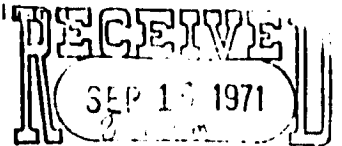


Water Right Number 1900-3

1. Considered March 15, 19 72
2. Name of Applicant Rosedale Colony
3. Post Office Address Mitchell, S.D.
4. Amount of Water claimed 3.00
5. Source of Water supply James River
6. Water to be used for irrigation
Acres to be irrigated 223.50
7. Water to be diverted and used in Hanson County
about 5 miles West of Alexandria
8. Proof of Publication Received February 25, 1972
Not Received _____

WHEN PERMIT IS INSPECTED

THIS PERMIT SHOULD BE
REDUCED BY 60 ACRES WHICH
WAS TRANSFERRED UNDER
PERMIT NO 4656-3

Map No. 1347-3 Water Division No. 3 JAMES RIVER
 (Blanks to be filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
SIOUX FALLS, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

Rosedale Hutterian Brethern, Inc.

1. Name of Applicant _____

Post-office address R.R. #2, Mitchell State South Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor3. Name of diversion work Rosedale #24. Amount of water claimed (cubic feet per second) 35. Source of water supply James River6. Location of point of diversion Approx. 400 ft. South of the NW Corner, Section 14, T102N, R59WCounty Hanson7. Annual period or periods during which water is to be used April thru October8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 223.5

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.
<u>W$\frac{1}{2}$ Sec. 11, T102N, R59W</u>	<u>223.5</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Energy Enterprise, Emmet, S.D.

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump and Motor

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

Mainline

C. Works proposed to apply water to beneficial use.

Valley Self Propelled, with 2 pivots

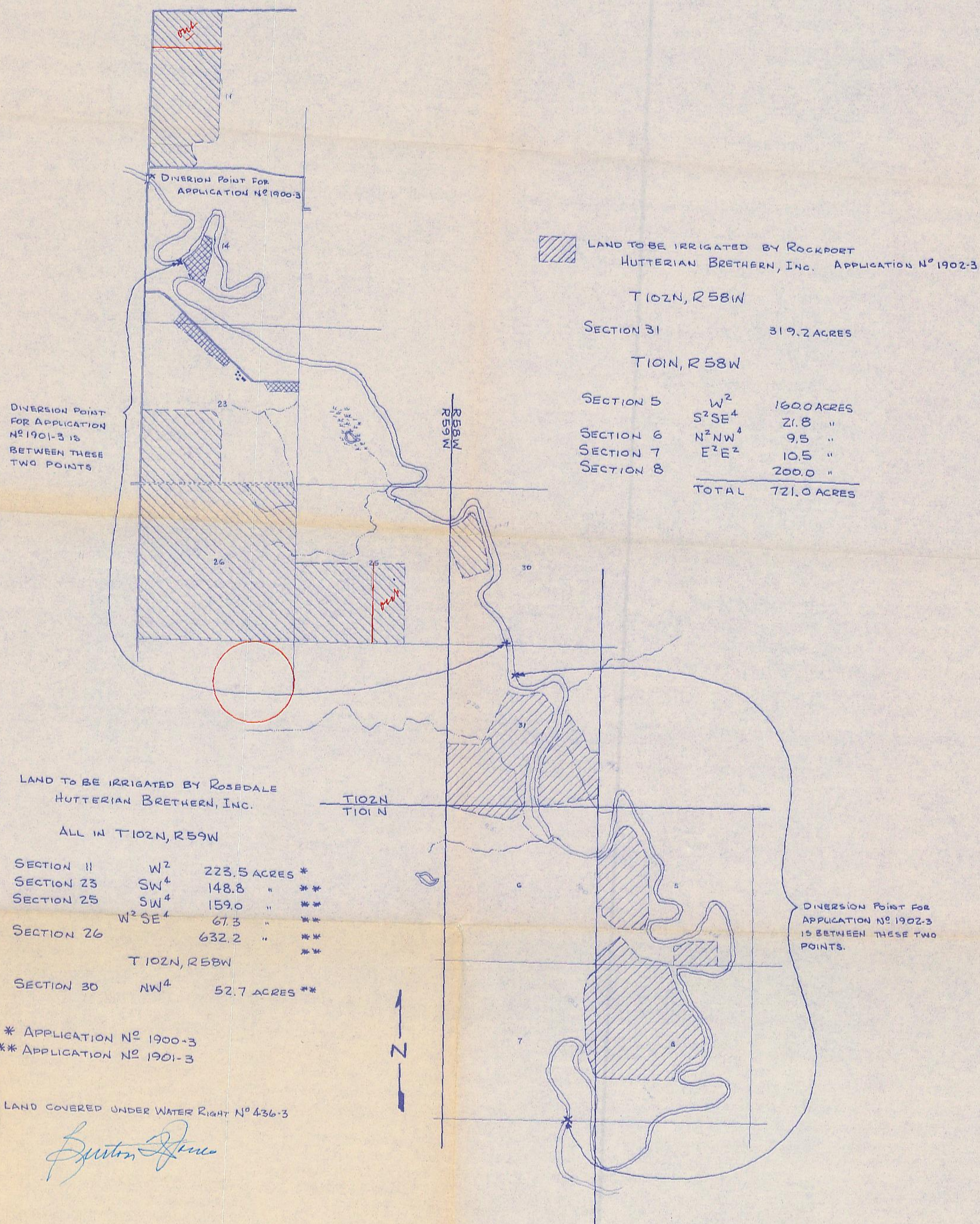
Estimated Total Cost \$ 25,000.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of HansonI, Rosedale Hutterian Brethern, Inc. 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 constructionSigned Rosedale Hutterian Brethern, Inc.Subscribed and sworn to before me this 10th day of September 19 71

