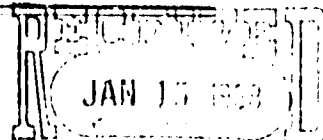


1491-3

1. Considered 3-20, 1968
2. Name of Applicant CHESTER GULLIKSON
3. Post Office Address BATH
4. Amount of water claimed 1.94
5. Source of water supply JAMES RIVER
6. Water to be used for IRRIGATION
 Acres to be irrigated 136
7. Water to be diverted and used in BROWN county
 about 8E 2N miles of ABERDEEN
8. Proof of Publication
 Received ✓
 Not received
9. Application
 Approved
 Subject to
 Not Approved
 Action deferred

10. Remarks:

No. 1491-3
 Water Division No. 3 JAMES RIVER District
 (Blanks to be filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COUNCIL
 PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

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

1. Name of applicant CHESTER GULLIKSON
 Postoffice address BAJH, County BROWN, State SOUTH DAKOTA

I. If a corporation NOT APPLICABLE

- (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 _____

(NOTE—A certified copy of articles of incorporation must 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)

CONTRACT AND DIRECT LABOR BY APPLICANT

(b) Cash on hand, \$ AD ECUATE (c) Treasury stock, \$ N.A.

(d) Bonds to be issued, \$ N.A. (e) Other resources, \$ N.A.

2. Name of diversion work PUMPING FROM RIVER TO COMBINATION SPRINKLER & GRAVITY SYSTEM

3. Amount of water claimed 408 ACRE-FT/YR cubic feet per second 1.94 (873 GPM)

4. Source of water supply JAMES RIVER, BROWN COUNTY, SOUTH DAKOTA

5. Location of point of diversion SEE MAP - SW 1/4 3-123-62 AT THE JAMES RIVER

LOCATION SHOWN on WEST bank BROWN County.

6. Annual period or periods during which water is to be used MAY THROUGH OCTOBER

7. To be used for:

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

(a) Number of acres to be irrigated 136.00 acres.

(b) Legal subdivisions to be irrigated SE 1/4 4-123-62, BROWN COUNTY, SOUTH DAKOTA

(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.) NONE

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

(a) Nature of use NONE NOT APPLICABLE
 Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

MAP NO 1081-3

8. Estimated cost of work: COMBINED TOTAL COST, PER ACRE BASIS

(a) Head Gates, \$...NONE... (b) Pumping plant, \$...SEE (E)
 (c) Fluming, \$...NONE... (d) Canal-earth, \$...NONE... Rock, \$...NONE...
 (e) Other structures EARTHWORK, PUMPING, TRANSMISSION
 LINES & SPRINKLING SYSTEM @ 100.00 PER ACRE
 Total, \$...13600.00

9. Description of diversion works:

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

PUMPING PLANT, TRANSMISSION LINES, GRAVITY & SPRINKLER SYSTEM COMBINED

II. Dimensions of works. NOT APPLICABLE

(a) Dam: Height N.A. feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front water face; slope at back face material used in construction
 (b) Reservoir: Capacity when filled N.A. acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	Feet	ACRE-Feet CAPACITY

(c)* Head gate: Width N.A. feet; height feet; Material
 (d) Canal: Total length N.A. miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER 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 work FIVE years. AS REQUIRED FOR ANNUAL CROP BASIS, 6 MONTHS/YR
 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 appropriate ABERDEEN AMERICAN NEWS, ABERDEEN, SOUTH DAKOTA

STATE OF SOUTH DAKOTA
 County of BROWN ss.

I, CHESTER GULLI, SON, 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.

