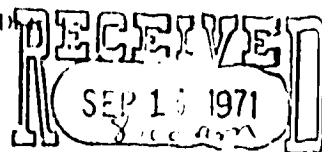


Water Right Number 1902-3

1. Considered March 15, 1972, 1972
2. Name of Applicant Rockport Colony
3. Post Office Address Alexandria, S.D.
4. Amount of Water claimed 10.30
5. Source of Water supply James River
6. Water to be used for ~~721x00~~ irrigation
- Acres to be irrigated 721.00
7. Water to be diverted and used in Hanson County
about 3 miles west and 5 miles South of Alexandria
8. Proof of Publication Received February 25, 1972
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 1902-3Map No. 1347-3 Water Division No. 3 JAMES RIVER
(Blank to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COUNCIL
PIERRE, SOUTH DAKOTA

To Appropriately Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Rockport Hutterian Brethern, Inc.
 Postoffice address Alexandria State South Dakota
 If a corporation-how date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract and direct labor

3. Name of diversion work Rockport #1

4. Amount of water claimed (cubic feet per second) 10.30 cfs. 42 See Permit No. 4712-3

5. Source of water supply James River

6. Location of point of diversion Between points in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T102N, R58W and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T101N, R58W

County Hanson

7. Annual period or periods during which water is to be used April thru October

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, Total number of acres to be irrigated 721.0 589.00

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.
Sec. 31, T102N, R58W <u>187.2</u> 319.2		N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T101N, R58W	<u>9.5</u>
W $\frac{1}{2}$, Sec. 5, T101N, R58W	<u>160.0</u>	E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 7, T101N, R58W	<u>10.5</u>
S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 5, T101N, R58W	<u>21.3</u>	Sec. 8, T101N, R58W	<u>200.0</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 Appropriately Water publication Emery Enterprise, Emery, 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.

Gated Pipe and Sprinkler systemEstimated Total Cost \$ 45,000

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 Hutchinson

I, Robert Hutterian 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 Robert HutterianSubscribed and sworn to before me this 18th day of September 1971

Notary Public (or other qualified officer)

