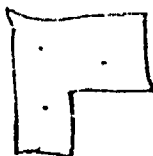


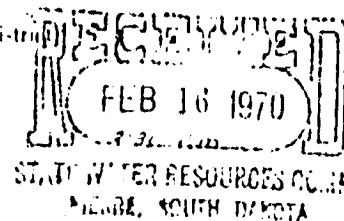
1733-3

1. Considered MARCH 18, 1970
2. Name of Applicant GLENDALE COLONY
3. Post Office Address FRANKFORT
4. Amount of water claimed 5.61
5. Source of water supply JAMES RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 460
7. Water to be diverted and used in SEUNK county
about 5 miles SOUTH of FRANKFORT
8. Proof of Publication Received 3-16-70
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:



No. 1733-3

Map No. 1254-3 Water Division No. 3 JAMES RIVER
(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

- Name of Applicant The Glendale Colony
- Postoffice address Frankfort State South Dakota
- If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) direct labor
- Name of diversion work Glendale Colony Project #3
- Amount of water claimed (cubic feet per second) 5.61
- Source of water supply James River
- Location of point of diversion between a point in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and a point in the SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 4, T115N, R62W
- County Spink
- Annual period or periods during which water is to be used April thru October
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
- For irrigation use, Total number of acres to be irrigated, 460

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE $\frac{1}{4}$ Sec. 3, T115N, R62W	300		
SW $\frac{1}{4}$ Sec. 3, T115N, R62W	160		

Attach sheet if more space is needed

- Time required to complete construction of water supply system five years. Additional time required to complete application of water to the proposed beneficial use four years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Daily Reinsman, Huron, S.D.
- Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. This application is for a transfer of lands to be irrigated, 300 acres from Permit No. 1526-3 and 160 acres from Permit No. 1450-3. No additional waters than granted in the previous permits.

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

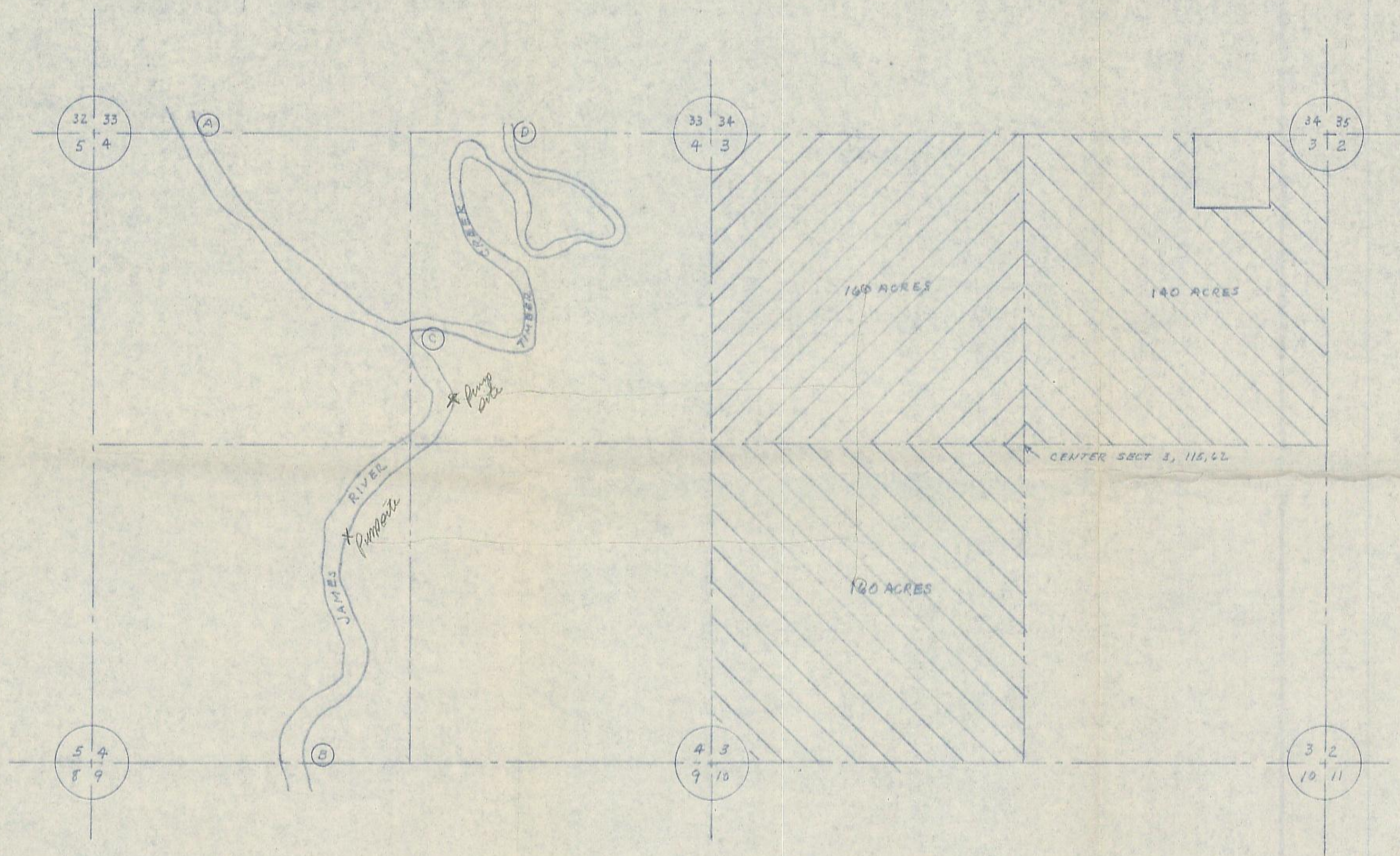
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
County of Spink)