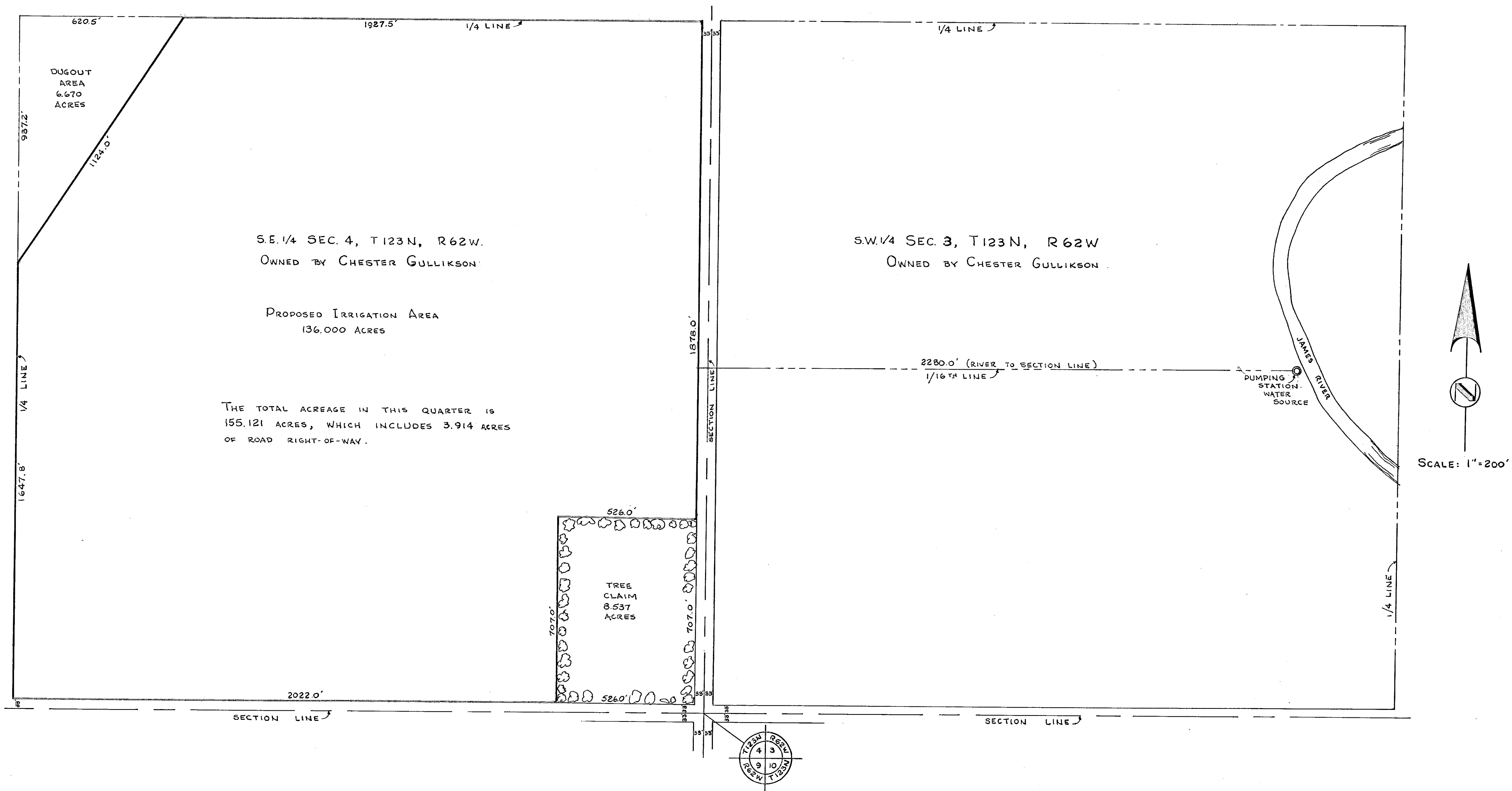
Signed Chester Gulli, Son

Subscribed and sworn to before me this 11th day of JANUARY 1968

MY COMMISSION EXPIRES:
 25 JUNE 1975

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device



SURVEYOR'S CERTIFICATE

I, DON A. BOYD, A REGISTERED PROFESSIONAL ENGINEER
AND LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA,
HEREBY CERTIFY THAT THIS SURVEY AND MAP PREPARATION
WAS COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION,
AT THE REQUEST OF THE OWNER, AND SAID SURVEY AND MAP
ARE TRUE AND ACCURATE IN EVERY RESPECT.