NOT TO SCALE

102-58



55-R

98.8
P

31

37.7
P

133.7

drop off
transferred
to 101-58

31

73.6

19.5

51.3
P

102-58

41.2

48.7
P

3.4

5.4

3.0

6

222.6
P

3.0

2.0

1.5

8.5

46.9

101-58

71.8

55-L

Ron Duvall
Natural Resources Engineer
5/23/85

NOT TO SCALE

31.4
P

98.7

24.1

102.2
P

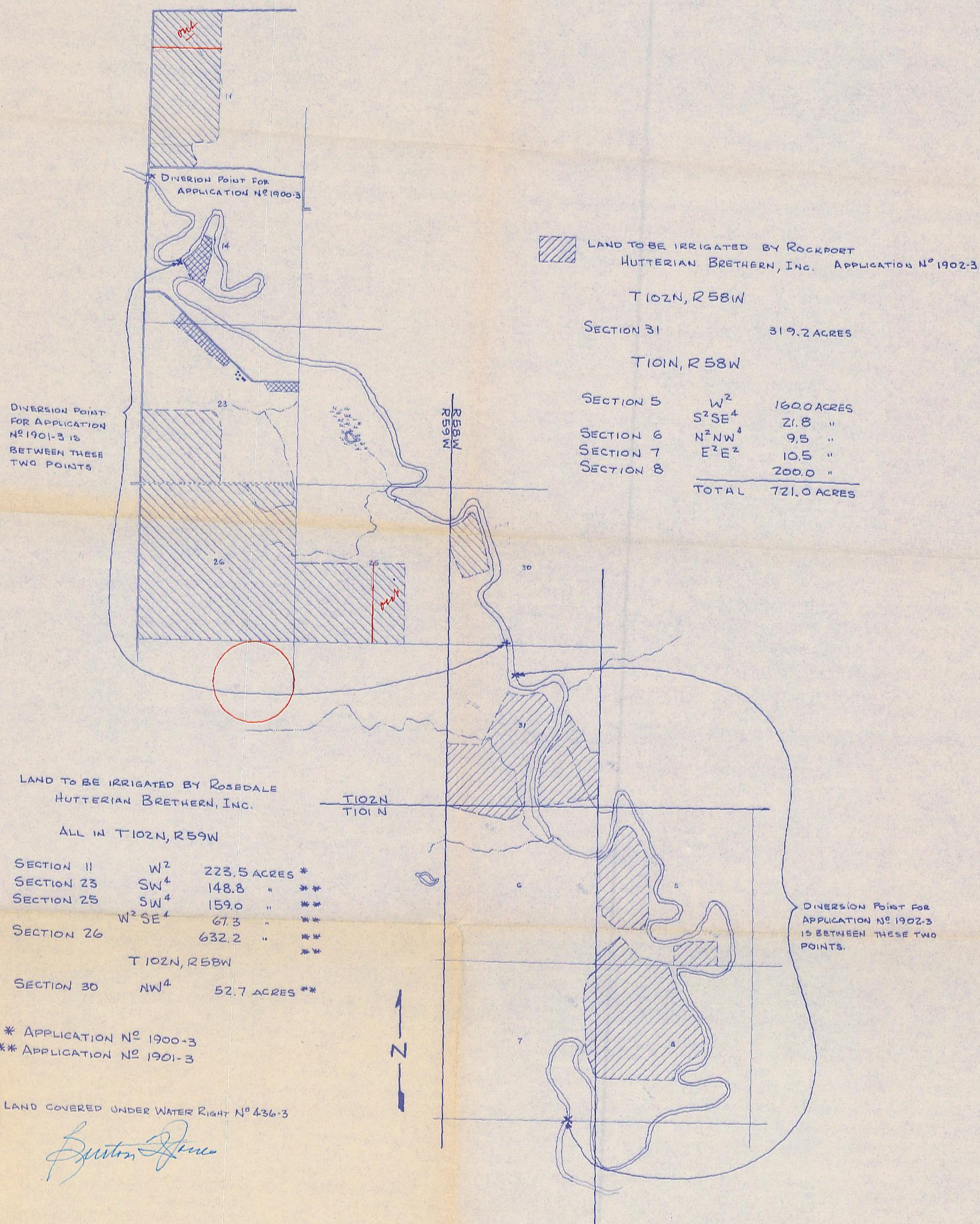
101-58

License No. 1902-3

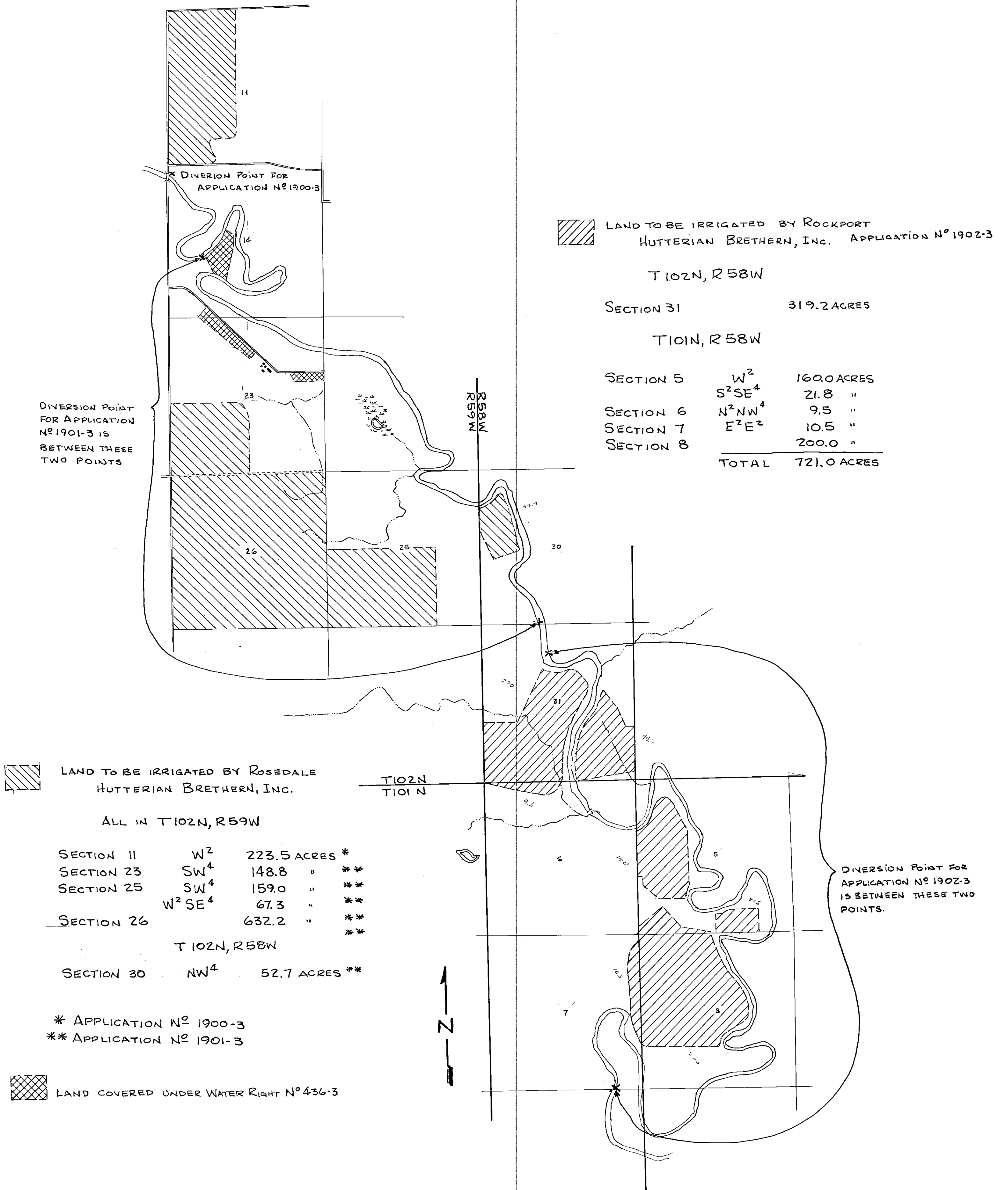
Map No. 1347-3

65

ROSEDALE - ROCKPORT IRRIGATION PROJECTS



ROSEDALE - ROCKPORT IRRIGATION PROJECTS



WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1902-3
ROCKFORD HUTTERIAN BRETHREN, INC. ALEXANDRIA,
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications. 1902-3
 (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 75

WATER RIGHT PERMIT NO. 1902-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1902-3 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 10.3 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 20TH day of MARCH 19 72

WATER RESOURCES COMMISSION

By: [Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —

Water License Issued — 19 —

Form 6 - Notice of Intent to Appropriate Water

1902-3

Publish first publication, on or before February 17, 19 72

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 8, 19 72

Notice is hereby given that Rockport Hutterian Brothers, Inc.
whose post office address is Alexandria, 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

10.3 cubic feet of water per second of time from the James River through the

Rockport #2, the point of diversion of which is to be located in the
between points in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, T102N, R58W and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 7, Twp. 101N, Range 56W. Said water to be used for the purpose
of providing irrigation of the following described land:

portions of
Section 31, T102N, R58W; NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 5; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6;

NE $\frac{1}{4}$ E $\frac{1}{2}$, Section 7; Section 8, all in T101N, R58W