I, John Kleinsasser the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Signed John Kleinsasser
Subscribed and sworn to before me this 10th day of December 1969
Leon A. Ross
Notary Public (or other qualified officer)

AREA BY LEGAL SUBDIVISION				
ACRES	SECTION	TOWNSHIP	RNG	MERIDIAN
140	NE 1/4-3	115N	62W	5TH PR
140	NW 1/4-3	115N	62W	5TH PR
140	SW 1/4-3	115N	62W	5TH PR



SURVEYOR'S CERTIFICATE
 STATE OF SOUTH DAKOTA) ss
 COUNTY OF BEADLE)
 I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
 IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
 CERTIFY THAT, AT THE REQUEST OF THE GLENDALE COLONY,
 SOLE OWNER, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED
 WITHIN ITS OWNERSHIP BOUNDARIES ON FEB 15, 1970 FOR WHICH
 APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND
 THIS MAP IS A TRUE REPRESENTATION OF THE SAME.
 WITNESS MY HAND AND SEAL THIS 15TH DAY OF FEB. 1970
Harlan W. Meyer
 REGISTERED LAND SURVEYOR #415

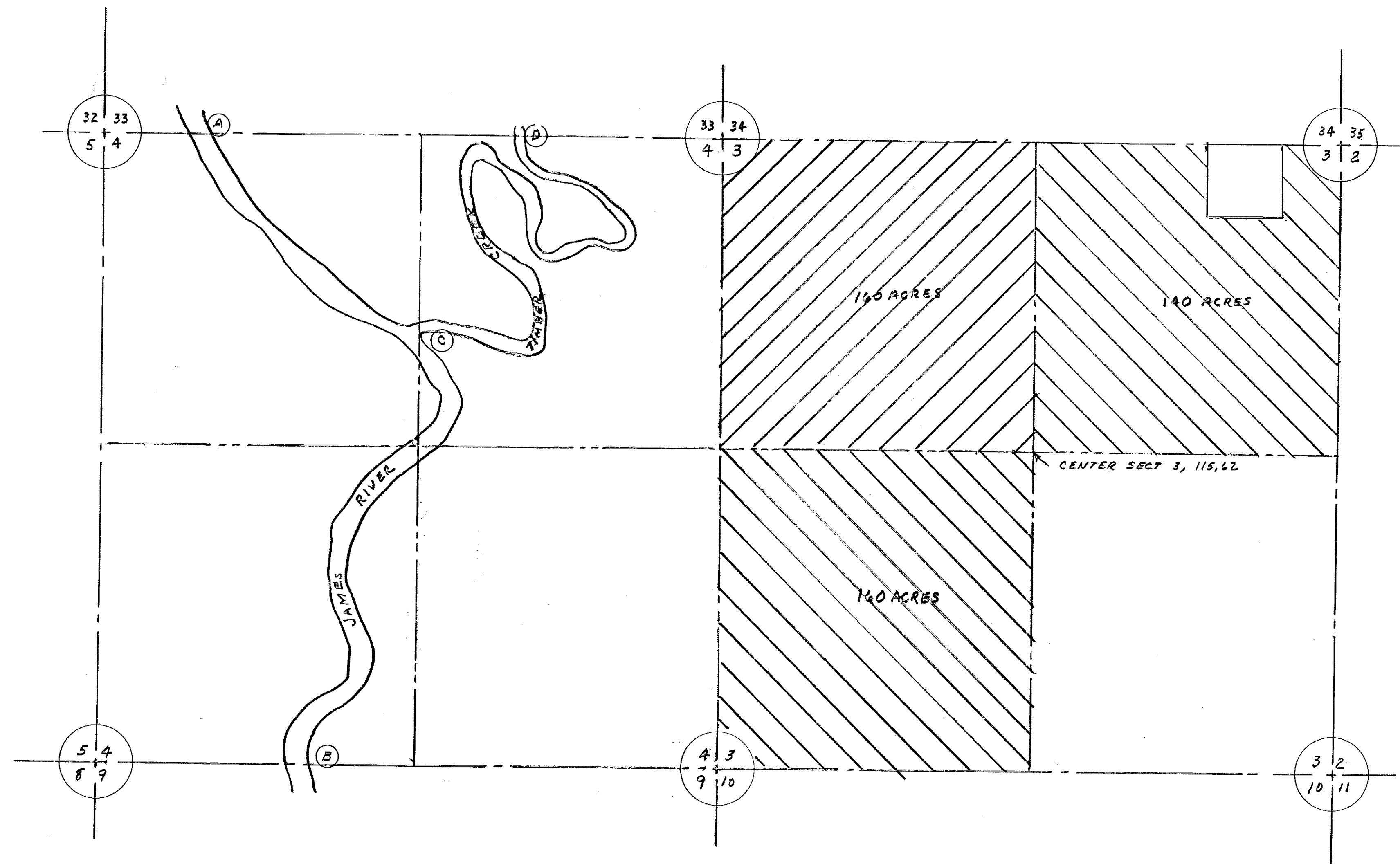
NOTE: POINT OF DIVERSION IS ANYWHERE ABUTTING
 OWNERS PROPERTY ALONG THE EAST BANK OF THE
 JAMES RIVER BETWEEN POINTS A & B AND ALONG
 TIMBER CREEK BETWEEN POINTS C & D

SCALE 1" = 1 MILE

NOTE: THIS PERMIT REQUEST IS A TRANSFER REQUEST
 FROM:

