

WATER PERMIT NO. 8447-3

Name of Applicant: Shannon Hutterian Brethren Inc.

Address: 43952 235th St, Winfred SD 57076 Phone: 605 770-5244

Amount of Water Claimed: 4.22 cfs Total Acres: 300

Source of Water Supply: James River

Water to be used for: irrigation County: Hanson

Type of Waste Disposal System:

Location: 5 miles southwest of Alexandria

PRIORITY Date Received: 9-18-20

Application/License Fee: \$ 1250

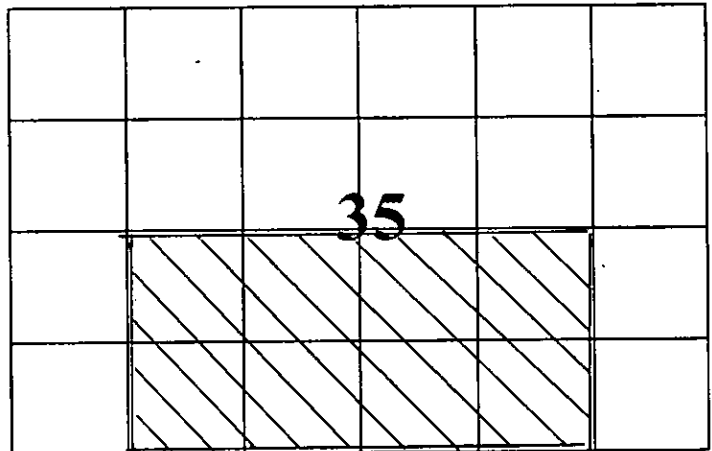
Corrected Application Received: 9-28-20

Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: between NW 1/4 NE 1/4 Sec 6
and N 1/2 NE 1/4 Sec 7; all in T101N-R58W

*S 1/2
*see Ron's
note*
Land to be Irrigated: S 1/2 Sec 35-T102N-R59W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-29-20

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8447-3**

Date of first receipt of application September 18, 2020.

Date of return to applicant for corrections, amendments or changes September 22, 2020.

Date of receipt of corrected application September 28, 2020.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8447-3 to Shannon Hutterian Brethren Inc., c/o Ben J Wipf, 43952 235th St. Winfred SD 57076 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. 8447-3 appropriates 4.23 cubic feet of water per second (cfs) from the James River located at a point between the NW 1/4 NE 1/4 Section 6 and the S 1/2 NE 1/4 Section 7; all in T101N-R58W for irrigation of 300 acres located in the S 1/2 Section 35-T102N-R59W. This site is located approximately five miles southwest of Alexandria 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 – September 30.
3. The date from which applicant may claim right is September 18, 2020.
4. The date of approval of Permit No. 8447-3 is December 28, 2020.
5. One-fifth of the construction is to be completed on or before June 28, 2023.
6. All construction is to be completed on or before December 28, 2025.
7. Water is to be put to beneficial use on or before December 28, 2029.
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 does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
2. This permit does not authorize diversions from the James River when there is less than 20 cfs bypassing the gage at Scotland SD after pumping.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 19 2021

date



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

RECEIVED
SEP 18 2020
WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph (605) 773-3352	No. <u>8447-3</u>	(office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Alexandria Herald</u> <u>Madison Daily Leader</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)

