

1421-3

1. Considered July 19, 1967
2. Name of Applicant Fisher's Grove Golf Club
3. Post Office Address Redfield
4. Amount of water claimed 0.785
5. Source of water supply James River
6. Water to be used for irrigation
Acres to be irrigated 55
7. Water to be diverted and used in Spink County
about 8.5 miles of Redfield.
8. Proof of Publication
Received _____
Not Received ☒
9. Application
Aug 10¹⁹⁶⁷
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1421-3Water Division No. 3 James River District
(Blanks to be Filled by the Engineer for the W. R. C.)APR 7 1967
8:25 amAPPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable.)

1. Name of applicant FISHER GROVE GOLF CLUB
Postoffice address REDFIELD, County SPINK, State S. DAKI. If a corporation Yes

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

G. GILLETTEREDFIELD, S. DAKD. B. MCILMS. RABUCKH. TERRYK. FORGUE

(NOTE--A certified copy of articles of incorporation to accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work FISHER GROVE GOLF CLUB IRRIGATION PROJECT #13. Amount of water claimed 0.785 cubic feet per second4. Source of water supply JAMES RIVER5. Location of point of diversion Sec. 1, T. 116 N. R. 61 W.1900 ft. from East bank SPINK County.6. Annual period or periods during which water is to be used Apr. 1st thru Aug. 1st

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated 55 acres.(b) Legal subdivisions to be irrigated S. 25 E. 4, Sec. 1, T. 116 N. R. 61 W.

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use

Name any of the above uses claimed

(b) Amount of power to be generated

horse power.

Amount claimed for engine hoisting

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP # 1031-3

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures \$..... Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom feet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face material used in construction
 (b) Reservoir: Capacity when filledacre ' t. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH.....FEET DEPTH AT OUTLET—ACRES	ACRE-FOOT CAPACITY

(c)* Head gate: Width.....feet; heightfeet;
 Material
 (d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE FPP. MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work5.....years.
 11. Time required for complete application of water to the proposed beneficial use years.
 12. Choice of newspaper for publication of notice of intention to appropriateREDFIELD, PRESS

STATE OF SOUTH DAKOTA

County ofSpearhead.....} ss.

I,D.B. McNamee....., being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

SignedD.B. McNamee - President

Subscribed and sworn to before me this5..... day ofApril..... 19.....67

.....B.F. Hansen.....
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

.. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the State Water Resources Commission, or its legally appointed representative. Diversions under this permit shall be in accordance with any written orders issued by the Commission or its representative.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, November 6, 1967

This is to certify that the foregoing application was received by the Commission at 8:25 o'clock

A.m. upon the 7th day of April, 1967

State Water Resources Commission

By: Richard D. Schuyler
For Chief Engineer, Executive Officer

Number of permit 1421-3

Date of first receipt of application April 7, 1967

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of Maps revised application " June 15, 1967

Date from which applicant may claim right June 15, 1967

Approved July 19, 1967, Recorded in Book 10 Page 13

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

January 19, 1970

2nd. The whole of said work is to be completed on or before July 19, 1972

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

July 19, 1975

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 0.785 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before July 19, 1975; said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 6th day of November, 1967

State Water Resources Commission

By: Richard D. Schuyler
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 24, 1970

Water License Issued AUGUST 24, 1970

Remarks by the Applicant:

(Attache Permit Granted)

G. W. R. Co.
State Office Bldg.
Map will be
forming

Form 15.

Permit No. 1421-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Fishers Grove Country Club

_____ the holder _____ of
Permit No. 1421-3 issued upon Application No. 1421-3, bearing date of priority of June 15, 1967
_____ authorizing the diversion of .78 cu. ft. per second of the waters of _____
James River County of _____, State of South Dakota at _____
a point North 53° 30' East, 1320 feet from the SE Corner, Section 1, T116N, R63W
_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.0 cu. ft. per second of water.

Date August 24, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1421-3

(1) WHEREAS, On the 7th day of April, A. D. 19 67
Fisher's Grove Country Club

made Water Right Application No. 1421-3 for a permit to use .78 cubic feet per second of the waters of the James River

County of Spink, State of South Dakota, for irrigation

_____ purposes; and
 (2) WHEREAS, On the 6th day of November, A. D. 19 67

Permit No. 1421-3, with a date of priority of June 15, 1967

was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 19th day of July, A. D. 19 72 and for the application to beneficial use of said water on or before the 19th day of July, A. D. 19 75

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .78 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent:

for irrigating 55 acres in the S½ SE¼, Section 1, T116N, R63W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Fishert Grove Country Club

_____ of Redfield, South Dakota
the holder _____ and owner _____ of said permit No. 1421-3 a water right, dating from June 15, 1967
_____ to use of .73 cubic feet per second of the waters
of the James River

in the County of Spink and State of South Dakota or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point North 53°30' East, 1320 feet from the S½
corner, Section 1, T116N, R63W

and conduct to and upon 55 acres in the S½ SE¼, Section 1, T116N, R61W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1421-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 24th day of August A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

On or before
(First Publication June 22, 1967)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., June 16, 1967.

Notice is hereby given that the Fisher's Grove Golf Club whose postoffice address is Redfield S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.785 cubic feet of water per second of time from the James River through the Fisher's Grove Golf Club #1 the point of diversion of which is to be located on the Right bank of said stream in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1 Twp. 116N Range 63W Said water to be used for the purpose of providing irrigation on portions of the following described land:

$\frac{8}{16}$ SE $\frac{1}{4}$ Section 1, T116N, R63W

and for no purpose.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19 day of July 1967 at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

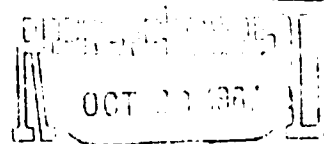
State Water Resources Commission

By.

~~Chief Engineer~~ Executive Officer
RICHARD SCHMOYER
Water Rights Specialist

cc: Harold D. Jones, Publisher
Redfield Press
Redfield, S.D.

PROOF OF PUBLICATION

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

No. 37

No. 11213
APPROPRIATION OF WATEROffice of State Water
Resources Commission,
Pierre, S. Dak., June 16, 1967STATE OF SOUTH DAKOTA }
County Spink } ss.Harold A. Jones being duly
sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

Redfield Press a newspaper which
during the whole time of publication of said notice herein
after stated, has been and is printed and published in theCity of Redfield County ofSpink and State of South Dakota;that the said notice was published in said newspaper on the
following dates:June 22, 29; July 6, 13in each and every issue of the full number thereof, the first
publication being made on the 23rd day of June
1967 and the last publication on the 13th day ofJuly 1967, upon which days or times
of publication aforesaid the newspaper was regularly pub-
lished, and that during the whole time of said publication hewas Editor the printer and publisher of
the said newspaper.Harold A. JonesSubscribed and sworn to before me this 13th day of July A. D. 1967Notary Public Spink County, S. D.