GLENDALE COLONY IRRIGATION PROJECT # 2
 SHOWS AREA TO BE IRRIGATED & DIVERSION POINTS WHERE
 WATER WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER
 OWNER: GLENDALE COLONY
 SURVEYOR: HARLAN W. MEYER
 FEB 1970

AREA BY LEGAL SUBDIVISION				
ACRES	SECTION	TWN	RNG	MERIDIAN
140	NE 1/4-3	115N	62W	5TH PR
140	NW 1/4-3	115N	62W	5TH PR
140	SW 1/4-3	115N	62W	5TH PR



SURVEYOR'S CERTIFICATE
 STATE OF SOUTH DAKOTA)
 COUNTY OF BEADLE) SS
 I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
 IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
 CERTIFY THAT, AT THE REQUEST OF THE GLENDALE COLONY,
 SOLE OWNER, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED
 WITHIN ITS OWNERSHIP BOUNDARIES ON FEB 15, 1970 FOR WHICH
 APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND
 THIS MAP IS A TRUE REPRESENTATION OF THE SAME.
 WITNESS MY HAND AND SEAL THIS 15TH DAY OF FEB. 1970
Harlan W. Meyer
 REGISTERED LAND SURVEYOR #495

NOTE: POINT OF DIVERSION IS ANYWHERE ABUTTING
 OWNERS PROPERTY ALONG THE EAST BANK OF THE
 JAMES RIVER BETWEEN POINTS A & B AND ALONG
 TIMBER CREEK BETWEEN POINTS C & D

SCALE 8" = 1 MILE

NOTE: THIS PERMIT REQUEST IS A TRANSFER REQUEST
 FROM:

GLENDALE COLONY IRRIGATION PROJECT # 2
 SHOWS AREA TO BE IRRIGATED & DIVERSION POINTS WHERE
 WATER WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER

OWNER GLENDALE COLONY
 SURVEYOR HARLAN W. MEYER
 FEB 1970

MAP N° 1254-3 (APPL N° 1783-3)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1733-3

GLENDALE COLONY
(Applicant)

FRANKFORT, S.D.
(Post Office Address)

SOUTH DAKOTA
(State)

With the following modifications:

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.

THIS PERMIT IS APPROVED AS A TRANSFER OF LANDS TO BE IRRIGATED. PERMIT NO 1526-3 WAS CANCELLED, AND THE 3.33 CFS. AUTHORIZED THEREIN TO IRRIGATE 300 ACRES WAS TRANSFERRED TO SPECIFIED NEW LANDS UNDER THIS PERMIT. PERMIT 1450-3 WAS REDUCED BY 2.28 CFS AND 160 ACRES, AND THE LAND AND DIVERSION RATE ARE TRANSFERRED TO SPECIFIED LAND UNDER THIS PERMIT. PRIORITY FOR THIS PERMIT NO 1733-3 IS AS ESTABLISHED UNDER THE ABOVE PERMITS

Date of first receipt of application FEBRUARY 16, 19 70
Date of return to applicant for correction, amendments or changes required _____, 19 ____
Date of receipt of corrected application _____, 19 ____
Approved MARCH 18, 19 70, Recorded in Book 11 Page 101

WATER RIGHT PERMIT NO. 1733-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1733-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 3.33 CFS FROM FEBRUARY 21, 1968
2.28 CFS FROM OCTOBER 12, 1967
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 19, 1972
3. The whole of said work is to be completed on or before MARCH 18, 1975
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 18, 1979
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 5.61 cubic feet per second; neither shall it exceed the capacity of the above described water supply system; nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 18, 1979 said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 23RD day of MARCH, 19 70

WATER RESOURCES COMMISSION

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 7, 19 71

Water License Issued DECEMBER 7, 19 71

Permit No. 1733-3Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

Glendale Colony

This is to Certify, That _____

_____ the holder _____ of
 Permit No. 1733-3, issued upon Application No. 1733-3, bearing date of priority of October 12, 1967
 and February 21, 1968 authorizing the diversion of 5.61 cu. ft. per second of the waters of _____
the James River County of Spink, State of South Dakota
 between points in the NE 1/4 NW 1/4 and the SE 1/4 SW 1/4, Section 4, T115N, R62W

_____ for irrigation

purpose, has 6 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 4.22 cu. ft. per second of water.

Date December 7, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 1733-3

(1) WHEREAS, On the 16th day of February A. D. 19 70
Glendale Colony

~~Transfer lands from Permits No. 1450-3 & 1526-3 and to~~
 made Water Right Application No. 1733-3 for a permit to use 5.61 cubic feet per second of the waters
 of the James River, granted under these permits
 County of Spink, State of South Dakota, for irrigation
 purposes; and

(2) WHEREAS, On the 23rd day of March A. D. 19 70
 Permit No. 1733-3, with a date of priority of October 12, 1967 and February 21, 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 18th day of March A. D. 19 75 and for the
 application to beneficial use of said water on or before the 18th day of March A. D. 19 79

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 4.22 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 Section 3, T115N, R62W

NW 1/4 160 acres

NE 1/4 140 acres

SW 1/4 160 acres

Total 460 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 _____

Glendale Colony

_____ of _____ **Prankfort, S.D.**

the holder _____ and owner _____ of said permit No. **1733-2** a water right, dating from **October 12, 1967 and February 21, 1968** to use of **4.22** 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$ and in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, T115N, R62W**

and conduct to and upon **portions of Section 3, 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. **1733-3** and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this **7th** day of **December** A. D.
Seventy-one

Nineteen Hundred and _____

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, **J.W. GRINES**

Publish First Publication,
on or before February 21, 1970

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, S.D. 57501
February 17, 1970

Notice is hereby given that the Glendale Colony whose post office address is Frankfort, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to transfer lands to be irrigated from the SE $\frac{1}{4}$, Section, 29, T116N, R62W and SE $\frac{1}{4}$, Section 8, T115N, R62W, to the N $\frac{1}{2}$ and SW $\frac{1}{4}$, Section 3, T115N, R62W, and appropriate for beneficial use no additional water than granted on the previous land, through the Glendale Colony Project #3, the point of diversion of which is to be located between points in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, T115N, R62W. Said water to be used for the purpose of irrigating the new lands.