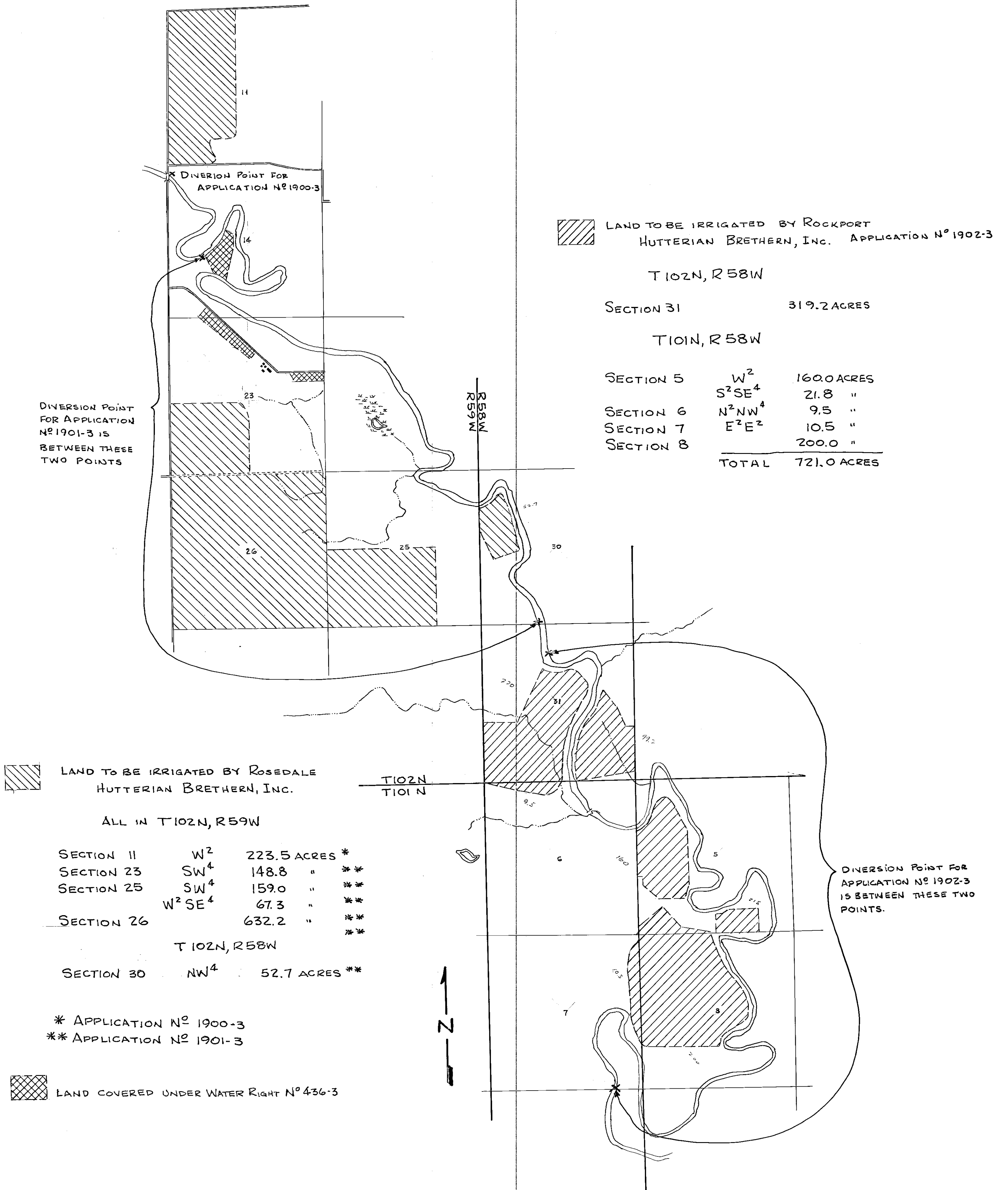
Notary Public for other qualified offices

