

WATER PERMIT NO. 8643-3

Name of Applicant: Blumengard Hutterian Brethren

Address: 35075 148th St, Faulkton SD 57438 Phone: 605 324-3243

Amount of Water Claimed: 4.21 cfs Total Acres: 295 acres

Source of Water Supply: Hammack Dam

Water to be used for: irrigation County: Faulk and Edmunds

Type of Waste Disposal System:

Location: 14 miles north of Faulkton

PRIORITY Date Received: 7-5-22 Application/License Fee: \$ 1,250

Corrected Application Received: Period of Annual Use: April 1 – November 1

Remarks: Hamak
Hammack Dam is authorized by Water Right No. 1547-3

Diversion Point: SW 14/ SE 1/4 Section 3 and SE
1/4 NE 1/4 Sec 4; all in T120N-R69W

Land to be Irrigated: NE 1/4 Section 3-T120N-
R69W and SW 1/4 Section 34-T121N-R69W

Depth of Well: NA

Well Driller:

Remarks:

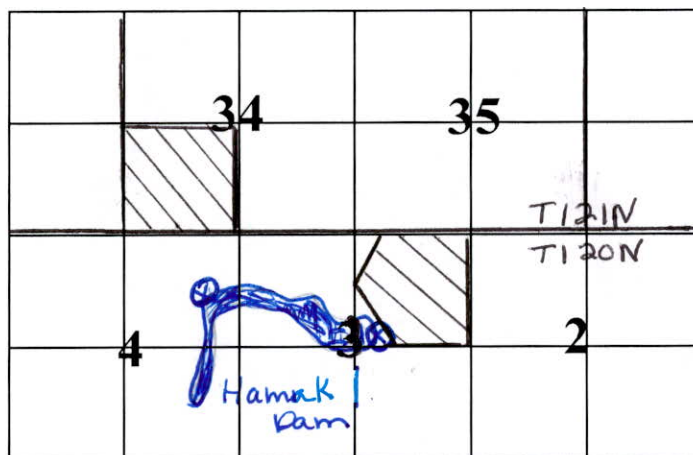
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 7-6-77

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8643-3**

Date of first receipt of application July 5, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8643-3 to Blumengard Hutterian Brethren Inc., c/o Joel Kleinsasser, 35075 146th St, Faulkton SD 57438 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. 8643-3 appropriates 4.21 cubic feet of water per second (cfs) from Hamak Dam to irrigate 295 acres. Recognized Vested Water Right No. 1547-3 authorizes impoundment of 140 acre-feet of storage from runoff into Hamak Dam which impounds water in the SW 1/4 NE 1/4, S 1/2 NW 1/4 Section 3 and SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 4; all in T120N-R69W. The permit holder is authorized to appropriate 4.21 cfs at the dam from points located in the SW 1/4 NE 1/4 Section 3 and the SE 1/4 NE 1/4 Section 4; all in T120N-R69W to irrigate 295 acres located in the NE 1/4 Section 3-T120N-R69W and the SW 1/4 Section 34-T121N-R69W. This site is located approximately 14 miles north of Faulkton 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: April 1 – November 1.
3. The date from which applicant may claim right is July 5, 2022.
4. The date of approval of Permit No. 8643-3 is August 15, 2022.
5. One-fifth of the construction is to be completed on or before February 15, 2025.
6. All construction is to be completed on or before August 15, 2027.
7. Water is to be put to beneficial use on or before August 15, 2031.
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 Permit No. 8643-3 and Recognized Vested Water Right No. 1547-3, combined, authorize storage of up to 140 acre-feet of water in Hamak dam and sufficient runoff annually to maintain the water level to the primary spillway elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
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

SEP 13 2022
date



PAID

JUL 5 2022

Ck# 25179

Rec't#

Mail to:

SD DANR, Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182

ph. (605) 773-3352

No. 8643-3 Hydrologic Unit 10160008

Basin James River

Newspaper Faulk County Record

Tpswich Tribune (office use only) American News

Application for Permit to Appropriate Water for Irrigation

Type of Application:

☒ New

☐ Vested Right

☐ Amendment/Correction to Permit No. _____

(Use predicate Mar 2, 1983)

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

1. Name to Appear on Irrigation Permit Blumengard 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 * 35075 148th ST Faulkton SD 57436
(Address) (City) (State) (Zip Code)