DATE: 11 JAN 1968

Don A. Boyd
DON A. BOYD
REG. P.E. AND L.S., S.D. 1030

ACKNOWLEDGEMENT

STATE OF SOUTH DAKOTA } SS
COUNTY OF BROWN }

ON THIS THE 11TH DAY OF JANUARY 1968, BEFORE ME,
A NOTARY PUBLIC, PERSONALLY APPEARED DON A. BOYD,
KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO
EXECUTED THE ABOVE INSTRUMENT AND WHO ACKNOWLEDGED
TO ME THAT HE EXECUTED THE SAME.

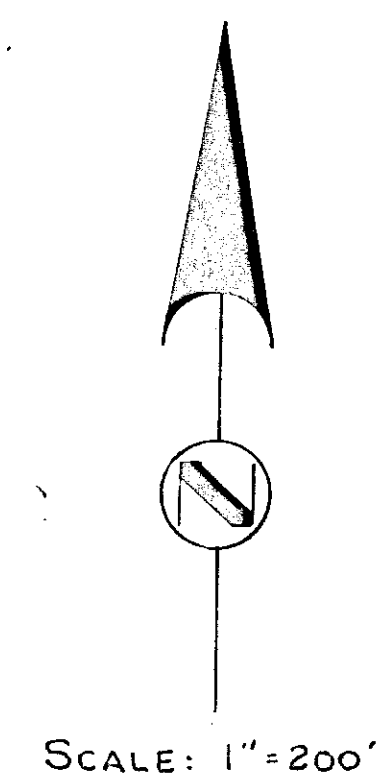
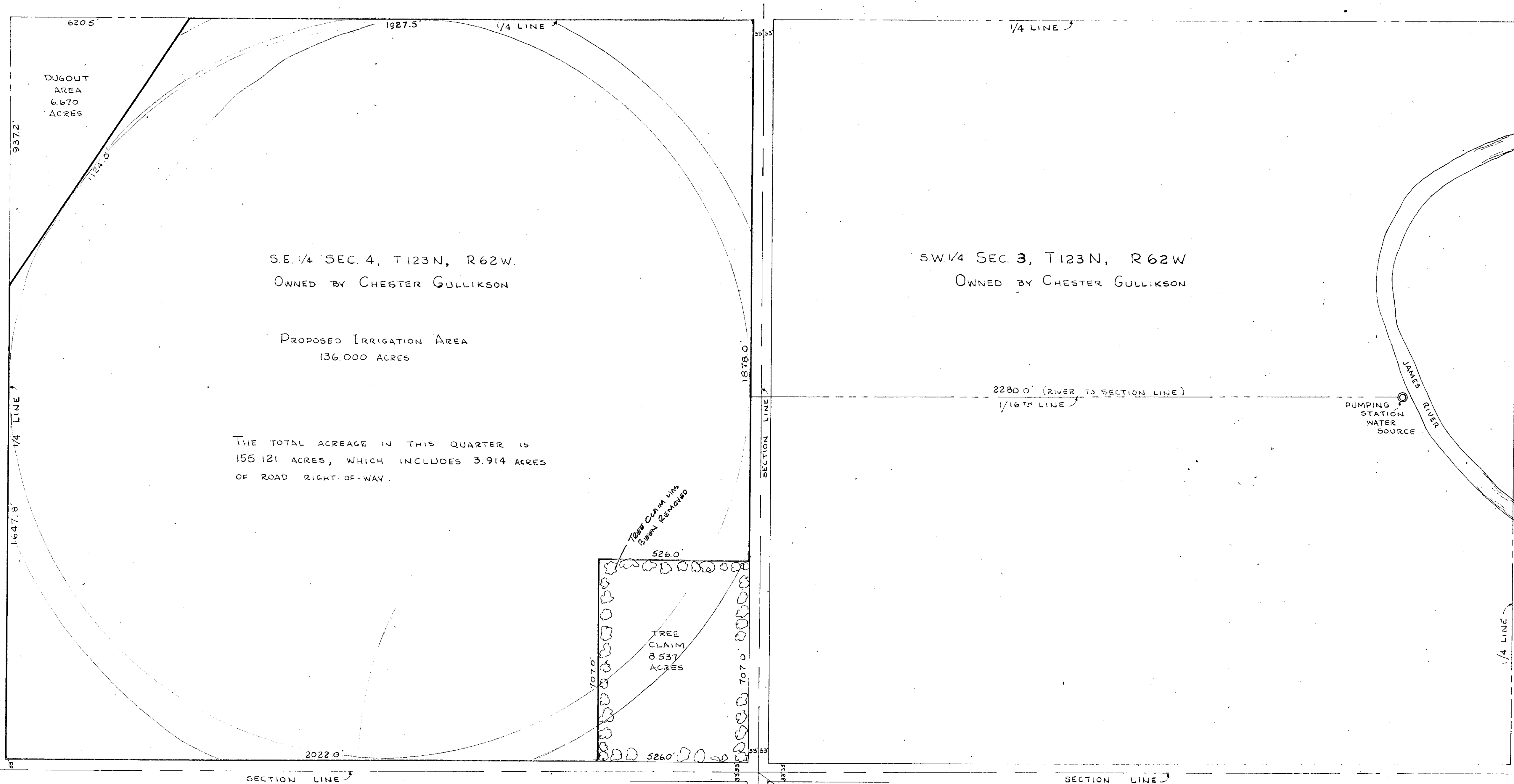
MY COMMISSION EXPIRES: 13 Nov. 1968

Robert J. Wenz
NOTARY PUBLIC

WATER RIGHTS MAP

PREPARED, JANUARY 1968

MAP N^o 1031-3 (APPL N^o 1491-3)



SURVEYOR'S CERTIFICATE

I, DON A. BOYD, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, HEREBY CERTIFY THAT THIS SURVEY AND MAP PREPARATION WAS COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION, AT THE REQUEST OF THE OWNER, AND SAID SURVEY AND MAP ARE TRUE AND ACCURATE IN EVERY RESPECT.

DATE: 11 JAN 1968

Don A. Boyd
Don A. Boyd
REG. P.E. AND L.S., S.D. 1030

ACKNOWLEDGEMENT

STATE OF SOUTH DAKOTA }
COUNTY OF BROWN } SS

ON THIS THE 11TH DAY OF JANUARY 1968, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED DON A. BOYD, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

MY COMMISSION EXPIRES: 13 Nov. 1968.

Robert J. Jansen
NOTARY PUBLIC

WATER RIGHTS MAP

PREPARED, JANUARY 1968

Remarks by State Water Resources Commission:

Natural flows in the JAMES RIVER are not a dependable source of water during the latter part of the summer season. It is likely that water diversion restrictions under this Permit to Appropriate Water will be necessary at times to assure domestic water supplies, including stockwater, and water supplies for prior water rights.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, MARCH 25, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock a.m. upon the 15TH day of JANUARY, 1968

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 1491-3

Date of first receipt of application JANUARY 15, 1968

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right JANUARY 15, 1968

Approved MARCH 20, 1968, Recorded in Book 10 Page 114

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 SEPTEMBER 20, 1970

2nd. The whole of said work is to be completed on or before MARCH 20, 1973

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

MARCH 20, 1973

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 1.94 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 MARCH 20, 1973; said water to be used during the following described annual period:

MAY THRU OCTOBER
Witness my hand this 25TH day of MARCH, 1968

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction issued JANUARY 7, 1960

Water License issued JANUARY 7, 1960

Remarks by the Applicant:

THE AREA TO BE IRRIGATED IS AS FOLLOWS:
SE 1/4 SECTION 4-123-62, BROWN COUNTY, SOUTH DAKOTA

WATER CLAIM BASIS

3 ACRE-FT/YR PER ACRE

$3 \times 136 = 408$ ACRE-FT/YR

1 CUBIC FT/SEC PER 70 ACRES

$136/70 = 1.94$ CU. FT./SEC. = 873 GPM

MATERIALS REQUIREMENTS AND COST ESTIMATE

BASED ON PREVIOUS EXPERIENCE OF APPLICANT,
THE COMBINED COST ESTIMATE FOR THIS
INSTALLATION IS 100.00 PER ACRE, FOR
A TOTAL ESTIMATED COST OF $136 \times 100.00 = \$ 13600.00$

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1491-3

(1) WHEREAS, On the 15th day of January A. D. 1968
Chester Gullickson

made Water Right Application No. 1491-3 for a permit to use 1.94 cubic feet per second of the waters
of the James River
County of Brown, State of South Dakota, for irrigation

purpose; and
(2) WHEREAS, On the 20th day of March A. D. 1968

Permit No. 1491-3, with a date of priority of January 15, 1968
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 20th day of March A. D. 1973 and for the
application to beneficial use of said water on or before the 20th day of March A. D. 1973

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 1.94 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:

to irrigate a 136 acre circle in the SE 1/4, Section 4, T12N, R62W

(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 Chester Gullikson

Chester Gullikson

Bath, South Dakota

the holder _____ and owner _____ of said permit No. 1491-3 a water right, dating from January 15, 1968

_____ to use of 1.04 cubic feet per second of the waters
of the James River

in the County of Brown and State of South Dakota, or so much thereof as may be necessary for the purposes herebelow mentioned, to be diverted at a point 1320 feet north and 2280 feet east of the SW corner, Section 3, T123N, R67W

and conduct to and upon _____ a 136 acre circle in the SE $\frac{1}{4}$, Section 4, T12N, R62W

_____ irrigation
for the purpose of _____

1491-3

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

WITNES: My hand and seal of our office at Pierre, South Dakota
 this 7th day of January A. D.
 Nineteen Hundred and eighty

Board of Water Management

It is:

John Hatch
Chief Engineer, JOHN HATCH

Permit No. 1491-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Chester Gullikson

_____ the holder _____ of
Permit No. 1491-3, issued upon Application No. 1491-3, bearing date of priority of January 15, 1968
_____ authorizing the diversion of 1.94 cu. ft. per second of the waters of _____
the James River County of Brown, State of South Dakota at _____
a point 1320 feet north and 2280 feet east of the SE corner of Section 3,
T123N, R62W
_____, for irrigation

_____ purposes has _____ complied with the provisions of the laws of the State of South Dakota relating to permit 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 2.00 cu. ft. per second of water

Date January 7, 1980

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WMD

on or before
(First Publication February 21st, 1968.)

APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak., February 2, 1968.

Notice is hereby given that Chester Gullikson whose post-office address is Bath 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 1.94 cubic feet of water per second of time from the James River through the Gullikson Diversion #2, the point of diversion of which is to be located on the right bank of said stream in the SE ¼ of the SW ¼ of Section 3 Twp. 123N Range 62W a portion of Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4, Section 4, T123N, R62W

~~SECRET~~-----~~SECRET~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of March, 1968, at 2:00 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.

cc: Chester Gullikson
Rath, S.D.

State Water Resources Commission

By:

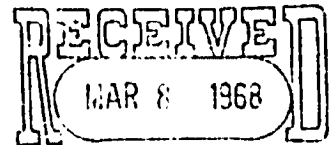
(3) ~~UNITED STATES~~ ~~DEPARTMENT OF~~ ~~COMMERCE~~

BURTON F. JONES

Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Brown } ss.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Judy Holler being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Aberdeen American-News a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the city of Aberdeen County of Brown and State of South Dakota; that the said notice was published in said newspaper on the following dates:

February 6-13-20-27 1968

in each and every issue of the full number thereof, the first publication being made on the 6th day of February 1968 and the last publication on the 27th day of February 1968, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was clerk of the said newspaper.

Judy Holler

Subscribed and sworn to before me this 27th day of February A. D. 1968

Edith K. Erickson

Notary Public Brown County, S. D.

(File #2 - Feb. 6-13-20-27 - 171)
APPROPRIATION OF WATER
Office of State Water Resources Commission, Pierre, S.D., February 2, 1968.
Notice is hereby given that Chester Gullikson whose postoffice address is Bath, S.D. has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.94 cubic feet of water per second of time from the James River through the Gullikson Diversion No. 2, the point of diversion of which is to be located on the right bank of said stream in the SE 1/4 of the SW 1/4 of Section 3, Twp 123N, Range 12W. Said water to be used for the purpose of providing irrigation on a portion of the following described land: SE 1/4, Section 4, T123N, R62W.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of March, 1968, at 2:00 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: Burton F. Jones, Water Rights Specialist.

RECEIPT

WATER RIGHTS COMMISSION

No 4 7202

State of South Dakota

PIERRE, January 3, 1980

RECEIVED OF Chester Gullikson, Bath, SD 57427

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)

Fee for Inspecting Construction, and issuing Cert. of Construction No. 1491-3 12.00

Fee for Inspecting Beneficial Use, and issuing Water License No. 1491-3

Fee for issuing Location Certificate-Dry Draw, No.

Fee for filing

Fee for certified copy of

Fee for Print copy of map

Fee for Certifying

Fee for

(any other work as provided by law)

TOTAL

12 00

WATER RIGHTS COMMISSION

By

Chief Engineer, Executive Officer

JOHN HATCH

(97)

Permit No. 1491-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by CHESTER GULLIKSON of BATH holder of Permit No. 1491-3, hearing date of priority of JANUARY 15, 1968 authorizing the diversion of 1.94 cu. ft. per second of the waters of ESSEE JAMES RIVER for IRRIGATION purposes, in BELLEVILLE 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:

LARGE BECKER 8" PUMP, POWERED BY MARATHON 75HP
ELECTRIC MOTOR

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

3530' OF 8" BURIED TRANSITE CASING TO CENTER OF
PILOT

C. Works used to apply water to beneficial use.

ZIMMATIC MODEL #307 .7 TOWER CENTER PILOT, SERIAL # 2082
WITH END GUN

The system is in the following condition: GOOD

The point of diversion is located 1370' N & 2280' E OF THE SW CORNER
SECTION 3, T123N, R62W

The works are capable of diverting and conveying to the place of use 2.00cu. 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:

FOR IRRIGATING A 136-ACRE CIRCLE IN THE SE⁴
SECTION 4, T123N, R62W

comprising a total of 136 acres of land.Date December 4, 1969

(Signature)

Water Rights Division
605 773-3352

September 2, 1982

Chester Gullickson
Bath,
South Dakota 57427

RE: 1125-3
1491-3

Dear Mr. Gullickson:

This letter will confirm your telephone request September 2, 1982 to pump from the James River for up to three weeks and my verbal authorization to pump. You are authorized to pump in accordance with your Water Right No. 11 1125-3 on the SW $\frac{1}{4}$, Section 3 and No. 1491-3 on the SE $\frac{1}{4}$, Section 4 until September 24, 1982. The only qualification is if flows decline below 20 cfs pumping must cease. Flows at the Ashton gage September 2, 1982 are 82 cfs.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

Water Rights Division
605 773-3352

September 27, 1982

Chester Gullickson
Bath,
South Dakota 57427

Dear Mr. Gullickson:

This letter will confirm your telephone request of September 27, 1982 to pump from the James River up to October 10, 1982. You are authorized to pump in accordance with your Water Rights No. 1125-3 on the SW $\frac{1}{4}$, Section 3, T123N, R62W and No. 1491-3 on the SE $\frac{1}{4}$, Section 4, T123N, R62W. The only qualification is if flows decline below 20 cfs pumping must cease. The flow at Ashton today is 75 cfs.

Sincerely,

TIMOTHY G SCHAAL
Water Resources Engineer

TGS:ks

 **Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

1491-3

October 31, 1985

Jim Sperry
RR 1, Box 99
Bath SD 57427

Dear Mr. Sperry:

I am writing to confirm your telephone request to Ron Duvall, October 29, 1985 to irrigate the SE 1/4 Section 4, T123N, R62W from the James River. The request was to apply up to 3 inches of water at a diversion rate of 900 gallons per minute to saturate the land for next years crop.

You are hereby authorized to begin pumping on October 31, 1985, to irrigate the acreage, unless otherwise notified. This authorization is subject to flow conditions in the James River and may be withdrawn due to low flows.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:RD:ks

Equal Opportunity Employer

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

Division of Water Rights
605 773-3352

No. 1125-3

1491-3

December 17, 1986

Scott Sperry
RR#1, Box 6A
Bath, South Dakota 57427

Dear Mr. Sperry:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each, total of \$5.00.

Upon receipt of the enclosed form and the \$2.50 filing fee for each, total of \$5.00 the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

DWHR-820A-8/83

JAN 1987
DIVISION OF
WATER RIGHTS
Pierre, SD

NOTICE OF TRANSFER OF WATER PE

Date: 1-9-87

136 Acres - SE $\frac{1}{4}$ Section 4, T123N, R62W

Water Right Permit No. 1491-3 as provided for in SDCL 46-5-32 and 46-5-33.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

I, Scott Sperry 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, and I know of my own personal knowledge that the infor-
mation herein stated is true.

Scott Perry
(Signed)

Subscribed and sworn to before me this 9th Day of January, 1987

(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, January 11, 1937

RECEIVED OF Scott Sperry, RE 1, Box 6A, Bath, SD 57427

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1491-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (PS)

 **Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

1125-3
1491-3

January 16, 1987

Scott Sperry
RR 1, Box 6 A
Bath, South Dakota 57427

Dear Mr. Sperry:

Enclosed are receipt Nos. 410710 and 410711 in the amount of \$2.50 each
which you paid for transfer of Water Right Nos. 1125-3 and 1491-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling

Maxine Stirling
Secretary

ms/
Enc.2

SOUTH DAKOTA Department of
Water & Natural Resources

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

April 18, 1988

1491-3
1125-3

Scott Sperry
RR 1, Box 6A
Bath, SD 57427

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Sperry:

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: Scott Sperry
RR 1, Box 6A
Bath, SD 57427

1491-3
1125-3

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, 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	LaMoure	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
05/09/88	5.5	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		1.05	9.23	31.6	45.0	68.8	82.0
05/12/88	4.6	5.79	6.30	30.3	51.3	68.8	79.4
05/13/88	6.30	0.45	6.46	30.0	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

1491-3
1125-3

TO: Scott Sperry
RR 1, Box 6A
Bath, SD 57427

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

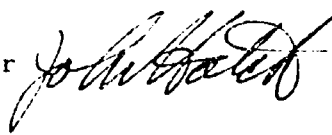
May 31, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: Scott Sperry
RR 1, Box 6A
Bath, SD 57427

1491-3
1125-3

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.



 **Department of
Water & Natural Resources**

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

July 17, 1989

NOTICE OF SHUTOFF ORDER

1491-3
1125-3

TO: Scott Sperry
RR 1, Box 6A
Bath, SD 57427

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

1491-3, 1125-3

TO: Sperry, Scott
RR 1, Box 6A
Bath, SD 57427

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

Delvin H. 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	----	----	----	----	----	----	----
4/2/90	----	3.5	8.0	0	6.0	15.0	30.2
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

 **Department of
Water & Natural Resources**

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

April 2, 1991

1125-3

1491-3

Scott Sperry
RR 1, Box 6A
Bath, SD 57427

Dear Mr. Sperry:

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	Ludden	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 Ludden 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 5, 1991

NOTICE

1125-3
1491-3

TO: Scott Sperry
RR 1, Box 6A
Bath, SD 57427

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

1491-3

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 12, 1991

Scott Sperry
RR 1, Box 6A
Bath, SD 57427

Dear Mr. Sperry:

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 Nos. 1125-3 and 1491-3 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

John Hatch

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

1491-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 5, 1991

Scott Sperry
RR 1, Box 6A
Bath, SD 57427

Dear Mr. Sperry:

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 Nos. 1125-3 and 1491-3 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

William W. Bragg
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

1491-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 14, 1992

NOTICE OF SHUTOFF ORDER

1125-3
1491-3

TO: SCOTT SPERRY
RR 1 BOX 6A
BATH, SD 57427

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

L



1491-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 23, 1992

RESCISSION OF SHUTOFF ORDER

1125-3

1491-3

TO: SCOTT SPERRY
RR 1 BOX 6A
BATH, SD 57427

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

Delvin D. Broz

SUBJECT: Rescission of April 14, 1992 Shutoff Order
to James River Water Right Holders above
Ashton to the North Dakota/South Dakota
State Line.

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 Ashton gaging station and the North Dakota/South Dakota state line. 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

L

South Dakota



GREAT FACES. GREAT PLACES.

1491-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 14, 1992

Scott Sperry
RR 1, Box 6A
Bath, SD 57427

Dear Mr. Sperry:

I am writing in response to your telephone call requesting an extension to pump from the James River. You are authorized to continue irrigation for up to three days until your center pivot completes one revolution under Water Right No. 1491-3.

This authorization is valid until August 20, 1992. If you have any questions, please contact Del Brosz (605) 773-3352.

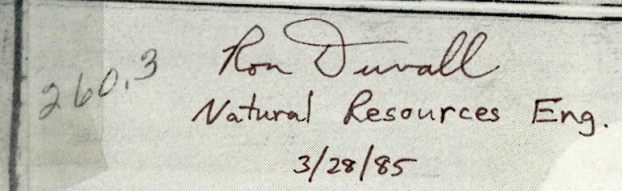
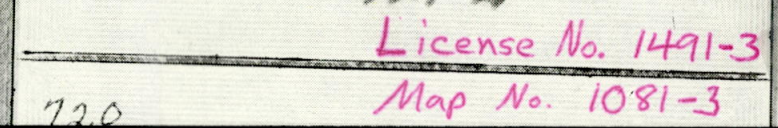
Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", written over the typed name.

John Hatch, Chief Engineer
Division of Water Rights

1491

~~1005~~ 1491





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: SCOTT SPERRY
39600 132 ST
BATH SD 57427

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 1125-3 **1491-3**

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.



1491-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 6, 2012

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 1125-3, 1491-3**

To: SCOTT SPERRY
39600 132 ST
BATH SD 57427

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

Subject: James River Qualification Reminder for Permit No(s). 1125-3, 1491-3

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 27, 2012

Scott Sperry
39600 132nd ST
Bath SD 57427

Dear Mr. Sperry:

In response to a telephone call on August 27, 2012 requesting an extension to pump from the James River beyond the August 10th cutoff, you are authorized to pump under Water Right Nos. 1125-3 and 1491-3 subject to the following:

- No irrigation from the James River beyond September 7, 2012 for the 2012 irrigation season
- Flows remain available for downstream domestic users and prior water rights
- Flows past the Ashton 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 31, 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



1491-3
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 15, 2016

NOTICE

TO: SCOTT SPERRY, 39600 132ND ST, BATH, SD 57427

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire has not been submitted for Permit No(s) 1125-3 & 1491-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Thursday, March 3, 2016 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1125-3 & 1491-3 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.

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 3, 2016

1125-3
1491-3

Scott Sperry
39600 132nd St
Bath SD 57327

Dear Mr. Sperry:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 1125-3 and 1491-3. 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
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