This application No. 1902-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 15th day of March, 19 72, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Joseph S. Wipf, Rockport Hutterian Brothers, Inc., Alexandria, S.D. 57511

Affidavit of Publication

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

R. E. BRADEN, of said County and State, being first duly sworn on oath, says THE EMEFY ENTERPRISE is a weekly newspaper of general circulation, printed and published in Emevy, 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 pub-

lished 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 17, 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 \$ 18.78 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. Braden

Subscribed and sworn to before me this 10

day of March, 1972

T. H. Braden

Notary Public, Hanson County.

NOTICE INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
February 8, 1972
Notice is hereby given that Rockport Hutterian Brethren, Inc. whose post office address is Alexandria, 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 10.3 cubic feet of water per second of time from the James River through the Rockport No. 2, the point of diversion of which is to be located between points in the NW 1/4 NW 1/4 Section 31, T102N, R58W and in the SE 1/4 SE 1/4 of Section 7, Twp. 101N, Range 58W, said water to be used for the purpose of providing irrigation on portions of the following described land: Section 31, T102N, R58W; NW 1/4, S1/4, SE 1/4, Section 3, T101N, NW 1/4, Section 6, E 1/4, Section 7, Section 8, all in T101N, R58W. This application No. 1902-3 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: Joseph S. Wipf, Rockport Hutterian Brethren, Inc., Alexandria, S. D. 57311

RECEIVED
MAR 17 1972

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

October 26, 1981

Rockport Colony
c/o Jake Wipf
Alexandria SD 57311

Dear Mr. Wipf:

Enclosed herewith is your Water Right Permit No. 4717-3 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 4717-3.

