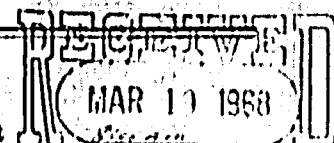


1. Considered 5-22, 1968 153B-3
2. Name of Applicant SPINK HUTTLERIAN BRETHREN
3. Post Office Address FRANKFORT
4. Amount of water claimed 4.00
5. Source of water supply JAMES RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 381.80
7. Water to be diverted and used in SPINK county
about 95 miles of FRANKFORT
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. **1538-3**

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



STATE WATER RESOURCES COMMISSION
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 Spink Hutterian Brethren Inc.
Postoffice address Frankfort, County Spink, State So. Dakota

I. If a corporation Communal Corporation

(a) Name of same Spink Hutterian Brethren Inc.

(b) Date and place of incorporation _____

(c) Amount of capital stock _____

(d) Amount paid in _____

(e) Names and addresses of directors George G. Waldner, John J. Wipf

Daniel D. Wipf, Paul M. Waldner

(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)

(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Spink Colony Irrigation Project No. 1

3. Amount of water claimed Four (4) cubic feet per second

4. Source of water supply James River

5. Location of point of diversion BETWEEN POINTS IN THE NW 1/4, SEC 16, AND IN THE SW 1/4, SEC 28, T11N, R62W See accompanying map for locations of 8 proposed

points of diversion on both Spink County.

6. Annual period or periods during which water is to be used March through November

7. To be used for:

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

(a) Number of acres to be irrigated 381.8 acres.

(Attachment to Application for Permit, Spink Hutterian Brethren, Inc., Frankfort, South Dakota)

(NOTE—A list

7. (b) Legal subdivisions to be irrigated:

Township 115 North, Range 62 West of the 5th
Principal Meridian, Spink County, South Dakota:

29.4 acres	-	the NW 1/4	Section 16
40.3 acres	-	the W 1/2	Section 16
57.0 acres	-	the SW 1/4	Section 16 & NW 1/4 Section 21
40.3 acres	-	the W 1/2	Section 21
47.8 acres	-	the NW 1/4	Section 28
35.0 acres	-	the W 1/2	Section 28
113.0 acres	-	the E 1/2	Section 28
18.0 acres	-	the NW 1/4	Section 28

(d) Method of developing power _____

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

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.)

Portable, gasoline/propane engine 6" centrifugal pump.

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water faceslope at back facematerial used in construction

(b) Reservoir: Capacity when filledacre 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.....feet; height.....feet; Material

(d) Canal: Total lengthmiles.

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 four (4) years.

11. Time required for complete application of water to the proposed beneficial use four (4) years.

12. Choice of newspaper for publication of notice of intention to appropriate

Huron Daily Plainsman

STATE OF SOUTH DAKOTA

County of Sioux

Secretary-Treasurer

I, John J. Wipf, President & Director of the corp., 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

John J. Wipf
March

Subscribed and sworn to before me this

15th

day of

1968

Notary Public (or other qualified officer.)

Notary Public for the State of South Dakota
My Commission Expires October 15th, 1970.

*Each diversion must have a headgate or measuring device.

SPINK COLONY IRRIGATION PROJECT NO. 1

68-5728-H50-45

MAP

SHOWING AREAS TO BE IRRIGATED AND POINTS OF DIVERSION ON THE JAMES RIVER WHERE WATER WILL BE DIVERTED - FOR PERMIT TO APPROPRIATE WATER.

AREAS BY LEGAL SUBDIVISION:

Township 115 North, Range 62 West of the 5th Principal Meridian, Spink County, South Dakota:

29.4 acres - The NW 1/4 Section 16
40.3 acres - The West 1/2 Section 16
57.0 acres - The SW 1/4 Section 16 & NW 1/4 Section 21
40.3 acres - The West 1/2 Section 21
47.8 acres - The NW 1/4 Section 28
35.1 acres - The West 1/2 Section 28
113.9 acres - The East 1/2 Section 28
18.0 acres - The NW 1/4 Section 28
361.8 - TOTAL ACRES

STATE OF SOUTH DAKOTA

COUNTY OF DEADE) SS

I, Jack T. Vosler, a registered and licensed land surveyor, in and for the State of South Dakota, do hereby certify that at the request of the owner, Spink Irrigation Brothers, Inc., I have shown the lands proposed to be irrigated by diverting water from the James River within its ownership for which application to appropriate water is made, and that this map is a true representation thereof. In witness whereof I place my hand and seal this 14th day of February, A.D., 1968.

