

WATER PERMIT NO. 8313-3

Name of Applicant: **Bon Homme Hutterian Brethren Inc.**

Address: **31232 Colony Rd, Tabor SD 57063** Phone: **605 661-3526**

Amount of Water Claimed: **7.11 cfs** Total Acres: **680**

Source of Water Supply: **Missouri River** .

Water to be used for: **irrigation** County: **Bon Homme**

Type of Waste Disposal System:

Location: **4 miles southwest of Tabor**

PRIORITY Date Received: **10-2-17** Application/License Fee: **\$1950**

Corrected Application Received: Period of Annual Use: **May 1 – October 31**

Remarks: **Utilizing diversion point authorized by No. 5304-3**

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

Land to be Irrigated: **SW 1/4, NE 1/4, SE 1/4 NW
1/4 Sec 5 and W 1/2 Sec 4; all in T93N-R58W**

Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **10-2-17**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

6	5	4	3		
7	8	9	10		
18	17	16	15		
Missouri		River			

SD EForm - 0499LD V5

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

Mail to: DENR - Water Rights 523 E. Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8313-3</u> (office use only)
	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Tyndall Tribune & Register</u> <u>Press & Dakotan</u>

RECEIVED
OCT 02 2017
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 Hutterian Brethren, Inc.

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

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

Phone 605-463-2422 Mobile 605-661-3526 Email _____

2. Amount of water claimed 7.12 *CFS or 3,200 **GPM ***AF Total Acreage 680
(*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 of SW 1/4 17-T93N-R58W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

diversion point authorized by Water Right No. 5304-3 County Bon Homme

5. County or counties where water will be used Bon Homme

6. Annual period during which water is to be used May 1st To Oct 31st

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 5-93N-58W	160	NW 1/4 4-93N-58W	160
NE 1/4 5-93N-58W	160	SW 1/4 4-93N-58W	160
SE 1/4 of NW 1/4 5-93N-58W	40		

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

Develop addition Acres on Colony Property

Samuel J. Waldner
Name of Person

Sec. Treasurer, the applicant, certify under
Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2015-10

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)

SOUTH DAKOTA
WATER PERMIT NO. 8313-3

Date of first receipt of application October 2, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8313-3 to Bon Homme Hutterian Brethren, Inc., 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. 8313-3 appropriates 7.12 cubic feet of water per second from the Missouri River located in the SW 1/4 SW 1/4 Section 17 for irrigation of 680 acres located in the SW 1/4, NE 1/4, SE 1/4 NW 1/4 Section 5 and W 1/2 Section 4; all in T93N-R58W which is approximately 4 miles southwest of Tabor SD.
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 October 2, 2017.
4. The date of approval of Permit No. 8313-3 is November 27, 2017.
5. One-fifth of the construction is to be completed on or before May 27, 2020.
6. All construction is to be completed on or before November 27, 2022.
7. Water is to be put to beneficial use on or before November 27, 2026.
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. Water Right No. 5304-3 and Water Permit Nos. 8141-3, 8213-3 and 8313-3, combined, appropriates 18.2 cubic feet of water per second from the Missouri River for irrigation of 1,986 acres as specified on the water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

