

WATER PERMIT NO. 8917-3

Address: 31232 Colony Road, Tabor SD 57063 Name of Applicant: Bon Homme Hutterian Brethren
Phone: 605-464-7420
Amount of Water Claimed: 1.67 cfs Total Acres: 60
Source of Water Supply: Surface
Water to be used for: Irrigation County: Bon Homme
Type of Waste Disposal System:
Location: Approx. 6 miles southwest of Tabor

PRIORITY Date Received: 12-31-24 Application/License Fee: \$950.00
Corrected Application Received: 01-06-25 Period of Annual Use: May 1 – October 31

Remarks: Permit 5305-3 requesting an additional 1.67 cfs (diversion rate will be great than statutory limit). Adding additional 60 acres for a total of 130 acres. Combined diversion rate of 5305-3 and this application will be 1200 GPM.

Diversion Point: SW 1/4 NE 1/4 Sec 21-T93N-R53W, regulating pond (SE 1/4 SE 1/4 Sec 16-T93N-R53W)

Land to be Irrigated: SE 1/4, E 1/2 SW 1/4, S 1/2 NE 1/4 Sec 16-T93N-R58W

			16		

Depth of Well: N/A
Well Driller: N/A
Remarks:
Type of Map: aerial

Reviewed and the Number Assigned on: 01-09-25 By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8917-3**

Date of first receipt of application December 31, 2024.

Date of return to applicant for corrections, amendments or changes December 31, 2024.

Date of receipt of corrected application January 9, 2025.

The Acting Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8917-3 to Bon Homme Hutterian Brethren, 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. 8917-3 appropriates an additional 1.67 cubic feet of water per second (cfs) from the Missouri River for irrigation of an additional 60 acres to what is currently authorized by Water Right No. 5305-3. Water Right No. 5305-3 appropriates 1.00 cfs from the Missouri River located in the SW 1/4 NE 1/4 Section 21 to irrigate 70 acres located in the N 1/2 SE 1/4, SW 1/4 SE 1/4, S 1/2 NE 1/4 Section 16; all in T93N-R58W. This permit authorizes irrigation of an additional 60 acres located in the SE 1/4, E 1/2 SW 1/4, S 1/2 NE 1/4 Section 16 from the existing Missouri River diversion location and a 12 acre-feet regulating pond located in the SE1/4 SE1/4 Section 16; all in T93N-R58W. This permit, and Water Right No. 5305-3 will authorize a combined diversion rate of 2.67 cfs for irrigation of a total of 130 acres. This site is located approximately six 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 December 31, 2024.
4. The date of approval of Permit No. 8917-3 is March 10, 2025.
5. One-fifth of the construction is to be completed on or before September 10, 2027.
6. All construction is to be completed on or before March 10, 2030.
7. Water is to be put to beneficial use on or before March 10, 2034.
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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, this Permit and Water Right No. 5305-3 authorize a combined, maximum diversion rate of 2.67 cfs for the irrigation of a total of 130 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Mark Mayer
Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources

4/3/25
date



RECEIVED

DEC 31 2024

OFFICE OF
WATER

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8917-3</u> Hydrologic Unit <u>10170.101</u> Basin <u>Missouri R</u> Newspaper <u>Tyndall Tribune & Register</u> <u>Daily Press & Dakotan</u> (office use only)
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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

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 605.464.7420 Mobile _____ Email farm@bonhommehb.com

2. Amount of water claimed 1.67 *CFS or 750 **GPM ***AF Total Acreage 60
(*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 & 12 ac-ft regulating pond (auth. by WR No. 5305-3)

4. Location of point of diversion Missouri River DVP (SW 1/4 NE 1/4 Sec 21, T93N, R58W) &
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
regulating pond (SE 1/4 SE 1/4 Section 16, T93N, R58W) 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 1 - October 31

7. List below each forty-acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SE 1/4</u>			
<u>E 1/2 SW 1/4</u>			
<u>S 1/2 NE 1/4</u>			
<u>ALL IN</u>			
<u>Sec 16-T93N-R58W</u>			

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

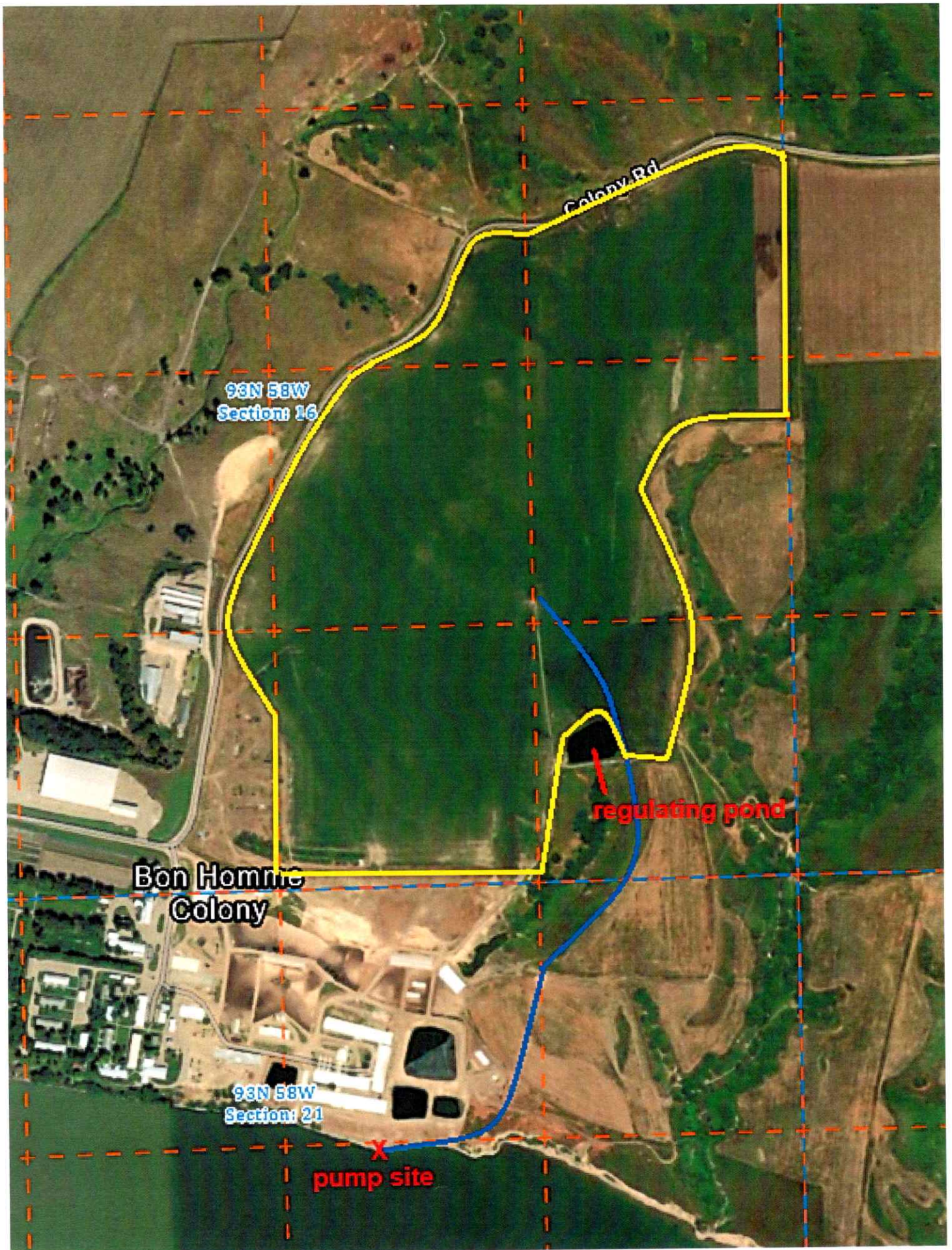
Irrigation system auth. by WR No. 5305-3 has been expanded to cover a total of 130 acres. Applicant is requesting an additional 1.67 cfs from the Missouri River (diversion rate will be greater than statutory limit). Combined diversion of 5305-3 and this app will be 1200 gpm