Jack T. Vosler
Jack T. Vosler, Land Surveyor - South Dakota Reg. No. 956

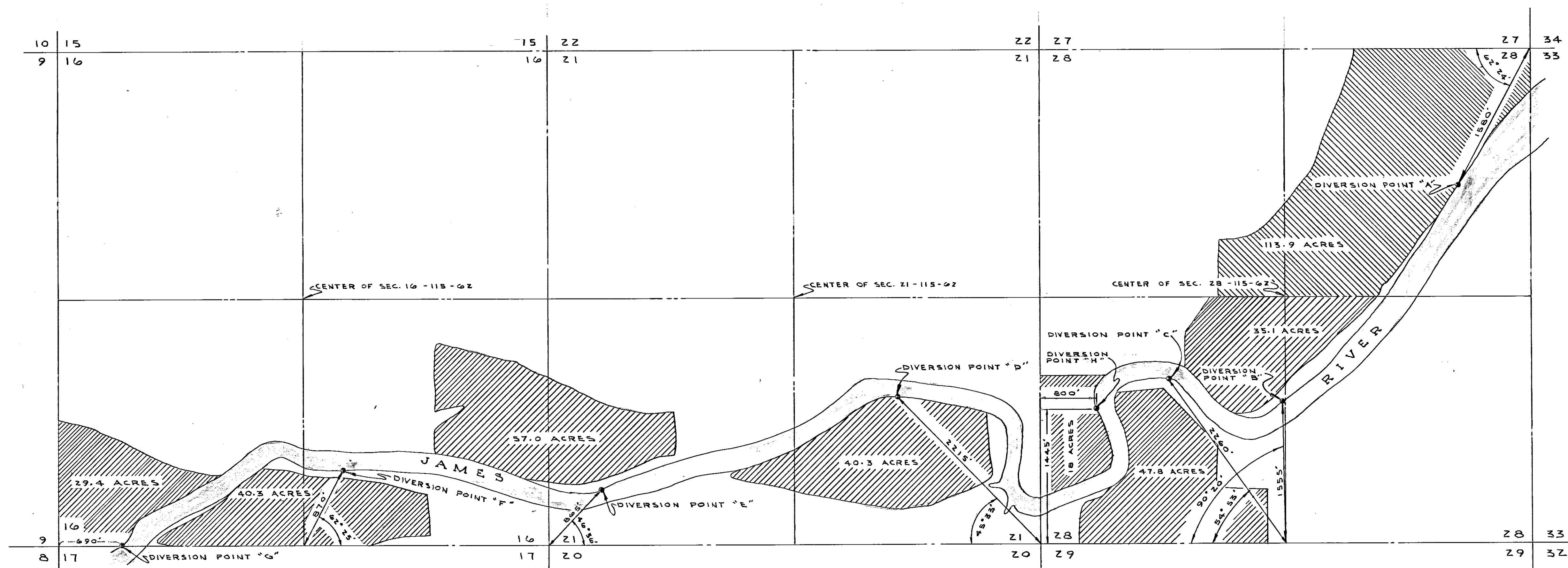
STATE OF SOUTH DAKOTA

COUNTY OF DEADE) SS

On this 15th day of February, A.D., 1968, before me, a notary public, personally appeared Jack T. Vosler, known to me to be a registered land surveyor and the person who executed the foregoing instrument, and he acknowledged to me that he executed the same as his own free act and deed.

Ronald S. Jorgensen
Notary Public, Deade County, South Dakota

July 30, 1972
My Commission Expires



SCHOELL, MADSON & VOSLER
ENGINEERS & SURVEYORS
HURON, SOUTH DAKOTA

MAP 111833 (APR 15 1968-3)

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 } sp.

Pierre, South Dakota, MAY 24, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 19TH day of MARCH, 1968.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Number of permit 1538-3

Date of first receipt of application MARCH 19, 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 MARCH 19, 1968

Approved MAY 22, 1968, Recorded in Book 10 Page 180

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 MAY 22, 1970
- 2nd. The whole of said work is to be completed on or before MAY 22, 1972
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is MAY 22, 1976
- 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 4.0 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 MAY 22, 1976; said water to be used during the following described annual period:

MARCH 24TH THRU AUGUST 10
Witness my hand this 24TH day of MAY, 1968.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 28, 1973

Water License Issued FEBRUARY 28, 1973

Form 15.

Permit No. 1538-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify That Spink Hutterian Brethern, Inc.

_____ the holder _____ of
Permit No. 1538-3, issued upon Application No. 1538-3, bearing date of priority of March 19, 1968
_____ authorizing the diversion of 4.00 cu. ft. per second of the waters of _____
the James River County of Spink, State of South Dakota at _____
between points in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, and in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28,
T115N, R62W

_____, for irrigation

purposes, has 5 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 4.3 cu. ft. per second of water.

Date February 28, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1538-3

(1) WHEREAS, On the 19th day of March A. D. 1968
Spink Hutterien Brethern, Inc.

made Water Right Application No. 1538-3 for a permit to use 4.0 cubic feet per second of the waters of the James River

County of Spink State of South Dakota, for irrigation

purpose and

(2) WHEREAS, On the 24th day of May A. D. 1968
 Permit No. 1538-3 with a date of priority of March 19, 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 22nd day of May A. D. 1972 and for the application to beneficial use of said water on or before the 22nd day of May A. D. 1976

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 4.0 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 the following land in T115N, R62W, as shown on Water Right Map

No. 1118-3.

		Acres
Section 16	NW $\frac{1}{4}$	29.4
	E $\frac{1}{2}$	40.3
Section 21	SW $\frac{1}{4}$	33.0
	NW $\frac{1}{4}$	26.0
Section 28	E $\frac{1}{2}$	40.3
	NW $\frac{1}{4}$	47.8
	E $\frac{1}{2}$	35.1
	E $\frac{1}{2}$	113.9
	NW $\frac{1}{4}$	18.0
Total		381.8 Acres

(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 Spink Hutterian Brethern, Inc.