ROSEDALE - ROCKPORT IRRIGATION PROJECTS



MAP N° 1347-3 APPL. N° 1900-3
1901-3
1902-3

ROSEDALE - ROCKPORT IRRIGATION PROJECTS



WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. ~~13473~~ 1900-3
ROSEDALE HUTTERIAN BRETHREN, INC. R.R. #2 MITCHELL
 (Applicant) (Post Office Address)
SOUTH DAKOTA. With the following modifications:
 (State)

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.

Date of first receipt of application SEPTEMBER 16 19 71
 Date of return to applicant for correction, amendments or changes required 19
 Date of receipt of corrected application 19
 Approved MARCH 15 19 72 Recorded in Book 12 Page 73

WATER RIGHT PERMIT NO. 1900-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1900-3 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 SEPTEMBER 16 19 71
2. The equivalent of at least one fifth of the work above specified is to be completed on or before SEPTEMBER 15 19 74
3. The whole of said work is to be completed on or before MARCH 15 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 15 19 81
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 3.0 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 15 19 81; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 17TH day of MARCH 19 72

WATER RESOURCES COMMISSION

By

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued 19 Water License Issued 19

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

Post Office Mitchell, So. Dak. 57301

Date 7/31/75

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

Dear Sirs:

This is to inform you that i have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 1900-3.

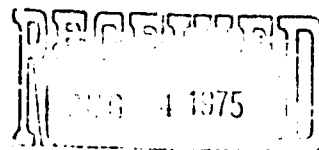
Water Right Permit No. 1900-3 states that the diversion system is to be constructed by March 15, 1977, 19 77 and that the water is to be put to beneficial use by March 15, 19 81.

The diversion system was completed on July 1, 19 75. Applying the water to beneficial use was completed on July 1, 19 75.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Rosedale Hutterian Brethren, Inc.

By Mike Maibee President
(Signature)



STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

1900-3

Publish first publication, on or before February 17, 1972NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 8, 1972Notice is hereby given that Rosedale Hutterian Brethren, Inc.whose post office address is Mitchell, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use3.0 cubic feet of water per second of time from the James River through theRosedale #2, the point of diversion of which is to be located in the _____NW 1/4 NW 1/4of Section 11, Twp. 102N, Range 55W Said water to be used for the purpose
of providing irrigation on a portion of the following described land:W 1/2, Section 11, T102N, R55W

1900-3

This application No. _____ will be considered by the Water Resources Commission at their office at
Pierre upon the 15th day of March, 1972, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. LIES, Water Rights Specialist

cc: Mike Waldner, Rosedale Hutterian Brethren, Inc., P.O. #2, Mitchell, S.D. 57301

Affidavit of Publication

STATE OF SOUTH DAKOTA, }
COUNTY OF HANSON } ss.

R. E. BRAJEN, of said County and State, being first duly sworn on his oath, says: THE EMERY ENTERPRISE is a weekly newspaper of general circulation, printed and published in Emery, in Hanson County, and State of South Dakota, by himself, and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bona-fide circulation of more than 200 copies weekly, that it has been published within said County of Hanson for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication; and that I, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all

facts in this affidavit; that the advertisement headed _____

Notice Intent To
Appropriate Water

a printed copy of which is hereto attached, was printed and published in the said newspaper for four weeks; that said notice was published in the issues of said paper on the dates as follows, to-wit: The first publication being made on

February 19, 1972

the second publication on February 24, 1972

the third publication on March 2, 1972

the fourth publication on _____, 19____;

the fifth publication on _____, 19____;

the sixth publication on _____, 19____;

and the last publication on March 9, 1972

that \$ 16.74 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for a division thereof has been made with any person; and that no part thereof has been agreed to be paid to any person whomsoever.

R. E. Brajen

Subscribed and sworn to before me this 10th

day of March, 1972

T. H. Brajen

Notary Public, Hanson County.