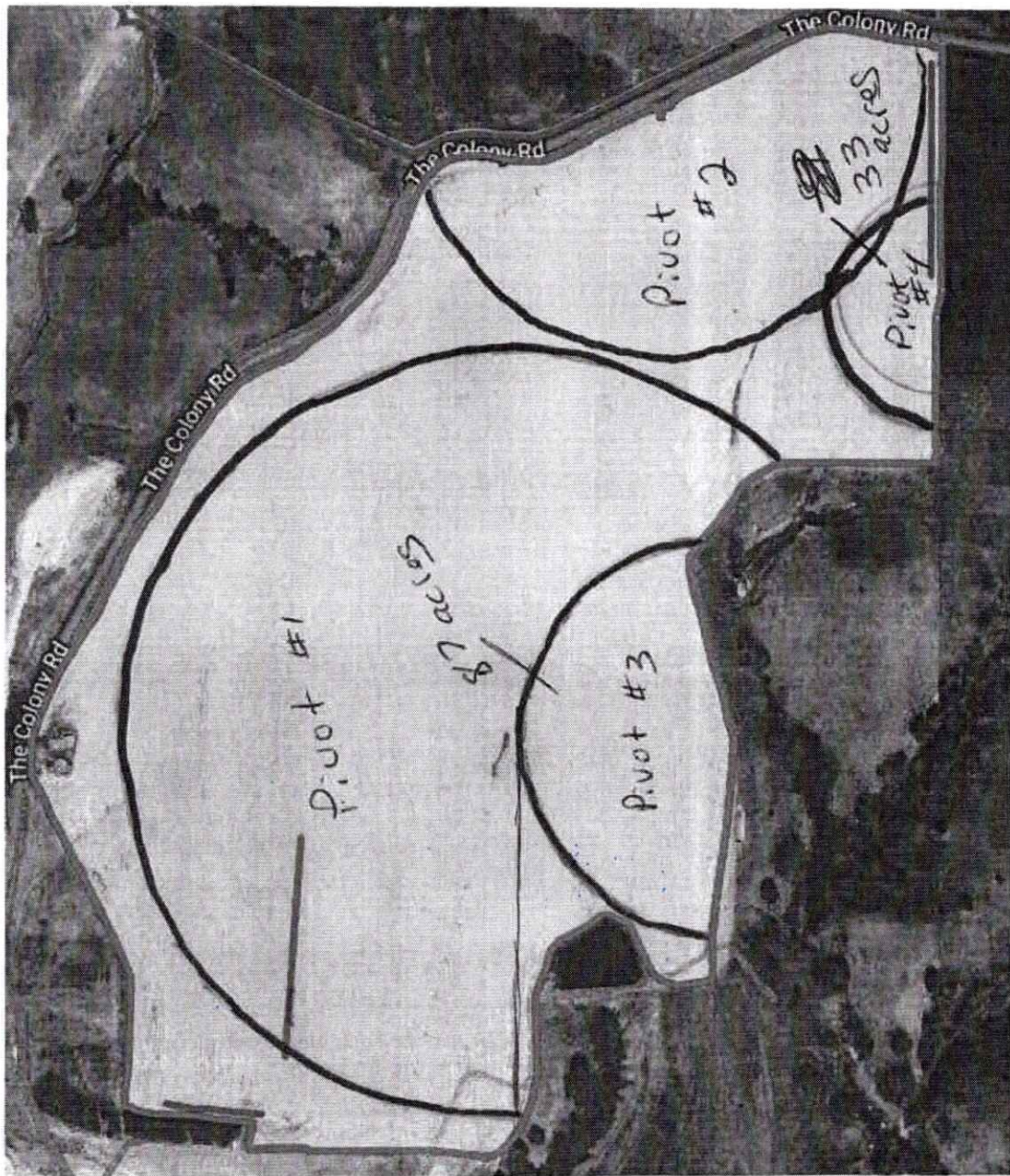
I, Jonathan Waldner, the applicant, certify under

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.

2021-08

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)





RECEIVED

DEC 31 2024

OFFICE OF
WATER

93N 58W
Section: 08

93N 58W
Section: 09

93N 58W
Section: 10

93N 58W
Section: 17

93N 58W
Section: 16

93N 58W
Section: 15

10170101 Lewis and Clark Lake

Lewis and Clark Lake

93N 58W
Section: 20

93N 58W
Section: 21

93N 58W
Section: 22

93N 58W
Section: 20

93N 58W
Section: 21

93N 58W
Section: 28

93N 58W
Section: 29

93N 58W
Section: 28

93N 58W
Section: 27

424 AVE

425 AVE

COLONY RD

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 6th 2025

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</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>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>950.00</u>

By

Eric Gronlund

Chief Engineer

Se



**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. 8917-3, Bon Homme Hutterian Brethren**

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. 8917-3, Bon Homme Hutterian Brethren, 31232 Colony Road, Tabor SD 57063.