Phone 605-324-3243 Mobile _____ Email joe157436@gmail.com

2. Amount of water claimed 4.21 *CFS or _____ *GPM _____ ***AF _____ Total Acreage 295
(**CFS = Cubic Feet per Second) (**GPM = Gallons per Minute) (**AF = Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Hamack Dam C A Tributary N Fork snake creek

4. Location of point of diversion SW 1/4 NE 1/4 Sec 3 - T120N - R69W and
SE 1/4 NE 1/4 Sec 4 - T120N - R69W County _____
(example: 2 wells in SW 1/4 NE 1/4 of section 2, T120N - R69W)

5. County or counties where water will be used Faulk and Edmunds

6. Annual period during which water is to be used April - 1 To Nov 1

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
Freedom NE 1/4 3-120N-69W	135		
Liberty SW 1/4 34-121N-69W	160		

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

I, Joel Kleinsasser Sec/Tres, 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.

2/20/28

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)

Supplemental Information

(Type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(If yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available Drilled by _____

For either existing or proposed wells:

c) Well Depth (required) _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property _____ Property owned by others _____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address: _____

b) Freeboard 5 feetc) Crest Width 15 feetCrest Length 400 feetd) Height 28 feete) Primary Outlet Capacity 1400 gpm

If pipe, diameter _____

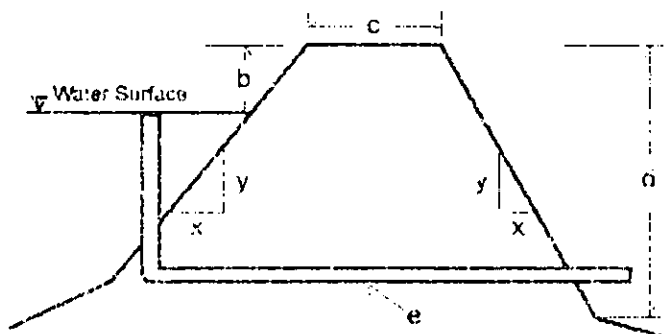
f) Secondary Spillway Capacity N/A

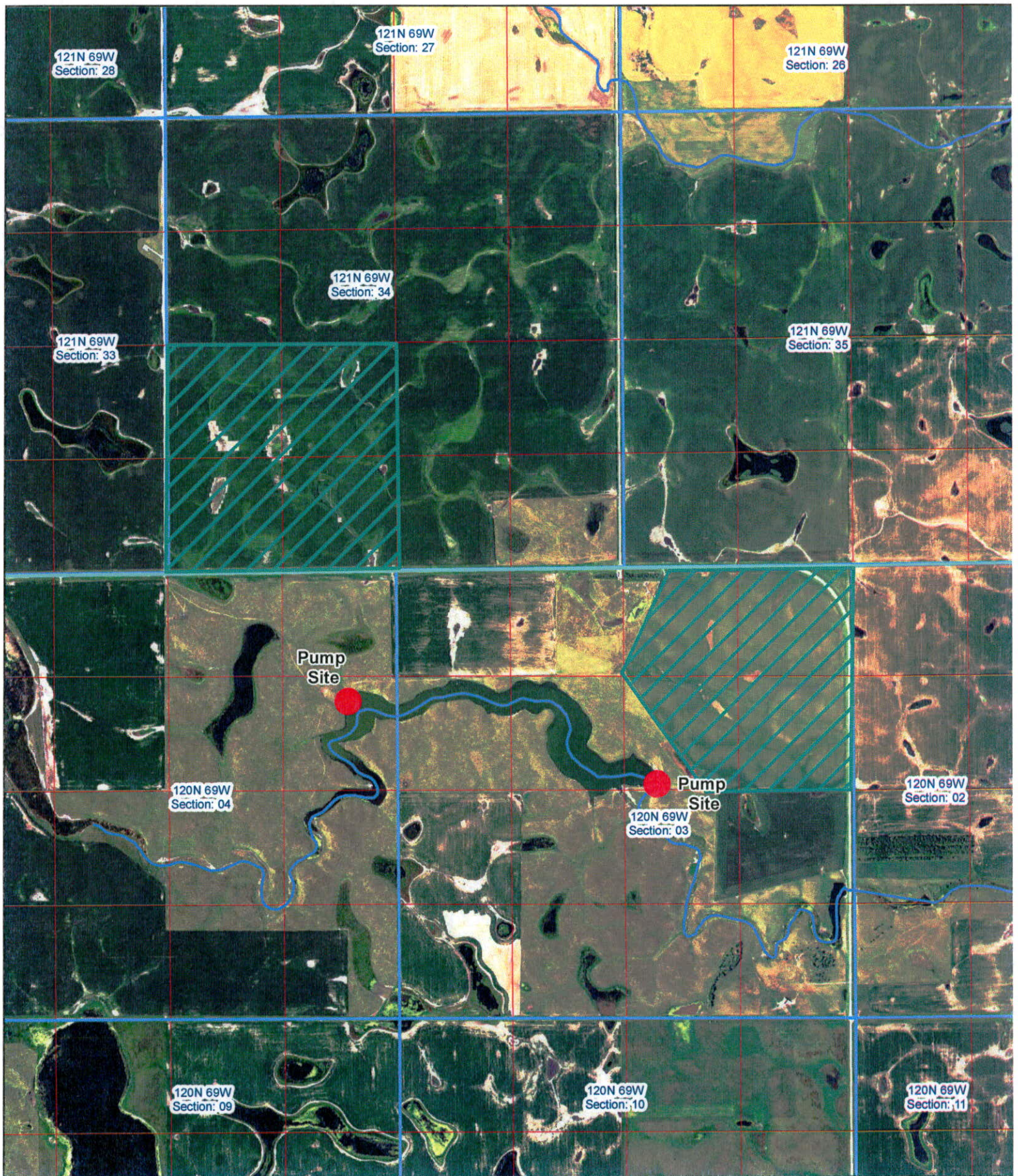
Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

Upstream N/A

Downstream _____

h) Area of Impoundment 70 acresi) Storage 132 Acre Feetj) Drainage Area Above Dam N/A Acres



0.7 0.35 0 0.7 Miles

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date July 5, 2022

RECEIVED OF Blumengard Hutterian Brethren Inc. 35075 148th St. Faulkton SD 57438

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

Fee for Application for Permit No. <u>8643-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>1050.00</u>
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>8643-3</u>	\$ <u>200.00</u>
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	\$ <u>1250.00</u>

By Eric Gronlund
Chief Engineer
vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8643-3, Blumengard Hutterian Brethren Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8643-3, Blumengard Hutterian Brethren Inc., 35075 148th Street, Faulkton, SD 57438.

The Chief Engineer is recommending APPROVAL of Application No. 8643-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. Water Permit No. 8643-3 and Recognized Vested Water Right No. 8643-3, combined, authorize storage of up to 140 acre-feet of water in Hamak dam and sufficient runoff annually to maintain the water level to the primary spillway elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
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
July 28, 2022

REPORT ON WATER PERMIT APPLICATION NO. 8643-3

Blumengard Hutterian Brethren Inc.

July 27, 2022

Application No 8643-3, proposes to appropriate 4.21 cubic feet of water per second (cfs) from Hamak Dam to irrigate 295 acres. Recognized Vested Water Right No. 1547-3 authorizes impoundment of 140 acre-feet of storage from runoff into Hamak Dam which impounds water in the SW 1/4 NE 1/4, S 1/2 NW 1/4 Section 3 and SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 4; all in T120N-R69W. The applicant is proposing to appropriate 4.21 cfs from the dam at points located in the SW 1/4 NE 1/4 Section 3 and the SE 1/4 NE 1/4 Section 4; all in T120N-R69W to irrigate 295 acres located in the NE 1/4 Section 3-T120N-R69W and the SW 1/4 Section 34-T121N-R69W. This site is located approximately 14 miles north of Faulkton SD in Faulk County.

South Dakota Codified Law SDCL 46-2A-2 directs the Chief Engineer to make a recommendation to the Water Management Board on a permit application. The Chief Engineer needs to consider four criteria in making a recommendation on whether a permit should be approved, approved with qualifications, denied, or deferred. They are: 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 domestic water uses and water rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will analyze the available information to make a recommendation to the Chief Engineer on the first two criteria the Chief Engineer needs to consider in making an official recommendation to the Water Management Board.

Review of the Proposed Project and Water Source

The applicant proposes to irrigate 295 acres from a dam capable of impounding 140 acre-feet. The dam, known as Hamak Dam, was constructed in 1938 as a Works Project Administration project. The South Dakota Office of School and Public Lands held public access and recreation easements for the dam but have transferred all rights over to Blumengard Hutterian Brethren Inc. South Dakota Department of Game Fish and Parks held Recognized Vested Right No. 1547-3 with a priority date of 1936 for public recreation for Hamak Dam, this recognized vested right has also been transferred to Blumengard Hutterian Brethren Inc (Water Rights. 2022).