Notice is hereby given that the Fisher's Grove Golf Club whose postoffice address is Redfield, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.455 cubic feet of water per second of time from the James River through the Fisher's Grove Golf Club No. 1, the point of diversion of which is to be located on the high bank of said stream in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1 Twp. 118N. Range 6W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1, T116N, R63W
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19 day of July, 1967, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
Commission
By: Richard Schmoeyer
Water Rights Specialist
(June 22, 29; July 6, 13)

1421-3

COMMISSION

John M. Githart, Spearfish
Fester Brue, Parker
Carl Cronin, Gettysburg
Laurie A. Davis, Belle Fourche
Shirley L. Fischer, Milbank
Richard Lommen, Hammarby
Clarence D. Mortenson, Hayes
Dick Fisher, Crestbut

South Dakota

WATER RESOURCES COMMISSION

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

J.W. GRIMES

Chief Engineer
and
Executive Officer

PHONE
224-3584
Area Code 605

August 7, 1970

President
Fisher Grove Country Club
Redfield, South Dakota 57469

Dear Sir:

The South Dakota Water Laws provide "That the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights." and "That the right of a municipality to acquire and hold rights to the use of water should be protected to the fullest extent necessary for existing and future uses, ---".

The South Dakota water laws provide also, "The full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission.

Because of the existing deficient supply of water in the James River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that all withdrawals of water from the James River for irrigation purposes between the north boundary of Spink County and the south boundary of Hanson County shall cease effective 6:00 P.M., August 10, 1970, and until January 1, 1971, or until further notice.

This order is necessary in order to maintain domestic use, including stock-water, and municipal water supplies to the extent possible under the scanty runoff yield of water to the James River.

Please govern your use of irrigation water under your Water Right No. 1421-3 in accordance with this order. You will be notified if water supplies in this section of the James River become sufficient to permit irrigation water withdrawals again during 1970. Aerial inspections of this section of the James River will be made by the Staff of the Water Resources Commission.

Sincerely,

J.W. Grimes
J.W. GRIMES

JWG/DD/bw

P.S. The Water Permits of almost every water right holder receiving this letter contains the August 10th irrigation stoppage qualification or a low flow qualification which prohibits the diversion of water from the existing low flows of the James River, even if this special order were not issued.

COMMISSION

Carl Cronin, Gettysburg
W. Neil Evans, Watertown
Milton E. Fischer, Mitchell
Glen Garrett, Port A. Pierre
Stanley Jensen, Beresford
Richard Lommen, Huronburg
Clarence D. Mortenson, Rapid
Pierre Varilek, Gettysburg

South Dakota

Water Resources Commission

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

J. W. GRINES

Chief Engineer
and
Executive Officer

PHONE 305/224-3501

6-22-73

1421-3

President
Fisher Grove Country Club
Redfield, South Dakota 57469

The South Dakota Water Laws provide "That the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights." and "That the right of a municipality to acquire and hold rights to the use of water should be protected to the fullest extent necessary for existing and future use,---".

The South Dakota water laws provide also, "The full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission.

Because of the existing deficient supply of water in the James River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that all withdrawals of water from the James River for irrigation purposes between the James River Bridge east of Ashton, South Dakota and the 3rd Street Dam in Huron, South Dakota shall cease effective 6:00 P.M., July 1, 1973, and until January 1, 1974, or until further notice.

This order is necessary in order to maintain domestic use, including stock-water, and municipal water supplies to the extent possible under the scanty runoff yield of water to the James River.

Please govern your use of irrigation water under your Water Right No. 1421----3 in accordance with this order. You will be notified if water supplies in this section of the James River become sufficient to permit irrigation water withdrawals again during 1973. Aerial inspections of this section of the James River will be made by the Staff of the Water Resources Commission.

Sincerely,

J. W. GRINES

JWG/DD/bw

P.S. This stop order does not apply to watering of greens and tee boxes.

Permit No. 1421-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by FISHERS GROVE
GOLF CLUB of REDFIELD holder _____
of Permit No. 1421-3, bearing date of priority of JUNE 15, 1967
authorizing the diversion of 78 cu. ft. per second of the waters of JAMES RIVER
for IRRIGATION purposes, in SPIKE County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

BERKELEY B32 PL 3" PUMP WITH 8" INLET &
6" OUTLET, POWERED BY 50 H.P. U.S. ELECTRIC
MOTOR

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

8100' OF 6" PLASTIC PIPE (BURIED)

C. Works used to apply water to beneficial use.

90 HYDRANTS @ 90' SPACINGS WITH
RAINBIRD #808 SPRINKLER HEADS WITH
3/8 X 1/8 NOZZLES

The system is in the following condition: EXCELLENT

The point of diversion is located N 53° 30' E, 1320' FROM THE
S 1/4 CORNER, SECTION 1, T116N, R63W

The works are capable of diverting and conveying to the place of use 1.0cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

S 2 SE 4, SECTION 1, T116N, R63W

comprising a total of 55 acres of land.Date AUGUST 19, 1970

Burton J. Jones
(Signature)

WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

1421-3

June 2, 1977

Mr. Richard Battey, President
Fisher's Grove Country Club
Redfield, South Dakota 57469

Dear Mr. Battey:

This letter is in reference to the conversation with the Fisher's Grove Country Club grounds manager May 18, 1977 concerning pumping from the James River. Pumping with the large irrigation pump is not authorized under present James River pumping restrictions. Pumping with the small pump for two hours per day during the week to water the greens is authorized under domestic use provisions of the Statutes which allow water for up to 1/2 acre of garden or lawn.

We appreciate your cooperation on this matter.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

1421-3

RECEIVED

JUN 29 1977

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

TELEPHONE
(605) 472-2710

GALLAGHER & BATTEY
ATTORNEYS AT LAW
615 NORTH MAIN
REDFIELD, SOUTH DAKOTA 57469

RAYMOND A. GALLAGHER
RICHARD H. BATTEY

June 28, 1977

Department of Natural Resources
Water Rights Commission
Joe Foss Building
Pierre, South Dakota

Attention: John Hatch, Chief Engineer
Water Rights Commission

Dear Mr. Hatch:

Thank you for your letter of June 2, 1977, pertaining to the Fisher's Grove Golf Club here on the James River in Spink County.