The Chief Engineer is recommending APPROVAL of Application No. 8917-3 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 qualification:

1. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, this Permit and Water Right No. 5305-3 authorize a combined, maximum diversion rate of 2.67 cfs for the irrigation of a total of 130 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
2. 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
February 11, 2025

Report to the Chief Engineer
Water Permit Application No. 8917-3
Bon Homme Hutterian Brethren
02/04/2025

Water Permit Application No. 8917-3 proposes to appropriate an additional 1.67 cubic feet of water per second (cfs) from the Missouri River for the irrigation of an additional 60 acres to what is currently authorized by Water Right No. 5305-3. Water Right No. 5305-3 appropriates 1.00 cfs from the Missouri River located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 to irrigate 70 acres located in the N $\frac{1}{2}$ SE $\frac{1}{4}$, the SW $\frac{1}{4}$ SE $\frac{1}{4}$, and the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 16, all in T93N-R58W. This application proposes to irrigate an additional 60 acres located in the SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$, the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 16 from the existing Missouri River diversion location and a 12 acre-feet (ac-ft) regulating pond located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, all in T93N-R58W. This application, if approved, and Water Right No. 5305-3 will authorize a combined diversion rate of 2.67 cfs for irrigation of a total of 130 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located in Bon Homme County, approximately six miles southwest of Tabor, South Dakota.

Water Source: Missouri River

South Dakota Codified Law (SDCL) 46-2A-9

A permit to appropriate water may only be issued if there is reasonable probability that unappropriated water is available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing domestic water uses and water rights, the proposed use is a beneficial use, and the permit is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11.

SDCL 46-5-6

In the issuance of permits to appropriate water for irrigation or in the adjudication of rights to the use of water for such purpose, the amount allowed may not be in excess of the rate of one cfs for each seventy acres, or the equivalent thereof, and the volume of water diverted for use may not exceed two acre-feet per acre, delivered on the land for a specified time each year. The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. However, no annual volume may be greater than three acre-feet per acre delivered to the land. The above rate of one cfs for each seventy acres does not apply in cases of flood water at such times when the flow of the stream is much in excess of the total recorded and approved rights on the stream.

The applicant proposes to irrigate 130 acres at a diversion rate of 2.67 cfs, equivalent to approximately 1.43 cfs per 70 acres. This is greater than the statutory limit of 1 cfs per 70 irrigated acres allowed. This is presumably due to the applicant operating center pivot systems making partial rotations and needing 2.67 cfs to operate.

Background

The applicant for Water Permit Application No. 8917-3 also holds Water Right No. 5305-3. In review of recently submitted annual irrigation questionnaires, it had been discovered that more acres were being reported than were authorized by Water Right No. 5305-3. This application requests to authorize an additional 60 acres for irrigation and to increase the diversion rate by 1.67 cfs from the existing Missouri River diversion location and the 12 acre-feet regulating pond licensed by Water Right No. 5305-3. **Figure 1** shows the existing diversion point from the Missouri River, the regulating pond, and the full acreage to be irrigated (Water Rights, 2025).

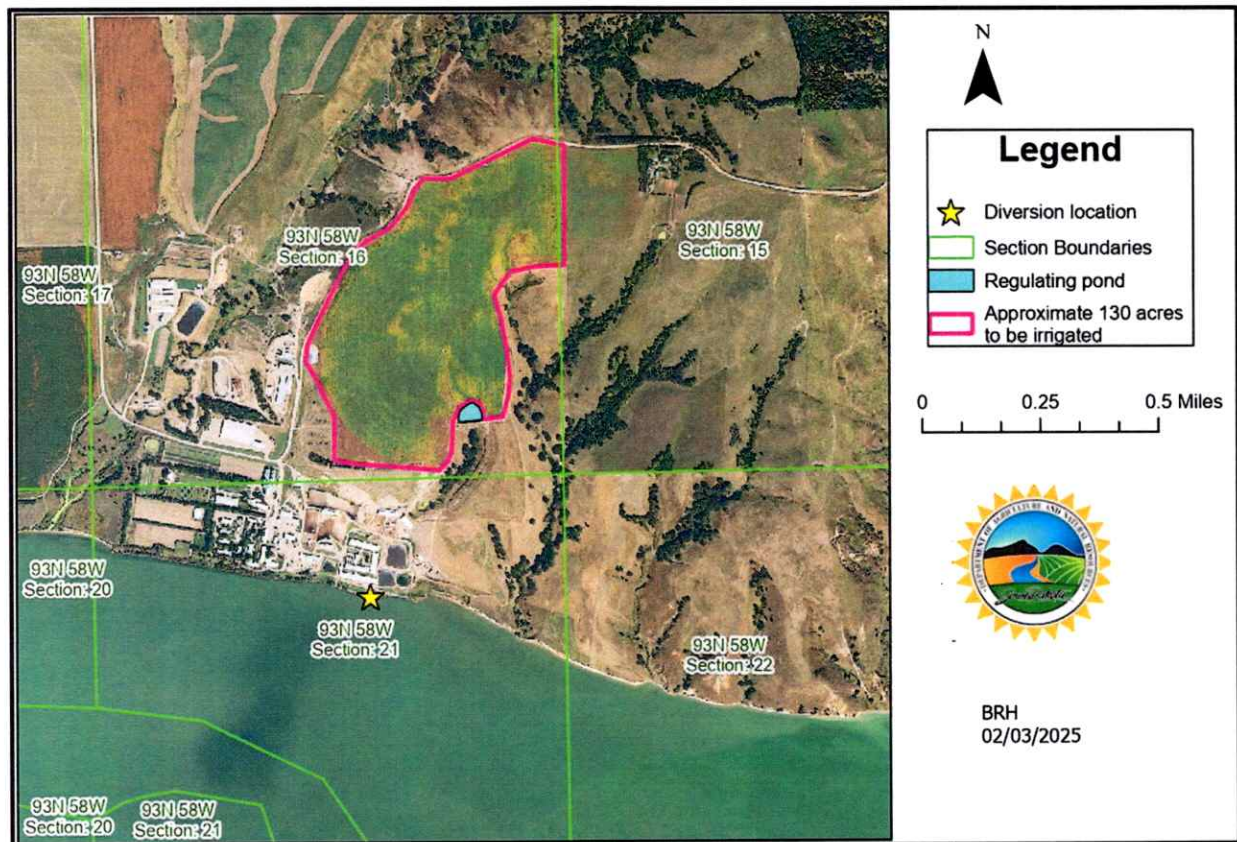


Figure 1. Map showing the Missouri River diversion point to be used for this application (same as existing Water Right No. 5305-3), proposed total 130 acres to be irrigated, and the regulating pond (Water Rights, 2025).