This application No. 1733-3 will be considered by the Water Resources Commission at their office at Pierre upon the 18th day of March, 1970, at 2:00 P.M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

BY:

BURTON F. JONES, Water Rights
Specialist

cc: John Kleinesser, Glendale Colony, Frankfort, S.D.

No. _____

STATE OF SOUTH DAKOTA)
) ss.
County Beadle)

County of Beadle and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

F. P. 2-30-70 NOTICE L. 93 B 70

INTENT TO APPROPRIATE WATER

Notice is hereby given that the Glendale Colony whose post office address is Frankfort, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to transfer lands to be irrigated from the S1/4, Section 23, T115N, R22W, and S21/4, Section 24, T115N, R22W, to the N1/4 and SW1/4, Section 2, T115N, R22W, and appropriate for beneficial use no additional water can be granted on the previous land through the Glendale Colony Project No. 1, the point of diversion of which is to be located between points in the NE1/4, NW1/4, and SE1/4 SW1/4, Section 4, T115N, R22W. Said water to be used for the purpose of irrigating the new lands.

This application No. 1733-3 will be considered by the Water Resources Commission at their office at Pierre upon the first day of March, 1970, at 2:00 p.m. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION
BURTON F. JONES, Water Rights
Specialist

2344 (adv.) No. 78

Notice-Intent To Appropriate Water

Uleac Farmer
(Signature)

Buckkeeper

(Title)

March 6, 1970

(Date Signed)

RECEIVED
MAR 16 1970

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

COMMISSION

John M. Gohart, Spearfish
Lester Brue, Parker
Carl Cronm, Gettysburg
Lauren A. Davis, Belle Fourche
Milton E. Fischer, Milbank
Richard Lommen, Harrisburg
Clarence D. Mortenson, Hayes
Dick Fisher, Cresbard

South Dakota

WATER RESOURCES COMMISSION

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

1733-3 & 1450-3

J.W. GRIMES

Chief Engineer
and
Executive Officer

PHONE
224-3584
Area Code 605

August 7, 1970

Mr. John Kleinsasser, Pres.
Glendale Colony
Frankfort, South Dakota

Dear Mr. Kleinsasser:

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. 1733-3 & 1450-3 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. 1733-3Water 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 GLENDALE COLONY of FRANKFORT holder of Permit No. 1733-3, bearing date of priority of OCTOBER 12, 1967 & FEBRUARY 21, 1968 authorizing the diversion of 5.61 cu. ft. per second of the waters of JAMES RIVER for IRRIGATION purposes, in SPINK 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:

2 BERKELEY 10" INLET 10" OUTLET PUMPS
1 POWERED BY 100 H.P. CENTURY ELECTRIC MOTOR
1 POWERED BY ALLIS CHALMER MODEL 1500 DIESEL MOTOR

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

13,040' OF 10" MAINLINE

C. Works used to apply water to beneficial use.

2- 13 TOWER VALLEY SYSTEMS
IRRIGATION OF CORNERS (ALFALFA) BY TOWNLINES
USED UNDER PERMIT 1450-3

The system is in the following condition: EXCELLENT (NEW)The point of diversion is located BETWEEN POINTS IN THE NE¹ 4th, AND THE SE¹ 8th, SECTION 4, T115N, R62WThe works are capable of diverting and conveying to the place of use 4.22 cu. 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 SECTION 3, T115N, R62W

N² 300 ACRES
SW⁴ 160 "

comprising a total of 460 acres of land.Date OCTOBER 6, 1971

Burt Dore
(Signature)

WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

COMMISSION

South Dakota

J.W. GRIMES

Carl Cronin, Gettysburg
W. Neil Evans, Aberdeen
Milton E. Fisher, Mitchell
Glen Gerrett, Fort A. Pierre
Stanley Jensen, Brookings
Richard L. Johnson, Huron
Clarence D. Matheson, Rapid City
Elmer V. Miller, Spearhead

Water Resources Commission

Chief Engineer
and
Executive Officer

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

PHONE 605/224-3584

622-73

Mr. John Kleinsasser
Glendale Colony
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 according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission.

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

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

Please govern your use of irrigation water under your Water Right No. 1450-3, 1734-2, 1943-3, 1733-3 and 1735-3 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

July 21, 1980

John Kleinsasser
Glendale Colony
Frankfort SD 57440

Dear Mr. Kleinsasser:

Pursuant to our phone conversation of July 21, 1980, this is to advise you that the hearing to consider alleged violations of your water permit will be heard on July 24, 1980, at 2:00 p.m. by the Water Management Board at Meeting Room #1, Kneip Building, Church & Illinois, Pierre SD.

This hearing will be held pursuant to SDCI, Chapter 1-26 and SDCI, 46-1-12. It is an adversary proceeding at which you have the right to be present and to be represented by a lawyer. These rights and other due process rights will be forfeited if not exercised at the hearing. Any decision of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/kv

I hereby certify that on July 21, 1980, I have personally deposited with the U.S. Mail, a postage prepaid envelope containing the attached letter concerning the hearing on alleged violations addressed to the person listed thereon.