We have on our Golf Course two irrigation systems, one small system which we originally used at the time we originally constructed the greens and before going to our large system. The small system has been used only in reserve and we have in the past used it to reach certain tee areas which are out of the reach of the main system. We have the large system which we use for the fairway irrigation and also greens watering, and since the time of receipt of notice to discontinue the fairway watering we have done so but have continued to utilize the large system as we had previously done in order to put water on greens under the domestic use provision of the regulations.

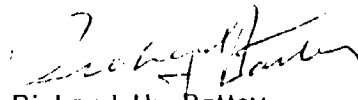
My partner, Raymond Gallagher, had talked to Vern Butler on the matter and he understood that there would be no problem with watering our greens with the water as needed. Your letter of June 2 suggests that we discontinue the use of the large irrigation pump. We would like to continue to use the large system for the purpose of watering our greens since the small system is inadequate and in order to water them sufficiently with its use, we would have to water for a much longer period of time than

two hours. The system is so small and weak that any amount of wind will blow the water off the area to which it is directed, necessitating many moves and consequently waste of the water itself. If we use the large system, we can water for a short period of time (approximately 1 to 1½ hours) and put in enough area coverage to adequately water the greens. Insofar as volume of water, we would not actually be using much more volume of water than we would by using the smaller inefficient system. We simply place a sprinkler head at the location of each green and do not utilize the fairway sprinkler heads since we can run nine heads without damage to the system. I would appreciate having you advise me on your thoughts on this matter.

Incidentally, I do not have in my office the current water rights commission regulations on domestic use and I would appreciate receiving a copy of these regulations for future reference.

Very truly yours,

GALLAGHER & BATTEY



Richard H. Battey

RHB:ccs

1121-3
November 2, 1977

Richard H. Battey
Gallagher & Battey
Attorneys at Law
615 North Main
Redfield, SD 57469

Dear Mr. Battey:

It was recently brought to my attention that we had not answered your letter last summer, which came in during the peak summer work load, concerning the Fishers Grove Golf Club. Although our answer can now be of no use to you for last summer, it will provide future guidelines for use of James River water in event of irrigation shutoff such as we experienced during 1976 and 1977.

There is no objection to using your larger irrigation pump to water the golf greens only, providing the fairways are not watered and providing the definition of domestic use as defined under SDCL 46-1-6 (4) wherein irrigation of a family garden, trees, shrubery or orchard not greater in area than 1/2 acre is met. Based upon your description and discussions with the grounds manager, watering 2 hours per day during the week of the greens would generally be acceptable under the domestic use provisions of the statutes.

During our discussions with the grounds manager, in May, 1977, it was our understanding that the small pump would water the golf greens; therefore, it was our understanding that the small pump would be adequate and the large pump would not be necessary.

You requested current rules on domestic use. Domestic use is defined in the statutes as referenced above.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gg

August 9, 1982

Fishers Grove Golf Club called to request their water right be extended for pumping until the end of September.

I did not know there had been a letter sent out extending pumping until August 25th, no indication on the microfiche Almost told him no until Burt corrected as he had just happened to see the letter. So this is a request from the golf club to extend after the 25th. Told him we wouldn't know until then and he would be informed.

Burt

1421-3

WATER RIGHTS DIVISION

(605) 773-3352

August 13, 1982

President
Fisher Grove Country Club
Redfield, South Dakota 57469

Gentlemen:

This letter is in response to your telephone request August 9, 1982 for an extension of pumping from the James River under your Permit No. 1421-3 until September 30, 1982. You are authorized to pump until September 30, 1982, provided that the flows at the Ashton gage remain above 20 cubic feet per second (cfs). If the flows at Ashton decline below 20 cfs prior to September 30, we will notify you. Flows August 12 were 62 cfs.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:ms

Water Rights Division - DWR

File No. 1421-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Fisher's Grove Country Club

ADDRESS: Redfield SD COUNTY Spink

DATE: 10/1/85 TELEPHONE _____

RE: Spoke to Jim Raebel - maintenance

COMMENTS:

License No. 1421-3 was inspected April 17, 1985, for the purpose of updating records regarding diversions from the James River. The number of acres being irrigated is 47.5 acres, more information was recorded regarding irrigation equipment, and corrections are needed regarding the land description.

The correction land description is as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, section 1-T116N-R63W

An error was made on the original license which located the golf course in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of sec 1-T116N-R63W.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Ken Small

Permit No. 1421-3James River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Fisher's Grove
Country Club of Redfield SD holder of
 Permit No. 1421-3, bearing the priority of June 15 1967, authorizing
 the diversion of .78 cu. ft. per second of the waters of the James River
 for irrigation purposes, in Spink County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:
 Backup: motor: Century pump: Berkeley
CP 215 CZ HCV-10K S.N. 10476 50 hp., 3540 rpm
5 hp., 3500 rpm motor: U.S. Electric pump: Berkeley, imp. 9in
ID 7401529-307 S.N. 7473827
M.N. B32 PL

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

8100 ft of 6in. plastic pipe

C. Works used to apply water to beneficial use:

90 hydrants at 90 ft. spacings with rainbird #808 sprinkler heads
with 3/4 x 1/2 nozzles.The system is in the following condition goodThe point of diversion is located James River : 1700 ft S and 660 ft W from center
of sec 1 - T116N - R63WThe works are capable of diverting and conveying to the place of use 1.0
 cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:

	Acres
<u>NE 1/4 SW 1/4 sec 1 - T116N - R63W</u>	<u>2.5</u>
<u>SE 1/4 SW 1/4</u>	<u>30.2</u>
<u>SW 1/4 SE 1/4</u>	<u>14.8</u>

comprising a total of 47.5 acres of land and the license should be issued for .67 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date April 17, 1985

Ron Duvall
 (signature)

State of South Dakota

REISSUANCE OF Water License No. 1421-3

(1) Fisher's Grove Country Club
of 1311 E 1st St, Redfield SD was issued Water License No. 1421-3
made Application No. August 24, 1970 for a ~~water~~ ^{right} permit to appropriate
0.78 cubic feet per second of water from the James River
Spink County, South Dakota for irrigation purposes.

Water License No. 1421-3, with a priority date of June 15, 1967
was ~~approved~~ ^{and} issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ ^{and} for the application to beneficial use of said
water ~~on or before~~ ^{completed}

Water License No. 1421-3 dated August 24, 1970 was issued for diversion of 0.78 cfs
from the James River to irrigate 55 acres. Based on an April 17, 1985 inspection
of the water use system, the license is being reissued to reflect what is actually
being irrigated.

and

(2) It is certified that the application 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 0.67 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 1700'S and 660'W of the Center of
Section 1, T116N, R63W (CD)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T116N, R63W

Section 1 NE 1/4 SW 1/4 2.5 acres (CA)

SE 1/4 SW 1/4 30.2 acres (CD)

SW 1/4 SE 1/4 14.8 acres (DC)

TOTAL 47.5 acres

(4) Pursuant to §46-5-30.1 Fisher's Grove Country Club
of 1311 E 1st St, Redfield SD

the holder(s) and or owner(s) of Water ^{Right} Permit No. 1421-3 is issued a license to appropriate water, the right to use 0.67 cubic feet per second of water from the James River with a priority date of June 15, 1967 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water ^{Right} Permit No. 1421-3 and subject to South Dakota State Law.