Description of Proposed Water Source

The water source for this application is the natural flow of the Missouri River from a diversion point located approximately five miles upstream of Gavins Point Dam, along the reach of Lewis and Clark Lake. The Missouri River is a regulated system, and flow hydrographs of the river are affected by the presence of the mainstem reservoir system, with excess natural flows stored and bypassed according to an annual operating plan. The Missouri River Basin Mainstem System is comprised of six reservoirs that were constructed by the U.S. Army Corps of Engineers

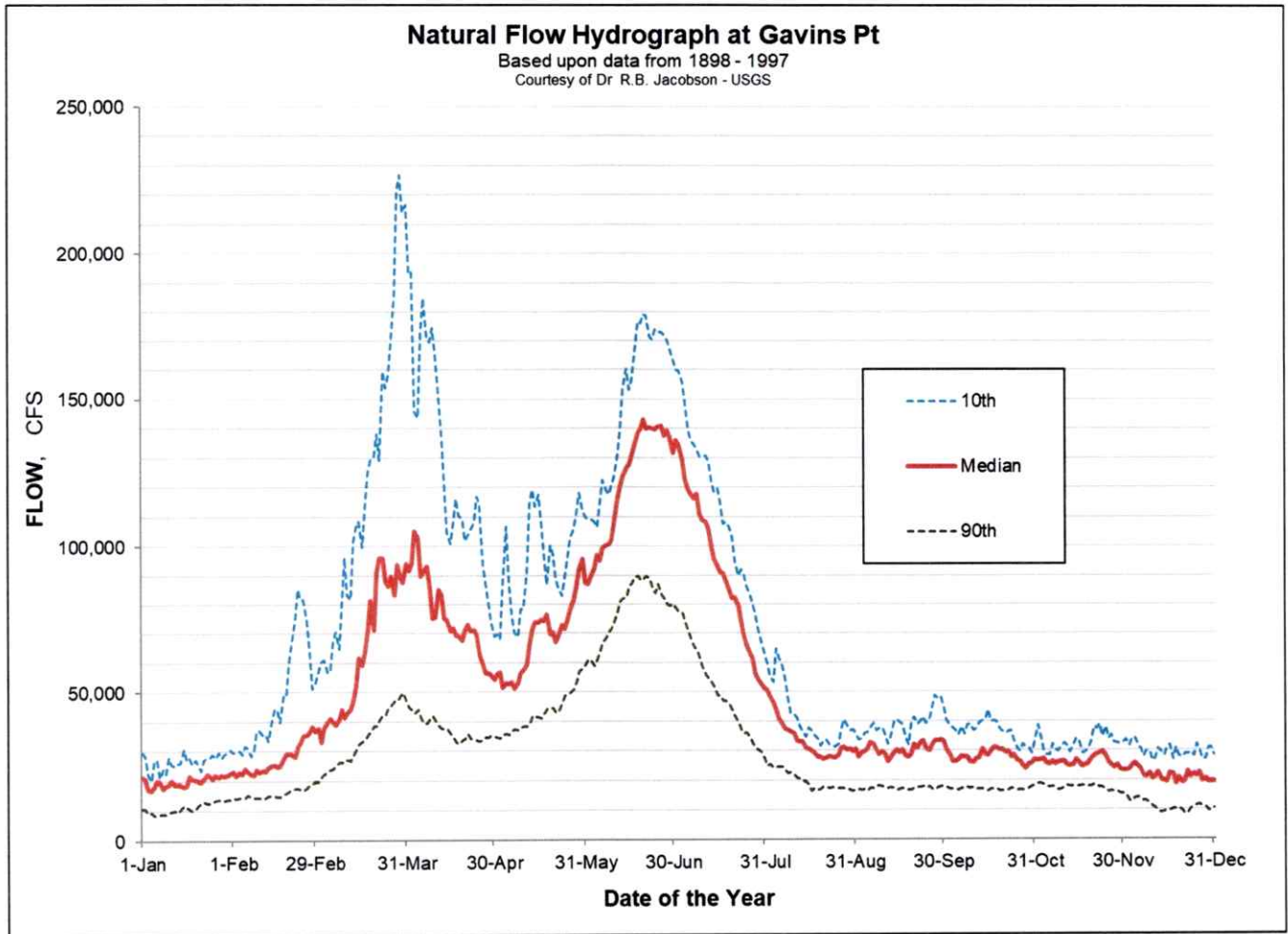
(USACE) between 1933 and 1964: Fort Peck, Garrison, Oahe, Big Bend, Fort Randall, and Gavins Point (listed upstream to downstream).

The dams are managed as a single system, with eight congressionally-authorized purposes under the 1944 Flood Control Act. These purposes are flood control, navigation, irrigation, power, water supply, water quality control, recreation, and fish and wildlife.

Natural flow in an instream reservoir system like the Missouri River mainstem system is the volume of water moving past a point along a river that is not augmented by artificial releases from storage. This flow is available for appropriation without the need for releases to augment the flow. Although the general pattern of summer flows being higher than winter flows still prevails, system regulation serves to reduce high spring and summer flows in most years and to release the stored water to increase flows during the lower flow fall and winter periods (USACE, 2018).

In 2001, the United States Geological Survey (USGS) conducted a study which modeled Missouri River streamflow using 100 years of historical inflow data at Oahe Dam and Gavins Point Dam (Jacobson and Heuser, 2001). One of the modeled outflows is a realistic description of flows in the absence of flow regulation by the reservoirs. For each day of the year, outflow exceedance probabilities (10th, 50th (median), and 90th percentiles) were calculated. For example, the 90th percentile line shows the flow that was equaled or exceeded 90% of the time on that day for each year. **Figure 2** shows the three flow exceedance curves made for the modeled outflow at Gavins Point Dam.

Figure 2. Hydrograph showing flow exceedance probabilities for the Missouri River at Gavins Point Dam (Jacobson and Heuser, 2001).



The annual variability of historical natural flows for the Missouri River is reflected in the variability of output discharge shown in **Figure 2**. Vertical variation in the graph is a measure of annual variation, and horizontal variation is a measure of seasonal variation (Jacobson and Heuser, 2001). There are two large peaks in flow throughout the year, the first in February, March and April, which correspond to the rapid melting of ice and snow from the plains in the early spring (USACE, 2018). The largest peak (except for the 10th percentile hydrograph which indicates flood conditions) is late spring to early summer, which shows rainfall over large areas of the Missouri Basin, including several local thunderstorms and rapid melting of mountain snow (USACE, 2018). Late summer and fall show diminishing rainfall, and low runoff and light precipitation in the winter (USACE, 2018).

Existing Users

There are currently 250 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota. Of those 250 existing water rights/permits, 213 are primarily for irrigation use and 37 are for non-irrigation use. These 250 water rights/permits are authorized a total diversion rate of 1,217 cfs from the river (Water Rights, 2025).