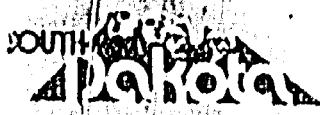
Karen Wernsmann
KAREN WERNSMANN, Administrative Sec.

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Swore to, before me, this 21st day of July, 1980.

Lois L. Ries
Notary Public

LOIS L. RIES, Notary Public
My Commission Expires
February 3, 1983



**Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

1733-3
1734-3
1735-3

October 29, 1980

John Kleinsasser
Glendala Colony
Frankfort SD 57440

Dear Mr. Kleinsasser:

This is to notify you that a hearing to further consider alleged violations of your Water Permits No. 1733-3, 1734-3 and 1735-3 will be heard on November 19, 1980 at 4:00 pm by the Water Management at the Karl Mundt Library, Dakota State College, Madison SD.

The rights which you were advised of at the contested case hearing on July 24, 1980 also pertain to this hearing.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:kw

Equal Opportunity Employer

P15 4381390
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVER-AGE PROVIDED
FOR POSTAGE-PAID MAIL

John Kleinsasser
Glendale Co.
Frankfort SD 57446

PS Form 3811, Apr. 1976

POSTAGE	POSTAGE PAID	POSTAGE PAID PERMIT NO.	POSTAGE PAID PERMIT NO.
TOTAL POSTAGE AND FEES			
POSTMARK OR DATE 10-29-80			

PS Form 3811, Aug. 1978

1. The following service is requested (check one):
☐ Show to whom and date delivered
☒ Show to whom, date, and address of delivery
☐ RESTRICTED DELIVERY
Show to whom and date delivered
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Mike Waldner
Riverside Colony
Rt #1
Glendon SD 57350

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
4381390

4. (Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Mike Waldner
DATE OF DELIVERY
10-31-80

5. ADDRESS (Complete only if requested)
P.R.1

6. UNABLE TO DELIVER BECAUSE

POSTMARK
OCT 31 1980

CLERK'S INITIALS
Eut

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES
 CERTIFIED MAIL PERMIT NO. 1000 PIERRE, S.D. 57501-1000

1. To whom should the article be returned?
2. To what address should the article be returned?
3. To what city, state, and ZIP Code should the article be returned?
4. To what office should the article be returned?
5. To what department should the article be returned?
6. To what division should the article be returned?

RETURN RECEIPT REQUESTED

UNITED STATES POSTAL SERVICE
 OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Attach to front of article if space permits. Otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
 USE TO AVOID PAYMENT
 OF POSTAGE, \$300



RETURN
 TO



DEPARTMENT OF WATER & NATURAL RESOURCES
 DIVISION OF WATER RIGHTS
 101 FUSSELL BUILDING (Street or P.O. Box)
 PIERRE, SOUTH DAKOTA 57501
 (City, State, and ZIP Code)

September 9, 1980

John Kleinsasser
Glendale Colony
Frankfort SD 57440

Dear Mr. Kleinsasser:

This is to notify you that a hearing to further consider alleged violations of your water permit will be heard on September 25, 1980 at 2:00 pm. by the Water Management Board at Meeting Room #1, Kneip Building, Church & Illinois, Pierre, SD.

The rights which you were advised of at the contested case hearing on July 24, 1980, also pertain to this hearing.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:kw

P15

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PS Form 3800, Apr. 1975

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 John M. Mingo
 Glendale Colony
 Portland, ME 04106

3. ARTICLE DESCRIPTION:
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 4381326

4. (Always obtain signature of addressee or agent)
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 SIGNATURE ☐ Addressee ☒ Authorized agent
 Mrs. Paul Mingo

5. DATE OF DELIVERY
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RETURN
TO



DEPARTMENT OF WATER & NATURAL RESOURCES

DIVISION OF ~~WATER RIGHTS~~ (City, State, and ZIP Code)

JOE FOSS BUILDING

PIERRE, SOUTH DAKOTA 57501 (City, State, and ZIP Code)

(City, State, and ZIP Code)

South Dakota
Department of
Water & Natural Resources

Jon Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

December 12, 1980

John Kleinsasser
Glendale Colony
Frankfort SD 57440

Dear Mr. Kleinsasser:

This will inform you that in action on November 20, 1980, the Water Management Board suspended the lands under Permits No. 1733-3, 1734-3 and 1735-3 that were in violation of the 1980 James River shutoff orders for the period June 1, 1981 through July 15, 1981.

Under this action no irrigation will be allowed on the NW $\frac{1}{4}$, Section 3, T115N, R62W (Permit No. 1733-3) on the NW $\frac{1}{4}$, Section 10, T115N, R62W (Permit No. 1734-3) and on the NE $\frac{1}{4}$, Section 33, T116N, R62W (Permit No. 1735-3) during the specified period.