John H. Helt
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

DEC 20 1985



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

DEC 26 1985

1421-3

Fisher's Grove Country Club
1311 E 1st St
Redfield SD 57469

Gentlemen:

Enclosed is your Water Right License No. 1421-3. The water license has been reissued to the extent of what is actually being used. The relicense is based on a April 17, 1985 inspection of your water use system.

If you have any questions concerning the enclosed Water License, please contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosure

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

FISHER GROVE COUNTRY CLUB, James Raebel
1311 E 1ST ST
REDFIELD, SD 57469

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

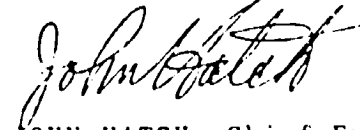
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1421-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1421-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 13, 1987

1421-3

Jim Raebel
Fisher Grove Country Club
1311 E 1st St
Redfield, SD 57469

Dear Mr. Raebel::

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right No. 1421-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 18, 1988

1421-3

Edmund Carter Mg.
Fisher Grove Ctry. Club
1311 E 1st St
Redfield, SD 57469

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Carter:

We have been monitoring James River flows. I am sure that you realize that unless water supply conditions change, there will not be much water for irrigation during 1988. Shutoff of irrigation above Huron is required when the flow drops to 20 cfs at the Huron Third Street Dam. Therefore, we expect to issue orders within the next two to four weeks to shut off James River Irrigation from the Third Street Dam to the ND-SD border. Below Huron to the I-90 bridge near Mitchell, irrigators can also expect a shutoff order within the next few weeks when the flows of the river drop below 20 cfs at the Forestburg Gaging Station. Below the I-90 bridge near Mitchell to the Yankton County line we may need to issue a shutoff order sometime during early summer if the flows at Scotland drop below 20 cfs.

James River flow conditions are as follows:

James River Flow* Record

Date	LaMoure	Ludden	Columbia**	Ashton	Huron	Forestburg	Scotland
04/06/88	81.2	(state	15.0	37.7	48.0	105	285
04/11/88	134	line)	12.4	34.3	39.4	60.9	167
04/13/88	150		8.99	21.4	34.3	55.7	122
04/14/88	159	190	21.3	34.3	32.0	50.8	115
04/15/88	142		57.0	45.6	32.0	48.9	112

* Flow in cfs (cubic feet of water per second)

1 cfs = 449 gallons per minute

** Sand Lake Refuge has increased releases due to inflows

The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North Dakota because the water level elevation is below the flood control storage elevation.

Sand Lake Refuge is at or near full capacity and releases are being made. The quantity released will depend on inflows which are measured near the ND-SD State Line.

We are providing the above information to allow you to have the latest information for the entire James River and to provide you with an indication of what to expect. Unless water supply conditions change, we expect that the James River pumping will be shutoff for much of the irrigation season.

If we may answer any questions, please contact James Winterton, 773-3352.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 18, 1988

NOTICE OF SHUTOFF ORDER

TO: Edmund Carter Mg. 1421-3
Fisher Grove Ctry. Club
1311 E 1st St
Redfield, SD 57469

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division *By James McIntosh*
605 773-3352

SUBJECT: Shut Off Order To James River Water Right Holders Located Above
Huron, Effective 12:00 Noon, May 25, 1988.

I am certain that you are aware that James River flows are not enough to supply all water rights. Therefore, to protect the City of Huron's senior water rights and to provide water for domestic use (livestock watering), effective 12:00 noon on May 25, 1988 no pumping of water from the James River is authorized until January 1, 1989 or until further notice.

The following is the latest flow information that we have on the river:
(these are provisional records - flow measured in cubic feet per second)

Date	LaMoore	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
05/09/88	5.1	156	6.97	51.4	62.0	57.7	72.0
05/10/88	4.2	48.0	16.3	43.7	65.1	65.3	87.4
05/11/88		.05	9.23	31.6	45.9	68.8	82.0
05/12/88	4.6	5.79	6.30	30.3	51.3	68.8	79.4
05/13/88	0.30	0.45	6.46	30.6	48.0	65.3	76.9
05/16/88	0.50	3.09	3.15	21.1	45.0	49.9	62.8
05/17/88	0.0	0.0	4.84	16.0	42.1	43.7	58.5
05/18/88	0.0	0.0	3.51	12.8	6.8*	39.6	50.7

* South wind affecting the reading.

As the information listed above shows, there is almost no James River flow in North Dakota and the flows in South Dakota are steadily decreasing. Unless conditions change, it appears that no pumping will be allowed for the remainder of the 1988 irrigation season from the James River.

cc: City of Huron



 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501 3181

May 24, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

1421-3

TO: Edmund Carter Mg.
Fisher Grove Ctry. Club
1311 E 1st St
Redfield, SD 57469

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Extension of Shutoff Order to 12:00 Noon, June 1, 1988
due to Increased Flows in the James River.

The rains this past weekend over the James River Drainage area has produced enough runoff to provide additional flows in the James River. Therefore, the shutoff order to be effective at 12:00 noon, May 25, 1988 is extended to 12:00 noon, June 1, 1988.

We will continue to monitor the flows to determine whether or not an additional extension may be granted.



 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 31, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

1421-3

TO: Edmund Carter Mg.
Fisher Grove Ctry. Club
1311 E 1st St
Redfield, SD 57469

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352 

SUBJECT: Extension of Shutoff Order to 12:00 Noon, June 15, 1988
due to Increased Flows in the James River.

The rains over the James River Drainage area has produced enough runoff to provide additional flows in the James River. Therefore, the shutoff order to be effective at 12:00 noon, May 25, 1988 is extended to 12:00 noon, June 15, 1988.

We will continue to monitor the flows to determine whether or not an additional extension may be granted.