There are currently 20 future use permits reserving 365,201 acre-feet of water annually from the river. Future Use Application No. 2881-2 for the Western Dakota Regional Water System is currently pending approval by the Legislature for their request to reserve 20,765 acre-feet of water per year pursuant to SDCL 46-5-20.1. Assuming full development of the remaining reserved water by the 20 Missouri River future use permits, and assuming continuous pumping throughout the year, the 365,201 acre-feet of water per year equates to approximately 504 cfs of water pumped on a continuous basis. However, since pumping will not be on a continuous basis, the actual pump rate required to divert the proposed volume will, at times, exceed a rate of approximately 504 cfs. A generalized, equivalent pump rate is used here to demonstrate the diversion rate which may be expected from the development of current future use permits.

When a future use permit requests to put their reserved water to beneficial use, a new water permit is issued, which includes a pump rate and the annual volume for that water permit is subtracted from the volume of water reserved by the future use permit. Therefore, any active pumping of water reserved by future use permits is included in the 1,217 cfs previously mentioned.

Future Use Permit No. US594-3 reserves approximately 1.1 million acre-feet of water from the Missouri and James Rivers for the suspended Oahe Irrigation Project and Deferred Water Permit Application No. 4831-3 was requesting 1.5 million acre-feet of water for the CENDAK irrigation project during the time of application. The irrigation projects for which the water was reserved or applied for have not been constructed and are currently defunded. Even though the projects have been deauthorized, the future use permit remains in place and Deferred Water Permit Application No. 4831-3 remains in a deferred status (Water Rights, 2025).

The 90th flow exceedance probabilities are the flows that are likely to be exceeded on that day 90% of the time (nine out of every ten years) according to the modeled flow data. This application proposes to pump from May 1 to October 31 during the irrigation season. Even at the 90th flow exceedance probability, there is at least 15,000 cfs of available flow during the proposed pump time. Water availability is not an issue given the current, active appropriations or if future use appropriations are placed to beneficial use. Existing water rights will not be adversely impacted by this project.

Conclusions

1. This application proposes to appropriate an additional 1.67 cfs from the Missouri River for the irrigation of 60 additional acres that had not been authorized under existing Water Right No. 5305-3, using the same existing diversion location.
2. This application, if approved, and Water Right No. 5305-3 with authorize a combined diversion rate of 2.67 cfs for the irrigation of a total of 130 acres which exceeds 1 cfs per 70 acres. This flow rate is presumably needed to operate partial rotation, center pivot systems. This reason falls within SDCL 46-5-6 which allows the Water Management Board to allow a greater diversion rate.
3. The proposed water source for this application is the natural flow of the Missouri River, approximately five miles upstream of Gavins Point Dam.
4. Water availability is not a concern when using the natural flows of the Missouri River as a source.
5. Approval of this permit will not adversely impact existing rights.



Brittan R. Hullinger
Natural Resources Engineer I
SD DANR, Water Rights Program

References

- Jacobson, R.B. and Heuser, J. 2001. Visualization of Flow Alternatives, Lower Missouri River. U.S. Geological Survey. Open-File Report OF02-122.
- USACE. 2018. Missouri River Mainstem Reservoir System Master Water Control Manual. U.S. Army Corps of Engineers, Northwestern Division. Omaha, Nebraska.
- Water Rights. 2025. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.

Rodriguez, Rachel

From: Jonathan Waldner <farm@bonhommehb.com>
Sent: Thursday, January 9, 2025 10:07 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] water right no. 5305-3

We agree good to go

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Thursday, January 9, 2025 9:54 AM
To: farm@bonhommehb.com
Subject: FW: water right no. 5305-3

Good morning,

Please respond that you agree with the attached document. Once I receive a reply I can begin processing your application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Monday, January 6, 2025 10:24 AM
To: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Subject: FW: [EXT] water right no. 5305-3

I just need him to say "ok".

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Dewell, Amanda
Sent: Tuesday, December 31, 2024 9:00 AM

To: Jonathan Waldner <farm@bonhommehb.com>

Subject: RE: [EXT] water right no. 5305-3

Mr. Waldner,

Thank you for calling in yesterday. As discussed, I've attached an updated irrigation permit application for the additional acres being requested, as well as the increased rate of diversion. Water Right No. 5305-3 already authorizes 450 gal/min for the irrigation of 70 acres. With this application requesting an additional 750 gal/min and 60 acres, the combined system, if approved, would be for 130 acres at 1200 gal/min.

Please review the attachment and let me know that you agree with it, as well as the updated attached map. Once our program has received payment in the amount of \$950.00, we will begin processing the request.

Checks should be made payable to "SD Water Rights" and mailed to:

DANR – Water Rights

523 E Capitol Ave

Pierre SD 57501

Thank you again and have a wonderful day.

Amanda Dewell

DANR - Water Rights Program

Permitting Administrator

Main Phone: 605 773-3352

Website: danr.sd.gov



From: Jonathan Waldner <farm@bonhommehb.com>

Sent: Monday, December 30, 2024 2:26 PM

To: Dewell, Amanda <Amanda.Dewell@state.sd.us>

Subject: [EXT] water right no. 5305-3

Will call you about that

Jonathan Waldner

6054647420



**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.**

February 13, 2025

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

Dear Mr. Waldner:

Water Permit Application No. 8917-3 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 in Tyndall SD (Ph # 605 589-3242) and the Daily Press & Dakotan printed in Yankton SD (Ph # 605 665-7811). 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,

Rachel Rodriguez

Rachel Rodriguez
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. 8917-3 to Appropriate Water

Notice is given that Bon Homme Hutterian Brethren, 31232 Colony Road, Tabor SD 57063, has filed an application for a water permit to appropriate an additional 1.67 cubic feet of water per second (cfs) from the Missouri River for irrigation of an additional 60 acres to what is currently authorized by Water Right No. 5305-3. Water Right No. 5305-3 appropriates 1.00 cfs from the Missouri River located in the SW 1/4 NE 1/4 Section 21 to irrigate 70 acres located in the N 1/2 SE 1/4, SW 1/4 SE 1/4, S 1/2 NE 1/4 Section 16; all in T93N-R58W. This application proposes to irrigate an additional 60 acres located in the SE 1/4, E 1/2 SW 1/4, S 1/2 NE 1/4 Section 16-T93N-R58W from the existing Missouri River diversion location and a 12 acre-feet regulating pond located in the SE1/4 SE1/4 section 16-T93N-R58W. This application, if approved, and Water Right No. 5305-3 will authorize a combined diversion rate of 2.67 cfs for irrigation of a total of 130 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately six miles southwest of Tabor SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8917-3 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 March 10, 2025.