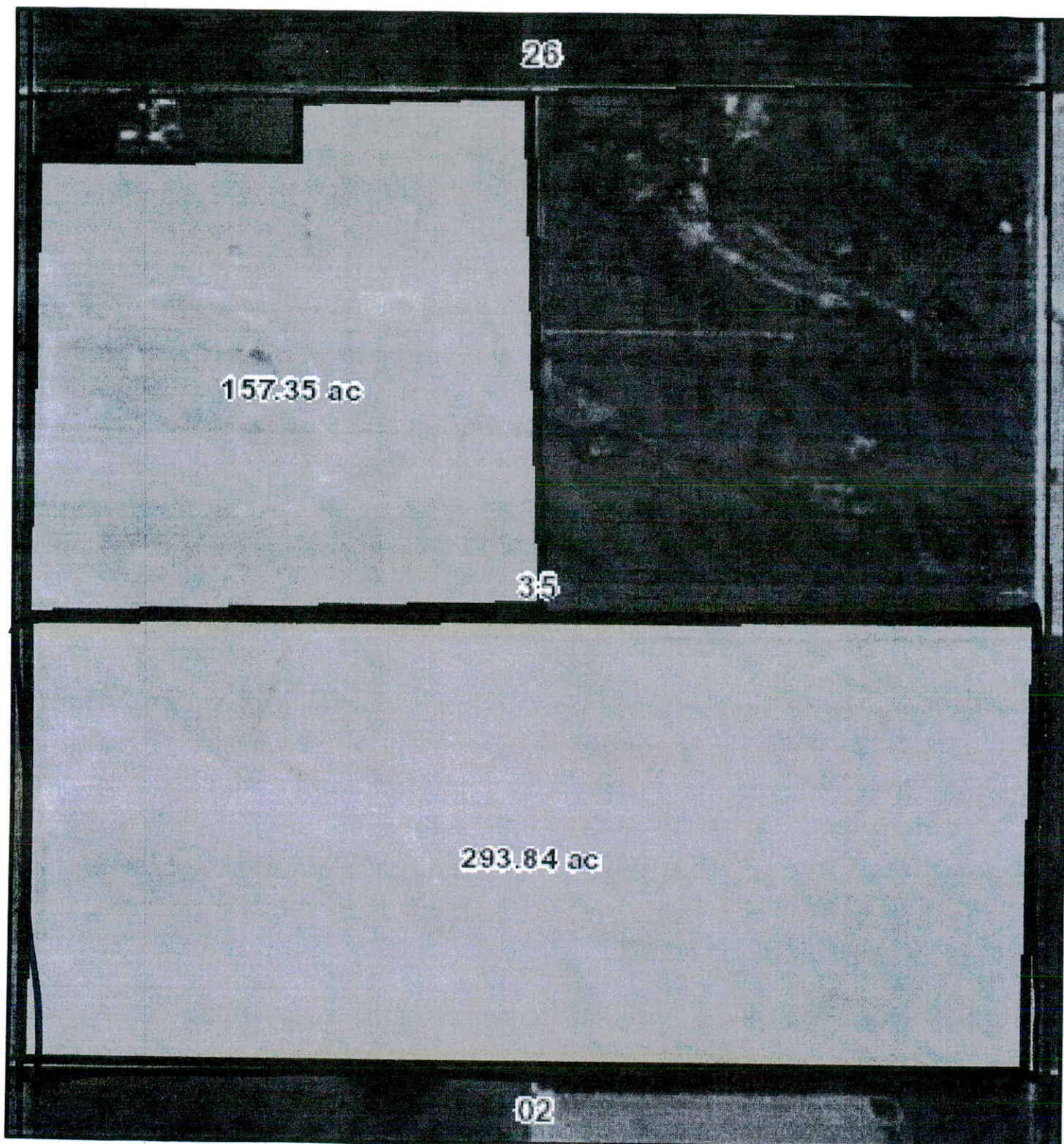
Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

- Name to Appear on Irrigation Permit Shannon 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 43952-235th St. Winfred SD 57076-7005
Phone 605-485-2244 Mobile 770-5244 Email _____
(Address) (City) (State) (Zip Code)
- Amount of water claimed 4.23 *CFS or 1900 **GPM ***AF Total Acreage 300
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply James River
- Location of point of diversion Existing pump site between points in the NW 1/4 NE 1/4 Sec 6 & NE 1/4 Sec 7 all in T10N-R58W County Hanson
(example 4 3 wells in SW 1/4 NE 1/4 section 12-T10N-R53W)
- County or counties where water will be used Hanson
- Annual period during which water is to be used May 1 to Sept 30
- 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>Map Included</u>			
<u>5 1/2 Sec 35 - T10N-R59W</u>	<u>300</u>		

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

I, Ben J. Wyse Sec 6/Tree, the applicant, certify under
Name of Person 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.



FCS OF AMERICA FLCA- MITCHELL SD

(800) 658-3374
401 CABELA DR
P O BOX 1248
MITCHELL, SD 57301



530964502

B0131-4759 03/03/2020 1:14PM Rec'd by SD SOS

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Nonprofit Corporation
SDCL 47-24-6, 59-11-24

Filing Fee: \$10

2020
FILING YEAR

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Total Fee: \$10

1. Business ID and Name:

NS012564
BUSINESS ID

SHANNON HUTTERIAN BRETHREN, INC.
BUSINESS NAME

2. The jurisdiction under whose law it is formed **SOUTH DAKOTA**

3. The address of the principal executive office (business address):

Actual Street Address

43952 235TH ST
WINFRED, SD 57076

Mailing Address

43952 235TH ST
WINFRED, SD 57076

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, (b) a commercial registered agent, or (c) an office holder.

(a) The South Dakota Noncommercial Registered Agent's name

Name **JEFFREY T. SVEEN**

Actual Street Address in this State

415 S MAIN ST 400 CAPITOL BLDG
ABERDEEN, SD 57401-4364

Mailing Address in this State

PO BOX 490
ABERDEEN, SD 57402-0490

5. The names and addresses of its principal officers.

Title	Name	Address
President	MARK J WIPF	43952 235TH STREET, WINFRED, SD, 57076
Vice President	BEN WIPF	43952 235TH STREET, WINFRED, SD, 57076
Secretary	BEN WIPF	43952 235TH STREET, WINFRED, SD, 57076
Treasurer	BEN WIPF	43952 235TH STREET, WINFRED, SD, 57076

6. The names and addresses of its directors (governors).

Name	Address
JOHN WIPF	43952 235TH STREET, WINFRED, SD, 57076
LEVI WIPF	43952 235TH STREET, WINFRED, SD, 57076
NATHANIEL GROSS, JR.	43952 235TH STREET, WINFRED, SD, 57076
MARK J WIPF	43952 235TH STREET, WINFRED, SD, 57076
BEN WIPF	43952 235TH STREET, WINFRED, SD, 57076

Schlaak, Karen

From: rockportdon@triotel.net
Sent: Wednesday, September 23, 2020 2:18 PM
To: Schlaak, Karen
Subject: Re: [EXT] Water Permit Applications
Attachments: image002.jpg