The Board also directed that proposed Findings of Fact, Conclusion of Law and a proposed Final Decision on the suspensions be prepared. The Board will meet in Pierre on January 28 and 29, 1981 at the Kneip Building. We have tentatively placed consideration of the above on the agenda for 1:15 pm, January 28, 1981. You are entitled to submit Conclusions of Law, Findings of Fact and proposed decision.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:BFJ:kw

Equal Opportunity Employer

SOUTH



**Department of
Water & Natural Resources**

Jon Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

1733-3, 1734-3 & 1735-3

January 20, 1981

John Kleinsasser
Glendale Colony
Frankfort SD 57440

Dear Mr. Kleinsasser:

Enclosed please find a copy of the proposed Findings of Fact, Conclusions of Law and Decision regarding Water Right Applications No. 1733-3, 1734-3 and 1735-3 as prepared by the Attorney General's Office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:kv

enclosure

(9)

Equal Opportunity Employer

PH

RECEIPT FOR CERTIFIED MAIL

U.S. POSTAL SERVICE
WASHINGTON, D.C. 20540

John Kleinmeyer
Blondale Colony
Frankfort, Ky 40601

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UNITED STATES POSTAL SERVICE
RETURN RECEIPT FORM

TOTAL POSTAGE AND FEE

POSTMARK OR DATE

10-13-80

PS Form 3811, Aug 1978

PS Form 3811, Aug 1978

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3. ARTICLE ADDRESSED TO: <i>John Kleinmeyer</i> <i>Blondale Colony</i> <i>Frankfort, KY 40601</i>								
4. ARTICLE DESCRIPTION: <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td><i>4381344</i></td> <td></td> </tr> </table>			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		<i>4381344</i>	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.						
	<i>4381344</i>							
5. (Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE ☐ Addressee ☒ Authorized agent <i>John Kleinmeyer</i>								
6. DATE OF DELIVERY <i>10/13/80</i>		POSTMARK						
7. ADDRESS (Complete only if requested)								
8. UNABLE TO DELIVER BECAUSE		CLERK'S INITIALS <i>DFC</i>						

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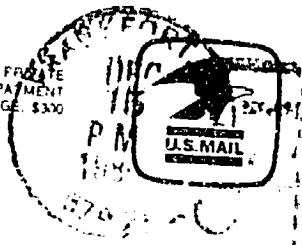
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**RETURN
 TO**



**DEPARTMENT OF WATER & NATURAL RESOURCES
 DIVISION OF WATER RIGHTS
 JOE FOSS BUILDING (Street or P.O. Box)
 PIERRE, SOUTH DAKOTA 57501**

(City, State, and ZIP Code)

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

IN THE MATTER OF GLENDALE)
COLONY, JAMES RIVER CUT-OFF)
VIOLATIONS)

FINDINGS OF FACT
CONCLUSIONS OF LAW
FINAL DECISION

Having heard and considered all the evidence presented before the Board in the above-entitled matter on July 24, 1980 and September 25, 1980 at the Richard B. Kneip Building, Pierre, South Dakota, the Board hereby makes the following:

FINDINGS OF FACT

1. That Glendale Colony owns agricultural property along the James River in Spink County, South Dakota.
2. That Glendale Colony diverts water from the James River for irrigation purposes under Permits No. 1733-3, 1734-3, and 1735-3.
3. That these permits are subject to shut-off orders from the South Dakota Department of Water and Natural Resources, Division of Water Rights, during periods of low flows in the James River.
4. That on May 22, 1980, a letter was sent to all James River water permit holders, which letter required a shut-off of all irrigation from the James River by noon, May 24, 1980.
5. That on May 24, 1980, at approximately 1 p.m. three center pivots covered by Permits No. 1733-3, 1734-3, and 1735-3 on Glendale Colony property were observed to be operating.
6. That all but two James River irrigators properly complied with the May 22, 1980, shut-off order.
7. That on June 10, 1980, a letter was sent to all James River irrigators to permit those irrigators to turn their pumps back on in the James River. The letter also gave notice of a shut-off date of June 26, 1980, at 12 p.m.

8. That on June 26, 1980, at approximately 12:45 p.m., Glendale Colony was observed pumping on three center pivots covered under Permits No. 1733-3, 1734-3, and 1735-3.

9. That all but two James River irrigators complied with the June 26, 1980, shut-off order.

10. That on July 7, 1980, a letter was sent to the Glendale Colony to give notice that its alleged violations of its water permits would be considered by the Water Management Board at the July 24, 1980 hearing.

11. That Glendale Colony was sent a letter on July 21, 1980, serving as notice that the hearing would be an adversary proceeding and that Glendale Colony would be entitled to be represented by counsel.

12. That at the Water Management Board hearing of July 24, 1980, Glendale Colony was represented by its manager, John Kleinsasser.

13. That John Kleinsasser understood the nature of the proceeding, that he was aware of the Colony's right to be represented by counsel, and that he knowingly waived that right.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to consider violations of water permits.

2. That Glendale Colony violated Water Permit Nos. 1733-3, 1734-3, and 1735-3 by pumping water from the James River after cut-off dates of May 24, 1980 and June 26, 1980.

3. That, upon finding of violations of a water permit, the Board has the authority to suspend a permit or any part of a permit for up to one year.

FINAL DECISION

The lands under Permit Nos. 1733-3 (NW 1/4, Section 3), 1734-3 (NW 1/4, Section 10), and 1735-3 (NE 1/4, Section 33) that were in violation of the 1980 James River irrigation

shut-off orders are hereby suspended from irrigation for the period June 1, 1981 through July 15, 1981.

Dated this 26th day of January, 1981.

William S. L. Co.
CHAIRMAN

Richard L. Harris
SECRETARY

WATER RIGHTS DIVISION
(605) 773-3352

August 31, 1983

NOTICE

TO: John Kleinsasser
Glendale Colony
Route #1, Box 85
Frankfort, South Dakota 57440

FROM: John Hatch, Chief Engineer, Water Rights Division

RE: Extension of pumping from the James River under Permits 1450-3,
1733-3, 1734-3, 1735-3, 1943-3

The flow in the James River is expected to continue to be above average. August 29, 1983 flow at Columbia was about 150 cfs. Because of the available supply of water in the James River the shutoff date for the above permits is extended to September 20, 1983. This extension is subject to change if flow conditions warrant an earlier cutoff.