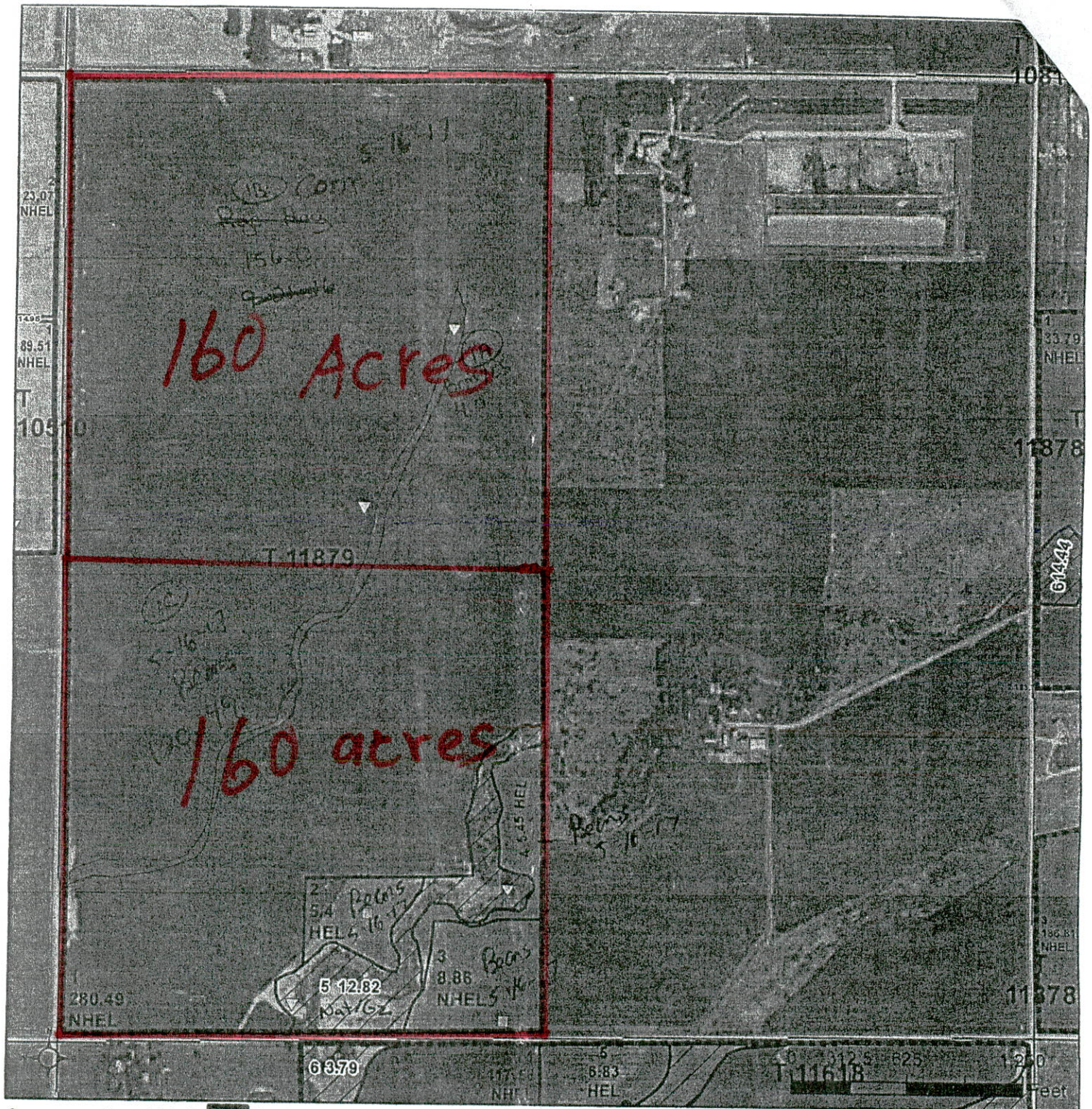
DEC 15 2017
date





United States
Department of
Agriculture

Bon Homme County, South Dakota



Common Land Unit

	Tract Boundary
	Non-Cropland
	Cropland

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. 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 boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

2017 Program Year

Map Created December 29, 2016

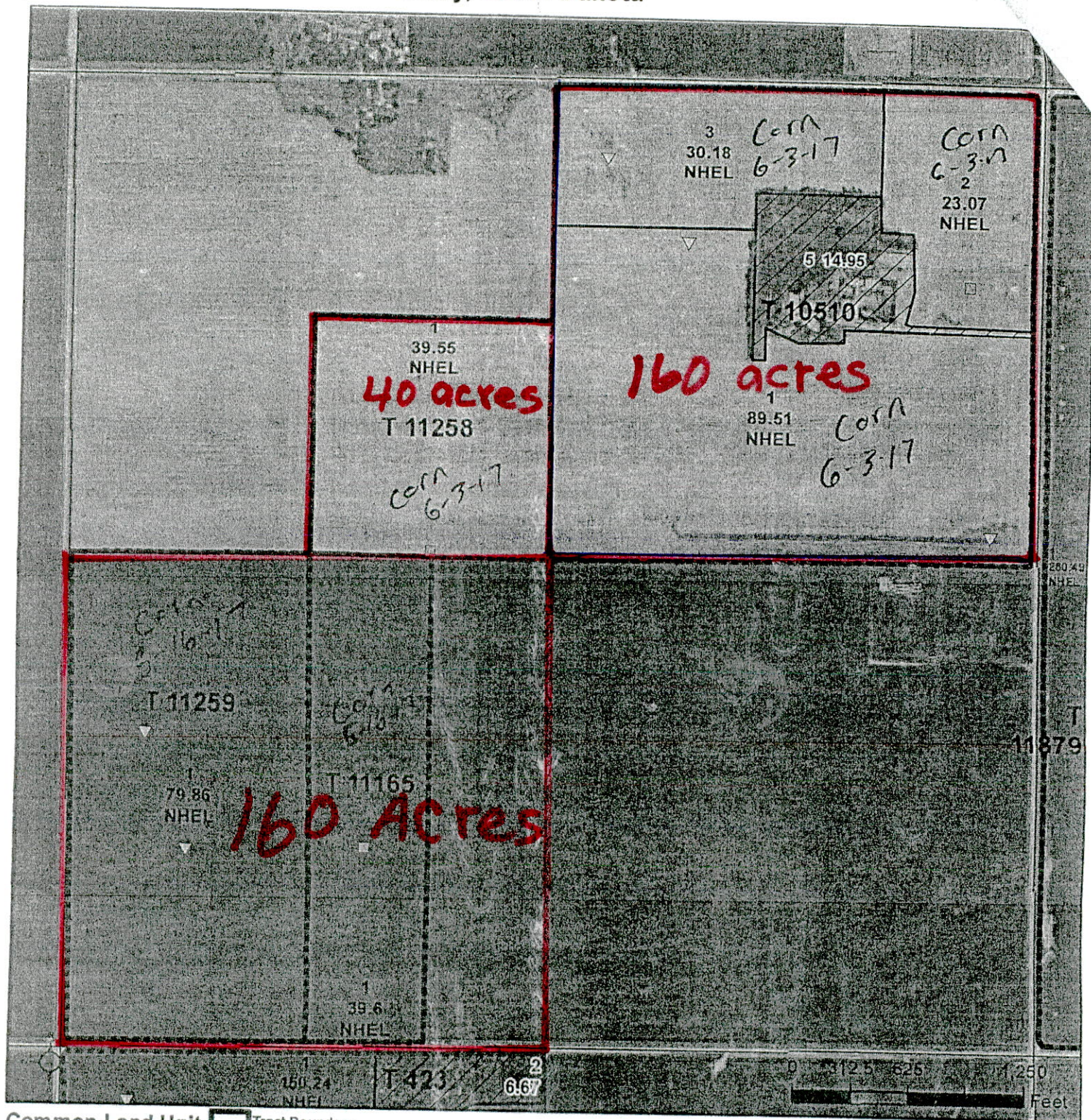
Farm 6694

4 -93N -58W



United States
Department of
Agriculture

Bon Homme County, South Dakota



Common Land Unit

- Non-Cropland
- Cropland

- Tract Boundary
- PLSS

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2017 Program Year

Map Created December 29, 2016

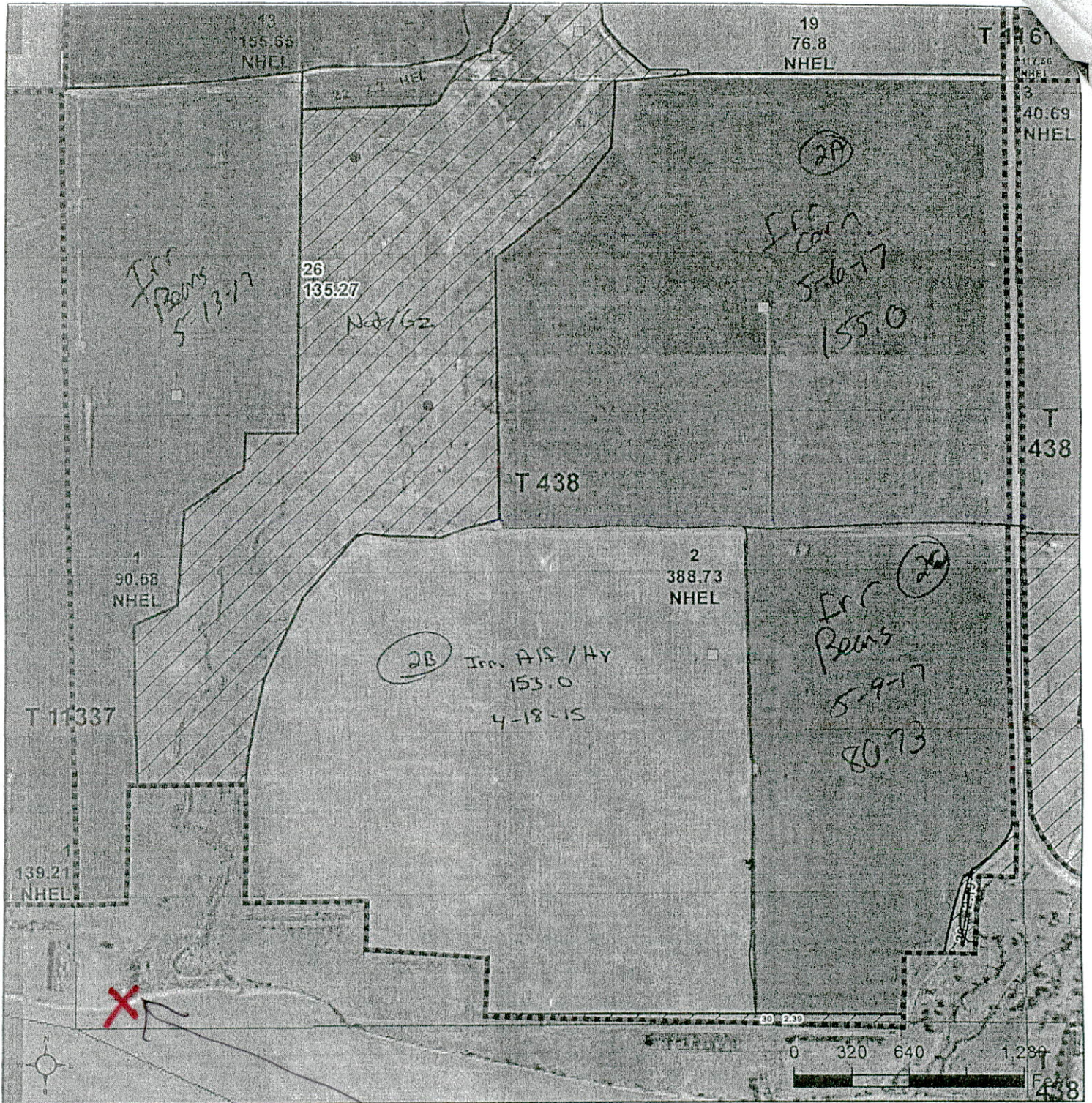
Farm 6694

5 -93N -58W



United States
Department of
Agriculture

Bon Homme County, South Dakota



Common Land Unit

- Non-Cropland
- Cropland

- Tract Boundary
- PLSS

Wetland Determination

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- Compliance Provisions

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2017 Program Year

Map Created May 23, 2017

Farm 6694

17 -93N -58W

Diversion Point

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 2, _____, 20 17

RECEIVED OF Bon Homme Hutterian Brethren, Inc. 31232 Colony Rd, Tabor 57063-6503

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

Fee for Application for Permit No. <u>8313-3</u> to Appropriate Water, to construct and to put water to beneficial use	1750	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>8313-3</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	1950 00

No. **08340**

By Jeanne Goodman
Chief Engineer *vm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

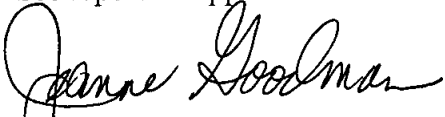
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8313-3, Bon Homme Hutterian Brethren Inc.**

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. 8313-3, Bon Homme Hutterian Brethren Inc., c/o Samuel J Waldner, 31223 Colony Road, Tabor SD 57063.

The Chief Engineer is recommending APPROVAL of Application No. 8313-3 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. Water Right No. 5304-3 and Water Permit Nos. 8141-3, 8213-3 and 8313-3, combined, appropriates 18.2 cubic feet of water per second from the Missouri River for irrigation of 1,986 acres as specified on the water rights.
2. 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
November 8, 2017

REPORT ON WATER PERMIT APPLICATION NO. 8313-3

Bon Homme Hutterian Brethren Inc., % Samuel J. Waldner

31232 Colony Road

Tabor, South Dakota 57063

November 2, 2017

Bon Homme Hutterian Brethren Inc. has filed Water Permit Application No. 8313-3 for a water permit to appropriate 7.12 cubic feet of water per second (cfs) from the Missouri River located in the SW¼ SW¼ Section 17 for irrigation of 680 acres located in the SW¼, NE¼, SE¼ NW¼ Section 5 and the W½ Section 4; all in T93N-R58W. The proposed project is located approximately 4 miles southwest of the town of Tabor in Bon Homme County, South Dakota.

Review of the Water Source

The water source for this project is from the natural flow of the Missouri River impounded on Lewis and Clark Lake behind Gavins Point Dam. The U.S. Army Corps of Engineers (USACE) constructed Gavins Point Dam between 1952 and 1957 as part of the six reservoir Pick-Sloan Program for the Missouri River. The six program dams, Fort Peck Dam, Garrison Dam, Oahe Dam, Big Bend Dam, Fort Randall Dam and Gavins Point Dam, are operated as a system to provide water storage and water releases for congressionally authorized purposes of which irrigation is included. Specifically, Gavins Point Dam impounds approximately 428,000 acre-feet of water under normal operating procedures.

A research study to estimate the natural flow of the Missouri River was conducted by the United States Geological Survey (USGS) and completed in 2001 (Jacobson et. al. 2001). Jacobson, as an element of the 2001 study, developed natural flow hydrographs at locations along the Missouri River (Jacobson, 2012). One of these locations, Missouri River at Gavins Point Dam, is located approximately 12 miles downstream from this proposed project. The hydrograph for the Gavins Point Dam location is included and labeled as Figure 1.

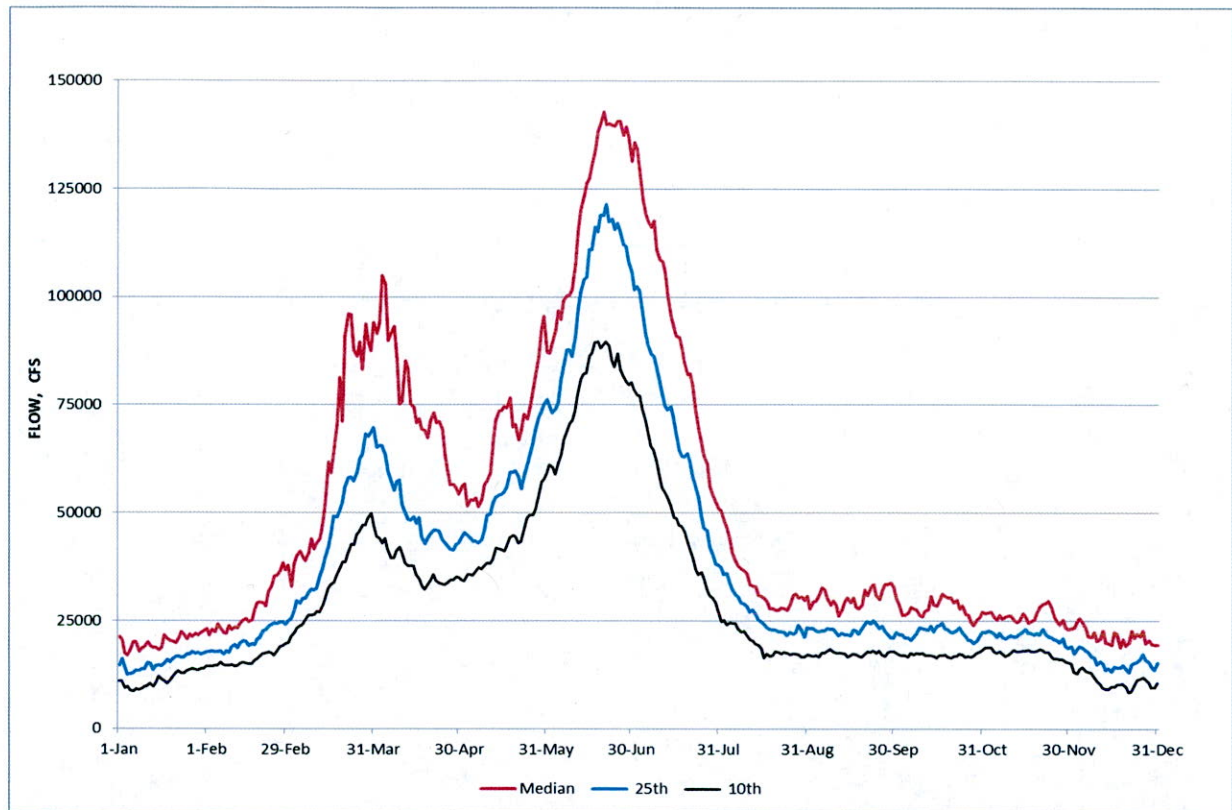


Figure 1. Natural Flow Hydrograph for the Missouri River at Gavins Point Dam (Jacobson, 2012).

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 flow of the Missouri River as a source.

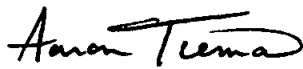
Review of the Proposed Project and Existing Water Rights

The applicant currently holds Water Right No. 5304-3 and Water Permit Nos. 8141-3 & 8213-3 authorizing the diversion of 11.08 cfs from the Missouri River to irrigate 1,306 acres (Water Rights, 2017). If this application is approved, the combined diversion rate from the Missouri River will be 18.2 cfs for irrigation of 1,986 acres.

There are 257 existing water rights/permits authorizing a total appropriation of 1,227.01 cfs from the natural flow of the Missouri River in South Dakota (Water Rights, 2017). Since water availability is not an issue, approval of this application would not adversely impact these existing water rights.

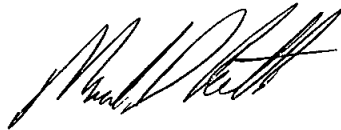
Conclusions

1. This application proposes to irrigate 680 acres at a diversion rate of 7.12 cfs.
2. 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.
3. Water availability for this project will not be a problem.
4. This project will not adversely impact existing water rights.



Aaron R. Tieman
Natural Resources Engineer II
DENR, Water Rights Division

Reviewed by:



Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Division

References

Jacobson, R.B. and Heuser J. 2001. Visualization of Flow Alternatives, Lower Missouri River. U.S. Geological Survey Open-file Report 02-122. U.S. Geological Survey.

Jacobson, R.B. 2012. Personal communication with DENR Water Rights staff concerning USGS Open-file report 02-122. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2017. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.



**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.**

November 8, 2013

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

Dear Mr. Waldner:

Water Permit Application No. 8313-3 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 Tyndall 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
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 November 15, 2017. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8313-3 to Appropriate Water

Notice is given that Bon Homme Hutterian Brethren Inc, c/o Samuel J Waldner, 31232 Colony Road, Tabor SD 57063 has filed an application for a water permit to appropriate 7.12 cubic feet of water per second from the Missouri River located in the SW 1/4 SW 1/4 Section 17 for irrigation of 680 acres located in the SW 1/4, NE 1/4, SE 1/4 NW 1/4 Section 5 and W 1/2 Section 4; all in T93N-R58W which is approximately 4 miles southwest of Tabor SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8313-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 November 27, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, November 08, 2017 9:37 AM
To: 'Tera Schmidt'
Subject: 8313-3, Bon Homme Hutterian Brethren Inc.
Attachments: 8313-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on November 15, 2017.

Bon Homme Hutterian Brethren, Inc., 31232 Colony Rd, Tabor SD 57063 (605 463-2422 or c 605 661-3526) 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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, November 08, 2017 9:37 AM
To: tyndalltribune@gmail.com
Subject: 8313-3, Bon Homme Hutterian Brethren Inc.
Attachments: 8313-3public.short.docx; FORM8.FRM.doc

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Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

NOV 27 2017

WATER RIGHTS
PROGRAM

BON HOMME COLONY
31232 COLONY RD
TABOR SD 57063

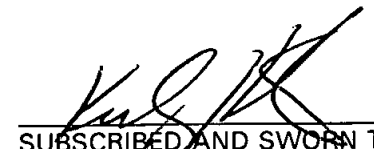
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

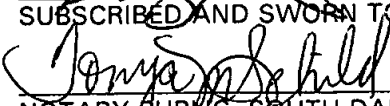
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
11 + 15 NOTICE OF APPLICATI

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 15th DAY OF November, 2017
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.34 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: 11/15/2017

FILED ON: 11/21/2017


SUBSCRIBED AND SWORN TO BEFORE ME THIS 21st DAY OF November, 2017


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 08/19/2021

Ad text : 11 + 15

NOTICE OF APPLICATION NO. 8313-3 to Appropriate Water

Notice is given that Bon Homme Hutterian Brethren Inc, c/o Samuel J Waldner, 31232 Colony Road, Tabor SD 57063 has filed an application for a water permit to appropriate 7.12 cubic feet of water per second from the Missouri River located in the SW 1/4 SW 1/4 Section 17 for irrigation of 680 acres located in the SW 1/4, NE 1/4, SE 1/4 NW 1/4 Section 5 and W 1/2 Section 4; all in T93N-R58W which is approximately 4 miles southwest of Tabor SD.

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of \$26.34..

Affidavit of Publication

RECEIVED

NOV 20 2017

WATER RIGHTS PROGRAM

State of South Dakota }
County of Bon Homme } SS

Rebecca Uz 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

bt Colony Notice of Appl. No. 8313-3
74 @ 38

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

Nov. 15, 2017	20
20	20
20	20
20	20

That the full amount of the fee charged for the publication of said notice, \$ 28.12, 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 Uz Publisher
Subscribed and sworn to before me this
15 day of Nov. 2017.

Reggie Scher
Notary Public, South Dakota
My Commission Expires Oct. 24, 2021

CA

NOTICE OF APPLICATION

NO. 8313-3 to Appropriate Water

Notice is given that Bon Homme Lutheran Brethren Inc, c/o Samuel J Waldner, 31232 Colony Road, Tabor SD 57063 has filed an application for a water permit to appropriate 7.12 cubic feet of water per second from the Missouri River located in the SW 1/4 SW 1/4 Section 17 for irrigation of 680 acres located in the SW 1/4, NE 1/4, SE 1/4 NW 1/4 Section 5 and W 1/2 Section 4; all in T93N-R58W which is approximately 4 miles southwest of Tabor SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8313-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 November 27, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

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

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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denr.sd.gov

DEC 15 2017

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

Dear Mr. Waldner:

Enclosed is Water Permit No. 8313-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A 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 information 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