Water Rights Division - DWNR

File No. 1421-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Fishers Grove Golf ClubADDRESS: 1311 E. 1st St. Redfield, SD 57469 COUNTY SpinkDATE: 6-23-88 TELEPHONE —RE: James River Irrigation Permits

COMMENTS:

On this date, Jim Winterton & I flew the James River inspecting permits which had been shut off due to low flows in the river. Water Permit No. 1421-3 covers acreage in the S $\frac{1}{2}$ of Sec. 1 - T116N - R63W. During the inspection, we observed one sprinkler pumping water on ~~a~~ a tee box. A letter dated Nov. 2, 1977 from John Hatch to Richard Batley stated, "There is no objection to using your larger irrigation pump to water the golf greens only, provided the fairways are not watered and providing the definition of domestic use as defined under SDCL 46-1-6 (4) wherein irrigation of a family garden, trees, shrubbery or orchard not greater in area than $\frac{1}{2}$ acre is met." The letter also stated that watering 2 hours per day during the week of the greens would generally be acceptable under the domestic use provisions of the statutes.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: James L. Winterton

7421 3

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 3, 1988

NOTICE

Edmund Carter, Manager
Fisher Grove Country Club
1311 E. 1st Street
Redfield, SD 57469

Dear Mr. Carter:

I am writing in regard to the diversion of water from the James River for the watering of your golf course. On June 23, 1988, Division Engineers, Jim Wendte and Jim Winterton, conducted an aerial inspection of any pumping from the James River. They observed that the Country Club was irrigating the greens. The shutoff order on the James River was effective June 15, 1988.

In a previous letter to John Battey dated November 2, 1977, I stated that there would be no objection to using your larger irrigation pump to water the greens only, provided the fairways are not watered and providing the definition of domestic use as defined under SDCL 46-1-6(4) wherein irrigation of a family garden, trees, shrubbery or orchard no greater in area than 1/2 acre is met. The letter also stated that watering 2 hours per day during the week of the greens would generally be acceptable under the domestic use provisions of the statutes.

The November 2, 1977 letter no longer applies. The domestic use definition has changed to state that the 1/2 acre of irrigation applies only to noncommercial family gardens, trees, shrubbery or orchard (includes lawn watering). The golf course is a commercial use and therefore must be considered the same as the other irrigation appropriators from the James River.

If you continue to use water from the James River while under a shutoff order, this can result in the suspension of your water permit by the Water Management Board. In order to have a supply of water for the golf course during James River shutoffs, I suggest that you look into the possibility of drilling a well as a backup supply. A water permit will also have to be obtained to use a well. But, if approved, this may benefit you in the future.

Please contact us if you have any questions.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



7

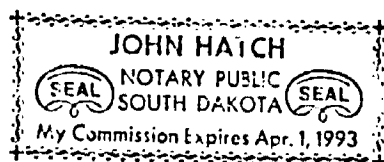
I hereby certify that on August 3, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice addressed as follows:

Edmund Carter, Manager
Fisher Grove Country Club
1311 E 1st Street
Redfield SD 57469

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 4th day of August, 1988.



John Hatch
Notary Public

LETTER



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 19, 1988

Russell Battey, Attorney
Box 19
Redfield, SD 57469

RE: Notice To Fisher Grove Golf Club On The Use Of James River
Water During A Shutoff Order.

Dear Mr. Battey:

I am writing in response to our telephone conversation on August 11, 1988 regarding the notice sent by John Hatch to Fisher Grove Golf Course requiring no diversions of water from the James River during shutoff orders. The letter states that if the Golf Course continues to use water from the James River while under a shutoff order, this can result in the suspension of your water permit by the Water Management Board.

Since the river is no longer flowing and only contains pooled water which will not provide additional supplies for the City of Huron, the order will not be enforced on the watering of the greens this calendar year. You are allowed to continue watering the greens as stated in the November 2, 1977 letter, but no diversions shall be used to water the fairways. After January 1, 1989, if a shutoff order is issued on the James River, no watering of the golf course will be allowed whatsoever. The watering of the greens from the pooled water is still subject to domestic water supplies remaining available for livestock watering, if livestock also use this source of water.

Please contact me if you have any further questions.

Very truly yours,

James E. Winterton
Natural Resources Engineer
605 773-3352



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 8, 1989

EDMUND CARTER, MANAGER
FISHER GROVE COUNTRY CLUB
1311 E 1ST
REDFIELD, SD 57469

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 1421-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

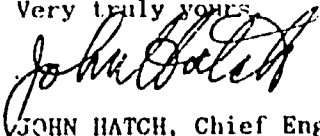
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 1421-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



1422-3
Jisher, Grove



I am not sure about the pump rate (gpm). Last year we was first at the Golf Course and I never thought about asking any one. We have 2 systems one with a 50 Horsepower electric motor the other is a 5 horse electric. The big pump has a 6" intake and outlet and reduces down to 3" & 2 1/2" and we only can use 15 sprinklers at one time. The risers are 1" diam. We irrigate approximately 5 to 6 acres at one time. The small system is 3" reduced down to 2" and then to our outlet boxes which are 3/4" and we use garden hoses to water our top off mounds and greens. I would imagine we pump approximately 50 gal per min.

(over)

I hope that this info will
be sufficient. Last year we
used only the small system
from July on as the big
system was broken down. I am
real sorry about not getting this
report in on time. If you have
any questions I'll be happy to
give any answers that I can.

Thank you

Edmund R. Castle

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 24, 1989

1421-3

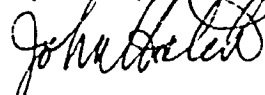
Edmund R Carter
Fisher Grove Country Club
1122 E 1st Street
Redfield, SD 57469

Dear Mr. Carter:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 1421-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 17, 1989

NOTICE OF SHUTOFF ORDER

1421-3

TO: Edmund Carter Mg.
Fisher Grove Ctry. Club
1122 E 1st St
Redfield, SD 57469

FROM: John Hatch, Chief Engineer
Water Rights Division
(605)773-3352

SUBJECT: Shut Off Order to James River Water Right Holders
Located above Huron Effective 12:00 Noon July 20, 1989.

The flows in the James River have dropped to less than 20 cfs at Huron. Therefore to protect the City of Huron's prior rights and domestic uses (livestock watering) on the James River, effective 12:00 noon on July 20, 1989 no pumping of water from the James River is authorized until January 1, 1990 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for the remainder of the 1989 irrigation season from the James River.

If you have any questions, please contact James Winterton, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent



SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 6, 1990

NOTICE OF SHUTOFF ORDER

1421-3

TO: Edmund Carter, Mg.
Fisher Grove Ctry. Club
1122 E 1st St
Hedfield, SD 57469

FROM: *for* John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin D. Brosz

SUBJECT: Shut Off Order to All James River Irrigation Water Right Holders-Effective Immediately.

The flows in the James River are below 20 cubic feet per second (cfs) at most of the gaging stations. Therefore to protect the City of Huron's prior rights from diversions above Huron and domestic uses (livestock watering) on the river below Huron, effective immediately, no pumping of water from the James River is authorized until January 1, 1991 or until further notice

Unless flow conditions change, it appears that no pumping will be allowed for the 1990 irrigation season from the James River. If conditions do improve, notices will be issued, based on senior priority dates, to allow pumping by irrigators.