Also enclosed is FORM 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Management Board when you have completed the system and/or have put the water to beneficial use. The Board can then schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosure

NOTE: This is to inform you that 132 acres and 1.88 cfs has been deducted from your Permit No. 1902-3.

January 24, 1972

Mr. Joseph S. Wipf
Rockport Hutterian Brethern, Inc.
Alexandria, South Dakota 57311

Dear Mr. Wipf:

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. 1902-3 to divert 10.30 c.f.s. from the James River to irrigate 721.0 acres in Hanson County.

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

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw

1902-3

November 9, 1971

Mr. Joseph S. Wipf
Rockport Hutterian Brethern, Inc.
Alexandria, South Dakota 57311

Dear Mr. Wipf:

Your application dated September 15, 1971, for a permit to appropriate water from the James River through the Rosedale #1 was received September 16, 1971 and has been duly filed under the temporary number of 1902-3. 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 1882 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

BPJ/bw
Encl: As stated

State of South Dakota
Water License No. 1902-3

(1) Rockport Butternut Brethren
of RR#2 Box 54, Alexandria, South Dakota 57111
made Application No. 1902-3, September 16, 1971 for a water permit to appropriate
12.3 cubic feet per second of water from the James River,
Hanson County, South Dakota for Irrigation purposes.
Permit No. 1902-3, with a priority date of September 16, 1971
was approved March 13, 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.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert: 4.75 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is on the James River: any point between
and including the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T102N-R58W and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8,
T101N-R58W

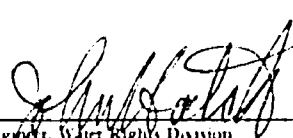
and

(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:

<u>T 102N, R58W</u>			<u>T101, R58W</u>		
Section 31	NW $\frac{1}{4}$ SW $\frac{1}{4}$	15.5 Acres	Section 6	NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.6 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	11.2 Acres		NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.0 Acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	28.0 Acres	Section 5	NW $\frac{1}{4}$ NW $\frac{1}{4}$	10.1 Acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	30.4 Acres		SW $\frac{1}{4}$ NW $\frac{1}{4}$	37.7 Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	3.5 Acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$	10.2 Acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	12.3 Acres		NW $\frac{1}{4}$ SW $\frac{1}{4}$	36.7 Acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	25.7 Acres		NE $\frac{1}{4}$ SW $\frac{1}{4}$	11.3 Acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.6 Acres		SW $\frac{1}{4}$ SE $\frac{1}{4}$	25.7 Acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	35.0 Acres		SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.0 Acres
			TOTAL	332.5	ACRES

(4) Pursuant to §46-5-30.1 Rockport Hutterian Brethren, Inc.
of Route 2, Box 54, Alexandria, South Dakota 57311
the holder(s) and/or owner(s) of Water Permit No. 1902-3 is issued a license to appropriate water, the right to use
4.75 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. 1902-3 and subject
to South Dakota State Law.


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

JOHN HATCH

DEC 1 1986

LICENSE FOR PERMIT NUMBER 1902-3

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 10 in.
b) type Aluminum
c) length 2640 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 _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

h) Distribution lines or canals:

1) size _____
2) type _____
3) length _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

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

g) Gun

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

d) Gate Pipe

- 1) length 1200 ft
- 2) diameter 10 in.
- 3) spacing of gates 30 in.

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. 90164-1/19-2

75 hp., 3550 rpm

pump: Berkeley, imp. 10 in.

M.N. B3E PL

S.N. 8141314

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

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

I have this day made a thorough examination of the water use system constructed by Rockport Hutterian Brethern, Inc. of Alexandria, SD 57311 holder of Permit No. 1902-3 bearing the priority of September 16 1971 authorizing the diversion of 10.30 cu. ft. 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:

motor: Marathonpump: Berkeley

A. Works used to divert the water:

PTO drive pump with 100hp. tractor
(pump was not available)

S.N. 90164-1/19-2M.N. B3EPL

75hp., 3550rpm

S.N. 8141314

imp. 10 in.

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

Pipeline: size - 10 in.
 type - Aluminum
 length - 2640ft

Gated pipe: length - 1200ft.diameter - 10 in.