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 March 10, 2025.

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.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, February 13, 2025 3:54 PM
To: tyndalltribune@gmail.com
Subject: 8917-3 Bon Homme Hutterian Brethren - Public Notice
Attachments: 8917-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on February 26, 2025, in the Tyndall Tribune & Register.

Bon Homme Hutterian Brethren, 31232 Colony Road, Tabor SD 57063, 605-464-7420, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, February 13, 2025 3:56 PM
To: Kelly Kronaizl
Subject: 8917-3 Bon Homme Hutterian Brethren - Public Notice
Attachments: 8917-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on February 26, 2025, in the Daily Press & Dakotan.

Bon Homme Hutterian Brethren, 31232 Colony Road, Tabor SD 57063, 605-464-7420, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



RECEIVED

Affidavit of Publication

MAR 03 2025

OFFICE OF
WATER

State of South Dakota }
County of Bon Homme } SS

Rebecca Tyndall
.....Being first duly sworn
says that the **Tyndall Tribune & Register** is a legal
weekly newspaper for publication of legal and other offi-
cial 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 depo-
nent is the publisher in charge of the advertising depart-
ment of said newspaper; that the advertisement headed

BH Colony Notice of Application - water
121 @ 399

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

<i>Feb 26</i>20..... <i>25</i>	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publica-
tion of said notice, *\$ 48.28*, 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.

Subscribed and sworn to before me this

26 day of *Feb* 20*25*

Notary Public, South Dakota

My commission expires: 10-24-2021

NOTICE OF APPLICATION

NO. 8917-3 to Appropriate Water

Notice is given that Bon Homme Hut-
terian Brethren, 31232 Colony Road, Ta-
bor SD 57063, has filed an application for a
water permit to appropriate an additional
1.67 cubic feet of water per second (cfs)
from the Missouri River for irrigation of
an additional 60 acres to what is currently
authorized by Water Right No. 5305-3.
Water Right No. 5305-3 appropriates 1.00
cfs from the Missouri River located in the
SW 1/4 NE 1/4 Section 21 to irrigate 70
acres located in the N 1/2 SE 1/4, SW 1/4
SE 1/4, S 1/2 NE 1/4 Section 16; all in
T93N-R58W. This application proposes
to irrigate an additional 60 acres located
in the SE 1/4, E 1/2 SW 1/4, S 1/2 NE 1/4
Section 16-T93N-R58W from the existing
Missouri River diversion location and a
12 acre-foot regulating pond located in
the SE 1/4 SE 1/4 section 16-T93N-R58W.
This application, if approved, and Water
Right No. 5305-3 will authorize a com-
bined diversion rate of 2.67 cfs for irriga-
tion of a total of 130 acres. The applicant
is requesting a diversion rate greater than
the statutory limit of 1 cfs per 70 acres.
This site is located approximately six
miles southwest of Tabor SD.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of
Application No. 8917-3 with qualifica-
tions 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 per-
tains to matters within the regulatory au-
thority 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 pro-
vided below.

Any person interested in opposing this
application or recommendation shall al-
lege 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 con-
cern a matter either within the regula-
tory 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 con-
tested 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 March 10, 2025.

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 March 10, 2025.

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 an approximate cost of \$48.28 and can be viewed free of charge at www.sdpublicnotices.com

(Feb 26)

AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 28 2025

OFFICE OF
WATER

YANKTON DAILY PRESS AND DAKOTAN

BON HOMME HUTTERIAN BRETHREN INC
31232 COLONY RD
TABOR SD 57063

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

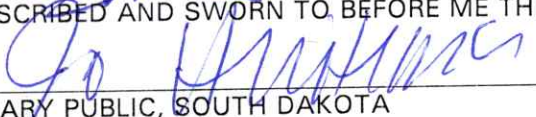
KELLY HERTZ, BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT (S)HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
NOTICE OF APPLICATION NO.

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 26th DAY OF February, 2025
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$45.76 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: 02/26/2025

FILED ON: 02/26/25


SUBSCRIBED AND SWORN TO BEFORE ME THIS 26th DAY OF February, 2025


NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 07/15/2028



RECEIVED

FEB 28 2025

OFFICE OF
WATER

NOTICE OF APPLICATION NO. 8917-3 to Appropriate Water

Notice is given that Bon Homme Hutterian Brethren, 31232 Colony Road, Tabor SD 57063, has filed an application for a water permit to appropriate an additional 1.67 cubic feet of water per second (cfs) from the Missouri River for irrigation of an additional 60 acres to what is currently authorized by Water Right No. 5305-3. Water Right No. 5305-3 appropriates 1.00 cfs from the Missouri River located in the SW 1/4 NE 1/4 Section 21 to irrigate 70 acres located in the N 1/2 SE 1/4, SW 1/4 SE 1/4, S 1/2 NE 1/4 Section 16; all in T93N-R58W. This application proposes to irrigate an additional 60 acres located in the SE 1/4, E 1/2 SW 1/4, S 1/2 NE 1/4 Section 16-T93N-R58W from the existing Missouri River diversion location and a 12 acre-feet regulating pond located in the SE1/4 SE1/4 section 16-T93N-R58W. This application, if approved, and Water Right No. 5305-3 will authorize a combined diversion rate of 2.67 cfs for irrigation of a total of 130 acres. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately six miles southwest of Tabor SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8917-3 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 March 10, 2025.

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 March 10, 2025.

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 \$45.76 and can be viewed free of charge at www.sdpublicnotices.com

Published February 26, 2025.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Thursday, February 13, 2025 3:58 PM
To: farm@bonhommehb.com
Subject: 8917-3 Bon Homme Hutterian Brethren - Public Notice
Attachments: 8917-3 Rec.pdf; 8917-3 Ltr.pdf; 8917-3 PubNotice.pdf

Good afternoon,

Attached is a copy of the report, chief engineer's 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 also being mailed to you today.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 03 2025

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

Dear Mr. Waldner:

Enclosed is Water Permit No. 8917-3 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 application/license filing fee of \$950.00 was submitted with the application. The correct fee for this permit is \$700.00. Therefore, \$250.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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,

Mark Mayer, PE
Director of Office of Water

enclosures

April 11, 2025

REFUND REQUEST FORM

PAYEE:

Bon Homme Hutterian Brethren
C/O Jonathan Waldner
31232 Colony Road
Tabor SD 57063

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund for overpayment of Application fee.