Sand Lake Wildlife Refuge is approximately one foot below the full level. The Refuge is entitled to the flows from North Dakota under a senior water right. The flows from North Dakota are expected to decrease due to the lack of snow pack. The storage levels in the Jamestown and Pipestem Reservoirs are down with no expected releases.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland	Yankton
3/28/90	----	----	----	----	----	----	37.2
4/2/90	----	3.5	8.0	0	6.0	15.0	----
4/4/90	51.0	10.0	10.0	0	5.4	22.0	----

If you have any questions, please contact Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent

1421-3



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 2, 1990

NOTICE

TO: Edmund Carter Mg.
Fisher Grove Ctry. Club
1122 E 1st St
Redfield, SD 57469

FROM: John Hatch, Chief Engineer
Water Rights Division *John Hatch*

SUBJECT: Rescission of Shutoff Order for Water Right No. 1421-3
located on James River above Huron.

In follow-up to the telephone discussion allowing for irrigation covered under Water Right No. 1421-3 from the James River, the shutoff order is rescinded. This notice is effective August 2, 1990. Controls may still be necessary if downstream flows are reduced to a point where they adversely impact prior water rights and domestic uses.

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501 Phone (605) 773-3352.

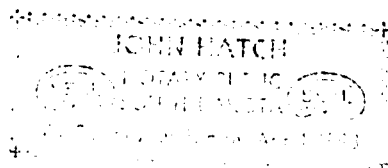
CERTIFICATION

I hereby certify that on August 2, 1990 I have personally deposited with the U.S. Mail a postage prepaid envelope containing a Notice on Rescission of Shutoff Order for Water Right No. 1421-3 located on James River above Huron addressed as stated on the notice.

Karen Schlaak
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of August, 1990.



John Hatch
Notary Public

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 2, 1990

RESCISSION OF SHUTOFF ORDER

1421-3

TO: Edmund Carter Mg.
Fisher Grove Ctry. Club
1122 E 1st St.
Redfield, SD 57459

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352 

SUBJECT: Rescission of April 6, 1990 Shutoff Order to James
River Water Right Holders

The present flow conditions on a portion of the James River below Ashton appear to be of sufficient quantities to allow for irrigation. The Shutoff Order of April 6, 1990 is rescinded, this notice is effective immediately, for the section of the James River downstream from Ashton to the James River Diversion Dam. The mandatory August 10 shutoff date is still in effect, but exceptions to this will be handled on a case by case basis by contacting the Water Rights Division.

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501 Phone (605) 773-3352.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 8, 1990

NOTICE

1421-3

TO: Edmund Carter Mg.
Fisher Grove Ctry. Club
1122 E 1st St
Redfield, SD 57469

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. On some of the older permits this qualification though not listed is still valid and must be followed. Since there are still flows in portions of the James River, continuation of diversions beyond the shutoff date will be considered on a case by case basis. To do this you need to contact Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

<u>DATE</u>	<u>LUDDEN</u>	<u>COLUMBIA</u>	<u>ASHTON</u>	<u>HURON</u>	<u>FORESTBURG</u>	<u>SCOTLAND</u>
8/06/90	0.0	0.0	14.3	128.0	188.0	59.0
8/01/90	0.0	0.0	10.6	108.1	166.5	119.5
8/02/90	0.0	0.0	7.6	99.0	146.2	138.9

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501.
Phone (605) 773-3352

cc: City of Huron, Water Superintendent

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 2, 1991

1421-3

Edmund Carter Mg.
Fisher Grove Ctry. Club
1122 E 1st St
Redfield, SD 57469

Dear Mr. Carter Mg.:

I am contacting irrigators and water users on the James River to advise of the low flow conditions in the James River and potential of shut off orders being issued. Due to the continuing drought, the James River basin, in both North Dakota and South Dakota, is supplying the river with below normal runoff.

The following is the latest flow (cfs) information on the river:

Date	Ludoen	Columbia	Ashton	Huron	Forestburg	Scotland
3/28/91	79.1	0.0	6.6	2.3	19.2	23.7
3/29/91	79.1	0.0	6.3	13.0	17.9	22.8
4/01/91	79.1	0.0	6.1	11.1	18.5	10.0

Note: The flow at Ludoen is from in stream ice melt with little or no runoff occurring.

We will continue to closely monitor the flow in the river. Unless flow conditions improve in the next two to three weeks, shut off orders may have to be issued to all James River water users except for the City of Huron, which has senior water rights.

If you have any questions, feel free to contact Mark Rath or Del Brosz. Phone (605) 773-3352.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 5, 1991

NOTICE

1421-3

TO:

Fisher Grove Ctry. Club
PO Box 22
Redfield, SD 57469

FROM:

for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin W. Brosz

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. Although flows in the James River continue to be good, the gates at the Columbia Road Dam below Sand Lake Refuge were shut on August 1, continued good flows, particularly in the upper river reaches, are questionable. Continuation of diversions beyond the August 10 shutoff date will be considered on a case by case basis. To do this you need to contact the Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

DATE	LUDDEN	COLUMBIA	ASHTON	HURON	FORESTBURG	SCOTLAND
7/31/91	6.7	63	130	139	142	148
8/02/91	17	58	125	134	139	154
8/05/91	0.3	36	101	128	140	166

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 East Capitol, Pierre, SD 57501. Phone (605) 773-3352

cc: City of Huron, Water Superintendent

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 21, 1991

1421-3

Fisher Grove Ctry. Club
PO Box 22
Redfield, SD 57469

Dear Sir :

In response to your telephone call requesting an extension to pump from the James River, you are hereby authorized to continue irrigation under Water Right No. 1421-3 from the James River.

This authorization is subject to flows remaining available for downstream domestic users and prior water rights. We will continue to monitor the river and will be in contact with you if low flows become a problem.

If you have any questions, please do not hesitate to contact this office.

Very truly yours

James A. TCH
for JC TCH, Chief Engineer
Water Rights Division
(605) 773-3352



1421-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

September 5, 1991

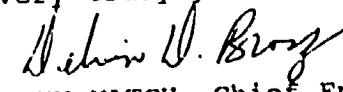
Fisher Grove Ctry. Club
PO Box 22
Redfield, SD 57469

Dear Sir :

The flow in the James River is approaching 20 cfs at Huron and continues to drop. Therefore, to protect Huron's senior water right and downstream domestic use (including livestock watering), diversions covered under Water Right No. 1421-3 shall be discontinued, effective immediately, until January 1, 1992.

If you have any questions, please do not hesitate to contact this office.

