Section 8, NW1/4



Bon Homme Mennonite Colony
T93N R58W
Section 8, NW1/4



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

No. 8141-3

July 23, 2015

Bon Homme Hutterian Brethren
c/o Samuel J Waldner
31232 Colony Road
Tabor SD 57063

Dear Mr. Waldner:

A staff member from the Bon Homme County Highway Department recently observed overspray from the irrigation system located in the NW 1/4 Section 8-T93N-R58W onto the adjacent road (see attached photo). This irrigation system is covered by Water Permit No. 8141-3 which is held by the colony.

It is common for center pivots to have stops which can be engaged to shut off the operation of the end gun when the pivot nears a road. Please take steps to insure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to operate an irrigation system in violation of state water law, which includes end gun overspray upon land not authorized by the water right. Continued overspray can result in the Department of Environment and Natural Resources (DENR) taking enforcement action.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at eric.gronlund@state.sd.us.

Thank you for your cooperation,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

c: Bon Homme County Highway Dept.

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8141-3

I have this day, June 11, 2024, made a thorough examination of the water use systems owned by Bon Homme Colony, Samuel J Waldner, 31232 Colony Road, Tabor, SD 57063, holder of Permit No. 8141-3, bearing the priority date of March 17, 2015. This permit authorizes irrigation of 160 new acres. Water Right No. 5304-3 appropriates 11.08 cubic feet of water per second from the Missouri River located between points in the SE1/4 SE1/4 Section 18 and the NW1/4 NW1/4 Section 21 for irrigation of 776 acres located in the S1/2 Section 8, S1/2 SW1/4 Section 16, Section 17, E1/2 NE1/4, E1/2 SE1/4 Section 18, NW1/4 NW1/4 Section 21; all in T93N-R58W. This permit will utilize the existing Missouri River diversion point located in the SW1/4 SW1/4 Section 17 to irrigate 160 new acres located in the NW1/4 Section 8; all in T93N-R58W. This permit does not authorize any increase in the developed diversion rate. All of the property is located in Bon Homme County.

Inspection contacts: Samuel Waldner and Alvin Stahl

A. Works used to divert the water:

River Intake Information from Water Right No. 5304-3

South Pump:

- 1) Make: Cornell
- 2) Model No.: 5HH-F18
- 3) Capacity: 1,650 gpm

North Pump

- 1) Make: Cornell
- 2) Model No.: 5HH-F18
- 3) Capacity: 1,650 gpm

South Motor:

- 1) Make: Worldwide Electric Corp.
- 2) Model No.: WW125-444T
- 3) Horsepower rating: 125 hp

North Motor:

- 1) Make: Toshiba
- 2) Model No.: 1254FTSA21A-P
- 1) Horsepower rating: 125 hp

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

- | | | |
|---------------------|------------------------|---|
| 1) Type: <u>PVC</u> | Size: <u>8</u> inches | Length: <u>1,290</u> feet (<u>SE Pivot to Main Line</u>) |
| 2) Type: <u>PVC</u> | Size: <u>8</u> inches | Length: <u>1,290</u> feet (<u>Main Line to SE Pivot</u>) |
| 3) Type: <u>PVC</u> | Size: <u>12</u> inches | Length: <u>2,640</u> feet (<u>WR No. 5304-3 to North Pivot</u>) |

C. Works used to apply water to beneficial use:

Center Pivots: (East and West Pivots)

- 1) Make: Zimmatic
- 2) Overall length: 544 feet
- 3) Number of towers: 4
- 4) End gun: Yes Range: 70 feet
- 5) Capacity: 450 gpm

Chemigation Equipment:

- 1) Does chemigate: Yes
- 2) Main line check valve: Yes
- 3) Inspection port/air relief: Yes
- 4) Low pressure drain: Yes

Center Pivot: (North Pivot)

- 1) Make: Zimmatic
- 2) Overall length: 1,303 feet
- 3) Number of towers: 7
- 4) End gun: Yes Range: 70 feet
- 5) Capacity: 850 gpm

- 5) Discharge is 20' from source: Yes
- 6) Interlock type: Electrical
- 7) Injection pump: Positive Displacement
- 8) Injection check valve: Yes
- 9) Injection line check valve or positive displacement pump: Yes

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: Additional property locations irrigated.