AMOUNT: \$250.00

FUNDING SOURCE: WR Fees

GENERAL:

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

A handwritten signature in blue ink, appearing to read "M. J. Maye", is written over the AUTHORIZATION label.

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of 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
Posting 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.: 8917-3

Name of Applicant: Bon Homme Hutterian Brethren, Jonathan Waldner

Date of Posting: 2/24/2025

Date of Removal: 4/3/2025



Ron Duvall, Engineer III

4/4/2025

Date

Subscribed and sworn to before me, a notary public, this 4th day of April, 2025.



Notary Public - South Dakota
My commission expires:

(SEAL)

**Rachel Rodriguez
My Commission Expires
May 16, 2029**



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 11-24-2026

MAIL TO: PMB 2020
DANR - Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3182

Phone: (605) 773-3352

FROM: Bon Homme Hutterian Brethren
(name)

31232 Colony Road
(address)

Tabor
(city)

SD
(state)

57063
(zip)

605-464-7420
(phone)

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

Water Permit No. 8917-3 states that the water use system is to be constructed by
March 10, 2030, and water is to be put to beneficial use by March 10, 2034.
(date) (date)

The water use system was completed on May 2025.
(date)

Applying the water to beneficial use was completed on May 2025.
(date)

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

Chris Stas
(signature)



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit Nos. 8917-3

I have this day, November 24, 2025, made a thorough examination of the water use systems owned by Bon Homme Hutterian Brethren, 31232 Colony Road, Tabor, SD 57063, holder of Permit No. 8917-3, bearing the priority date of March 10, 2025. Permit No. 8917-3 appropriates an additional 1.67 cubic feet of water per second (cfs) from the Missouri River for irrigation of an additional 60 acres to what is currently authorized by Water Right No. 5305-3. Water Right No. 5305-3 appropriates 1.00 cfs from the Missouri River located in the SW1/4 NE1/4 Section 21 to irrigate 70 acres located in the N1/2 SE1/4, SW1/4 SE1/4, S1/2 NE1/4 Section 16; all in T93N-R58W. This permit authorizes irrigation of an additional 60 acres located in the SE1/4, E1/2 SW1/4, S1/2 NE1/4 Section 16 from the existing Missouri River diversion location and a 12 acre-foot regulating pond located in the SE1/4 SE1/4 Section 16; all in T93N-R58W. This permit, and Water Right No. 5305-3 will authorize a combined diversion rate of 2.67 cfs for irrigation of a total of 130 acres. All of the property is located in Bon Homme County.

Inspection contacts: Alvin Stahl Jr.

A. Works used to divert the water:

River Intake Information (SWSW Sec 17-93N-58W)

Pump

- 1) Make: Mid-America Pump & Supply
- 2) Model No.: 12KH0
- 3) Capacity: 1,200 gpm

Motor #2:

- 1) Make: Worldwide Electric Corporation
- 2) Model No.: WPEVHS150-18-460-444TP-DB-16.5
- 3) Horsepower rating: 150 hp

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

Type: <u>PVC</u>	Size: <u>12</u> inches	Length: <u>3,330</u> feet (<u>River intake to the SW pivot.</u>)
Type: <u>PVC</u>	Size: <u>8</u> inches	Length: <u>3,890</u> feet (<u>SW pivot to the other three pivots.</u>)

C. Works used to apply water to beneficial use:

NW Center Pivot

- 1) Make: Zimmatic
- 2) Overall length: 864 feet
- 3) Number of towers: 6
- 4) End gun: Yes Range: 77 feet
- 5) Capacity: 900 gpm

SW Center Pivot

- 1 Make: Zimmatic
- 2 Overall length: 1298 feet
- 3 Number of towers: 10
- 4 End gun: Yes Range: 105 feet
- 5 Capacity: 900 gpm

NE Center Pivot

- 1) Make: Zimmatic
- 2) Overall length: 434 feet
- 3) Number of towers: 3
- 4) End gun: Yes Range: 80 feet
- 5) Capacity: 350 gpm

SE Center Pivot

- 1) Make: Zimmatic
- 2) Overall length: 720 feet
- 3) Number of towers: 4
- 4) End gun: Yes Range: 80 feet
- 5) Capacity: 650 gpm

Chemigation Equipment:

- 1) Does chemigate: Yes
- 2) Main line check valve: Yes
- 3) Inspection port/air relief: Yes
- 4) Low pressure drain: Yes
- 5) Discharge is 20' from source: Yes
- 6) Interlock type: Electrical
- 7) Injection pump: Positive Displacement
- 8) Injection check valve: Yes
- 9) Injection line check valve or positive displacement pump: Yes

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance are: None

E. Condition and Location:

- 1) The system is in good condition with the point(s) of diversion located as follows:
The river intake is 2,150 feet west and 1,260 feet south of the NE corner of Section 21-T93N-R58W (Latitude 42.86142, Longitude -97.70174– NW1/4 NE1/4).
- 2) The works are capable of diverting and conveying to the places of use 2.67 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 16-T93N-R58W

<u>SW1/4NE1/4</u>	<u>7 acres</u>	<u>NW1/4SE1/4</u>	<u>37 acre</u>
<u>SE1/4NE1/4</u>	<u>26 acres</u>	<u>NE1/4SE1/4</u>	<u>19 acres</u>
<u>NE1/4SW1/4</u>	<u>2 acres</u>	<u>SW1/4SE1/4</u>	<u>30 acres</u>
<u>SE1/4SW1/4</u>	<u>2 acres</u>	<u>SE1/4SE1/4</u>	<u>7 acres</u>

comprising a total of 130 acres of land and the license should be issued for 2.67 cfs.