Very truly yours

for 
JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352



April 14, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOTICE OF SHUTOFF ORDER

1421-5

TO: EDMUND CARTER, MG
FISHER GROVE GOLF COURSE
1122 E 1ST ST
REDFIELD, SD 57469

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Shut Off Order to All James River Water Right Holders
Above Huron, Effective Immediately.

The flows in the James River are below 20 cubic feet per second (cfs) at the gaging stations above Huron. Therefore to protect the City of Huron's prior rights from diversions above Huron and domestic uses (livestock watering) below Huron, effective immediately, no pumping of water from the James River above Huron is authorized until January 1, 1993 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for 1992 from the James River above Huron diversion dam. If conditions improve, notices will be issued, based on senior priority dates, to allow pumping by water users.

Due to the continuing drought, the James River basin, in both North Dakota and South Dakota, is receiving below normal runoff.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
4/7/92	83	.4	9	32	40	57
4/10/92	54	.6	7	20.5	---	57
4/13/92	6	.6	4	20.5	---	55

If you have any questions, please contact Norma Job or Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 22, 1992

RESCISSION OF SHUTOFF ORDER

1421-3

TO: FISHER GROVE GOLF COURSE
EDMUND CARTER, MG
1122 E 1ST ST
REDFIELD, SD 57469

FROM: *for* John Hatch, Chief Engineer *Delvin D. Brosz*
Water Rights Division
(605) 773-3352

SUBJECT: Rescission of April 14, 1992 Shutoff Order
to James River Water Right Holders above the
Huron Third Street Dam to Ashton.

The present flow conditions on the James River are sufficient to allow for diversions. The Shutoff Order of April 14, 1992 is rescinded, effective immediately, for all James River Water Right Holders between the Huron Third Street Dam and the Ashton gaging station. We will continue to monitor the flows of the James River through the summer. The present increase in flow may only be temporary. If the present flow conditions continue, pumping will be allowed until the mandatory August 10 shutoff date. Pumping after the August 10 shutoff date will be handled on request and requires written approval from the Chief Engineer.

If you have any questions, please contact Norma Job or Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501 Phone (605) 773-3352.

cc: City of Huron, Water Superintendent



1421-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: E CARTER, MGR, - FISHER GROVE
1122 E 1ST ST
REDFIELD SD 57469

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1421-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1421-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

*I am no longer at Fisher Grove
Golf Course haven't been since
1989
Ed Carter*

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☒ Addressee's Address 2. ☒ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: E CARTER, MGR, - FISHER GROVE 1122 E 1ST ST REDFIELD SD 57469		4a. Article Number 1421-3 9906510039	
		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
		7. Date of Delivery 2/1/93	
Is your RETURN 5. Signature (Addressee) <i>E. L. Carter</i> 6. Signature (Agent)	8. Addressee's Address (Only if requested and fee is paid)		

Thank you for using Return Receipt Service.



1421-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 2, 1993

1421-3

Fisher Grove Country Club
PO Box 22
Redfield, SD 57469-0022

Dear Sir:

Enclosed is the 1992 irrigation questionnaire pertaining to irrigation done under Water Right No. 1421-3. The form was originally sent to Edmund Carter, Mgr at 1122 E 1st St, Redfield.

On January 29, 1993, a "Notice of Violation" was sent to Mr. Carter indicating the 1992 irrigation questionnaire had not been returned (copy enclosed). Mr. Carter notified our office that he no longer works for Fisher Grove Country Club.

Since the questionnaire was not mailed to the proper address, the violation for nonsubmission of the 1992 irrigation questionnaire will not be addressed at the March Water Management Board Meeting.

Please complete the form and return it to our office as soon as possible. If you have any questions, or need assistance in completing the form, please contact me.

Sincerely,

Genny McMath
Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosure



1421-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 19, 2001

NOTICE

TO: FISHER GROVE COUNTRY CLUB, BRIAN STROH, PO BOX 22, REDFIELD, SD 57460
0022

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 5730-3 and 1421-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No. 1421-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No. 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:00 am, March 7, 2001 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No. 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No. 1421-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Jenny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 9, 2001

NOTICE

TO: Brian Stroh, Fisher Grove Country Club, PO Box 22, Redfield, SD 57469

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment of Water Right No. 1421-3 & One Year Suspension of Water Permit No. 5730-3

Pursuant to the provisions of the notice dated January 19, 2001, and following the hearing March 7, 2001, the Water Management Board took the following actions:

- 1) Water Right No. 1421-3, authorizing irrigation of the golf course from the James River, was **AMENDED** to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

- 2) Water Permit No. 5730-3, authorizing irrigation of the golf course from ground water (one well), was **SUSPENDED**:

The Water Management Board has ordered:

That Water Permit No. 5730-3 be suspended until December 31, 2001, for failure to submit the 2000 irrigation questionnaire.

Suspension of a water permit means water may not be pumped during the 2001 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2000 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 2, 2001 in Pierre, SD. The letter should include your reasons for not completing the 2000 irrigation questionnaires.

Please contact Genny McMath (605) 773-3352, if you have any questions.

1421-3



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

January 16, 2002

NOTICE

TO: FISHER GROVE COUNTRY CLUB, PO BOX 22, REDFIELD, SD 57469 0022
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1421-3 & 5730-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1421-3 & 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1421-3 & 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FISHER GROVE COUNTRY CLUB
PO BOX 22
REDFIELD SD 57469 0022

COMPLETE THIS SECTION ON DELIVERY

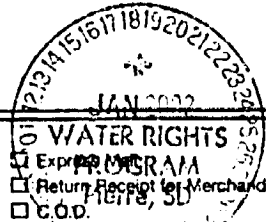
A. Received by (Please Print Clearly) Zoltan Houser Danko B. Date of Delivery 1-17-02

C. Signature X [Signature] ☐ Agent ☒ Addressee

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes



2. 7001 2510 0004 4797 4388



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 22, 2002

1421-3
5730-3

Fisher Grove Country Club
PO Box 22
Redfield, SD 57469-0022

Dear Lorah:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit and/or Right Nos. 1421-3 and 5730-3

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

NOT TO SCALE





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: FISHER GROVE COUNTRY CL attn LORAH JACKORD HOUSER
PO BOX 22
REDFIELD SD 57469

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 1421-3

To protect domestic use on the James River, the department is issuing shutoff orders to water right holders on the James River from the Yankton-Hutchinson county line north to the North Dakota border. Effective immediately, no diversions of water from the James River will be allowed. Previous to this Order, shutoff orders were issued for water right junior to January 1, 1975 located upstream of Huron.

Flow in the James River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. USGS gaging stations over this entire river reach are measuring flow levels at or below 20 cubic feet per second, the required bypass for downstream domestic use. This order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.