NOTICE INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
February 8, 1972
Notice is hereby given that Rosedale Hutterian Brethren, Inc. whose post office address is Mitchell, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.0 cubic feet of water per second of time from the James River through the Rosedale No. 2, the point of diversion of which is to be located in the NW 1/4 NW 1/4 of Section 11, T102N, Range 59W. Said water to be used for the purpose of providing irrigation on a portion of the following described land: W 1/2 Section 11, T102N, R59W. This application, No. 1900-3 will be considered by the Water Resources Commission at their office at Pierre upon the 15th day of March, 1972 at 2:00 P.M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By: BURTON F. JONES
Water Rights Specialist

cc: Mike Waldner, Rosedale Hutterian Brethren, Inc., R.R. #2, Mitchell, S. D. 57301

RECEIVED
MAR 17 1972

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

January 24, 1972

Mr. Mike Waldner
Rosedale Hutterian Brethern, Inc.
R.R. #2
Mitchell, South Dakota 57301

Dear Mr. Waldner:

For approximately the past three years applications to divert water from the James River, in that stretch of the river from the North Dakota-South Dakota boundary to the north boundary of Yankton County, have been placed in a deferred status pending a further evaluation of flows and water use from the James River.

The Water Resources Commission has determined that unappropriated water exists from this source for a specified amount of water and has directed the Staff to determine if the applicants having the deferred applications wish to have them processed at this time.

It should be pointed out that the Permit will contain the following qualification:

"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."

You have pending with the Water Resources Commission Application No. 1900-3 to divert 2.00 c.f.s. from the James River for irrigating 223.5 acres in Hanson County.

Question: should we proceed with the advertising of your application?

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw

November 9, 1971

Mr. Mike Waldner
Rosedale Hutterian Brethern, Inc.
R.R. #2
Mitchell, South Dakota 57301

Dear Mike:

Your application dated September 15, 1971, for a permit to appropriate water from the James River through the Rosedale #2 was received September 15, 1971 and has been duly filed under the temporary number of 1900-3. The application will be examined in regular order as soon as practical, after which you will be notified as to further action on your part.

Enclosed herewith is receipt No. 4 1880 in the amount of \$8.00 for the examination fee, as required by Statute.

As was discussed, the Commission is not presently considering applications from the James River pending an evaluation of existing water rights and available water supplies. Your application will be placed in a deferred status until such evaluation is completed. You will then be notified as to further action on your part.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw
Encl: As stated

Water Right No. 1900-3

August 26, 1982

Mike Waldner
Rosedale Hutterian Brethern, Inc.
RR #2
Mitchell, S.D. 57301

Dear Mr. Waldner:

In reply to your telephone request on August 26, 1982, you are hereby authorized to continue irrigation of the lands under Water Right No. 1900-3 until September 2, 1982.

This extension is subject to the flows remaining available. On this date the flows at Scotland are 28.2 cubic feet per second.

Yours very truly,

JOHN HATCH
Chief Engineer

JH/Jw/bw

1900 3

WATER RIGHTS DIVISION
(605) 773-3352

September 2, 1983

NOTICE

TO: David Waldner
c/o Millbrook Colony
RR#3, Box 265
Mitchell, South Dakota 57301

FROM: John Hatch, Chief Engineer, Water Rights Division

RE: Extension of pumping from the James River under Permits 1901-3,
1900-3, 436-3 and 4656-3.

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.

Water Rights Division
605 773-3352

August 12, 1985

1900-3

David Waldner
Milbrook Colony
Rt 3, Box 265
Mitchell SD 57301

Dear Mr. Waldner:

In response to your telephone request on August 12, 1985, you are hereby authorized to continue your irrigation from the James River beyond the August 10, 1985 cutoff date to August 17, 1985.

If we can provide you with any other assistance do not hesitate to contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:JW:ks

NO. _____

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 8-26-85

This is to notify you that the title to the lands described as follows:

West 1/2 of Sec 11 Twp 102 N. R. 59 W.

formerly owned by Rosedale Historical Brethren, Inc.
R 3 - Box 261 - Mitchell, S.D. 57301
has been transferred to Millbrook Historical Brethren, Inc.
R R 3 - Box 265 - Mitchell, S.D. 57301
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1904-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

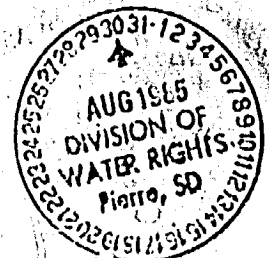
STATE OF SOUTH DAKOTA)
County of Hanson) ss.

I, David Waldner being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

David Waldner
(Signed)

Subscribed and sworn to before me this 28 Day of August, 1985.

Clifford M. Sheward
(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4.10167

Pierre, August 30, 1985

RECEIVED OF Millbrook Hutterian Brethern, Inc., RR#3, Box 265, Mitchell, SD 57301
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form No. 1900-3 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____
(Any Other Work Provided by Law)

Total

2 50

2 50

By

John Hatcher
Chief Engineer JOHN HATCHER/ms



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

September 4, 1985

David Waldner
Millbrook Hutterian Brethern, Inc.
RR#3, Box 265
Mitchell, South Dakota 57301

Dear Mr. Waldner:

Enclosed is receipt No. 4 10167 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1900-3.
Our records now show ~~you~~ ^{Millbrook Hutterian Brethern, Inc.} as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1900-3

January 29, 1986

Millbrook Hutterian Brethren, Inc.
RR#3, Box 265
Mitchell, South Dakota 57301

Dear Sir:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1900-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

January 29, 1986

Rosedale Colony
RR #2
Mitchell, South Dakota 57301

Dear Sir:

I am contacting you concerning a letter mailed to you by our office dated, January 28, 1986. The letter requested a \$50.00 fee for inspection and issuance of Water License No. 1900-3.

Please disregard the letter. Water Permit No. 1900-3 was transferred from Rosedale Hutterian Brethren to Millbrook Hutterian Brethren. The letter requesting the fee should have been sent to Millbrook Hutterian Brethren.

I will be contacting them directly concerning the inspection fee. Please excuse the error.

Sincerely,

Genny McMath
Natural Resources Analyst

GJM:ms

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, May 15, 1996

RECEIVED OF Hillbrook Lutheran Brethren, Inc., RR 3, Box 265 Mitchell, SD 57301
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1996-3</u>		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____	50	00
Fee for _____		
(Any Other Work Provided by Law)	Total	

By John Hatch
Chief Engineer

JOHN HATCH/ms

No. 2814

MILLBROOK HUTTERIAN BRETHERN, INC.

R.F.D. 3
MITCHELL, SO. DAK. 57301
PHONE - 996-5224

Customer's Order No.		Date <u>5-7-66</u> 19 <u>66</u>	
Name <u>Water Natural Resource</u>			
Address			
QUAN.	DESCRIPTION	PRICE	AMOUNT
	Final payment for Water Permit No. 1900-3 -		50.00
	43500 C. dc		
All claims and returned goods MUST be accompanied by this bill		TAX	
Received By _____		TOTAL	

LICENSE FOR PERMIT NUMBER 1900-3

1. Legal location of wells:

dams & structures:

2. Well Information: Well Drilling Firm

No. of wells

Depth

Casing a) diameter

b) length

c) type

Screen a) type

b) length

Static Water Level

Pump

a) make

b) model

c) size

d) capacity _____ GPM

e) turbine pump

no. of stages

Motor a) make

b) model no.

c) horsepower rating

d) motor efficiency rating

3. Distribution lines:

a) size of lines 8 in.

b) type PVC

c) length 3800 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) side-roll:

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 Valley
- 2) number of towers 13
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles Rainbird
- 8) PSI reading while system is running 70
- 9) GPM 700

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) diameter _____
- 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
-----	----	-------------

- | | | |
|-------------------------------------|--------------------------|---|
| ☒ | ☐ | 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: Marathon

S.N. 00-92691-4/25-17

75hp, 3600rpm

pump: Berkeley, imp. 9in.

S.N. 7572507

M.N. B4EPBL

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 NR Loss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Millbrook Hutterian
Brethern, Inc. of RR 3, Box 265, Mitchell SD 57301 holder of

Permit No. 1900-3 Issued on September 16 1971 authorizing

the diversion of 3.00 cubic feet per second of the waters of the James River

for irrigation purposes in Hanson County

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

A. Works used to divert the water

motor: Marathon

pump: Berkeley, imp 9 in.

S.N. DD-92691-4/25-17

S.N. 7572507

75 hp., 3600 rpm

M.N. B4E FBL

B. Works used to transport water to place of use

center pivot : make - Valley

Pipeline: size - 8in.

of towers - 13

type - PVC

- sprinklers - Rainbird

length - 380ft

high pressure - 60 psi

(C) Works used to apply water to benefit agriculture

capacity - 700 gpm

The system is in the following condition ... good

The point of diversion is located James River: 400 ft S and 200 ft E from the NW corner of sec 14-T102N-R59W

The works are capable of diverting and conveying to the place of use: 1.55

cu. ft. per second of water which is to be used for irrigation

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

Acres		Acres	
NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 11-T102N-R59W	6.2	NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 11-T102N-R59W	15.3
NE $\frac{1}{4}$ NW $\frac{1}{4}$ "	9.2	NE $\frac{1}{4}$ SW $\frac{1}{4}$ "	19.6
SW $\frac{1}{4}$ NW $\frac{1}{4}$ "	35.0		
SE $\frac{1}{4}$ NW $\frac{1}{4}$ "	39.3		

comprising a total of 124.6 acres of land, and the future should be issued for 1.55 acres

Applicable person qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are _____ Date May 23, 1985

Don Duval

State of South Dakota

Water License No. 1900-3

(1) Rosedale Hutterian Brethern, Inc.
of RR, Mitchell, South Dakota 57301
made Application No. 1900-3, September 16, 1971 for a water permit to appropriate
3.00 cubic feet per second of water from the James River,
Hanson County, South Dakota for irrigation purposes.
Permit No. 1900-3, with a priority date of September 16, 1971
was approved March 15, 1972 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before March 15, 1977 and for the application to beneficial use of said
water on or before March 15, 1981.