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

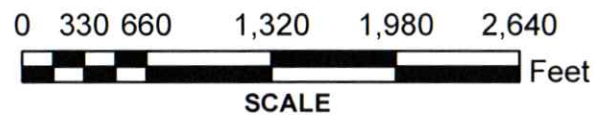
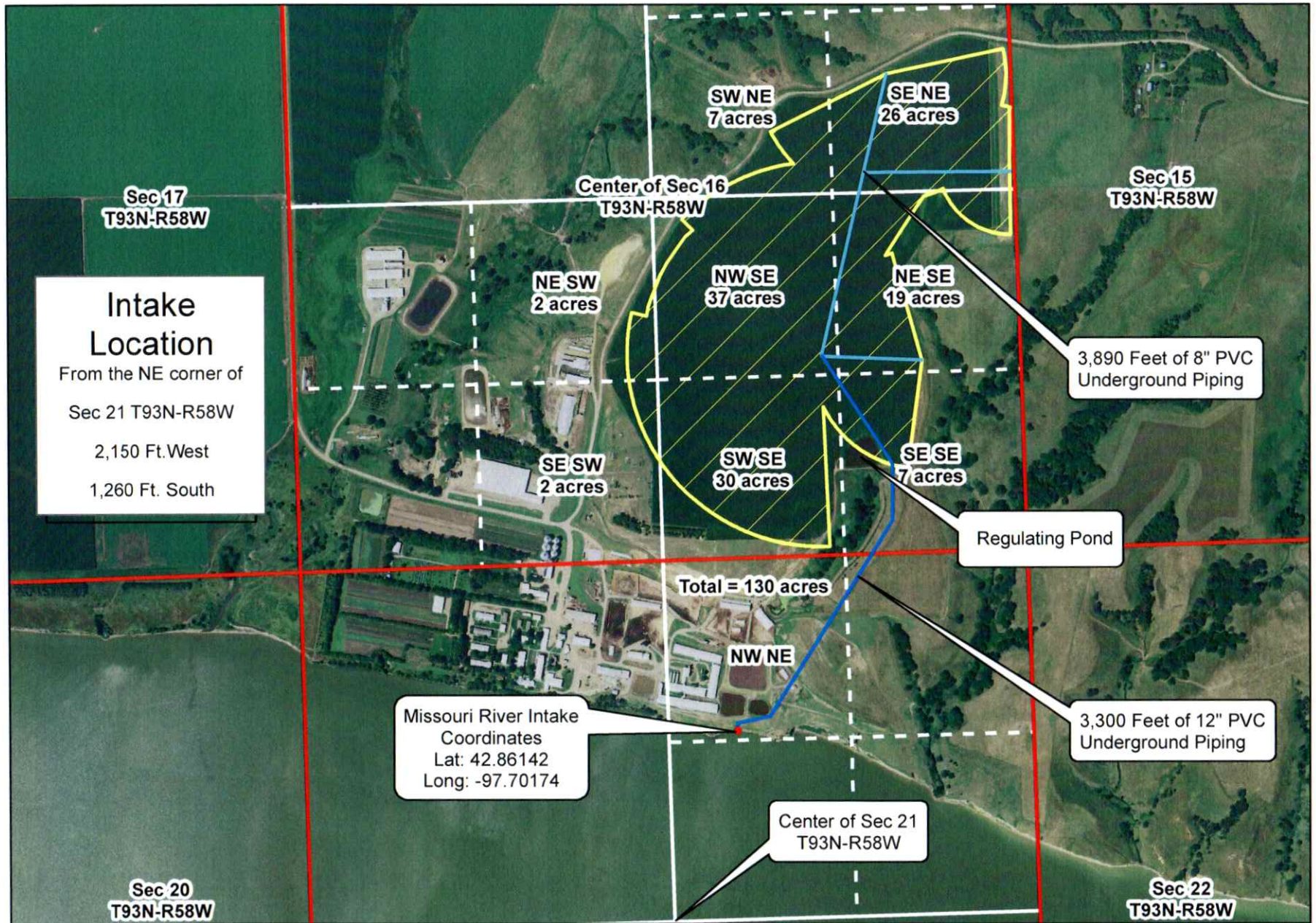
F. Comments or other permit(s) associated with the project. The regulating pond is no longer used since they have installed piping directly to the pivots. Also, there is a valve at each pivot and only one pivot is operated at a time. This permit and Water Right No. 5305-3 should be combined into one water right.

Keith DeJong

Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: December 17, 2025

Water Permit No. 8917-3



Keith DeJong
Keith DeJong, PE Ret.
Staff Engineer
November 24, 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 31 2026

8917-3

Bon Homme Hutterian Brethren
C/O Samuel Waldner
31232 Colony Road
Tabor, SD 57063

Dear Mr. Waldner:

Enclosed is Water License No. 8917-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

So long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions please contact Amanda Dewell, Permitting Administrator at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE, Chief Engineer
SD DANR – Water Rights Program

NOTE: The applicable portions of Water Right No. 5305-3 have been incorporated into Water Right No. 8917-3.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8917-3

(1) Bonne Homme Hutterian Brethren, 31232 Colony Road, Tabor, SD 57063, was issued License No. 5305-3, on April 4, 1996, for a water right to divert 1.00 cubic feet of water per second (cfs) from the Missouri River and a regulating pond (12 ac-ft), for irrigation of 70 acres in Bon Homme County, South Dakota. The applicable portions of Water Right No. 5305-3 have been incorporated into this license.

(2) Bonne Homme Hutterian Brethren made Application No. 8917-3, December 31, 2024, for a water permit to appropriate an additional 1.67 cubic feet of water per second from the Missouri River for irrigation of an additional 60 acres to what was already authorized under Water Right No. 5305-3. Permit No. 8917-3 was approved on March 10, 2025, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 10, 2030, and for the application of water to beneficial use on or before March 10, 2034. The applicable portions of Water Permit No. 8917-3 have been incorporated into this license.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on November 24, 2026. The Notice stated the diversion system was completed and the water was placed to beneficial use in May of 2025.

(3) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.67 cubic feet of water per second for beneficial use. The location of the diversion point is:

- River Intake: 2,150 ft W & 1,260 Ft S of the NE corner Section 21-T93N-R58W (NW $\frac{1}{4}$ NE $\frac{1}{4}$)*
(Latitude 42.86142 & Longitude -97.70174)

* The river intake location is being reclassified from the SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 to align with updated geospatial datasets and corrected positional mapping. This administrative update does not represent or authorize any physical modification to the diversion point authorized under Water Right No. 5305-3 or Permit No. 8917-3

(4) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1- October 31.

(5) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 16-T93N-R58W	
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 7 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 19 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 26 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 37 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 2 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 30 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 2 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 7 acres
TOTAL: 130 acres	

continued

(6) Pursuant to South Dakota Water Law 46-5-30. Bon Homme Hutterian Brethren, the holder and/or owner of Water Right No. 8917-3 is issued a license to appropriate water, the right to use 2.67 cubic feet of water per second, from the Missouri River, with priority dates of March 15, 1989 (70 acres & 1.00 cfs), and December 31, 2024 (60 acres & 1.67 cfs) from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8917-3 and subject to the following qualifications:

1. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, this Permit and Water Right No. 5305-3 authorize a combined, maximum diversion rate of 2.67 cfs for the irrigation of a total of 130 acres with an annual volume not to exceed 2-acre feet of water per acre per year. *(The applicable portions of Water Right No. 5305-3 have been incorporated into Water Right No. 8917-3.)*
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Adam Mathiowetz, PE, Chief Engineer
SD DANR – Water Rights Program

JUL 31 2026

date