E. Condition and Location:

- 1) The system is in good condition with the point(s) of diversion located as follows:
The river intake is (400 feet E and 165 feet N from the SW corner of Section 17-T93N-R58W (Latitude 42.86538, Longitude -97.73208)).
- 2) The works are capable of diverting and conveying to the places of use 11.08 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in

Section 8-T93N-R58W

<u>NW1/4NW1/4</u>	<u>32 acres</u>	<u>NW1/4SW1/4</u>	<u>6 acres</u>
<u>NE1/4NW1/4</u>	<u>32 acres</u>	<u>NE1/4SW1/4</u>	<u>6 acres</u>
<u>SW1/4NW1/4</u>	<u>39 acres</u>	<u>NW1/4SE1/4</u>	<u>6 acres</u>
<u>SE1/4NW1/4</u>	<u>39 acres</u>		

comprising a total of 160 acres of land and the license should be issued for 0.00 cfs.

- 3) All structures, wells and lands on map: Yes

F. Comments or other permit(s) associated with the project: Two pivots were added to the permit, one in the southwest corner of the SW1/4 of the NW1/4 and one in the southeast corner of the SE1/4 of the NW1/4. These two pivots irrigate portions of the N1/2 of the SW1/4 and the NW1/4 of the SE1/4. The irrigated properties are owned by the Colony and are adjacent to the property listed in the permit. The total irrigated property acreage is equal to what was allowed by the permit.

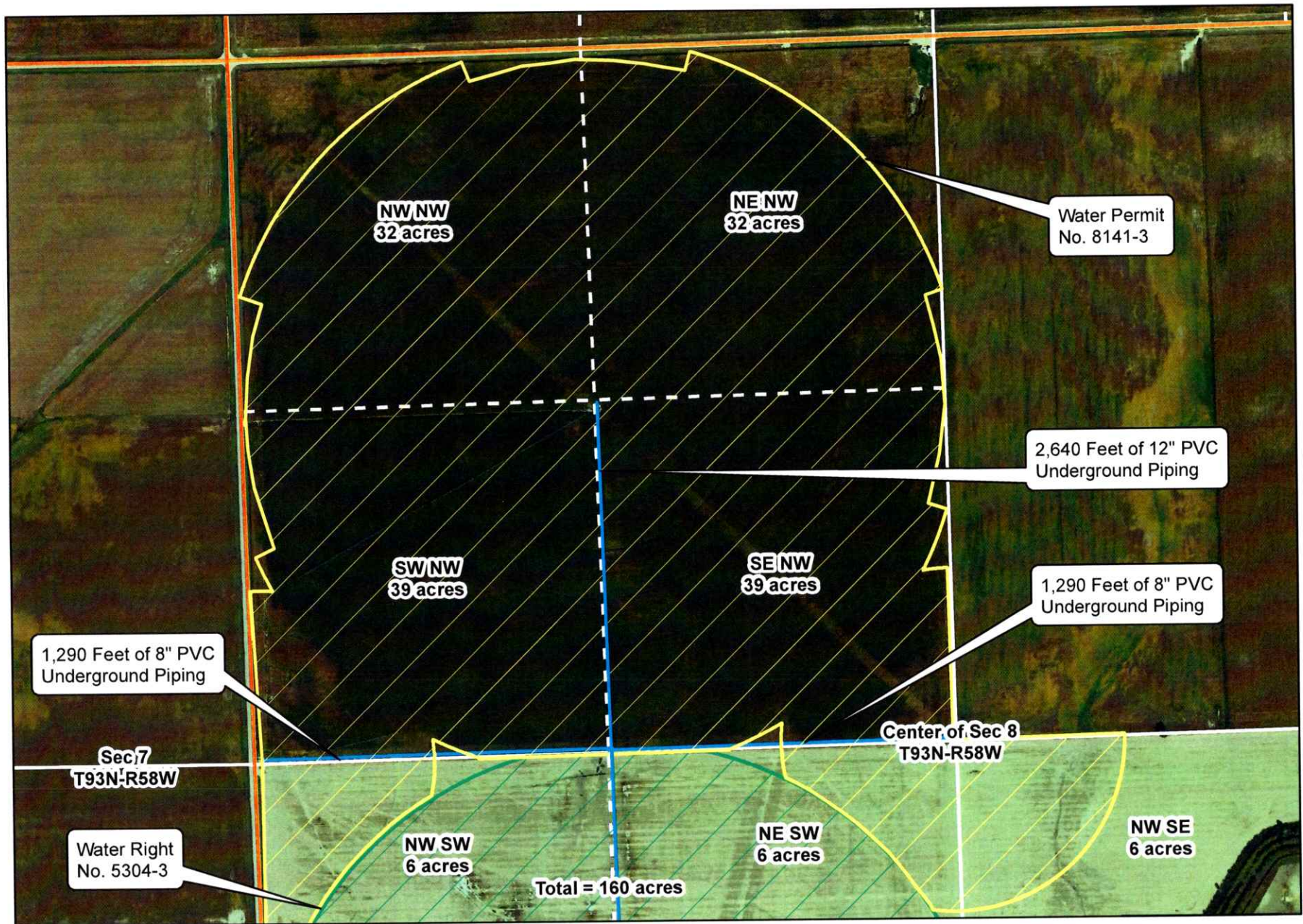
The pumps and motors at the river intake have been replaced since WR No. 5304-3 was inspected and licensed. The pumps and motors listed above are feeding these pivots now. The ten-inch and eight-inch main line pipes going to the pivots have also been replaced since that inspection. The fifteen-inch pipe remains in place. Also, the chemigation system was not on site at the time of the inspection. The pivots irrigating acres authorized under 8141-3 are capable of diverting 3.89 cfs, however, if incorporated into 5304-3 the diversion rate of 11.08 cfs would be appropriate.