_____ of Frankfort, S.D.
the holder _____ and owner _____ of said permit No. 1536-3 a water right, dating from March 19, 1968
_____ to use of 4.0 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 between points in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, and in
the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, T115N, R62W

and conduct to and upon portions of Sections 16, 21 and 28, T115N, R62W more fully
described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1536-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 28th day of February A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIGGS

on or before
(First Publication April 25, 1968)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 2, 1968.

Notice is hereby given that the Spink Hutterian Brethern, Inc. whose postoffice address is Frankfort, 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 4.0 cubic feet of water per second of time from the James River through the Spink Colony Irrigation Project #1, the point of diversion of which is to be located on the either bank of said stream between points in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, and in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26 of Twp. 115N Range 62W. Said water to be used for the purpose of providing irrigation on the following described land:

W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 16; N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 21;
NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 26, T115N, R62W

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 22nd day of May, 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:

~~Chief Engineer, Exempt~~
BURTON F. JONES
 Water Rights Specialist

cc: John J. Wipf, Sec.
 Spink Hutterian Brethern, Inc.
 Frankfort, S.D.

No.

To:

April 30, 1968

Dear Sirs:

April 20

Very truly yours,

PLEASE ATTACH FIRST PUBLICATION NOTICE
~~PLEASE ATTACH FIRST PUBLICATION NOTICE~~

MAY 13 1968
STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

April 18
April 25
May 2
May 9

in each and every issue of the full number thereof, the first publication being made on the 18 day of April 1968 and the last publication on the 9 day of May 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 the printer and publisher of the said newspaper.

APPROPRIATION OF WATER
 THE OFFICE of State Water
 Resources Commission, 100
 North Fourth St., St. Paul, Minn.,
 is hereby notified that on April 2, 1934
 notice is hereby given that the Spink
 Hottelers, Inc., of Frankfort, S. Dak., has
 made AA application in accordance with
 the provisions of the water laws of
 South Dakota for a permit to appropriate
 for beneficial use 10 cubic feet of water
 per second of time from the James River
 through the Spink Colony Irrigation
 Project, in the point of diversion of
 which water is to be located on either bank
 of said stream between points 18 and 19 of the
 NW1/4 NW1/4 Section 16 and in the SW1/4
 NW1/4 Section 22, Township 51N, Range
 54W, 6th Ed. Water is to be used for
 the purpose of providing described land
 portions of the following described land:
 NW1/4 NW1/4 Sec. 16, SW1/4 SW1/4
 Section 18, NW1/4 NW1/4 Sec. 22, NW1/4
 NW1/4 NW1/4 Section 24, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 26, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 28, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 30, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 32, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 34, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 36, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 38, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 40, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 42, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 44, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 46, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 48, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 50, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 52, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 54, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 56, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 58, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 60, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 62, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 64, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 66, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 68, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 70, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 72, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 74, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 76, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 78, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 80, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 82, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 84, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 86, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 88, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 90, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 92, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 94, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 96, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 98, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 100, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 102, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 104, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 106, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 108, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 110, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 112, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 114, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 116, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 118, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 120, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 122, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 124, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 126, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 128, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 130, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 132, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 134, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 136, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 138, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 140, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 142, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 144, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 146, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 148, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 150, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 152, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 154, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 156, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 158, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 160, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 162, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 164, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 166, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 168, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 170, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 172, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 174, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 176, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 178, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 180, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 182, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 184, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 186, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 188, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 190, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 192, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 194, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 196, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 198, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 200, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 202, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 204, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 206, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 208, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 210, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 212, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 214, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 216, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 218, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 220, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 222, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 224, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 226, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 228, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 230, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 232, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 234, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 236, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 238, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 240, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 242, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 244, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 246, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 248, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 250, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 252, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 254, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 256, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 258, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 260, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 262, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 264, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 266, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 268, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 270, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 272, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 274, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 276, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 278, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 280, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 282, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 284, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 286, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 288, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 290, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 292, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 294, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 296, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 298, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 300, NW1/4 NW1/4
 NW1/4 NW1/4 Sec. 302, NW1/4 NW1/4
 NW1/4 NW1/

Subscribed and sworn to before me this 18 day of April A. D. 1968

Notary Public Beeble County, S. D.

STATE OF SOUTH DAKOTA }
County -----Burdette----- } ss.