Hi Karen

Yes to first question on Sth 1/2 Section 35 I also included map with check for other fld Planning on using traveling Big Gun on tram lines Thank You Donny

On 2020-09-22 10:42, Schlaak, Karen wrote:

> Donny Wipf,
>
> I have reviewed the three water permit application which you emailed
> to our office. I have a few questions.
>
> Regarding the application for Shannon Hutterian Brethren Inc.
>
> Are the 300 acres to be irrigated located in the S ½
> Section 35-T102N-R59W?
>
> The application/license fee for this application will
> be \$1,250.00
>
> Regarding the application for irrigation 140 acres located in portions
> of E ½ Section 6 and W ½ Section 5-T101N-R58W
>
> The application/license fee for this application will
> be \$1,050.00
>
> Regarding the application for irrigation 387 acres located in portions
> of Section 6, 7 and 8-T101N-R58W
>
> Attached is a map. Please outline the entire area you
> intend to irrigate.
>
> From the maps submitted, I could determine what was to
> be irrigated in Section 6.
>
> You can print the map out, outline the area, and return it with the
> check for the application fees.
>
> The application/license fee for this application will be \$1,450.00.
>
> Total fees of \$3,750.00. If you have questions, please contact Ron
> Duvall or me.
>
> Karen Schlaak

Appl. Nos. 8447-3, 8448-3, and 8449-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

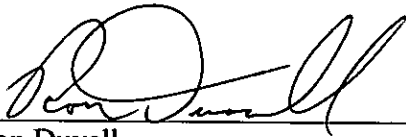
NAME: Rockport and Shannon Hutterian Brethren Inc.

DATE: October 9, 2020

RE: Diversion point location for pending applications

COMMENTS:

I contacted Donny Wipf via phone concerning the location of the southern-most diversion point location for three pending water permit applications. I told Mr. Wipf the James River does not enter the N1/2 NE1/4 section 7-T101N-R58W but does reach into the S1/2 NE1/4. Mr. Wipf instructed me to change the location to the S1/2 NE1/4 section 7-T101N-R58W.



Ron Duvall
Natural Resources Engineer
Water Rights Program

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 28, 2020

RECEIVED OF Rockport Hutterian Brethren Inc. 26209 Rockport Rd. Alexandria SD 57311

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

Fee for Application for Permit No. <u>8447-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$1050.00
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>8447-3</u>	\$200.00
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No: _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$1250.00

By Eric Gronlund
Chief Engineer
Um



DENR
SOUTH DAKOTA

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. 8447-3, Shannon 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. 8447-3, Shannon Hutterian Brethren Inc., 43952 235th St., Winfred SD 57076.

The Chief Engineer is recommending APPROVAL of Application No. 8447-3 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 does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
2. This permit does not authorize diversions from the James River when there is less than 20 cfs bypassing the gage near Scotland SD after pumping.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Eric Gronlund, Chief Engineer
November 20, 2020

REPORT ON WATER PERMIT APPLICATION NO. 8447-3
SHANNON HUTTERIAN BRETHREN, INC.
OCTOBER 31, 2020

Application No. 8447-3 proposes to appropriate 4.23 cubic feet of water per second (cfs) from the James River located between points in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, and the S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 7; all in T101N-R58W. The purpose is to irrigate 300 acres located in the S $\frac{1}{2}$, Section 35-T102N-R59W. The site is located approximately five miles southwest of Alexandria, SD, in Hanson County.

Review of the Proposed Project and Water Source

Application No. 8447-3 proposes to appropriate 4.23 cfs from the James River to irrigate 300 acres. The water source is the James River in Hanson County. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are in South Dakota. During extended periods of low precipitation, the James River experiences extremely low flows and cannot be considered a reliable source of water.