C. Works used to apply water to beneficial use:

gate spacing - 30 in.The system is in the following condition good

The point of diversion is located James River; any point between and including the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec 31-T102N-R58W and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec 8-T101N-R58W.

The works are capable of diverting and conveying to the place of use 4.75 *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		Acres		Acres		Acres						
NW $\frac{1}{4}$ SW $\frac{1}{4}$	31-102-S8	15.5	SE $\frac{1}{4}$ NE $\frac{1}{4}$	31-102-S8	3.5	NE $\frac{1}{4}$ SE $\frac{1}{4}$	31-102-S8	35.0	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5-101-S8	37.7	SW $\frac{1}{4}$ SE $\frac{1}{4}$	5-101-S8	25.7
NE $\frac{1}{4}$ SW $\frac{1}{4}$	↓	11.2	NW $\frac{1}{4}$ SE $\frac{1}{4}$	↓	12.3	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5-101-S8	2.6	SE $\frac{1}{4}$ SW $\frac{1}{4}$	↓	10.2	SE $\frac{1}{4}$ SE $\frac{1}{4}$	↓	4.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	↓	28.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$		25.7	NE $\frac{1}{4}$ SW $\frac{1}{4}$	↓	10.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$		36.7			
SE $\frac{1}{4}$ SW $\frac{1}{4}$	↓	30.4	SW $\frac{1}{4}$ SE $\frac{1}{4}$	↓	22.6	NW $\frac{1}{4}$ SW $\frac{1}{4}$	5-101-S8	10.1	NE $\frac{1}{4}$ SW $\frac{1}{4}$	↓	11.3			

comprising a total of 332.5 acres of land and the license should be issued for 4.75 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are

Date May 23, 1985

* From the information available, the capacity of the gated pipeline and pumping equipment is approximately 4.75 cfs.

Ron Duvall
 (Signature)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1902-3

February 3, 1986

Rockport Hutterian Brethern, Inc.
Alexandria,
South Dakota 57311

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. 1902-3 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,

KAREN SCHLAACK
Administrative Aide

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



Department of Water & Natural Resources

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

SECOND NOTICE

September 29, 1986

Permit No. 1902-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Jake Wipf
Rockport Hutterian Brethern, Inc.
Alexandria, SD 57311

Dear Mr. Wipf:

February 3, 1986, you were notified the final inspection fee of \$50.00 is due before Water License No. 1902-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

s508.wr

DAKOTA Gear & Joint Company

600 East Highway 38A
Sioux Falls, South Dakota 57103
1-800-952-2350 605/336-1250

Dear Sir,
I have moved to a new
place and did not get the
notice of this. I am sorry for
this delay. Please notice this
change of address.
Thank you, John Wipf

John Wipf
OAK Lane colony
R.R. 2 Box 54
Alexandria S. Dak
57311

Bill Hayes 332-7827

Norris Quam 507/283-8107

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410584

Pierre, _____ October 2 _____ 19 86

RECEIVED OF Rockport Hutterian Brethren, Inc., RR 2, Box 54, Alexandria, SD 57311
the following amount in fees for services rendered as provided for by law: (John or Jake Wipf)

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. <u>1902-3</u>	50	00
Fee for Filing Transfer Form _____		
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	50 00

By John Hatch
Chief Engineer JOHN HATCH

ms

No. 1902-3

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

DEC 1 1986

Rockport Hutterian Brethren, Inc.
RR 2, Box 54
Alexandria, South Dakota 57311

Dear Sir:

Enclosed herewith is, Water License No. 1902-3. 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,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

WNR-817 3/83
Transmittal of Water License

Department of Water & Natural Resources

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

April 18, 1988

1902-3
4717-3

Jake Wipf
Rockport Colony
RR 2, Box 54
Alexandria, SD 57311

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Wipf:

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

James River flow conditions are as follows:

James River Flow Record

Date	LaMoure	Ludden	Columbia**	Ashlon	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	130	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

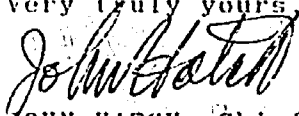
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North 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
605 773-2352



Department of Water & Natural Resources

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

June 28, 1988

NOTICE OF SHUTOFF ORDER

4717-3

1902-3

TO: Jake Wipf
Rockport Colony
RR 2, Box 54
Alexandria, SD 57311

FROM: John 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

TO: Jake Wipf
Rockport Colony
RR 2, Box 54
Alexandria, SD 57311

4717-3
1902-3

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.