RECEIVED
MAY 13 1968

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
 State Water Resources Commission
 Office 1041 State Capitol
 Phoenix, Arizona
 Phoenix, E. Dak. April 12, 1942
 Notice is hereby given that the Spink
 Rutterlin & Brothers, Inc., whose post-
 office address is in Frankfort, E. Dak., have
 made an application in accordance with
 the provisions of the Water Laws of
 South Dakota for a permit to appropriate
 for beneficial use, a certain quantity
 of water from the James River
 through the Spink & Coksey Irrigation
 Project, No. 11, the point of diversion of
 which is located on either bank of
 said stream between points 1 in the
 NW 1/4 NW 1/4 Section 18, and in the SW 1/4
 of the SE 1/4 of Section 43 Twp. 11 N. R. 11 N.
 Range 72 W. Said water to be used for
 the purpose of growing irrigated crops
 on the following described lands:
 NW 1/4 NW 1/4 NW 1/4 SW 1/4
 Section 11/4 NW 1/4 NW 1/4 NW 1/4
 SW 1/4 NW 1/4 Section 21 NW 1/4 NE 1/4
 SW 1/4 NW 1/4 NE 1/4 SE 1/4 Section 21
 T11 N. R. 11 W.
 This application will be taken up by the
 State Water Resources Commission
 at 9:30 A.M. for the purpose of hearing
 on the 22nd day of May, 1942, at 2:00
 P.M. All interested persons may appear
 and be heard at said hearing.
 Appropriate action will be taken by
 the Water Resources Commission after
 suitable time has elapsed for the con-
 sideration of any or all information pre-
 sented.
 W. W. WILSON, Commission
 By: BURTON F. JONES,
 State Water Rights Specialist
 John J. Wiley Secy.
 Spink Hydraulic Brothers
 Frankfort, E. Dak.

Subscribed and sworn to before me this 18 day of April A. D. 1968

Notary Public Richard C. County, S. D.

1538-3

COMMISSION

John M. Garhart, Secretary
Foster Blue, Parker
Carl Cronin, Gettysburg
Lance A. Davis, Pierre
Sutton E. Fischer, Mankato
Richard Lemmon, Huronburg
Clarence D. Mordens, Hayes
Dick Fisher, Cresbard

South Dakota

WATER RESOURCES COMMISSION

State Office Building 12

PIERRE, SOUTH DAKOTA 57501

J.W. GRIMES

Chief Engineer
and
Executive Officer

PHONE
224-3534
Area Code 605

August 7, 1970

Mr. John J. Wipf, Sec.
Spink Muttonian Brothers
Frankfort, South Dakota 57440

Dear Mr. Wipf:

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. 1538-3 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.

Permit No. 1538-3Water 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 SPINK HUTTERIAN BRETHERN, INC. of FRANKFORT holder of Permit No. 1538-3, bearing date of priority of MARCH 19, 1968, authorizing the diversion of 4.00 cu. ft. per second of the waters of THE JAMES RIVER for IRRIGATION purposes, in SINK 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:

- 1 - RAINMASTER 6" INLET & 6" OUTLET POWERED BY RAINMASTER 50 H.P. GASOLINE MOTOR
- 1 - BERKELEY MODEL B4JBM PUMP, POWERED BY CATERPILLAR DIESEL ENGINE RATED @ 60 H.P.

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

1/2 MILE OF 8" MAINLINE & 800' OF 5" MAINLINE

C. Works used to apply water to beneficial use.

- 5 - 1/4 MILE - 4" TOW LINES WITH RAINBIRD #14600 SPRINKLER HEADS 7/16" & 7/32" @ 30' SPACINGS
- 1000' OF 4" HAND MOVE SPRINKLER LINES W/ RAINBIRD #30 SPRINKLER HEADS 7/32" @ 30' SPACINGS

The system is in the following condition: GOOD

The point of diversion is located BETWEEN POINTS IN THE NW¹ NW⁴ SECTION 16, AND IN THE SW¹ SE¹ SECTION 28, T115N, R62W

The works are capable of diverting and conveying to the place of use 4.3cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T115N, R62W

SECTION 16		SECTION 21		SECTION 28	
NW ⁴	29.4 AC	NW ⁴	24.0 AC	NW ⁴	47.8 AC
W ²	40.3 "	W ²	40.3 "	W ²	35.1 "
SW ⁴	33.0 "			E ²	113.9 "
				NW ⁴	18.0 "

comprising a total of 381.8 acres of land.Date FEBRUARY 21, 1973

Quinton Jones
(Signature)

WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

COMMISSION

South Dakota

J.W. GRIMES

Chief Engineer
and
Executive Officer

Water Resources Commission

Carl Cronan, Cellysburg
W. Neil Evans, Watertown
M. J. E. Fischer, Watertown
Edna Garrett, Port A, Pierre
Stanley Jensen, Pierre
Richard L. Lamm, Watertown
Clarence D. Martenson, Pierre
Eileen Vorples, Pierre

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

PHONE 605/224-3504

6-22-73

Mr. John H. Wipf
Spink Hutterian Brethern
Frankfort, S.D. 57440

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 accord 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.

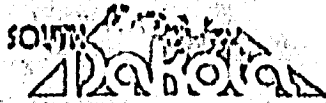
This order is necessary in order to maintain domestic use, including stock-water, and municipal water supplies to the extent possible under the scanty runoff yield of water to the James River.