Hamak Dam is located on an un-gaged tributary to the North Fork of Snake Creek. The watershed above Hamak Dam encompasses approximately 485 square miles of the eastern side of the Missouri Coteau in portions of Faulk, Edmunds, McPherson, and Potter counties

(StreamStats. 2022). Figure 1 shows the 30 year (1991-2020) average annual precipitation and annual precipitation for those years for the weather station located approximately 14 miles south of this project near Faulkton South Dakota. The annual precipitation averages 21.74 inches with annual values having fluctuated between 12.98 and 29.35 inches over the 30 year period (HPRCC. 2022).

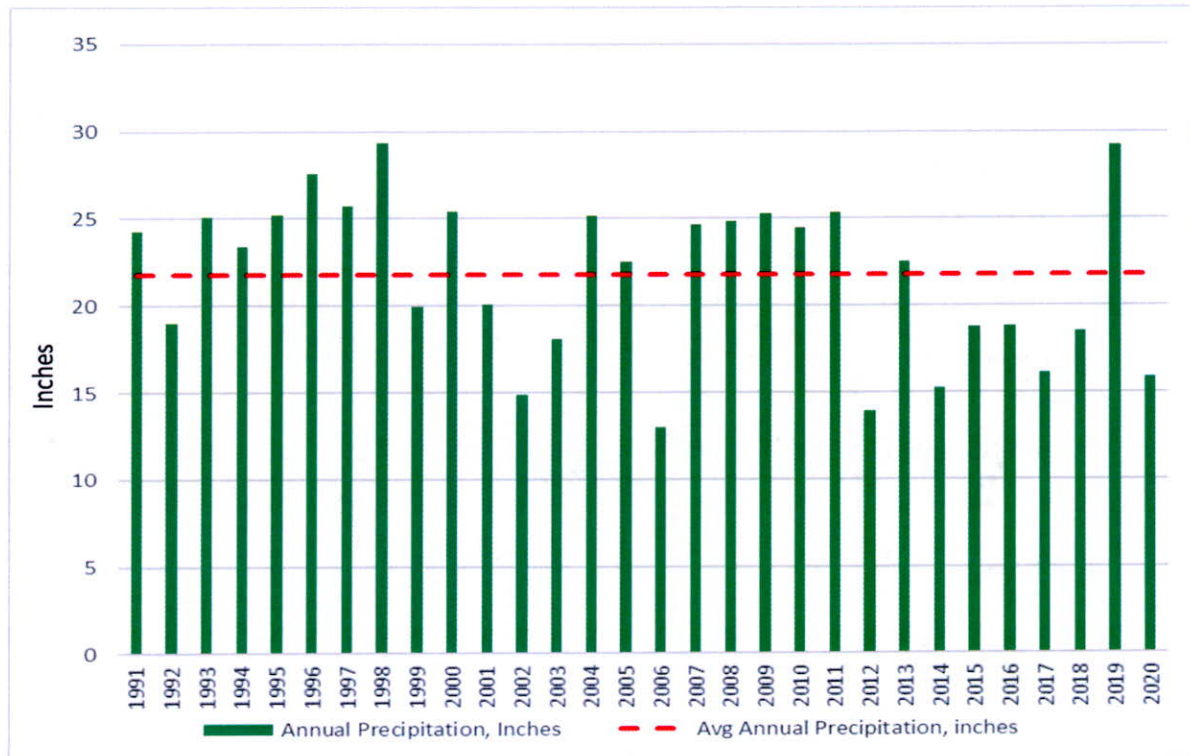


Figure 1, Annual and average annual precipitation, 1992 – 2021; Faulkton South Dakota weather station, FAUS2 (HPRCC. 2022).

The applicant is proposing to irrigate up to 295 acres. The statutory limit for irrigation is 2 acre-feet per irrigated acre for a total annual volume limit of 590 acre-feet. Water Rights staff made a review of actual annual irrigation water use over a 30 year period 1979-2019 at an area located 40 to 60 miles to the southeast of this proposed project. That review found actual annual irrigation use to be between 7.5 to 9.1 inches per acre irrigated (0.3 to 0.4 acre-feet) (Water Rights. 2020). The expected use for the proposed annual use for this project would likely be closer to 118 acre feet annually. Utilizing the dam cannot be considered a reliable water source due to the cyclic nature of the climate. The applicant should recognize that when the watershed experiences drier climatic conditions, there may be a shortage of water supply to adequately irrigate the proposed acres.