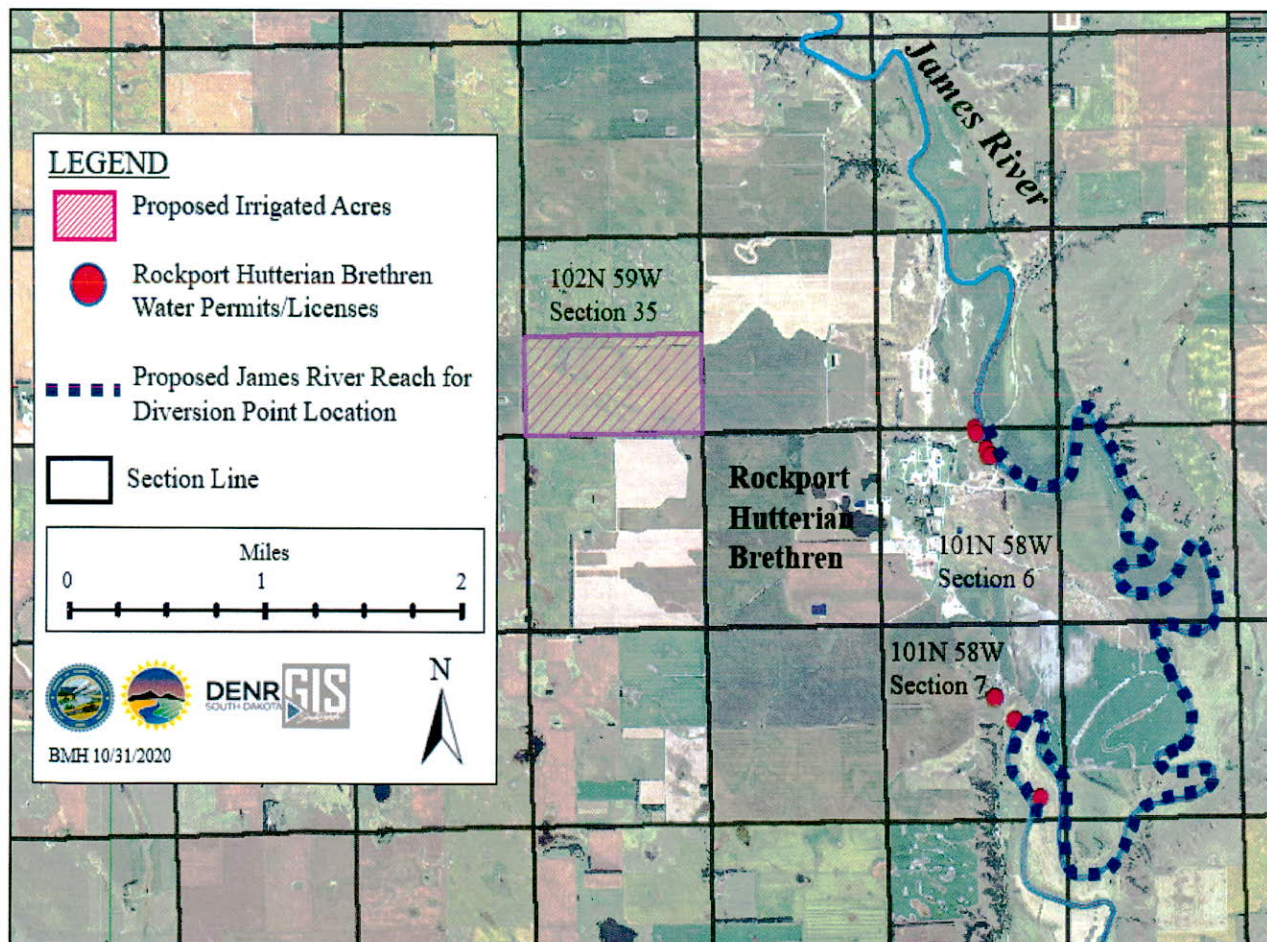


Figure 1. Map showing the location for the proposed irrigated acres and the reach on the James River for the proposed diversion point for Application No. 8447-3.

Report on Water Permit Application No. 8447-3

Mean, often referred to as the average, and median, referred to as the 50th percentile, are statistical terms which delineate the predominant tendency of a data set. Mean is often considered a representative value of a data set and is calculated by summing of the data values then dividing that sum by the total number values in the data set. A median value is considered the central value which divides the data set into a set of values higher than the central value and a set of values lower than the central value. The 50th percentile represents the amount of water expected once out of every two years.

The U.S. Geological Survey (USGS) operates stream flow gaging station No. 06478000, on the James River near Mitchell, SD, located approximately 5.5 river miles upstream of this proposed application (USGS, 2020). Figure 2 is a graph containing daily mean flow values and daily median flow values, from the years 1952 - 2019, obtained from gaging station No. 06478000. The mean line shows that the flow rate of water steadily declines from 250 cfs in January to minor flow conditions by mid-February. By mid-March, flow begins to increase back to 250 cfs before drastically rising to almost 3500 cfs by the end of March. While flow does spike to 2500 cfs or greater, from April through mid-August, 1500 cfs of water is available and at least 700 cfs is available to the beginning of October. Flow then steadily decreases back to 250 cfs by the end of the year. In contrast, the median line shows flow less than 50 cfs until the beginning of March before drastically rising to approximately 1300 cfs by mid-March. While flow does spike to 1000 cfs or greater, at least 700 cfs is available through mid-July and 300 cfs is available until the end of August. Flow then drops to less than 100 cfs and maintains this condition for the remainder of the year. The most significant difference is that the mean line shows almost 500 cfs more water is available for the requested irrigation season. Additionally, the plot illustrated shows how the mean line responds to high flow events during the spring meltwater season and emphasizes extreme weather events in mid-September. This can be expected because the mean value is significantly affected by anomalous high or low values within the data set tied to extreme events like floods or droughts, which tends to skew the mean value toward the anomaly. As a result, the mean flow line predicts considerably more water being available over a longer period of time when compared to the median line.

Figure 3 shows plots of historical percentile data from 1952 to 2019 for USGS gaging station No. 06478000, James River near Mitchell, SD. At the 50th percentile, the mean daily flow values are below 50 cfs until the beginning of March before drastically increasing to 1300 cfs by mid-March. While flow does spike to 1000 cfs or greater, at least 700 cfs is available through mid-July and 300 cfs is available until the end of August. Flow then drops to less than 100 cfs and maintains this condition for the remainder of the year. At the 10th percentile, winter flows are almost nonexistent until the beginning of March before increasing to around 50 cfs by mid-March. Flow then spikes to 150 cfs at the beginning of April and shows at least 50 cfs through mid-July. Flow then declines to almost negligible by mid-August and maintains this condition for the remainder of the year.