Please govern your use of irrigation water under your Water Right No. 1538-3 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. GRIMES

JWG/DD/bw



1538-3 1979-3 2396-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

September 18, 1978

George Waldner
Spink Colony
Frankfort, SD 57440

Dear Mr. Waldner:

You may consider this letter as authorization to continue pumping from the James River under your Permits No. 1538-3, No. 1979-3 and No. 2396-3, until October 1, 1978.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy

LICENSE FOR PERMIT NUMBER 1538-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 10 in 10 in

b) type Aluminum PVC

c) length 2940 ft 2140 ft

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length 2.3 miles
- 2) diameter 10 in
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO

Check Items

4/19/55

☒ ☐
☒ ☐
☒ ☐

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being abided by.
3. All Structures, wells and lands on map.

REMARKS:

motor: 271 GM
2 cyl

pump: not available

motor: 471 GM
diesel, 4 cyl.

pump: Cornell
S.N. SP93
M.N. SHF8

motor: 671 GM
diesel, 6 cyl.

pump: Cornell, imp 15
M.N. 4HF8
S.N. 21347

motor: Ford V200
diesel, 8 cyl

pump: Berkeley
S.N. 7577035
M.N. B86RBM

motor: D4 Cat
4 cyl.

pump: Berkeley
S.N. 6961951
M.N. B4JRB c

James River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Spink Hutterian
Brethern, Inc. of Frankfort SD holder ofPermit No. 1538-3 bearing the priority of March 19 19 68 authorizingthe diversion of 4.00 cu. ft. per second of the waters of the James Riverfor irrigation purposes, in Spink County.

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

A. Works used to divert the water.
motor: 271 GM pump: NA
2cylmotor: 471 GM
diesel, 4cylpump: Cornell
S.N. 5893
M.N. 5HF8motor: Ford V200
diesel, 8cyl.pump: Berkeley
S.N. 7577035
M.N. B86 RBMB. Works used to transport water to place of use
pipe: size - 10 in 10 in
type - Aluminum PVC
length - 2940 ft 2140 ftmotor: 671 GM
diesel, 6cyl.pump: Cornell, imp 15 1/8 in
M.N. 4HF8
S.N. 21347

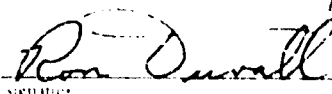
C. Works used to apply water to beneficial use.

motor: D4 Cat
4cyl.pump: Berkeley
S.N. 6961951
M.N. B4JRB CWgated pipe: size - 10 in.
length - 2.3 milesThe system is in the following condition goodThe point of diversion is located James River: between NW 1/4 NW 1/4, sec 16 and SW 1/4 SE 1/4,
sec 28 all in T115N - R62WThe works are capable of diverting and conveying to the place of use 4.3cu. 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:

all in T115N - R62W

Acres		Acres		Acres		Acres		Acres	
NW 1/4 NW 1/4 sec 16	35.3	SW 1/4 SW 1/4 sec 16	21.8	SW 1/4 NW 1/4 sec 21	4.8	SE 1/4 SW 1/4 sec 21	3.0	SW 1/4 NE 1/4 sec 28	4.4
NE 1/4 NW 1/4	4.8	SE 1/4 SW 1/4	2.6	SE 1/4 NW 1/4	1.3	NW 1/4 NW 1/4 sec 28	3.6	NE 1/4 SW 1/4	13.4
SW 1/4 NW 1/4	22.4	NW 1/4 NW 1/4 sec 21	16.4	NW 1/4 SW 1/4	24.0	NE 1/4 NW 1/4	3.0	NW 1/4 SE 1/4	36.4
NW 1/4 SW 1/4	21.5	NE 1/4 NW 1/4	13.0	NE 1/4 SW 1/4	2.7	SW 1/4 NW 1/4	8.3	NE 1/4 SE 1/4	19.8
				SW 1/4 SW 1/4	17.5	SE 1/4 NW 1/4	21.6	SW 1/4 SE 1/4	9.2
								SE 1/4 SE 1/4	33.7

comprising a total of 343.4 acres of land and the license should be issued for 4.00 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are _____ Date April 18, 1985


 Ron Durrall

State of South Dakota

REISSUANCE OF Water License No. 1538-3

(1) Spink Lutheran Brethren, Inc.
of % John J Wipf, RR #1, Box 84, Frankfort SD was issued Water License No. 1538-3
made Application No. 1538-3, February 28, 1973 for a right to appropriate
4.0 cubic feet per second of water from the James River
Spink County, South Dakota for irrigation purposes
Water License 1538-3, with a priority date of March 19, 1968
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

Water License No. 1538-3 dated February 28, 1973 authorized diversion
of 4.0 cfs from the James River to irrigate 381.8 acres. Based on an
April 18, 1985 inspection of the water use system, this 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 4.00 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is on the James River between the
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16 and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28 all in T115N, R62W

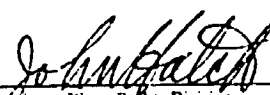
and

(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 lands all in T115N, R67W

Section 16 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 35.8 acres				Section 21 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 17.5 acres			
NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.8	"		SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.0	"	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	22.4	"		Section 28 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.6 "			
NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.5	"		NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.0	"	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	21.8	"		SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.2	"	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.8	"		SE $\frac{1}{4}$ NW $\frac{1}{4}$	21.6	"	
Section 21 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 16.4 "				SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.4	"	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	13.0	"		NE $\frac{1}{4}$ SW $\frac{1}{4}$	13.4	"	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	4.8	"		NW $\frac{1}{4}$ SE $\frac{1}{4}$	36.4	"	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.3	"		NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.8	"	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	24.0	"		SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.2	"	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.7	"		SE $\frac{1}{4}$ SE $\frac{1}{4}$	33.7	"	TOTAL 343.4 acres