Review of Existing Water Rights

The applicant holds Recognized Vested Right No. 1547-3 with a priority date of 1936 for recreation out of Hamak Dam, this recognized vested right was transferred to the applicant in June of 2022. There are no other existing water rights/permits appropriating water from the reach starting at Hamak Dam on the tributary of the North Fork of Snake Creek downstream 81 stream miles to the Snake Creek confluence with the James River (Water Rights. 2022).

Conclusions

1. This application proposes to appropriate 4.21 cubic feet of water per second (cfs) from Hamak Dam located on a tributary to North Fork Snake Creek for irrigation of 295 acres.
2. There are no other existing water rights/permits appropriating water from this tributary or North Fork of Snake Creek located downstream of Hamak Dam.
3. When the watershed experiences drier climatic conditions, there may be a shortage of water supply in Hamak Dam to adequately irrigate the proposed acres.



Mark D. Rath
Natural Resources Engineer III

References

1. HPRCC. 2022. High Plains Regional Climate Center, 2022: Station Data Explorer. Annual precipitation, 1991 – 2020 for the Faulkton South Dakota weather station, FAUS2.
2. StreamStats. 2022. United States Geological Survey - Streamflow Statistics and Spatial Analysis Tools for Water-Resources Applications. www.usgs.gov/mission-areas/water-resources/science/streamstats-streamflow-statistics-and-spatial-analysis-tools
3. Water Rights. 2020. Farmer, John. First Report on the Five Year Review of Water Availability East James Management Unit of the Tulare Aquifer and First Report on the Five Year Review of Water Availability Western Spink Hitchcock Management Unit of the Tulare Aquifer. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
4. Water Rights. 2022. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

AFFIDAVIT OF PUBLICATION

RECEIVED

AUG 18 2022

State of South Dakota)
) SS
 County of Edmunds)

OFFICE OF
 WATER

D.E. Gibson of said county, being, first duly sworn on oath says: That he is the publisher or an employee of the publisher of the Ipswich Tribune, a weekly newspaper, published in the City of Ipswich, in said County of Edmunds, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Edmunds and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the advertisement headed

NOTICE OF APPLICATION

NO. 8643-3

TO APPROPRIATE WATER

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for one successive issues.

The First publication being made on the 3 day of August, 2022

The Second publication being made on the day of, 20.....

The Third publication being made on the day of, 20.....

The Fourth publication being made on the day of, 20.....

The Fifth publication being made on the day of, 20.....

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher; 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; that the fees charged for the publication thereof are:

Forty-four Dollars and

forty-nine cents (\$ 44.49)

Signed: DE Gibson

Subscribed and sworn to before me this 15 day of Aug., 2022

Jana M Gibson

Notary Public - Edmunds County, South Dakota

My commission expires February 26, 2025

PUBLIC NOTICE

NOTICE OF APPLICATION

NO. 8643-3

to Appropriate Water

Notice is given that Blumengard Hutterian Brethren Inc., c/o Joel Kleinsasser, 35075 148th St, Faulkton SD 57438 has filed an application for a water permit to appropriate 4.21 cubic feet of water per second (cfs) from Hamak Dam to irrigate 295 acres. Recognized Vested Water Right No. 1547-3 authorizes impoundment of 140 acre-feet of storage from runoff into Hamak Dam which impounds water in the SW 1/4 NE 1/4, S 1/2 NW 1/4 Section 3 and SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 4; all in T120N-R69W. The applicant is proposing to appropriate 4.21 cfs at the dam from points located in the SW 1/4 NE 1/4 Section 3 and the SE 1/4 NE 1/4 Section 4; all in T120N-R69W to irrigate 295 acres located in the NE 1/4 Section 3-T120N-R69W and the SW 1/4 Section 34-T121N-R69W. This site is located approximately 14 miles north of Faulkton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8643-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and

Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD

57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by August 15, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by August 15, 2022.