On August 30, 1985, Water Permit No. 1900-3 was transferred to Millbrook Hutterian Brethern.

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 1.55 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is on the James River - 400 ft. S and 200 ft E
from the NW Corner of Section 14, T102N-R59W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent to irrigate the following land all in T102N-R59W

Section 11	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.2 Acres	(BB)
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	9.2 Acres	(BA)
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	35.0 Acres	(BC)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.3 Acres	(BD)
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	15.3 Acres	(CB)
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.6 Acres	(CA)
	TOTAL	124.6 ACRES	

(4) Pursuant to §46-5-30.1 Fullbrook Hutterian Brethern
of RR 3, Box 265, Mitchell, South Dakota 57301
the holder(s) and/or owner(s) of Water Permit No. 1900-3 is issued a license to appropriate water, the right to use
1.55 cubic feet per second of water from the James River with a priority date
of September 16, 1971 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 Permit No. 1900-3 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
JOHN HATCH
JUN 22 1993



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

July 23, 1986

Millbrook Hutterian Brethern
Rural Route 3, Box 255
Mitchell, South Dakota 57301

Dear Sir:

Enclosed herewith is, Water License No. 1900-3. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

JOHN HATCH, Chief Engineer
Water Rights Division

JH: MS

Enclosures

**South Dakota Department of
Water & Natural Resources**

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

April 18, 1988

1900-3

David Waldner
Millbrook Colony
RR 3, Box 265
Mitchell, SD 57301

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Waldner:

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

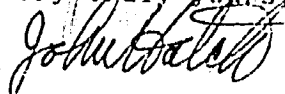
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North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

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

June 28, 1988

NOTICE OF SHUTOFF ORDER

1900-3

TO: David Waldner
Millbrook Colony
RR 3, Box 265
Mitchell, SD 57301

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

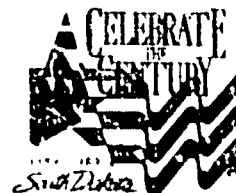
John Hatch
by James Hinton

SUBJECT: Shut Off Order To James River Water Right Holders
Located Between Huron and the Yankton County Line,
Effective 12:00 Noon on July 4, 1988.

I am certain that you are aware that James River Flows are not enough to supply all water rights. Therefore, to protect the domestic uses (livestock watering) on the James River, effective 12:00 noon on July 4, 1988 no pumping of water from the James River is authorized until January 1, 1989 or until further notice.

Unless conditions change, it appears that no pumping will be allowed for the remainder of the 1988 irrigation season from the James River.

Let us know if you have any questions.





Department of Water & Natural Resources

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

July 8, 1988

NOTICE OF RESCISSION OF SHUTOFF ORDER

1900-3

TO: David Waldner
Millbrook Colony
RR 3, Box 265
Mitchell, SD 57301

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

SUBJECT: Rescission of James River Shutoff Order effective 12:00
Noon July 11, 1988 for water right holders below I-90
with priority dates before 1976.

The flows at the Scotland Gauging Station are sufficient to allow continued diversions by senior priority water right holders on the James River below I-90. Therefore, the shutoff order to be effective at 12:00 noon, July 11, 1988 is rescinded until further notice to you.

We will continue to monitor the flows to determine whether or not a shutoff will be necessary. If a shutoff is necessary, we will try to give you five days notice.





Department of Water & Natural Resources

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

August 14, 1989

1900-3

David Waldner
Millbrook Colony
RR-3, Box 265
Mitchell, SD 57301

Dear Mr. Waldner:

Your August 11, 1989 telephone request for an extension of time beyond the August 10th cutoff to irrigate out of the James River is approved subject to:

- 1) no irrigation from the James River beyond August 26, 1989,
- 2) no complaints being received from downstream domestic users or senior priority water rights located downstream,
- 3) at least 5 cfs bypassing the Scotland Gauging Station.

If conditions warrant, you may be shutoff prior to August 26th with no prior notice given. If you have any questions, please do not hesitate to contact me.

Very truly yours,

James Winterton
Natural Resources Engineer
605 773-3352





Department of Water & Natural Resources

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

April 6, 1990

NOTICE OF SHUTOFF ORDER

1900-3

TO: Waldner, David
Millbrook Colony
RR 3, Box 265
Mitchell, SD 57301

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

Delvin D. Brosz

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

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

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

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

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

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland	Yankton
3/28/90	----	----	----	----	----	----	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

May 30, 1990

RESCISSION OF SHUTOFF ORDER

1900-3

TO: David Waldner
Millbrook Colony
RR3, Box 265
Mitchell, SD 57301

FROM: *for* 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 flows in the Lower James River have improved considerably. Therefore I am rescinding the April 6, 1990 shutoff order, effective immediately, for the section of the James River downstream from the I-90 bridge near Mitchell. A list of water rights below I-90 to Yankton County line is enclosed for your information.

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

Date	<u>Ludden</u>	<u>Columbia</u>	<u>Ashton</u>	<u>Huron</u>	<u>Forestburg</u>	<u>Scotland</u>
5/22/90	----	0.7	11.5	17.65	41.8	61.8
5/25/90	1.3	0.2	13.0	58.2	65.7	77.2
5/29/90	3.5	----	9.4	23.9	50.7	377.9

If the flows of the river should decrease to a level that will again require a shutoff in 1990, water rights with junior priority dates will receive shutoff orders first.

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



Department of Water & Natural Resources

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

August 8, 1990

NOTICE

1900-3

TO: David Waldner
Millbrook Colony
RR 3, Box 265
Mitchell, SD 57301

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 501 3181

August 15, 1990

1900-3

David Waldner
Millbrook Colony
RR 3, Box 265
Mitchell, SD 57301

Dear Mr. Waldner:

In response to your request by telephone, you are authorized to continue pumping from the James River under your water right.

The flows in the James River will continue to be monitored. If the flows become so low that use by senior water right holders or domestic users becomes impaired a shutoff order will again be issued.

If there are any questions, please contact this office.

Very truly yours,

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

April 2, 1991

1900-2

David Waldner
Millbrook Colony
RR 3, Box 265
Mitchell, SD 57301

Dear Mr. Waldner:

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

1900-3

TO: David Waldner
Millbrook Colony
RR 3, Box 265
Mitchell, SD 57301

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

David Waldner
Millbrook Colony
RR 3, Box 265
Mitchell, SD 57301

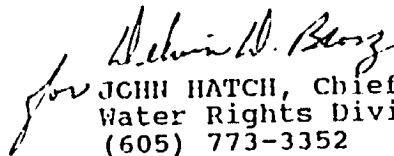
Dear Mr. Waldner:

In response to your telephone call requesting an extension to pump from the James River, you are hereby authorized to continue irrigation under Water Right No. 1900-3 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

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

July 1, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

1900-3

TO: David Waldner
Millbrook Colony
RR 3, Box 265
Mitchell, SD 57301

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

John Hatch
by James Thorton

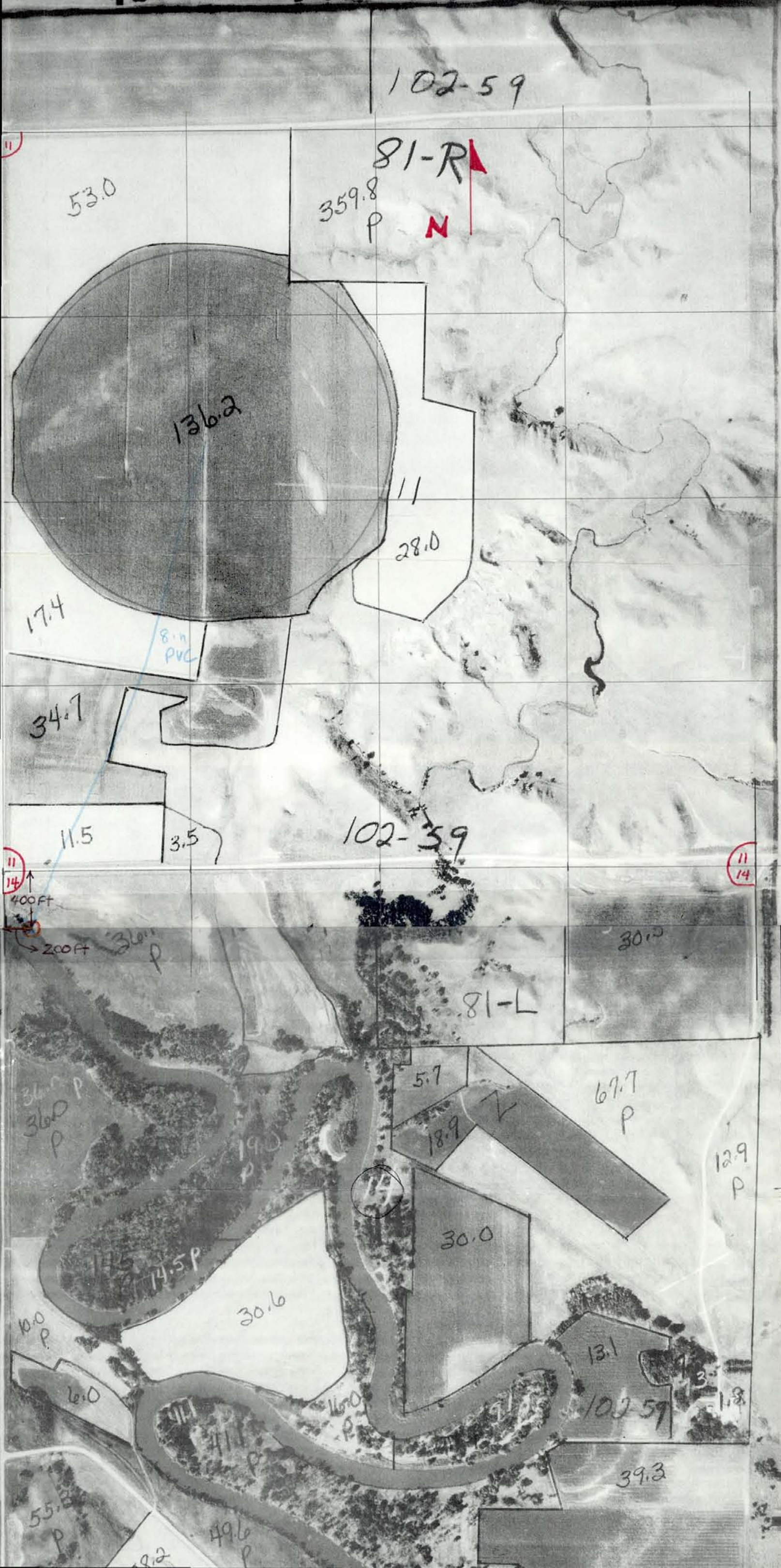
SUBJECT: Extension of James River Shutoff Order to 12:00 Noon,
July 11, 1988 for water right holders below I-90 with
priority dates before 1976.

The flows at the Scotland Gauging Station have been adjusted based on a recent survey of the gauging station by the USGS. With this adjustment, the Scotland flows are now in excess of 20 cfs. Therefore, the **shutoff order** to be effective at 12:00 noon, July 4, 1988 is **extended to 12:00 noon, July 11, 1988.**

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



NOT TO SCALE



283



**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: MILLBROOK HTRN BRTH attn DAVID J WALDNER
41659 256TH ST
MITCHELL SD 57301

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 1900-3

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.

1900-3



**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). 1900-3**

To: MILLBROOK HTRN BRTH
41659 256TH ST
MITCHELL SD 57301

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

Subject: James River Qualification Reminder for Permit No(s). 1900-3

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 ENVIRONMENT
and NATURAL RESOURCES**

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

August 14, 2012

Millbrook Httrn Brth
% David Waldner
41659 256th St
Mitchell SD 57301 7828

Dear Mr. Waldner:

In response to the telephone call on August 14, 2012 requesting an extension to pump from the James River beyond the August 10th cutoff, you are authorized to pump under Water Right No 1900-3, subject to the following:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Garland Erbele".

Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 28, 2012

Millbrook Httrn Brth
% David Waldner
41659 256th St
Mitchell SD 57301 7828

Dear Mr. Waldner:

In response to the telephone call on August 28, 2012 requesting an extension to pump from the James River beyond the August 10th cutoff, you are authorized to pump under Water Right No. 1900-3 subject to the following:

- No irrigation from the James River beyond September 7, 2012 for the 2012 irrigation season
- Flows remain available for downstream domestic users and prior water rights
- Flows past the Scotland gaging station remain above 20 cubic feet per second after pumping

We will continue to monitor the James River and if conditions warrant, you may be shutoff prior to September 7, 2012, with no prior notice given. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 22, 2016

1900-3

Millbrook Hutterian Bretheren
Wayne Waldner
41659 256th St.
Mitchell, SD 57301

Dear Mr. Waldner:

This letter is in reference to your August 22, 2016 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River to September 1, 2016.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 22, 2016

1900-3

Millbrook Hutterian Bretheren
Wayne Waldner
41659 256th St.
Mitchell, SD 57301

Dear Mr. Waldner:

This letter is in reference to your August 22, 2016 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River to September 1, 2016.

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

Sincerely,

Jeanne Goodman, 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