(4) Pursuant to §46-5-30.1 Spink Hutterian Brethern, Inc.
of % John J Wipf, RR 1, Box 84, Frankfort SD 57440
the holder(s) and/or owner(s) of Water ^{Right} Permit No. 1538-3 is issued a license to appropriate water, the right to use
4.0 cubic feet per second of water from the James River with a priority date
of March 19, 1968 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. 1538-3 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
NOV 26 1986

SOUTH DAKOTA
Department of
Water & Natural Resources

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

Water Rights Division
605 773-3352

NOV 26 1986

Spink Hutterian Brethern, Inc.
% John J Wipf
RR 1, Box 84
Frankfort SD 57440

Dear Mr. Wipf:

Enclosed is your Water Right License No. 1538-3. The water license has been reissued to the extent of what is actually being used. The relicense is based on a April 18, 1985 inspection of your water use system.

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

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosure



1538-3

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
January 29, 1988

JOHN J WIPF- SPINK COLONY
RR 1 BOX 84
FRANKFORT, SD 57440

NOTICE

Re: Violation of Water Permit No(s). 2276-3A and 1987 Irrigation Questionnaire Requirements

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2276-3A. The request for the questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2276-3A qualification:

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

The hearing will also be to determine if Permit No(s) 4195-3, 1538-3, 2375-3, 2396-3, 3467-3, 3468-3, 1979-3, 3272-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 9:00 am, March 2, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota.

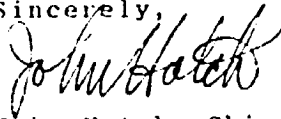
The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 2276-3A until either the 1987 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 4195-3, 1538-3, 2375-3, 2396-3, 3467-3, 3468-3, 1979-3, 3272-3 also held by JOHN J WIPF- SPINK COLONY to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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.

Sincerely,

A handwritten signature in cursive script that reads "John Hatch".

John Hatch, Chief Engineer
Water Rights Division

Note: If the questionnaire(s) are received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 5, 1988

3468-3	3467-3
4195-3	3272-3
2375-3	1979-3
2276-3A	2396-3
1528-3	

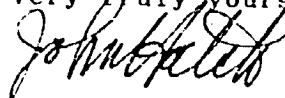
Spink Colony
c/o John J Wipf
Frankfort SD 57440

Dear Mr. Wipf:

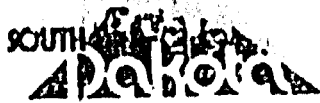
I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 1538-3, 1979-3, 2276-3A, 2375-2, 2396-3, 2272-3, 3467-3, 3468-3, 4195-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

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

April 18, 1988

1979-3
1538-3
2396-3

John J. Wipf
Spink Hutterian Brth
RR 1, Box 84
Frankfort, SD 57440

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Wipf:

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

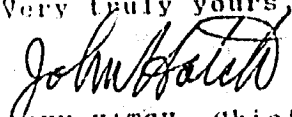
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North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

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

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: John J Wipf
Spink Hutterian Brth
RR 1, Box 84
Frankfort, SD 57440

1979-3

1538-3

2396-3

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

John Hatch
by James Hutterian

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		.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	0.30	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



SOUTH DAKOTA
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

TO: John J Wipf
Spink Hutterian Brth
RR 1, Box 84
Frankfort, SD 57440

1979-3
1638-3
2396-3

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

John Hatch

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

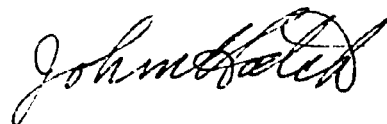
May 31, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: John J Wipf
Spink Hutterian Brth
RR 1, Box 84
Frankfort, SD 57440

1979-3
1538-3
2396-3

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

1979-3-
1538-3
2396-3

TO: John J Wipf
Spink Hutterian Brth
RR 1, Box 84
Frankfort, SD 57440

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 Wintertor, 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 6, 1990

NOTICE OF SHUTOFF ORDER

1979-3, (1538-3), 2396-3

TO: Wipf, John J
Spink Hutterian Brth
RR 1, Box 84
Frankfort, SD 57440

FROM: *for* 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	----	----	----	----	----	----	30.2
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

 **Department of
Water & Natural Resources**

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

August 2, 1990

RESCISSION OF SHUTOFF ORDER

1538-3, 1979-3, 2396-3

TO: John J Wipf
Spink Hutterian Brth
RR 1, Box 84
Frankfort, SD 57440

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.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

August 8, 1990

NOTICE

1973-3, 2396-3
1538-3

TO: John J Wipf
Spink Hutterian Brth
RR 1, Box 84
Frankfort, SD 57440

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

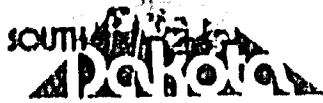
The August 10 automatic shutoff date for water diversions from the James River is still in effect. On some of the older permits this qualification though not listed is still valid and must be followed. Since there are still flows in portions of the James River, continuation of diversions beyond the shutoff 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	99.0
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