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 \$44.49 /may be viewed free of charge at www.sdpublicnotices.com (Publish T 8-3)

No 136, Aug 3, 2022

NOTICE OF APPLICATION

NO 8645-3 to Appropriate Water

Notice to give the Shoshone Water

Resources Division Inc. c/o Neil K. K...

ca. 19075 14th St. E. Suite 100, SD 57418

has filed an application for a water

permit to appropriate 4.21 cubic feet

of water per second (cfs) from Hamish

Dam to irrigate 295 acres: Rangeland

Vested Water Right No. 1547-3 water-

rights encompassed of 140 acres-kind of

surface from runoff into Hamish Dam

which impounds water in the SW 1/4

ME 1/4 S 1/2 NW 1/4 Section 3 and

SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 3 and

4, 40 in T120N R64W. The applicant

is proposing to appropriate 4.21 cfs at

the dam from points located in the SW

1/4 NE 1/4 Section 3 and the SE 1/4 NE

1/4 Section 4, 40 in T120N R64W to

irrigate 295 acres located in the NE 1/4

Section 3-T120N R64W and the SW

1/4 Section 3-T121N R64W. This use

is located approximately 14 miles north

of Junction SD 74-75W.

Pursuant to SDCL 46-2A-2, the Chief

Engineer recommends APPROVAL of

the application No. 8645-3 with conditions

is available; (2) existing domestic water

rights and water rights and not be unduly

impacted; (3) it is a beneficial use

of water; and (4) it is in the public inter-

est as it pertains to matters within the

regulatory authority of the Water Man-

agement Board. The Chief Engineer's

recommendation with qualifications

the application, and staff report are

available at <https://water.sd.gov>

or contact Neil K. Kovich for this applica-

tion. For additional information, or the

Water Rights Program address provided

in the application, contact Neil K. Kovich

at 605-773-1352.

Any person interested in opposing

the application or recommending

approval, shall file a written petition

with the application and with the

applicant and Chief Engineer. A peti-

tion opposing the application shall be

filed on a form provided by the Chief

Engineer. The petition form is available

online at <https://water.sd.gov>

or by contacting the Chief Engineer. The

Chief Engineer's address is "Water

Rights Program, First Building, 573 E.

Crosland, Pierre, SD 57501; or call (605)

773-1352. The applicant's deadline

for filing a petition is August 13, 2022.

The petition shall include a state-

ment describing the interests, equity

interests of the applicant on the

petition, the petitioner's reasons for

opposing the application, and the name

and mailing address of the petitioner or

the petitioner's legal counsel, if legal

counsel is obtained.

Any interested person may file a com-

plaint with the application with the Chief

Engineer. The complaint shall be filed

on a form provided by the Chief Engi-

neer and is available online at <https://water.sd.gov>

or by calling (605) 773-1352 or writing the Chief Engineer

at the address provided above. Filing a

complaint does not make the petitioner

a party of record or a participant in any

hearing that may be held. Any com-

plaint must be filed by August 13, 2022.

If the applicant does not comply the

recommendation of the Chief Engineer

and on petition to appear 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 constraining the recommendation is

filed, then a hearing will be scheduled,

and the Water Management Board will

consider the application. Notice of the

hearing will be given to the applicant

and any person filing a petition.

Published on: 8/3/22 at the total

approximate cost of \$42.68.

Any person interested in opposing

the application or recommending

approval, shall file a written petition

with the application and with the

applicant and Chief Engineer. A peti-

tion opposing the application shall be

filed on a form provided by the Chief

Engineer. The petition form is available

online at <https://water.sd.gov>

Affidavit of Publication

State of South Dakota

County of Faulk

Jennifer Miller of said county, being first duly sworn, on oath says that she is the publisher of the Faulk County Record LLC a weekly newspaper printed and published in Faulk County in said County of Faulk and has a full and personal knowledge of all the facts herein stated, that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two consecutive weeks prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained in said place of publication, that she

Notice of Application

A printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

One (1)

week(s), on the day of each week on which said newspaper was regularly published, to-wit:

Wednesday August 3, 2022

that the full amount of the fees for the publication of the attached notice is \$ 42.68

Jennifer Miller

Subscribed and sworn to before me this

3, August 2022

Kristen M Bent

Notary Public
Faulk County, South Dakota

RECEIVED

AUG 18 2022

OFFICE OF
WATER



LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Water Rights Program
Blumengard Colony
35075 148th St
FAULKTON SD 57438

RECEIVED

AUG 15 2022

OFFICE OF
WATER

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

08/03/2022

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 08/03/2022

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$52.04

Order No: 7588795

of Copies:

Customer No: 562475

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

SARAH BERTELSEN
Notary Public
State of Wisconsin

**NOTICE OF
APPLICATION NO. 8643-3
to Appropriate Water**

Notice is given that Blumengard Hutterian Brethren Inc., c/o Joel Kleinsasser, 35075 148th St, Faulkton SD 57438 has filed an application for a water permit to appropriate 4.21 cubic feet of water per second (cfs) from Homak Dam to irrigate 295 acres. Recognized Vested Water Right No. 1547-3 authorizes impoundment of 140 acre-feet of storage from runoff into Homak Dam which impounds water in the SW 1/4 NE 1/4, S 1/2 NW 1/4 Section 3 and SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 4; all in T120N-R69W. The applicant is proposing to appropriate 4.21 cfs at the dam from points located in the SW 1/4 NE 1/4 Section 3 and the SE 1/4 NE 1/4 Section 4; all in T120N-R69W to irrigate 295 acres located in the NE 1/4 Section 3-T120N-R69W and the SW 1/4 Section 34-T121N-R69W. This site is located approximately 14 miles north of Faulkton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8643-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://darr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://darr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss

Building, 523 E. Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by August 15, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at

<https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by August 15, 2022.

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 on Aug. 3, 2022 at the total approximate cost of \$52.04 and may be viewed free of charge at www.sdpublicnotices.com

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, July 28, 2022 11:37 AM
To: Aberdeen News Legals (aan-legals@aberdeennews.com)
Subject: 8643-3, Blumengard Hutterian Brethren
Attachments: 8643-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 3, 2022.

Blumengard Hutterian Brethren Inc., c/o Joel Kleinsasser, 35075 148th St, Faulkton SD 57438 (605 324-3243) 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

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, July 28, 2022 11:37 AM
To: DEG
Subject: 8643-3, Blumengard Hutterian Brethren
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Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, July 28, 2022 11:35 AM
To: 'info@faulkcountyrecord.com'
Subject: 8643-3, Blumengard Hutterian Brethren
Attachments: 8643-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on August 3, 2022.

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

Karen Schlaak

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

July 28, 2022

Blumengard Hutterian Brethren Inc.
c/o Joel Kleinsasser
35075 148th St
Faulkton SD 57438

Dear Mr. Kleinsasser:

Water Permit Application No. 8643-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following papers:

Faulk County Record	605 598-6525
Ipswich Tribune	605 426-6471
American News	605 225-4100

You will need to contact the newspapers as soon as possible 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.

NOTICE OF APPLICATION NO. 8643-3 to Appropriate Water

Notice is given that Blumengard Hutterian Brethren Inc., c/o Joel Kleinsasser, 35075 148th St, Faulkton SD 57438 has filed an application for a water permit to appropriate 4.21 cubic feet of water per second (cfs) from Hamak Dam to irrigate 295 acres. Recognized Vested Water Right No. 1547-3 authorizes impoundment of 140 acre-feet of storage from runoff into Hamak Dam which impounds water in the SW 1/4 NE 1/4, S 1/2 NW 1/4 Section 3 and SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 4; all in T120N-R69W. The applicant is proposing to appropriate 4.21 cfs at the dam from points located in the SW 1/4 NE 1/4 Section 3 and the SE 1/4 NE 1/4 Section 4; all in T120N-R69W to irrigate 295 acres located in the NE 1/4 Section 3-T120N-R69W and the SW 1/4 Section 34-T121N-R69W. This site is located approximately 14 miles north of Faulkton SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8643-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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Published once at the total approximate cost of...

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, July 28, 2022 12:49 PM
To: joel57438@gmail.com
Subject: Water Permit Application No. 8643-3
Attachments: 3780.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 13 2022

Blumengard Hutterian Brethren, Inc
c/o Joel Kleinsasser
35075 146th St
Faulkton SD 57438

Dear Mr. Kleinsasser:

Enclosed is Water Permit No. 8643-3 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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8643-3

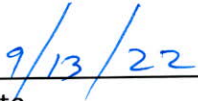
Name of Applicant: Blumengard Hutterian Brethren Inc., Joel Kleinsasser

Date of Posting: 8/1/2022

Date of Removal: 9/13/2022



Ron Duvall, Water Rights Permitting Administrator



Date

Subscribed and sworn to before me, a notary public, this 13th day of Sept, 20 22



Notary Public - South Dakota
My commission expires: 4-1-2025