Conversation or File Documentation

NAME OF PERSON OR FILE: Glendale Colony
ADDRESS: RT1, Box 85, Frankfort SD 57440 COUNTY Spink
DATE: 10/4/85 TELEPHONE _____
RE: Spoke to John Kleinsasser.

COMMENTS:

License No. 1733-3 was inspected on April 18, 1985, for
the purpose of updating records regarding diversions from
the James River. The total acreage being irrigated is
264.0 acres. The NE 1/4 of sec 3-T115N-R62W has not
been developed.

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

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

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

I have this day made a thorough examination of the water use system constructed by Glendale Colony_____ of Frankfort, SD holder ofPermit No. 1733-3 bearing the priority of * October 12 1967 February 21 1968 authorizingthe diversion of 5.61 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:

J. River
diversion

motor: U.S. Electrical

pump: Berkeley, imp. 14.5 in

M.N. RD-392-00-271

S.N. 7374581

100 hp., 1800 rpm

M.N. 6NPB

motor: Century

pump: Berkeley, imp. 15.875

Part No. 9-323066-02

S.N. 7374580

60 hp., 1770 rpm

M.N. B4EYPBM

S. Pivot Booster

motor: U.S. Electrical

pump: Berkeley, imp. 15.875

60 hp., 1775 rpm

S.N. 7374569

ID# 9204561-902

M.N. B4EYPBM

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

Pipeline: size - 10 in. 8 in.type - PVC PVClength - 3360 Ft 3700 Ft

C. Works used to apply water to beneficial use:

2 - 13 tower Valley Pivots.

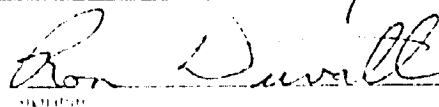
900 gpm each. Can operate
both at same time.The system is in the following condition goodThe point of diversion is located James River: 2260 Ft E and 1320 Ft N From the
SW corner of sec 4 - T115N - R62WThe works are capable of diverting and conveying to the place of use 4.00cu. ft. per second of water which is to be used for irrigation

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

	Acres		Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 3 - T115N - R62W	33.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 3 - T115N - R62W	33.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	33.0	NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	33.0	SW $\frac{1}{4}$ SW $\frac{1}{4}$	33.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$	33.0

comprising a total of 264.0 acres of land and the license should be issued for 3.77 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are:

Date April 18, 1985* The acreage in the NW $\frac{1}{4}$, 3-T115N-R62W
has a priority date of February 21, 1968.The acreage in the SW $\frac{1}{4}$, 3-T115N-R62W
has a priority date of October 12, 1967.


State of South Dakota

RE-ISSUANCE OF Water License No. 1733-3

(1) Glendale Colony
of Rt 1, Box 85, Frankfort, SD 57440 was issued Water License No. 1733-3
made Application No. , December 17, 1971 for a ^{right}~~water permit~~ to appropriate
4.22 cubic feet per second of water from the James River
Spink County, South Dakota for irrigation purposes.

Water License 1733-3, with a priority date of February 21, 1968 & October 12, 1967
~~Permit~~ No. 1733-3, was ~~approved~~ and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ and for the application to beneficial use of said
water ~~on or before~~ completed.

Water License No. 1733-3 dated December 7, 1971 was issued for 4.22 cfs
and authorized irrigation of 460 acres.

Based on an April 18, 1985 inspection of the water use system, the license
is being reissued to reflect what is actually being irrigated.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 3.77 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 2260 feet E and 1320 feet N from the
SW corner of Section 4, T115N, R62W (CA)

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, R62W

Section 3 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 33 acres (BB)

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33 acres (BA)

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 33 " (BC)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 33 " (BD)

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 33 " (CB)

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 33 " (CA)

S $\frac{1}{4}$ SW $\frac{1}{4}$ 33 " (CC)

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 33 " (CD)

TOTAL 264 acres

Land in NW $\frac{1}{4}$ Section 3 retain priority date of February 21, 1968

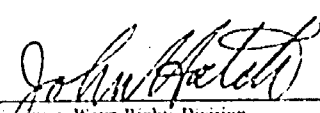
Land in SW $\frac{1}{4}$ Section 3 retain priority date of October 12, 1967

(4) Pursuant to §46-5-30.1 Glendale Colony

of RR #1, Box 85, Frankfort SD 57440

the holder(s) and/or owner(s) of Water ^{Right} ~~Right~~ No. 1733-3 is issued a license to appropriate water, the right to use 3.77 cubic feet per second of water from the James River with a priority date of October 12, 1967 & February 21, 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} ~~Right~~ Permit No. 1733-3 and subject to South Dakota State Law.



Chief Engineer, Water Rights Division
Department of Water and Natural Resources

DEC 20 1985



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

DEC 20 / 1985

Glendale Colony
Rt 1, Bx 85
Frankfort SD 57440

Dear Sir:

Enclosed is your Water Right License No. 1733-3. 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, Chief Engineer
Water Rights Division

JH:s

enclosure



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

April 18, 1988

John Kleinsasser
Glendale Colony
RR 1, Box 85
Frankfort, SD 57440

1943-3

1733-3

1450-3

1734-3

1735-3

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Kleinsasser:

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

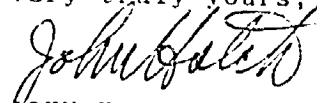
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North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

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 Kleinsasser
Glendale Colony
RR 1, Box 85
Frankfort, SD 57440

1943-3

1733-2

1734-3

1735-3

1450-3

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

John Hatch
By James Whitton

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





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 Kleinsasser
Glendale Colony
RR 1, Box 85
Frankfort, SD 57440