1421-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 26, 2007

NOTICE

TO: FISHER GROVE COUNTRY CLUB, PO BOX 22, REDFIELD, SD 57469 0022

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1421-3 & 5730-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1421-3 & 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1421-3 & 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

February 7, 2007

1421-3
5730-3

Shawn Chase
Fisher Grove Country Club
PO Box 22
Redfield SD 57469-0022

Dear Mr. Chase:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 1421-3 and Water Permit No. 5730-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In follow up to our phone conversation, I am enclosing the past few years irrigation questionnaires for you to give to your new greens keeper.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



1421-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 26, 2007

NOTICE

TO: FISHER GROVE COUNTRY CLUB, PO BOX 22, REDFIELD, SD 57469 0022

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1421-3 & 5730-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1421-3 & 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1421-3 & 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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REDFIELD SD 57469 0022

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PMB 2020
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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 7, 2007

1421-3
5730-3

Shawn Chase
Fisher Grove Country Club
PO Box 22
Redfield SD 57469-0022

Dear Mr. Chase:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 1421-3 and Water Permit No. 5730-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In follow up to our phone conversation, I am enclosing the past few years irrigation questionnaires for you to give to your new greens keeper.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



1421-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 22, 2010

NOTICE

TO: FISHER GROVE COUNTRY CLUB, PO BOX 22, REDFIELD, SD 57469 0022

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1421-3 & 5730-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1421-3 & 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1421-3 & 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 1, 2010

1421-3
5730-3

Fisher Grove Country Club
PO Box 22
Redfield SD 57469 0022

Dear Sirs:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 1421-3 and Water Permit No. 5730-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



August 6, 2012

1421-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 1421-3**

To: FISHER GROVE COUNTRY CLUB
PO BOX 22
REDFIELD SD 57469

From: Garland Erbele, Chief Engineer
Water Rights Program, DENR
(605) 773-3352

Subject: James River Qualification Reminder for Permit No(s). 1421-3

Qualifications on your water right indicate that you are not authorized to divert James River water after August 10th. Please, consider this a reminder and cease diversion if you have not already done so. No diversion can take place after August 10th unless under written orders by the Chief Engineer. You may resume diversion on the date stated in the qualifications on your water right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 14, 2012

Fisher Grove Country Club
% Charles Halbert
PO Box 22
Redfield, SD 57469

Dear Mr. Halbert:

In response to your telephone call on August 14, 2012 requesting an extension to pump from the James River beyond the August 10th cutoff, you are authorized to pump under Water Right No. 1421-3 subject to the following:

- No irrigation from the James River beyond August 24, 2012 for the 2012 irrigation season
- Flows remain available for downstream domestic users and prior water rights
- Flows past the Huron gaging station remain above 20 cubic feet per second after pumping

We will continue to monitor the James River and if conditions warrant, you may be shutoff prior to August 24, 2012, with no prior notice given. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

September 10, 2012

Fisher Grove Country Club
% Charles Halbert
PO Box 22
Redfield, SD 57469

Dear Mr. Halbert:

In response to your telephone call on September 10, 2012 requesting an extension to pump from the James River beyond the August 10th cutoff, you are authorized to pump under Water Right No. 1421-3 subject to the following:

- Flows remain available for downstream domestic users and prior water rights
- Flows past the Huron gaging station remain above 20 cubic feet per second after pumping

We will continue to monitor the James River and if conditions warrant, you may be with no prior notice given. The US Geological Survey has an Internet site showing real-time river flows at 155 stream gauging stations across the state including several gaging stations on the James River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



1421-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 26, 2018

NOTICE

TO: FISHER GROVE COUNTRY CLUB, CHARLES HALBERT, JR, SUPT, 17268 FISHERS LANE, FRANKFORT, SD 57440

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1421-3 & 5730-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1421-3 & 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

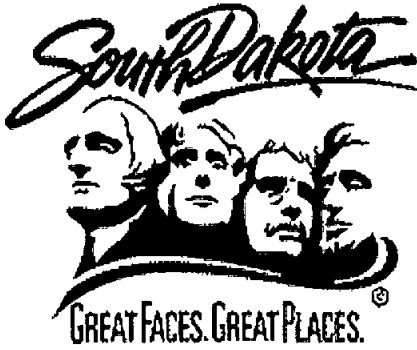
The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1421-3 & 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1421-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 7, 2018

1421-3
5730-3

Charles Halbert Jr, Supt
Fisher Grove Country Club
17268 Fishers Lane
Frankfort SD 57440

Dear Mr. Halbert:

I am writing to acknowledge receipt of the 2017 irrigation questionnaires for Fisher Grove Country Club.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 1421-3 and 5730-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



1421-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 25, 2019

NOTICE

TO: FISHER GROVE COUNTRY CLUB, CHARLES HALBERT, JR, SUPT, 17268 FISHERS
LANE, FRANKFORT, SD 57440

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1421-3 & 5730-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1421-3 & 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1421-3 & 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1421-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 7, 2019

1421-3
5730-3

Charles Halbert Jr, Supt
Fisher Grove Country Club
17268 Fishers Lane
Frankfort SD 57440

Dear Sir:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 1421-3 and Water Permit No. 5730-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Water Permit No. 5730-3 authorizes diversion of ground water for irrigation of the golf course. On the irrigation questionnaire for this specific permit, you marked the box "use abandoned". In review of past irrigation questionnaires it is evident the golf course only uses water from the James River as authorized under Water Right No. 1421-3.

Water Permit No. 5730-3 will be scheduled for cancellation consideration at a later date. You will be notified of the time and date of the hearing once it is scheduled. If you disagree with DENR proceeding with cancellation of the water permit, please get in touch with us.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 27, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who use water from the James River that river flow is much lower this year and to let them know that shutoff orders are possible this summer.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses will begin to interfere with domestic use. If river levels become critically low, the department may be forced to issue shutoff orders to protect domestic use, including livestock watering and those water rights that are most senior.

We are only cautioning that shutoff orders may become necessary. **This not a shutoff order.** This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shutoff orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and avoid wasting water.

If you are interested, the US Geological Survey has an Internet site showing river flows at 164 stream gauging stations across the state. To view the latest realtime stream flow, go to:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: FISHER GROVE COUNTRY CLUB, CHARLES HALBERT, JR, SUPT, 17268 FISHERS LANE, FRANKFORT, SD 57440

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1421-3 & 5730-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1421-3 & 5730-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1421-3 & 5730-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: TNNMJI**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 31, 2023

1421-3
5730-3

Charles Halbert Jr, Supt
Fisher Grove Country Club
17268 Fishers Ln
Frankfort SD 57440

Dear Mr. Halbert:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right or Permit Nos. 1421-3 and 5730-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us