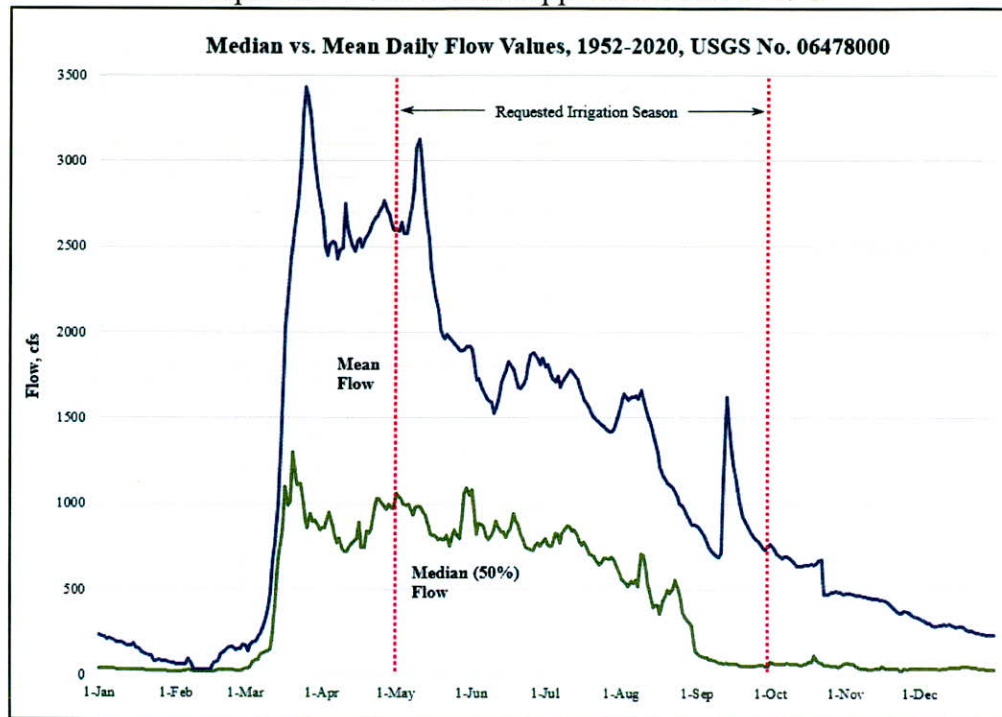


Figure 2. USGS gaging station No. 06478000 James River near Mitchell, SD, Median versus Mean of daily flow values 1952-2020. Contributing drainage area of 17,037 mi² (USGS, 2020).

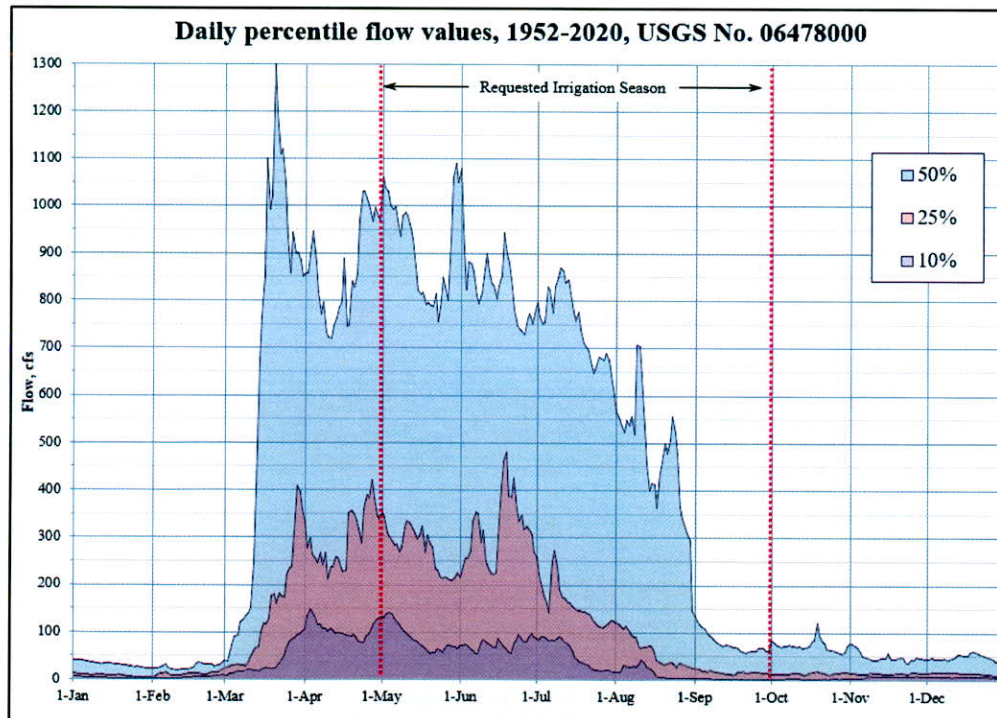


Figure 3. Daily percentile flow hydrograph for USGS gaging station No. 06478000, 1952-2020, on the James River near Mitchell, SD, contributing drainage area of 17,037 mi² (USGS, 2020).

Report on Water Permit Application No. 8447-3

The USGS operates stream flow gaging station No. 06475000, on the James River near Scotland, SD, located approximately 58 river miles downstream of the proposed project (USGS, 2020). Figure 4 shows plots of historical percentile data from 1928 to 2020 for this stream flow gage. At the 50th percentile, the mean daily flow values are approximately 50 cfs until mid-February then drastically increase to approximately 870 cfs by the end of March. While flow does reach 900 cfs or greater, at least 600 cfs is maintained until mid-June before steadily decreasing to 150 cfs by the beginning of August. It then reduces to around 50 cfs by October and maintains this condition for the remainder of the winter months. At the 10th percentile, winter flows are negligible until mid-February where they steadily increase to approximately 50 cfs by April. It maintains at least 50 cfs until mid-June then steadily declines to negligible flow by August and maintains this condition for the remainder of the year.

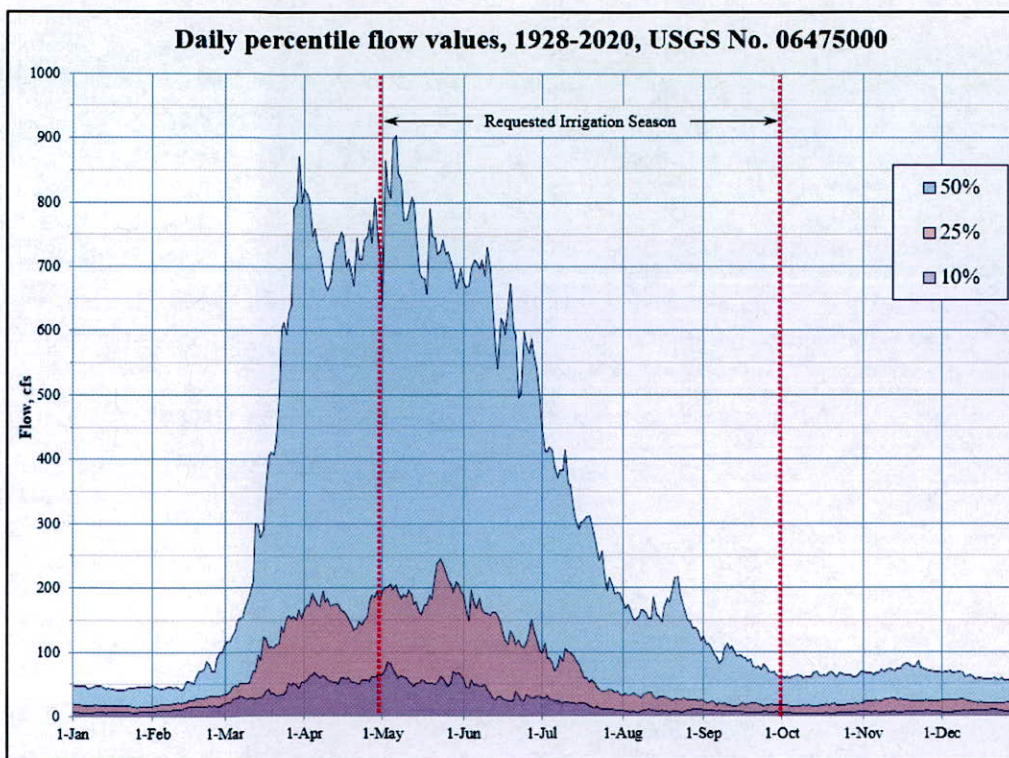


Figure 4. Daily percentile flow hydrograph for the USGS Stream Gage No. 06475000, 1928-2020, on the James River near Scotland, SD, contributing drainage area 18,616 mi², (USGS, 2020).

USGS historical mean data for the Mitchell and Scotland stream flow gages show similar results with an increase in flow from the spring runoff through mid-summer, followed by a steady decrease by fall, then low flows for the remainder of the year. They both indicate that annually, water is available in the James River during normal to wetter climatic conditions occurring during the April through July period. During late summer and early fall months, the James River cannot be considered a reliable source of water. To address low flow conditions, the James River may be subject to shut-off orders.

Review of Existing Water Rights and Current Appropriations

In 1965, the SD Water Rights Commission, a predecessor to the SD Water Management Board, placed a combined maximum 300 cfs diversion limit on the James River in South Dakota with a diversion limit of 200 cfs from the North Dakota border to the USGS gaging station in Huron, SD. Due to the Missouri River backwater into the James River, the 300 cfs restriction has been applied in the river reach from the North Dakota border to the Yankton-Hutchinson County Line (Water Rights. 2020). The SD Water Management Board has adopted these diversion limits.

Presently in the reach from the North Dakota border to the Yankton-Hutchinson County Line, there are 109 Water Rights/Permits diverting 270.99 cfs from the James River. This leaves 29.01 cfs to be appropriated anywhere in the reach between the North Dakota border and the Yankton-Hutchinson County Line. There are currently 14 Water Rights/Permits (Figure 1) within the same river reach as this proposed application's diversion point. These are either licensed or permitted to appropriate a total of 32.50 cfs and are all held by the Rockport Hutterian Brethren. There are an additional 11 Water Rights/Permits downstream of the proposed diversion reach to the Yankton-Hutchinson County Line. They are either licensed or permitted to appropriate a total of 13.26 cfs from the James River. There are two pending Rockport Hutterian Brethren applications, Nos. 8448-3 and 8449-3, near this application proposing to appropriate a combined 7.14 cfs from the same James River reach. There is also one future use permit (No. US594-3) reserving 500 cfs for the US Bureau of Reclamation. If this application and the two Rockport Hutterian Brethren applications are approved, there will be 282.36 cfs of the 300 cfs limit appropriating from the James River.

Discussion and Review of Qualifications

In 2007, Water Rights staff reviewed the shut-off and by-pass qualifications on all the existing James River water rights/permits. Based on this review, the Chief Engineer recommended modifying existing qualifications in order to standardize them. The Water Management Board adopted the standardized qualifications and modified the qualifications on existing water rights/permits to reflect these standard qualifications. In addition, it was the intent that future appropriations of water from the James River be administered with the same standardized qualifications (Water Rights. 2020). Following the hearing of the James River water rights/permits contained the following qualification:

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

The water rights diverting in the reach of the river between the USGS gaging station at Huron, SD, to the USGS station near Scotland, SD, contained this qualification:

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

If approved, Application No. 8447-3 should contain this standardized language in any qualifications.

Report on Water Permit Application No. 8447-3

Conclusions

1. Application No. 8447-3 proposes to appropriate 4.23 cubic feet of water per second (cfs) from the James River located at a point between the NW ¼ NE ¼, Section 6, and the S ½ NE ¼, Section 7; all in T101N-R58W. The purpose is to irrigate 300 acres located in the S ½, Section 35-T102N-R59W.
2. The water source for the proposed project is the James River in Hanson County. There are currently 29.01 cfs of water available for appropriation anywhere in the James River reach between the City of Huron to the Yankton-Hutchinson County Line. Therefore, unappropriated water is available and this application will not adversely impact existing appropriative or domestic users.
3. In addition to this application, there are two pending Rockport Hutterian Brethren applications proposing to appropriate a combined 7.14 cfs from the same James River reach. If this application and the two Rockport Hutterian Brethren applications are approved, there will be 282.36 cfs of the 300 cfs limit appropriated from the James River.
4. In accordance with the Water Management Board (2007) adopting standardized qualifications, if approved, Application No. 8447-3 should contain the following qualifications:
 - This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - This permit does not authorize diversions from the James River when there is less than 20 cfs by-passing the gage near Scotland, SD after pumping.



Blaise M. Hansen
Natural Resources Engineer I

Reviewed by:



Mark D. Rath
Natural Resources Engineer III

References

1. United States Geological Survey. 2020. *National Water Information System – USGS Surface-Water Daily Statistics for South Dakota*. 31 October 2020: <https://waterdata.usgs.gov>.
2. Water Rights. 2020. *Water Right/Permit Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Affidavit of Publication

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HANSON:)

The undersigned, being first duly sworn, on his oath says: THE ALEXANDRIA HERALD is a weekly newspaper of general circulation, printed and published in the City of Alexandria, Hanson County, South Dakota, by MATT ANDERSON, and has been such a newspaper during the times hereinafter mentioned: that it has a bona fide circulation of more than 200 copies weekly; that it has been published within said county of Hanson in the English language and admitted to the United States mail under the second class mailing privilege for more than one year next prior to the publication of the notice hereinafter mentioned, and has been printed during such period and at the present time in part in an office maintained at the said place of a publication: that I, the undersigned, am either the publisher or an employee of the said publisher of said newspaper and have personal knowledge of all the facts stated in the affidavit: that the advertisement headed

Notice of Application No. 8447-3

a printed copy of which is hereto attached, was printed and published in the said newspaper for one (1) successive weeks; that said notice was published in the issues of said paper on the dates as follows, to wit:

The first publication be made on 12/17/2020

The second publication on _____

The third publication on _____

The fourth publication on _____

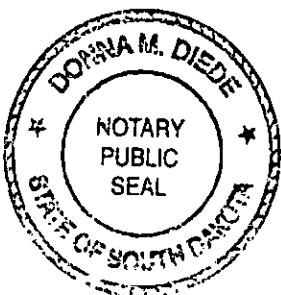
that 19.86 Being the full amount of the fee for publication of the annexed notice, insured solely to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof have been made with any other person who-
sever, and that said newspaper is a local newspaper under the law of the state of South Dakota

Subscribed and sworn to before me this 17

day of December 2020

Donna M. Dieder

Notary Public, South Dakota



My commission expires 2/10/2022

NOTICE OF APPLICATION NO.

8447-3 to Appropriate Water

Notice is given that Shannon Lutheran Brethren Inc., c/o Ben J Wipf, 43952 235th St., Winfred SD 57076 has filed an application for a water permit to appropriate 4.23 cubic feet of water per second from the James River located at a point between the NW 1/4 NE 1/4 Section 6 and the S 1/2 NE 1/4 Section 7; all in T101N-R58W for irrigation of 300 acres located in the S 1/2 Section 35-T102N-R59W. This site is located approximately five miles southwest of Alexandria SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8447-3 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 Ron Duval 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 December 28, 2020.

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.

Published once at the total approximate cost of \$19.86 (AH1217-5)

RECEIVED

DEC 23 2020

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

DEC 21 2020
WATER RIGHTS
PROGRAMSTATE OF SOUTH DAKOTA }
County of Lake } ss.

Joanne Wheeler of the City of Madison, County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

DENR Water Rights Program

Notice of Application 8447-3 Shannon Colony

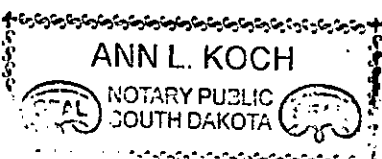
printed copy of which hereunto attached, was printed and published in the said newspaper for One successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 17th day of December, 2020;
 On , the day of , 2020;
 On , the day of , 2020;
 On , the day of , 2020;
 On , the day of , 2020;
 On , the day of , 2020;
 On , the day of , 2020;
 On , the day of , 2020;

That \$ 27.23 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Joanne Wheeler

Subscribed and sworn to before me this 18th day of December, 2020



Ann L. Koch
 Notary Public, Lake County, South Dakota
 Exp. 11-14-25

Thursday, Dec. 17

NOTICE OF APPLICATION
NO. 8447-3

TO APPROPRIATE WATER

Notice is given that Shannon Hutterian Brethren Inc., c/o Ben J Wipf, 43952 235th St., Winfred SD 57076 has filed an application for a water permit to appropriate 4.23 cubic feet of water per second from the James River located at a point between the NW 1/4 NE 1/4 Section 6 and the S 1/2 NE 1/4 Section 7; all in T101N-R58W for

irrigation of 300 acres, located in the S 1/2 Section 35-T102N-R59W. This site is located approximately five miles southwest of Alexandria SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8447-3 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 Ron Duvall 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 December 28, 2020.

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

Publication Fees \$

Notary Fees \$

Total \$

Received Payment,

In Court

County of

AFFIDAVIT OF PUBLICATION

Filed in the office of

..... on the

..... day of

20

Attorneys for

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.

Published once at the total approximate cost of \$27.23

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, December 7, 2020 10:39 AM
To: 'ads@madisondailyleader.com'
Subject: FW: 8447-3, Shannon Hutterian Brethren Inc
Attachments: 8447-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on December 17, 2020.

Shannon Hutterian Brethren Inc., c/o Ben Wipf, 43952 235th St, Winfred SD 57076 (605 483-2244 or 605 770-5244) 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
Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, December 7, 2020 10:38 AM
To: knorthern@ncppub.com
Subject: 8447-3, Shannon Hutterian Brethren Inc
Attachments: 8447-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on December 17, 2020. **Please do not make any changes in the text of the notice.**

Shannon Hutterian Brethren Inc., c/o Ben Wipf, 43952 235th St, Winfred SD 57076 (605 483-2244 or 605 770-5244) 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.

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Karen Schlaak
Water Rights Program
(605) 773-3352





DENR
SOUTH DAKOTA

**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 NEWSPAPERS RIGHT AWAY.**

December 7, 2020

Shannon Hutterian Brethren, Inc.
c/o Ben J Wipf
43952 235th St
Winfred SD 57076

Dear Mr. Wipf:

Water Permit Application No. 8447-3 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 Alexandria Herald printed at Alexandria SD (Ph # 605 239-4521) and the Daily Leader printed at Madison SD (Ph # 605 256-4555). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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.

c: Rockport Hutterian Brethren Inc

NOTICE OF APPLICATION NO. 8447-3 to Appropriate Water

Notice is given that Shannon Hutterian Brethren Inc., c/o Ben J Wipf, 43952 235th St., Winfred SD 57076 has filed an application for a water permit to appropriate 4.23 cubic feet of water per second from the James River located at a point between the NW 1/4 NE 1/4 Section 6 and the S 1/2 NE 1/4 Section 7; all in T101N-R58W for irrigation of 300 acres located in the S 1/2 Section 35-T102N-R59W. This site is located approximately five miles southwest of Alexandria SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8447-3 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 Ron Duvall 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 December 28, 2020.

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.

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SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JAN 19 2021

Shannon Hutterian Brethren Inc
c/o Ben J Wipf
43952 235th St
Winifred SD 57076

Dear Mr. Wipf:

Enclosed is Water Permit No. 8447-3 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,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who either use water from the James River or tributaries under permits with the August 10 shutoff date qualification.

Water rights containing this qualification requires a mandatory compliance and pumping under your permit must cease after August 10th unless you contact the Water Rights Program and receive permission to continue to divert water.

Water Rights staff drove along the James River last week after the August 10 shutoff date to spot-check whether water right holders were complying with this qualification. This spot-check found multiple water right holders diverting water in violation of this qualification.

Again, I remind you, compliance with this shutoff qualification is required unless you request and receive permission from the Water Rights Program to continue pumping. Permission may be granted based upon water availability.

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program