1902-3



Department of Water & Natural Resources

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

February 9, 1990

JAKE WIPF-ROCKPORT COLONY
RR 2 BOX 54
ALEXANDRIA, SD 57311

NOTICE

RE: Violation of Water Permit No(s). 4717-3, 4717A-3 and 1989 Irrigation Questionnaire Requirements

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 4717-3, 4717A-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board has directed that owners of water permits who have not submitted the 1989 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4717-3, 4717A-3 qualification:

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

The hearing will also be to determine if Permit No. 1902-3 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

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

1. Suspend Permit No(s). 4717-3, 4717A-3 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s). 1902-3 also held by ROCKPORT COLONY to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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

If the questionnaires are received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

A handwritten signature in dark ink, 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

February 27, 1990

1902-3

Jake D Wipf
Rockport Colony
RR #2 Box 54
Alexandria, SD 57311

Dear Mr. Wipf:

Enclosed is a copy of Water License No. 1902-3 and a copy of the map. The map was prepared by a Staff Engineer following an inspection of the water use system conducted in May of 1985. I outlined the licensed acreage on the map in red.

You may keep the enclosed copies for your files. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "Genny McMATH". The signature is written in black ink.

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures



Department of Water & Natural Resources

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

March 14, 1990

1902-3
2812-3
4717-3
4717A-3

Jake Wipf
Rockport Colony
RR #2 Box 54
Alexandria, SD 57311

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 1989 irrigation questionnaires for Water Permit Nos. 1902-3, 2812-3, 4717-3, and 4717A-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaires. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

A handwritten signature in black ink that reads "Ron Duvall". The signature is written in a cursive style with a large, looped "R" and a stylized "D".

RON DUVAL
Natural Resources Engineer
Water Rights Division



Department of Water & Natural Resources

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

April 6, 1990

NOTICE OF SHUTOFF ORDER

1902-3, 4717-3, 4717A-3

TO: Wipf, Jake
Rockport Colony
RR 2, Box 54
Alexandria, SD 57311

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

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

1902-3, 4717-3
4717A-3

TO: Jake Wipf
Rockport Colony
RR 2, Box 54
Alexandria, SD 57311

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

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

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

August 13, 1990

1902-3
4717-3
4717A-3

Ben Wipf
Rockport Colony
RR 2, Box 54
Alexandria, SD 57311

Dear Mr. Wipf:

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,

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

 **Department of
Water & Natural Resources**

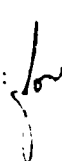
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

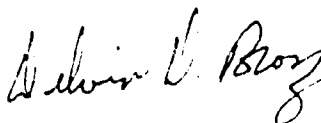
May 30, 1990

RESCISSION OF SHUTOFF ORDER

1902-3,
4717-3
4717A-3

TO: Jake Wipf
Rockport Colony
RR2, Box 54
Alexandria, SD 57311

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 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:

<u>Date</u>	<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	377.5

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) 773-2352.

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

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

April 2, 1991

1902-3
4717-3
4717A-3

Ben Wipf
Rockport Colony
RR 2, Box 54
Alexandria, SD 57311

Dear Mr. Wipf:

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

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

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

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

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

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

Very truly yours,

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

South Dakota



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 5, 1991

NOTICE

1902-3
4717-3
4717A-3

TO: Ben Wipf
Rockport Colony
RR 2, Box 26
Alexandria, SD 57311

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

Deloris 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 29, 1991

Ben Wipf
Rockport Colony
RR 2, Box 26
Alexandria, SD 57311

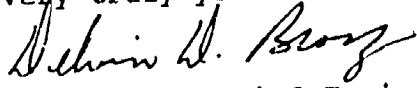
Dear Mr. Wipf:

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. 1902-3, 4717-3 and 4717A-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

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



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

BEN WIPF- ROCKPORT COLONY
RR 2 BOX 26
ALEXANDRIA SD 57311

NOTICE

RE: Violation of Water Permit Nos 1902-3, 4717-3 & 4717A-3 and 1991 Irrigation
Questionnaire Requirements

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit Nos 1902-3, 4717-3 & 4717A-3. The request for the Questionnaires was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1902-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4717-3 & 4717A-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, at the Floyd Mattnew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4717-3 & 4717A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1902-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Ron Duvall".