Keith DeJong

Keith DeJong, PE Ret.
Water Rights Inspector

Date report completed: June 17, 2024

Water Permit No. 8141-3 Sheet 1

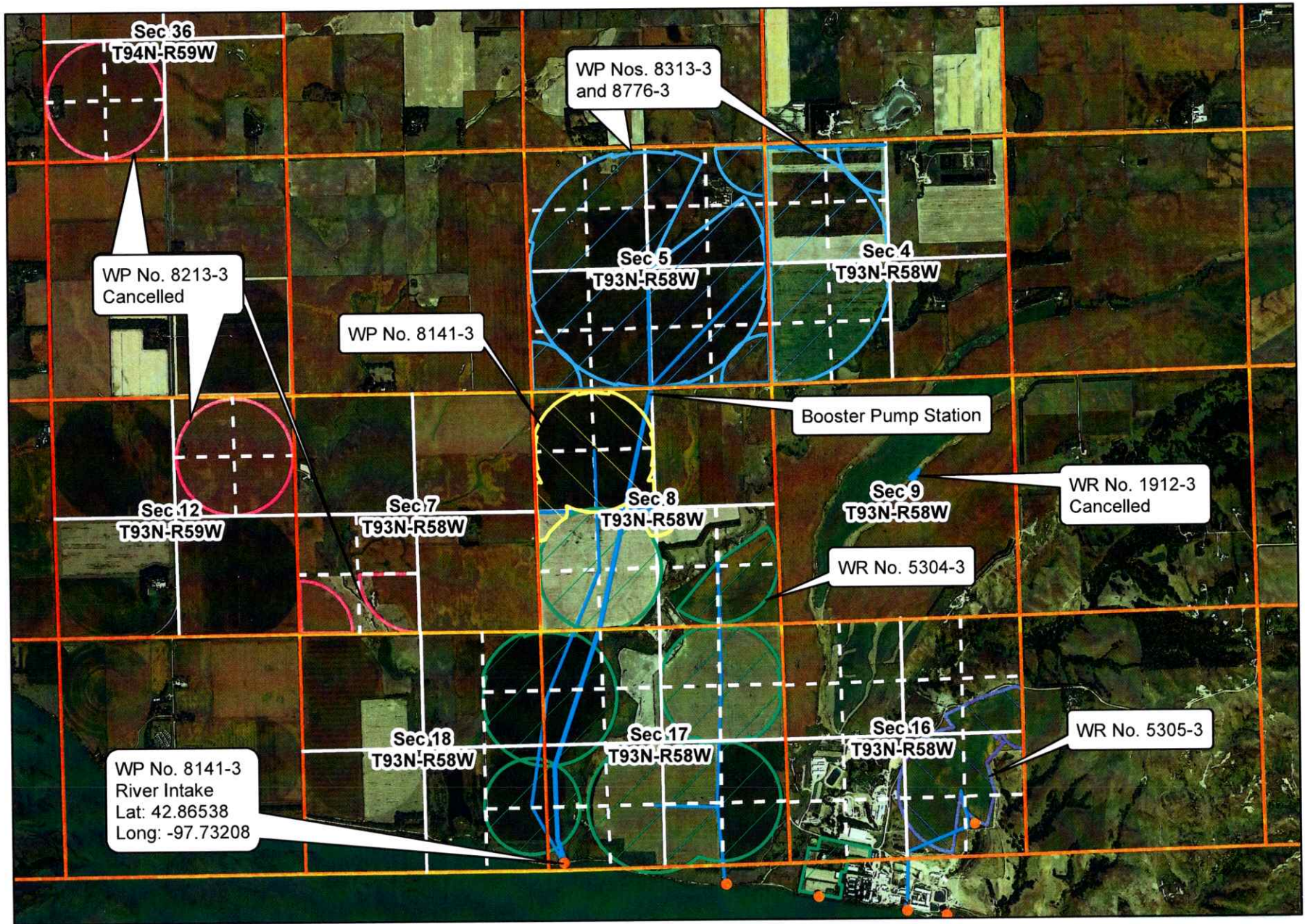


0 165 330 660 990 1,320
Feet
SCALE



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
June 13, 2024

Water Permit No. 8141-3 Sheet 2



0 9501,900 3,800 5,700 7,600
Feet
SCALE



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
June 13, 2024

Licensing of Acreage Outside of Permitted Area

NAME: Bon Homme Htttn Breth

ADDRESS: 31232 Colony Rd, Tabor SD 57063

DATE: June 25, 2024 COUNTY: Bon Homme

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 160 acres as compared to 160 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The permit holder relocated 12 acres into the N ½ SW ¼ Section 8 & 6 acres into the NW ¼ SE ¼ Section 8, immediately adjacent to permitted acres in the SW ¼ Sec 8; all in T93N-R58W.

- **Owned by Same Property Owner**

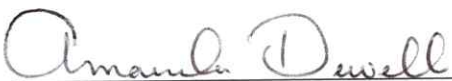
All the property involved is owned by the Bon Homme Hutterian Brethren.

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

The construction completion date was May 11, 2020. Irrigation was reported being performed in 2015.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 18 acre area be included in the water license.



Amanda Dewell, Permitting Administrator
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.



Eric Gronlund, Chief Engineer
Water Rights Program

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Bon Homme Httm Breth, Tabor SD

DATE: June 25, 2024

RE: Priority Dates

COMMENTS:

In reviewing Water Right Nos. 5304-3 & Water Permit No. 8141-3 for the purpose of licensing and incorporating the two, it was found that a priority date of June 4, 1971, had been incorrectly noted on the license for WR No. 5304-3. The priority date has been adjusted to March 12, 1957, as originally set forth under Water Right No. 431-3.

See map of priority dates attached for further reference as 5 water rights/permits have now been incorporated over the years.



Amanda Dewell
Water Rights Program

431-1 (3/12/1957) 3847-3 (3/31/1977) 8141-3 (3/17/2015)
2186-3 (1/9/1975) 5304-3 (5/10/1989)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUN 27 2024

8141-3
5304-3

Bon Homme Httm Breth
c/o Samuel J Waldner
31232 Colony Rd
Tabor SD 57063

Dear Mr. Waldner:

Enclosed is Water License No. 8141-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license are maps prepared by the staff engineer who conducted the field investigation.

So 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,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of Water Right No. 5304-3 have been incorporated into Water Right No. 8141-3.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8141-3**

(1) Water Right No. 5304-3, held by Bon Homme Hutterian Brethren, appropriates 11.08 cubic feet of water per second (cfs) from the Missouri River, for irrigation of 776 acres located within Sections 8, 16, 17, 18, and 21; all in T93N-R58W, Bon Homme County. The applicable portions of Water Right No. 5304-3 have been incorporated into this license.

Bon Homme Colony, 31232 Colony Rd, Tabor SD 57063, made Application No. 8141-3, March 17, 2015, for a water permit to irrigate an additional 160 acres, to what was already authorized under Water Right No. 5304-3. Permit No. 8141-3, with a priority date of March 17, 2015, was approved May 11, 2015, and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 11, 2020, and for the application to beneficial use of water on or before May 11, 2024.

An investigation conducted for licensing purposes found acreage developed outside of the permitted area. Pursuant to SDCL 46-5-30.5 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in acreage did not impair existing water rights and the overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holders have 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 11.08 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- 400 ft E & 165 ft N of the SW corner Section 17, T93N, R58W (SW ¼ SW ¼)
(Latitude 42.86538 & Longitude -97.73208)
- 1,380 ft W & 525 ft S of the NE corner Section 20, T93N, R58W (NW ¼ NE ¼)
(Latitude 42.86633 & Longitude -97.71921)
- 600 ft E & 750 ft S of the NW corner section 21, T93N, R58W (NW ¼ NW ¼)
(Latitude 42.86281 & Longitude -97.71176)

Diversion points may be moved along the river between the SE ¼ SE ¼ Section 18 & NW ¼ NW ¼ Section 21; all in T93N, R58W (as previously authorized under 3847-3).

(3) The amount of 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.

(4) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land: *all in T93N, R58W*

Section 8					
NE ¼ NW ¼	32 acres ^⑤	NE ¼ SW ¼	33 acres ^③	NE ¼ SE ¼	10 acres ^④
NW ¼ NW ¼	32 acres ^⑤	NE ¼ SW ¼	6 acres ^⑤	NW ¼ SE ¼	6 acres ^⑤
SW ¼ NW ¼	39 acres ^⑤	NW ¼ SW ¼	33 acres ^③	SW ¼ SE ¼	13 acres ^④
SE ¼ NW ¼	39 acres ^⑤	NW ¼ SW ¼	6 acres ^⑤	SE ¼ SE ¼	28 acres ^④
		SW ¼ SW ¼	33 acres ^③		
		SE ¼ SW ¼	33 acres ^③		

continued

Section 16

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 9 acres ① SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 acres ①
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1 acre ④

Section 17

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 33 acres ② NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1 acre ② NE $\frac{1}{4}$ SW $\frac{1}{4}$ 37 acres ① NE $\frac{1}{4}$ SE $\frac{1}{4}$ 26 acres ①
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre ③ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 acres ③ NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres ③ NW $\frac{1}{4}$ SE $\frac{1}{4}$ 38 acres ①
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 32 acres ② SW $\frac{1}{4}$ NW $\frac{1}{4}$ 39 acres ③ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 11 acres ③ SW $\frac{1}{4}$ SE $\frac{1}{4}$ 38 acres ①
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 33 acres ② SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2 acres ① SE $\frac{1}{4}$ SW $\frac{1}{4}$ 37 acres ① SE $\frac{1}{4}$ SE $\frac{1}{4}$ 26 acres ①
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 33 acres ②

Section 18

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 29 acres ③ NE $\frac{1}{4}$ SE $\frac{1}{4}$ 32 acres ③
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 35 acres ③ SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 acres ③
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 9 acres ④

Section 21

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 16 acres ①

TOTAL: 936 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Bon Homme Hutterian Brethren, the holders and/or owners of Water Right No. 8141-3 are issued a license to appropriate water, the right to use 11.08 cubic feet of water per second from the Missouri River, with priority dates outlined in the chart below, from the location specified in (2) of this license for irrigation purposes.

Priority Dates	Irrigated Acres
March 12, 1957	232 ①
January 9, 1975	134 ②
March 31, 1977	349 ③
May 10, 1989	61 ④
March 17, 2015	160 ⑤

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8141-3 and subject to the following qualification:

1. This Water Right is approved subject to the irrigation questionnaire being submitted each year.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUN 27 2024

date