1538-3
1979-3
2396-3

John J Wipf
Spink Hutterian Brth
RR 1, Box 84
Frankfort, SD 57440

Dear Mr. Wipf:

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

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

1538-3
1979-3
2396-3

TO: John J Wipf
Spink Hutterian Brth
RR 1, Box 84
Frankfort, SD 57440

FROM: *you* 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



April 14, 1992

1538-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

(1538-3)
1979-3
2396-3

TO: & JOHN J WLOF
 SPINK HTRN BRTH INC
 RR 1 BOX 84
 FRANKFORT, SD 57440

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 Bros., Division of Water Rights, 523 East Capitol, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent



1538-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 22, 1992

RESCISSION OF SHUTOFF ORDER

(1538-3)
1979-3
2396-3

TO: SPINK HTRN BRTH INC
%JOHN WIPF
RR 1 BOX 84
FRANKFORT, SD 57440

FROM: *for* John Hatch, Chief Engineer *Delvin U. 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

L



1538-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: SPINK COLONY, JOHN J WIPF, 18206 SPINK LN, FRANKFORT, SD 57440 7207

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 2276-3A & 5737-3, 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 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(s) 2276-3A & 5737-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 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(s) 2276-3A & 5737-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 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 1, 1999, 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 (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.



1538-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 1, 1999

John J Wipf
18206 Spink Lane
Frankfort, SD 57440-7207

RE: Water Permit/Right Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3 3467-3,
3468-3, 4195-3 and 5737-3

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemical reporting forms. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Permit/Right Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3 3467-3, 3468-3, 4195-3 and 5737-3.

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



1538-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: SPINK COLONY, JOHN J WIPF, 18206 SPINK LN, FRANKFORT, SD 57440 7207
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 2276-3A & 5737-3, 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 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(s) 2276-3A & 5737-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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(s) 2276-3A & 5737-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 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 February 28, 2000, 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 (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.

1538-3

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:

SPINK COLONY
JOHN J WIPF
18206 SPINK LN
FRANKFORT SD 57440 7297

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

1-15-2000

C. Signature

X

John J Wipf

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

☐ No

If YES, enter delivery address below:

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

2227 670 298

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1/23



1538-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 19, 2000

John J Wipf
Spink Colony
18206 Spink Ln
Frankfort, SD 57440-7207

RE: Water Permit Nos (1538-3) 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3,
4195-3 & 5737-3

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3, 4195-3 & 5737-3.

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



January 16, 2002

NOTICE

1538-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: SPINK COLONY, JOHN J WIPF, 18206 SPINK LN, FRANKFORT, SD 57440 7207
FROM: Ron Duvall, Natural Resources Engineer
for Carland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 2276-3A & 5737-3, 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 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(s) 2276-3A & 5737-3 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 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) 2276-3A & 5737-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 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 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 (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.

1538-3

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:

SPINK COLONY
JOHN J WIPF
18206 SPINK LN
FRANKFORT SD 57440 7207

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

John J. Wipf 1-22-02

C. Signature

☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☒ YesYES, enter delivery address below: ☐ No

John J Wipf

3. Service Type

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

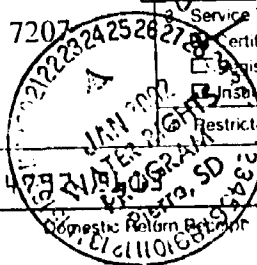
4. Restricted Delivery? (Extra Fee)

☐ Yes

2. ZIP CODE 7001 2510 0004

PS Form 3811, July 1999

102595-99 M-1789





1538-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2002

John J Wipf
Spink Colony
18206 Spink Lane
Frankfort, SD 57740-7207

RE: Water Permit or Right Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3, 3467-3,
3468-3, 4195-3 and 5737-3.

Dear Mr. Wipf:

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 or Right Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3, 4195-3 and 5737-3.

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



1538-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: SPINK COLONY, JOHN J WIPE, 18206 SPINK LN, FRANKFORT, SD 57440 7207

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 2276-3A & 5737-3, 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 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(s) 2276-3A & 5737-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 2276-3A & 5737-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 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 February 28, 2003, 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 Ginny 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

January 24, 2003

John J Wipf
Spink Colony
18206 Spink Ln
Frankfort SD 57440-7207

RE: Water Permit or Right Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3, 3467-3,
3468-3, 4195-3 & 5737-3

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3, 4195-3 & 5737-3.

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.