1943-3
1733-3
1450-3
1734-3
1735-3

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 57501-3151

May 31, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: John Kleinsasser
Glendale Colony
RR 1, Box 85
Frankfort, SD 57440

1943-3

1733-3

1750-3

1734-3

1735-3

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

1943-3

1733-3

1450-3

1734-3

1735-3

TO: Jerry Kleinsasser
Glendale Colony
RR 1, Box 85
Frankfort, SD 57440

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

John Hatch

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

1943-3, 1733-3, 1734-3,
1735-3, 1450-3

TO: Kleinsasser, Jerry
Glendale Colony
RR 1, Box 85
Frankfort, SD 57440

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

Delwin W. 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 8, 1990

NOTICE

TO: Jerry Kleinsasser
Glendale Colony
RR 1, Box 85
Frankfort, SD 57440

1943-3, (1733-3),
1450-3, 1735-3,
1734-3

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

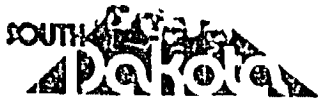
The August 10 automatic shutoff date for water diversions from the James River is still in effect. On some of the older permits this qualification though not listed is still valid and must be followed. Since there are still flows in portions of the James River, continuation of diversions beyond the shutoff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

August 2, 1990

RESCISSION OF SHUTOFF ORDER

1733-3, 1734-3
1735-3, 1450-3,
1943-3

TO: Jerry Kleinsasser
Glendale Colony
RR 1, Box 85
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.



Department of Water & Natural Resources

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

April 2, 1991

1450-3
1733-3
1734-3
1735-3
1943-3

Jerry Kleinsasser
Glendale Colony
RR 1, Box 85
Frankfort, SD 57440

Dear Mr. Kleinsasser:

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.

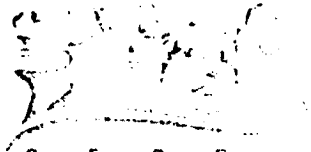
We will continue to closely monitor the flow in the river. Unless flow conditions improve in the next two to three weeks, shut off orders may have to be issued to all James River water users except for the City of Huron, which has senior water rights.

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

1450-3

1733-3

1734-3

1735-3

1943-3

TO: Jerry Kleinsasser
Glendale Colony
RR 1, Box 85
Frankfort, SD 57440

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

Delvin D. Brosz

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

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

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

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

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

cc: City of Huron, Water Superintendent

South Dakota

GREAT LACES. GREAT PLACES.

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

August 12, 1991

Jerry Kleinsasser
Glendale Colony
RE 1, Box 85
Frankfort, SD 57440

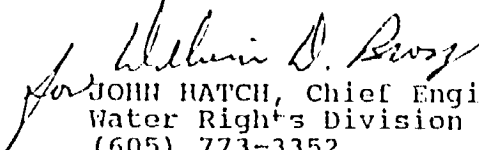
Dear Mr. Kleinsasser:

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. 1450-3, 1733-3, 1734-3, 1735-3, and 1943-3 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, Chief Engineer
Water Rights Division
(605) 773-3352

1733-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 5, 1991

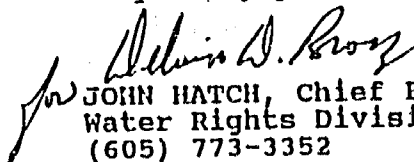
Jerry Kleinsasser
Glendale Colony
RR 1, Box 85
Frankfort, SD 57440

Dear Mr. Kleinsasser:

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. 1450-3, 1733-3 1734-3, 1735-3 and 1943-3 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


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



April 14, 1992

1733-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

1450-3
1733-3
1734-3
1735-3
1943-3

TO: JERRY KLEINSASSER
GLENDALE HTTRN BRTH
RT 1 BOX 85
FRANKFORT, SD 57440

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

SUBJECT: Shutoff 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



1733-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 22, 1992

RESCISSION OF SHUTOFF ORDER

1450-3
(1733-3)
1734-3
1735-3
1943-3

TO: GLENDALE HETTRICH
JERRY KLEINSASSER
RR 1 BOX 85
FRANKFORT, SD 57440

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

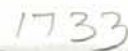
SUBJECT: Rescission of April 14, 1992 Shutoff Order
to James River Water Right Holders above the
Huron Third Street Dam to Ashton.

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

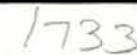
If you have any questions, please contact Norma Job or Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501 Phone (605) 773-3352.

cc: City of Huron, Water Superintendent

1733



1733





**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: GLENDALE HTRN BRTH attn JERRY KLEINSASSER
17866 GLENDALE DR
FRANKFORT SD 57440

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 1450-3 **1733-3** 1734-3 1735-3 1943-3 6587-3

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.



1733-3
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). 1450-3, 1733-3, 1734-3, 1735-3, 1943-3, 6587-3, 6588-3, 6589A-3,
6589B-3, 6590-3

To: GLENDALE HTRN BRTH
17866 GLENDALE DR
FRANKFORT SD 57440

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

Subject: James River Qualification Reminder for Permit No(s). 1450-3, 1733-3, 1734-3,
1735-3, 1943-3, 6587-3, 6588-3, 6589A-3, 6589B-3, 6590-3

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.



1733-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

SEP 11 2013

1733-3
6587-3

Jerry Kleinsasser
Glendale Colony
17866 Glendale Dr
Frankfort SD 57440

Dear Mr. Kleinsasser:

Enclosed is Water License No. 6587-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

The applicable portions of Water Right No. 1733-3 were incorporated into Water License No. 6587-3. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures