

WATER PERMIT NO. 8174-3

Name of Applicant: Glendale Hutterian Brethren

Address: 17866 Glendale Drive, Frankfort SD 57440

Phone: 605 472-1247

Amount of Water Claimed: 2.67 cfs

Total Acres: 128

Source of Water Supply: unnamed tributary to Timber Creek

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 6 miles southeast of Frankfort

PRIORITY

Date Received: 7-10-15

Application/License Fee: \$ 1050

Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: NE 1/4 NW 1/4 & NE 1/4 NE 1/4

Sec 1-T115N-R62W

Land to be Irrigated: S 1/2 NW 1/4, NE 1/4 NW
1/4, NE 1/4 Sec1-T115N-R62W

Depth of Well: NA

Well Driller:

Remarks:

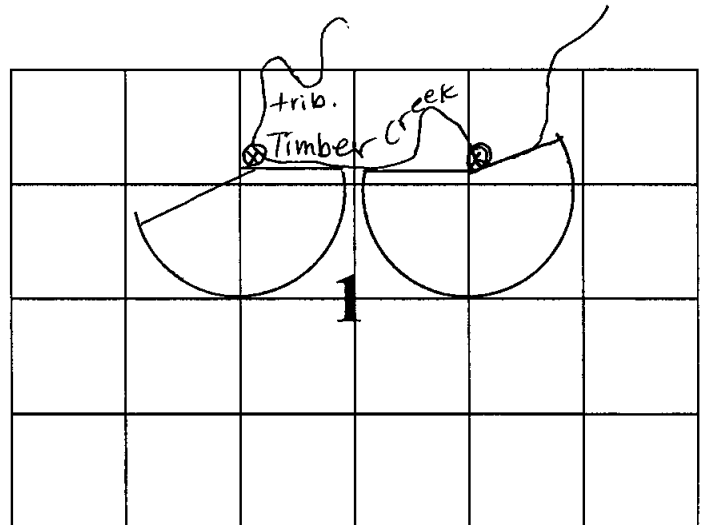
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 7-13-15

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



RECEIVED

JUL 10 2015

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8174-3</u> (office use only)	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Redfield Press</u>	<u>605-472-6822</u>
	<u>Daily Plainsman</u>	<u>605-353-7401</u>

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 Glendale Hutterian Brethren

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 17866 Glendale Drive Frankfort SD 57440
(Address) (City) (State) (Zip Code)

Home Phone 605 472-1247 Cell _____ Email _____

2. Amount of water claimed 2.67 *CFS or 1200 **GPM _____ ***AF Total Acreage 128
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply unnamed tributary to Timber Creek

4. Location of point of diversion NE 1/4 NW 1/4 and NE 1/4 NE 1/4 Section 1, T115N, R62W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Spink

5. County or counties where water will be used Spink

6. 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
SW 1/4 NW 1/4 Section 1, T115N, R62W	16	NE NE 1/4 Section 1, T115N, R62W	13
SE 1/4 NW 1/4 Section 1, T115N, R62W	27	SW 1/4 NE 1/4 Section 1, T115N, R62W	30
NE1/4 NW 1/4 Section 1, T115N, R62W	5	SE 1/4 NE 1/4 Section 1, T115N, R62W	30
NW 1/4 NE 1/4 Section 1, T115N, R62W	7		

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

Develop center pivot irrigation from unnamed tributary to Timber Creek. Two center pivots will make windshield wipe rotation, therefore requesting 800 gpm for one pivot and 400 gpm for smaller pivot

I, John Kleinsasser, 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. 8174-3

Date of first receipt of application July 10, 2015.

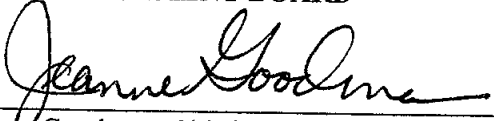
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8174-3 to Glendale Hutterian Brethren, 17866 Glendale Drive, Frankfort SD 57440 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8174-3 appropriates 2.67 cubic feet of water per second (cfs) from an unnamed tributary to Timber Creek and a spring located in the N 1/2 NW 1/4 and the N 1/2 NE 1/4 Section 1 for irrigation of 128 acres located in the S 1/2 NW 1/4, NE 1/4 NW 1/4, NE 1/4 Section 1; 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 July 10, 2015.
4. The date of approval of Permit No. 8174-3 is October 5, 2015.
5. One-fifth of the construction is to be completed on or before April 5, 2018.
6. All construction is to be completed on or before October 5, 2020.
7. Water is to be put to beneficial use on or before October 5, 2024.
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. This permit is subject to shutoff orders any time the unnamed tributary or Timber Creek flow is obviously low. Diversions under this permit are subject to downstream domestic use and any written orders issued by the Chief Engineer.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8174-3 authorizes a maximum diversion rate of 2.67 cfs for the irrigation of 128 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Permit No. 8174-3 prohibits artificial excavation in the vicinity of the spring that supplies flow to the unnamed tributary. The pump site shall be constructed in a manner that it does not excavate below the natural land surface.

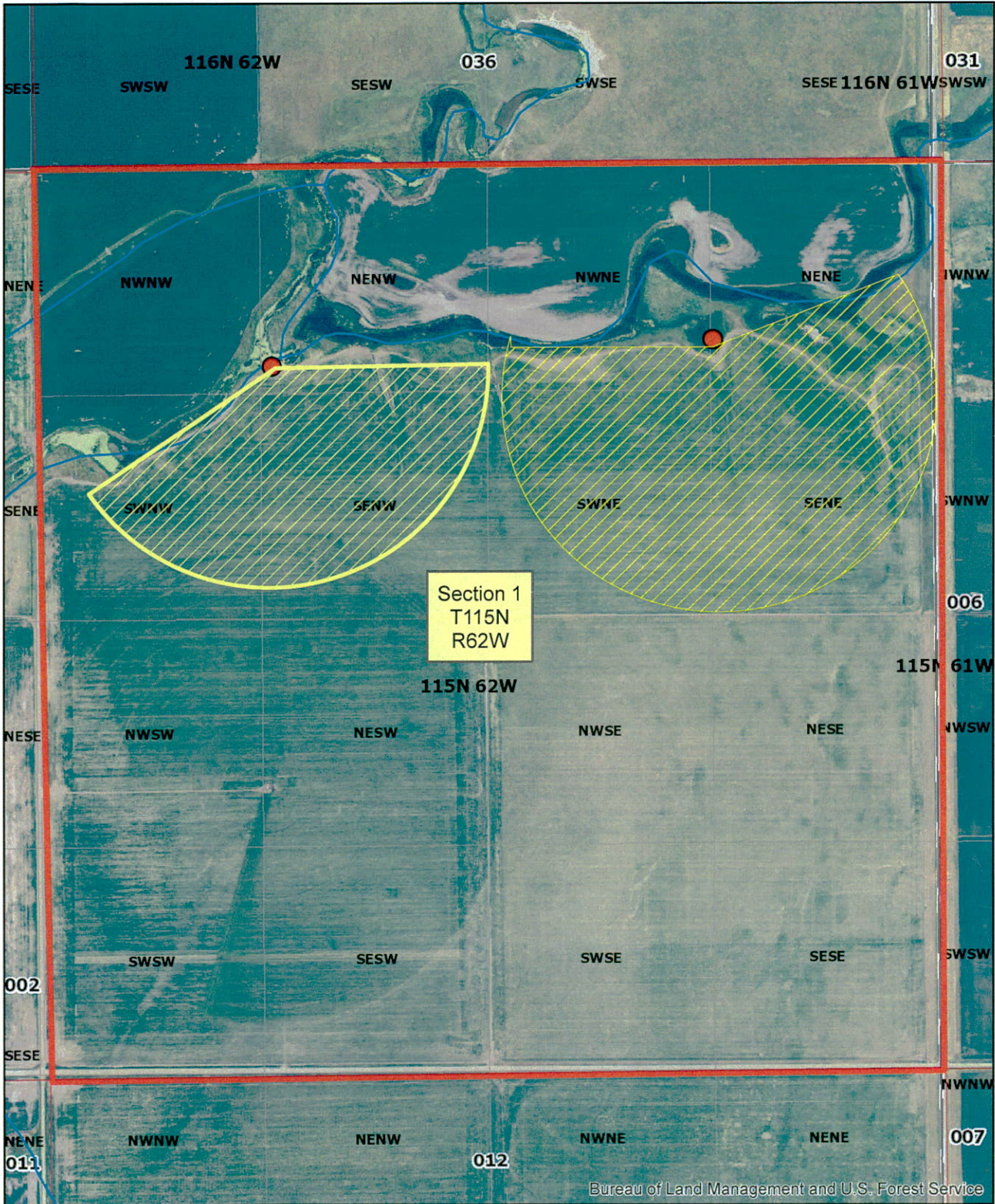
WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 09 2015
date



WATER PERMIT APPLICATION FOR GLENDALE HUTTERIAN BRETHREN



1,600 800 0 1,600 Feet



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
as represented by John Waldner

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/10, 20 15

RECEIVED OF Glendale Hutterian Brethren Inc 17866 Glendale Dr Frankfort SD 57440

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

Fee for Application for Permit No. <u>8174-3</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>8174-3</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. 07449

By J. come Hoelmer
Chief Engineer

No. 8174-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 8174-3, Glendale Colony

ADDRESS: COUNTY: Spink County

DATE: July 10, 2015 TELEPHONE:

RE: spring flow

At the time Glendale Hutterian Brethren was in the office to file this application, John Kleinsasser estimate the flow of the spring at 200 – 300 gpm.

NAME: Eric Humlund

Entity Detail File Annual Report Statement of Change Forms

No forms available

Registered Agent Documents Officers

Year	Director	Officer Type	First	Middle	Last	Address	City	State	Zip	Country
2015	☒	President	JOE		KLEINSASSER JR	17866 GLENDALE DRIVE	FRANKFORT	SD	57440-9650	
2015	☒	Vice President	CLARENCE		WALDNER	17866 GLENDALE DRIVE	FRANKFORT	SD	57440-9650	
2015	☒	Secretary	JERRY		KLEINSASSER	17866 GLENDALE DRIVE	FRANKFORT	SD	57440-9650	
2015	☐	Treasurer	JERRY		KLEINSASSER	17866 GLENDALE DRIVE	FRANKFORT	SD	57440-9650	



**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. 8174-3, Glendale 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. 8174-3, Glendale Hutterian Brethren, c/o John Kleinsasser, 17866 Glendale Drive, Frankfort SD 57440..

The Chief Engineer is recommending APPROVAL of Application No. 8174-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. This permit is subject to shutoff orders any time the unnamed tributary or Timber Creek flow is obviously low. Diversions under this permit are subject to downstream domestic use and any written orders issued by the Chief Engineer.
2. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8174-3 authorizes a maximum diversion rate of 2.67 cfs for the irrigation of 128 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Permit No. 8174-3 prohibits artificial excavation in the vicinity of the spring that supplies flow to the unnamed tributary. The pump site shall be constructed in a manner that it does not excavate below the natural land surface.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
September 14, 2015

NOTE: The unnamed tributary may not be a reliable source of water capable of sustaining the requested irrigation during dry conditions. The past years of precipitation have been above normal. Return of normal or below normal precipitation may impact tributary and spring flow.

REPORT ON WATER PERMIT APPLICATION NO. 8174-3
Glendale Hutterian Brethren, % John Kleinsasser
August 21, 2015

Glendale Hutterian Brethren has filed Water Permit Application No. 8174-3 to appropriate 2.67 cubic feet per second (cfs) of water from an unnamed tributary to Timber Creek and a spring to irrigate 128 acres of land. The land is located in the S½ NW¼, NE¼ NW¼, NE¼ and the diversion points will be located in the NE¼ NW¼ and the NE¼ NE¼ ; all in Section 1, T115N-R62W. The annual period during which water is to be used is April through October.

SD 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest.

This report addresses the availability of un-appropriated water for the applicant's proposed use and existing surface water rights from the un-named tributary and Timber Creek.

Review of Water Source

The water source for this project is an unnamed tributary to Timber Creek located in Spink County at a point 15 miles southeast of Redfield, SD. The tributary receives runoff from its watershed and flow from a spring located upstream of the diversion points. The tributary's contributing watershed above the points of diversion is 34 square miles. The applicant reports that the spring flows an estimated 200 to 300 gallons of water per minute. The USGS Topographic map indicates a spring located near the project site. The tributary is an un-gaged stream, therefore, flow estimates are not available. Water availability will be based on precipitation probability and estimated annual runoff in addition to what the spring might contribute.

Water Availability

Precipitation and Probable Annual Runoff

More recent years have seen an increase in precipitation in the area of this application. The current climatic conditions would increase the chances of having flow available during normal to wet years. During the years 1965 to 1989 the total precipitation during the time period of April through October was below the average 68% of the years. During the years 1990 to 2014 the total precipitation, April through October, was at or above the average 56% of the years (Figure 1 and Figure 2).

Figure 1. TOTAL PRECIPITATION FOR REDFIELD, SD APRIL - OCT 1965 TO 1989

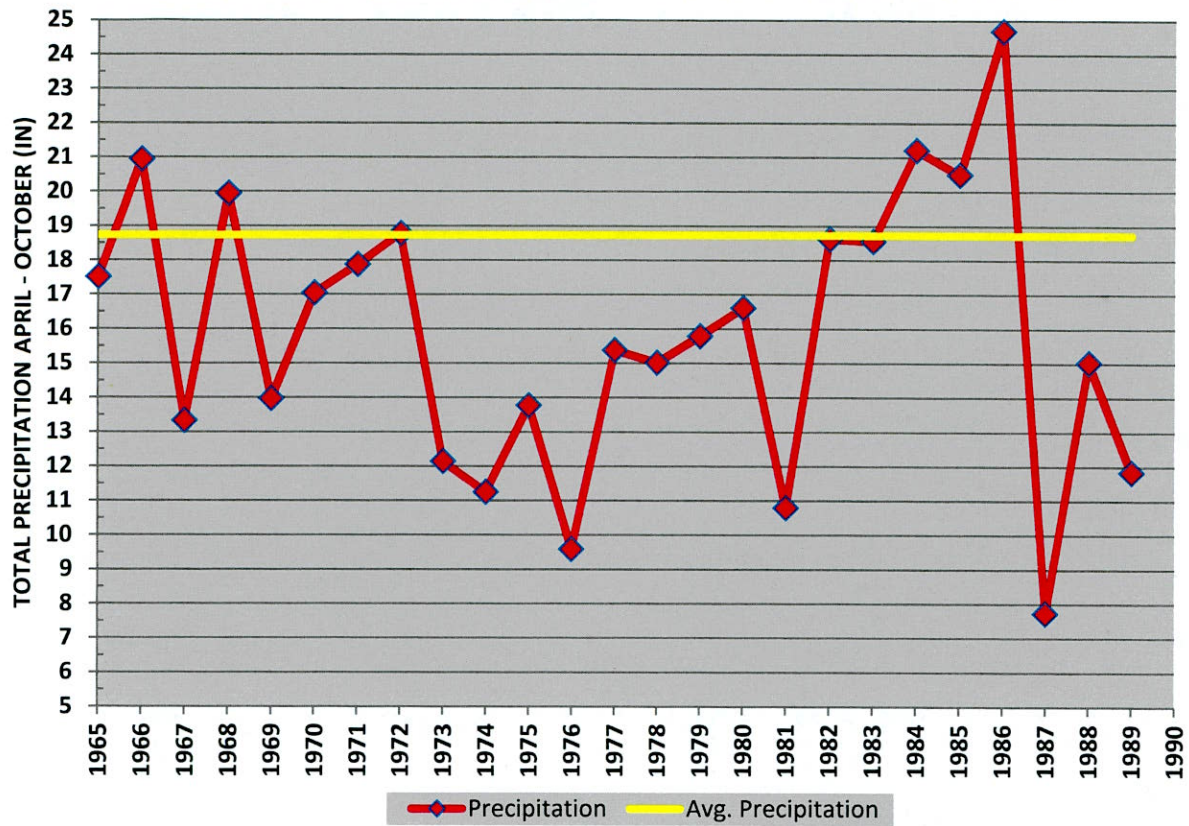
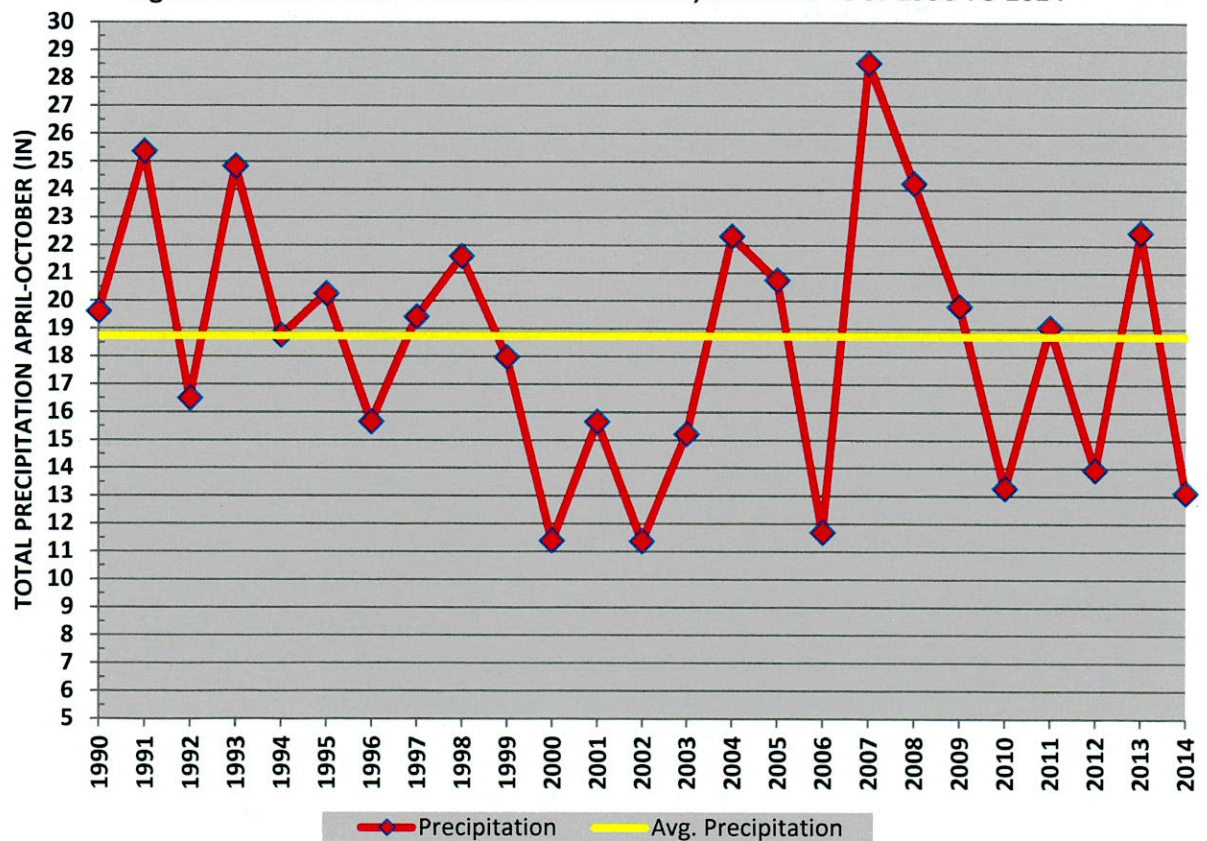


Figure 2. TOTAL PRECIPITATION FOR REDFIELD, SD APRIL - OCT 1990 TO 2014



In addition to the analysis above, the percent chance of annual runoff volumes were estimated using the USDA-NRCS method. This method uses very general characteristics of the watershed. On an annual basis there is sufficient water from runoff for this application (Table 1).

Table 1. USDA – NRCS estimate of annual surface water yield for streams.

% CHANCE	80%	50%	20%	10%
ANNUAL RUNOFF AC-FT	274	749	2193	3655

Based on precipitation and probable annual yield, flow in the tributary for April through October is very unreliable during drier climatic periods. More recent precipitation values indicate a better chance of water availability in the April through October time period. Annual surface water yields indicate sufficient water for the project most of the time. The importance when looking at annual volumes is the timing of the flow.

The Spring

The spring located just upstream of this application appears to originate simply because a ravine has cut down locally to the water table. This is illustrated in Figure 4, showing that the drainage from the area of the spring exists at an elevation below 1270 fmsl. Changes in the level of the water table may result in fluctuations of the flow of the spring.

WATER PERMIT APPLICATION NO. 8174-4

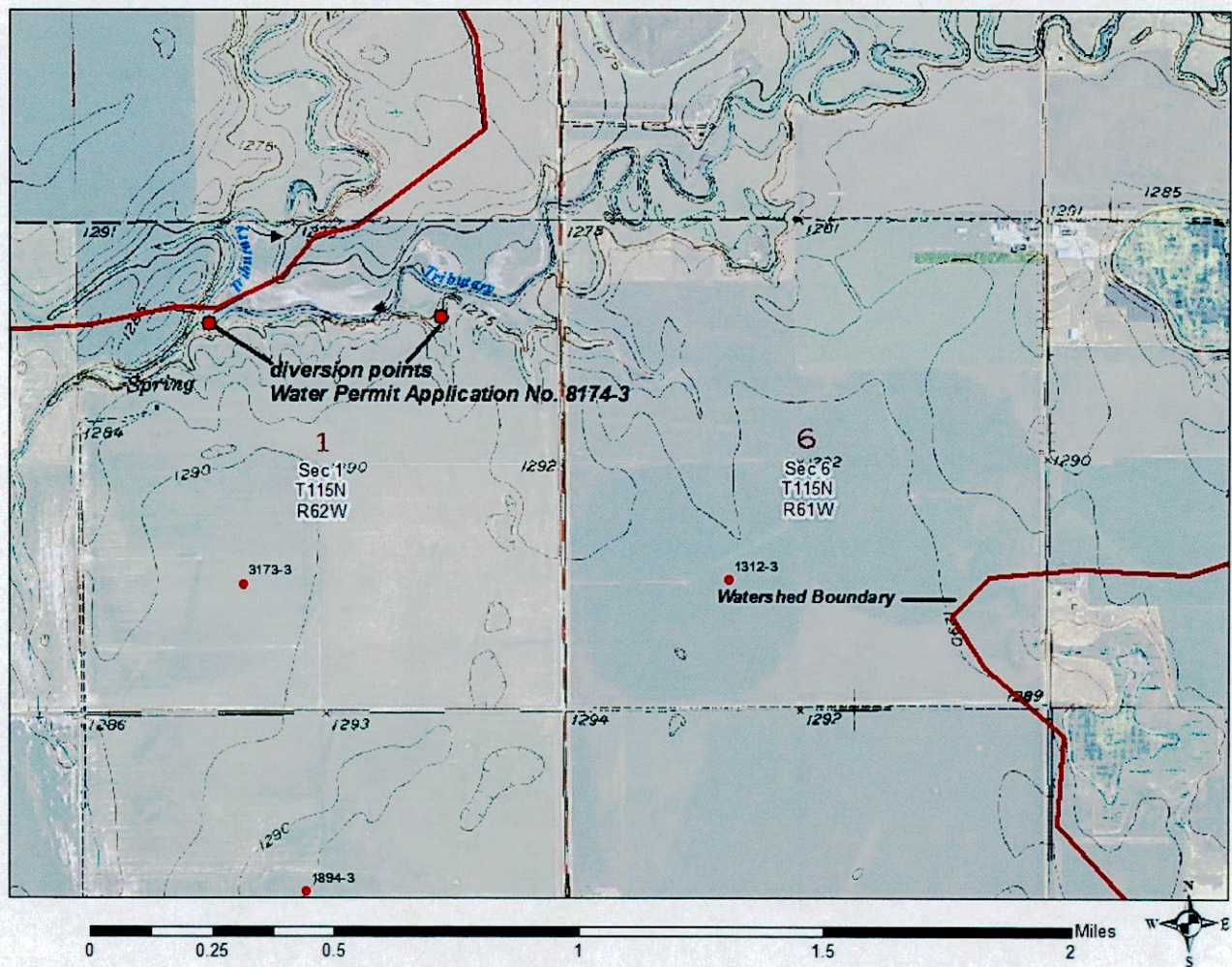


Figure 4. Vicinity map showing the locations of the the diversion points proposed by Application No. 8174-3, the tributary to Timber Creek, and the spring. USGS Quadrangle Topographic Map, 5 foot contour intervals.

Pursuant to SDCL 46-1-6(18), a well is an artificial excavation or enhancement made for the purpose of obtaining groundwater. An excavation in the vicinity of the spring or the diversion points proposed by this application would be considered a well and would allow withdrawals to exceed the natural spring discharge.

This proposed appropriation cannot lead to additional withdrawals beyond the natural spring flow and flow in the tributary.

Review of Existing Water Rights

Timber Creek flows for approximately 6.5 miles from the confluence of the tributary to the James River. There are three water rights appropriating water from the James River within one mile downstream of the confluence of Timber Creek and the James River. Two of these water rights are held by this applicant and one is held by Oscar Inc.; all are for irrigation.

There are no existing water rights/permits utilizing surface water in the tributary's watershed or in Timber Creek's watershed downstream of this project, therefore, no existing rights will be adversely affected by this application. Timber Creek is a tributary to the James River with the nearest existing water right on the James River, approximately 10 miles downstream of this project. If this application is approved adverse effects on this downstream water right would be negligible.

Discussion

The applicant is asking for more than the statutory limit of 1 cfs per 70 acres. SDCL 46-5-6 allows for a greater diversion rate than the statutory limit due to time constraints, method of irrigation or soil type. The proposed system type and irrigation method to be used for this project requires the greater diversion rate.

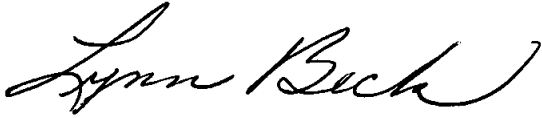
This project proposes to pump at a rate of 2.67 cfs (1,200 gpm) from the tributary to Timber Creek. The most likely time water will be available is in the spring. Although there are no existing water rights located downstream from this project on the tributary or Timber Creek, pumping during the lower flow summer months could adversely affect domestic use, which includes livestock watering. If approved the permit should include the following qualification to address periods of low flow.

1. This permit is subject to shutoff orders any time the tributary to Timber Creek or Timber Creek flow is obviously low. Diversions under this permit are subject to downstream domestic use and any written orders issued by the Chief Engineer.

Conclusions

1. Application No. 8174-3 proposes to appropriate 2.67 cfs of water from an unnamed tributary to Timber Creek in Spink County to irrigate 128 acres of land.
2. During dry periods, the unnamed tributary, spring, or combination of the two cannot be considered a reliable source of water.
3. The applicant is asking for a diversion rate greater than the statutory limit, pursuant to SDCL 46-5-6, due to irrigation methods and needs.
4. There are no existing water rights/permits utilizing surface water in the Timber Creek watershed, therefore, no existing rights would be adversely affected by this application.
5. If approved the permit should include the following qualifications to address periods of low flow:
 - a. This permit is subject to shutoff orders any time the tributary or Timber Creek flow is obviously low. Diversions under this permit are subject to downstream domestic use and any written orders issued by the Chief Engineer.

6. Issuance of this permit does not relieve the permit holder from the responsibility of obtaining any other state or federal permits nor gives the permit holder any implied ability to disregard any other federal or state requirement.

A handwritten signature in black ink, reading "Lynn Beck". The signature is fluid and cursive, with the first name "Lynn" and last name "Beck" clearly distinguishable.

Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program

Resources

Techniques for Estimating Flood Peaks, Volumes, and Hydrographs on Small Streams in South Dakota, U.S. Geological Survey Water Resources Investigations 80-80, 1980.

USDA – NRCS Annual Surface Water Yield Method A.

South Dakota Department of Environment and Natural Resources, Water Rights Program Records.

Climatology records, South Dakota State University Climate and Weather Website,
http://climate.sdstate.edu/climate_site/climate.htm

RECEIVED

Affidavit of Publication OCT 07 2015

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA,
County of Spink: ss.

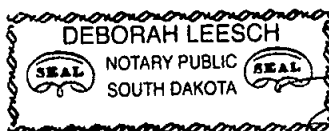
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, 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:

#1573 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 September 23rd, 2015, that Twenty-three and 45/100 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 23rd day of September 2015.




Notary Public, South Dakota

My commission expires 10/09/2019

Notice

#1573

NOTICE OF APPLICATION

NO. 8174-3 to Appropriate Water

Notice is given that Glendale Hutterian Brethren, 17866 Glendale Drive, Frankfort SD 57440 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second (cfs) from an unnamed tributary to Timber Creek and a spring located in the N 1/2 NW 1/4 and the N 1/2 NE 1/4 Section 1 for irrigation of 128 acres located in the S 1/2 NW 1/4, NE 1/4 NW 1/4, NE 1/4 Section 1; all in T115N-R62W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8174-3 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 October 5, 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. 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 one time at the total approximate cost of \$23.45.(Sept. 23)

RECEIVED

OCT 05 2015

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

WATER RIGHTS
PROGRAM

I, ELDON JACOBS, 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 DEPT OF ENVIROMENTAL – WATER RIGHTS – JERRY KLEINSASSER

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 23RD day SEPT 2015. That the full amount of the fee charged for publishing is: FOURTY-FOUR & 12/100 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 whom so ever.



Subscribed and sworn to me before this 23RD Day
SEPT 2015.


County Clerk, South Dakota

Term expires 01/27/2018
Notaral #2027

F. P. 09-23-15

**NOTICE OF
APPLICATION NO.
8174-3 to Appropriate
Water**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8174-3 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.

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Steven M. Pirner,
Secretary,
Department of
Environment and
Natural Resources.
No. 2027 (adv.)

Published once at the
total approximate cost of
\$34.12.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, September 15, 2015 7:47 AM
To: 'office.redpress@midconetwork.com' (office.redpress@midconetwork.com)
Subject: 8174-3, Glendale Hutterian Brethren
Attachments: 8174-3public.short.docx; FORM8 FRM.doc

Attached is a notice to be published on September 23, 2015.

Glendale Hutterian Brethren, c/o John Kleinsasser, 17866 Glendale Dr., Frankfort SD 57440 (605 472-1247) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, September 15, 2015 7:46 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: 8174-3, Glendale Hutterian Brethren
Attachments: 8174-3public.short.docx; FORM8 FRM.doc

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Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



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.**

September 14, 2015

Glendale Hutterian Brethren
John Kleinsasser
17866 Glendale Drive
Frankfort SD 57440

Dear Mr. Kleinsasser:

Water Permit Application No. 8174-3 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 Redfield Press printed at Redfield SD (Ph # 605-472-0822) and the Plainsman printed at Huron SD (Ph # 605-353-7401). 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
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 September 23, 2015. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8174-3 to Appropriate Water

Notice is given that Glendale Hutterian Brethren, 17866 Glendale Drive, Frankfort SD 57440 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second (cfs) from an unnamed tributary to Timber Creek and a spring located in the N 1/2 NW 1/4 and the N 1/2 NE 1/4 Section 1 for irrigation of 128 acres located in the S 1/2 NW 1/4, NE 1/4 NW 1/4, NE 1/4 Section 1; all in T115N-R62W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8174-3 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 October 5, 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. 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

OCT 09 2015

Glendale Hutterian Brethren
John Kleinsasser
17866 Glendale Dr
Frankfort SD 57440

Dear Mr. Kleinsasser:

Enclosed is Water Permit No. 8174-3 authorizing construction of the 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,

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

enclosures

SEP 14 2017

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9-12-17TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

John Kleinsasser
(name)Glendale Hutterite Brothers
(address)17866 Glendale Dr. Frankfort SD 57440
(city, state, zip) 605 472 1247
(phone)

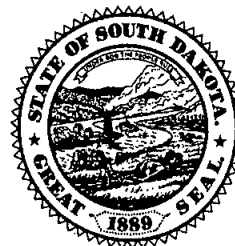
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8174-3 states that the water use system is to be constructed by Oct 5 2020, and water is to be put to beneficial use by Oct 5-2024.
(date) (date)

The water use system was completed on July 25 2017.
(date)

Applying the water to beneficial use was completed on Aug 1 2017.
(date)

You may schedule an investigation so that the water license may be issued.

John Kleinsasser
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

September 18, 2017

8174-3

John Kleinsasser
Glendale Hutterian Brethren
17866 Glendale Dr
Frankfort SD 57440

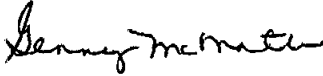
Dear Mr. Kleinsasser:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system located in the N ½ Section 1, T115N, R62W.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,


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