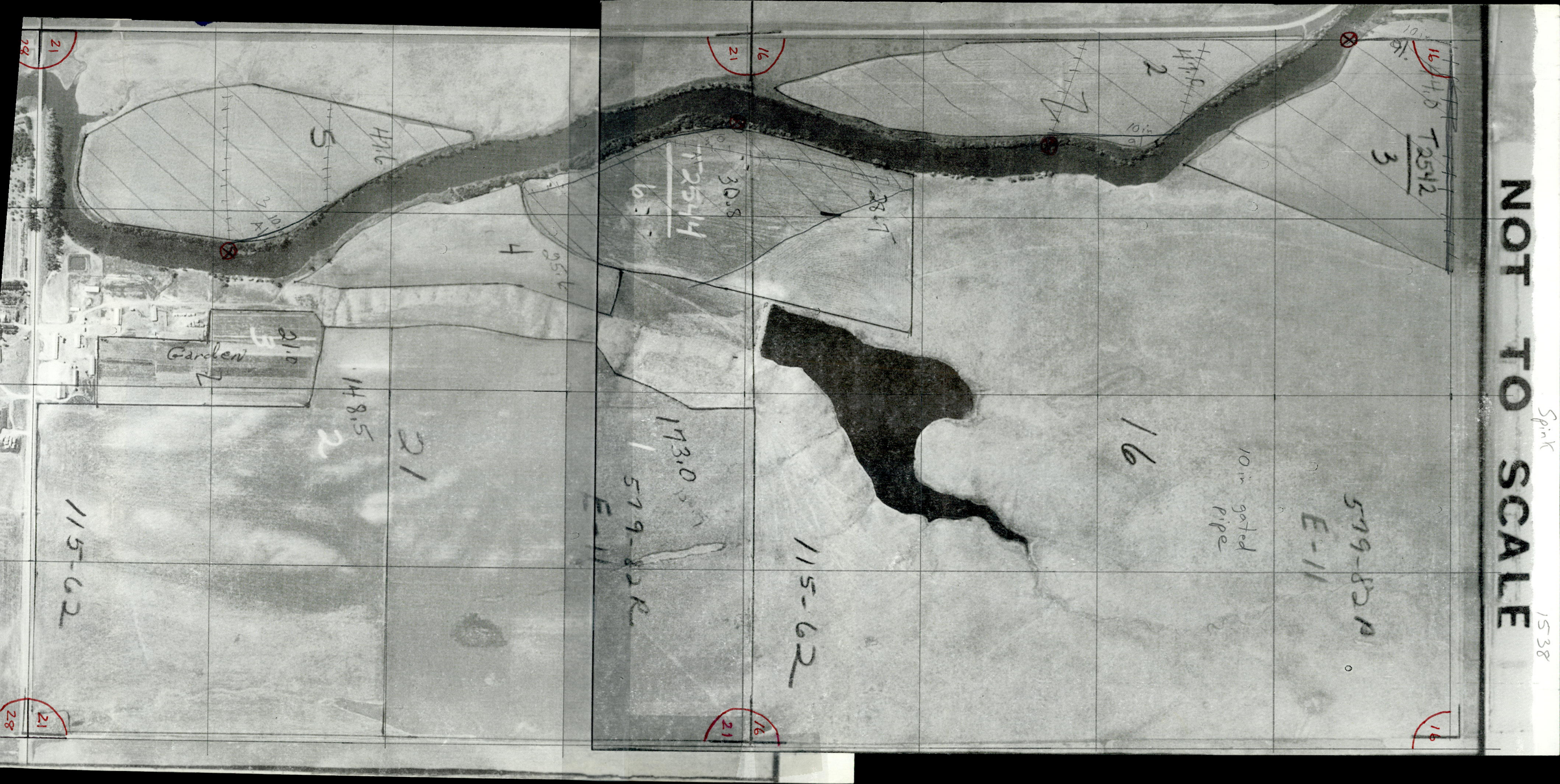
Sincerely,

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

NOT TO SCALE

Spink

1538



T2544
65

173.0
579-82R
E-11

21

148.5
2

21.0
Garden
2

115-62

21
28

21
28

6

20.1

2

D-11

1310

28

96.5

10.5

115-62

28

28

126.0
T2553
2

Ron Durrall
Natural Resources Eng

33.5
1

T2575C
579-82L

License No 1538-3
Map No. 1118-3
45.5



**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: SPINK HTTRN BRTH attn JOHN WIPF
18206 SPINK LN
FRANKFORT SD 57440

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 1979-3 (1538-3)

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



1538-3
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). 1538-3, 1979-3, 2396-3, 5737-3**

To: SPINK HTTRN BRTH
18206 SPINK LN
FRANKFORT SD 57440

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

Subject: James River Qualification Reminder for Permit No(s). 1538-3, 1979-3, 2396-3,
5737-3

Qualifications on you 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 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

1538-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: SPINK COLONY, JOHN J WIPF, 18206 SPINK LN, FRANKFORT, SD 57440 7207

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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(s) 1538-3, 2396-3 & 3468-3 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(s) 2276-3A, 4195A-3, 5737-3, 7424-3, 7425-3 & 7427-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 2276-3A, 4195A-3, 5737-3, 7424-3, 7425-3 & 7427-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 2396-3 & 3468-3 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 before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: KTKGUJ**

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.

1538-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2022

John J Wipf
Spink Colony
18206 Spink Ln
Frankfort SD 57440

RE: Water Right or Permit Nos. 1538-3, 2276-3A, 2396-3, 3468-3, 4195A-3, 5737-3, 7424-3,
7425-3 & 7427-3

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1538-3, 2276-3A, 2396-3, 3468-3, 4195A-3, 5737-3, 7424-3, 7425-3 & 7427-3. 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