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1992

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: BEN WIPF- ROCKPORT COLONY
RR 2 BOX 26
ALEXANDRIA, SD 57311

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *Ron Duvall*

SUBJECT: Amendment to Water Permit No(s). 1902-3

Pursuant to the provisions of the Notice dated January 27, 1992, and following the hearing March 4, 1992, the Water Management Board has amended Water Permit No(s). 1902-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit future irrigation questionnaires could result in suspension of the water permit and no use of water for up to one year for the first violation.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

BOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 11, 1992

Ben Wipf
Rockport Colony
RR 2, Box 26
Alexandria SD 57311

Dear Mr. Wipf:

This letter is in response to our phone conversation on March 11, 1992, regarding the irrigation questionnaires for Permit Nos. 1902-3, 4717-3, and 4717A-3. Enclosed are irrigation questionnaire forms for you to complete. Since your above address is correct, I do not know why you didn't receive the questionnaires during the initial mailing in October 1991.

I did not give you the correct information during our phone conversation. Water Permit No. 1902-3 was amended as we discussed; however, Nos. 4717-3 and 4717A-3 are SUSPENDED. This means you can not irrigate the acreage covered by Nos. 4717-3 and 4717A-3 during the 1992 irrigation season. The only possibility of getting Nos. 4717-3 and 4717A-3 reinstated for the 1992 irrigation season is to complete and return the enclosed questionnaires AND submit a letter requesting time on the Water Management Board's agenda during the May 6-7, 1992, Board meeting in Pierre. The letter should include your reasons for not completing the irrigation questionnaires. The Water Management Board will then consider your request at the May 6-7 Board meeting and may or may not rescind suspension of Nos. 4717-3 and 4717A-3. I strongly recommend that someone attend the Board meeting in May, if you intend to have the Board consider rescinding suspensions of Nos. 4717-3 and 4717A-3.

Please contact me if you have any questions regarding this matter.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



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

TO: Jake Wipf
Rockport Colony
RR 2, Box 54
Alexandria, SD 57311

1902-3
4717-3

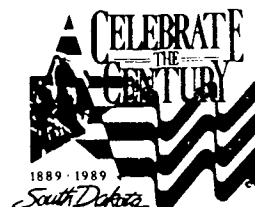
FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch
by Jamie Winterton

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.





**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: ROCKPORT HTTRN BRTH attn BEN WIPF
26209 ROCKPORT RD
ALEXANDRIA SD 57311

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 1902-3 4717A-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.



1902-3

**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). 1902-3, 4717A-3, 7339-3**

To: ROCKPORT HTRN BRTH
26209 ROCKPORT RD
ALEXANDRIA SD 57311

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

Subject: James River Qualification Reminder for Permit No(s). 1902-3, 4717A-3, 7339-3

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

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August 6, 2015

Nos. 1902-3, 2411-3, 4717A-3, 6015-3, 6232-3,
7339-3, 7973-3, 8045-3, & 8046-3

Rockport Colony
Attn: Donny Wipf
26209 Rockport Road
Alexandria SD 57311

Dear Mr. Wipf:

This letter is in reference to your August 6, 2015 call regarding water availability and requesting permission to continue irrigation for Water Permit Nos. 1902-3, 2411-3, 4717A-3, 6015-3, 6232-3, 7339-3, 7973-3, 8045-3, and 8046-3 from the James River after the August 10 shutoff date. 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 the end of the 2015 irrigation season.

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

FEB 16 2017

1902A-3

1902-3

Rockport Hutterian Brethren
c/o Donny Wipf
26209 Rockport Rd
Alexandria SD 57311

Dear Mr. Wipf:

Enclosed is Water Permit No. 1902A-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit. Also, included is Reissued Water License No. 1902-3. The license has been reissued to reflect the acres and diversion rate that remain upon the transfer authorized by No. 1902A-3.

Please note Item No. 5 on issued Permit No. 1902A-3. The issuance of Permit No. 1902A-3 severed 255 irrigated acres under the original water right and simultaneously transferred to the 255 acres described by the permit. No construction period is provided on Permit No. 1902A-3. However, state law provides for permits to be subject to abandonment or forfeiture for nonuse. Please be aware that effective immediately the forfeiture for nonuse law applies which provides that failure to use beneficially any part of the water for the purpose it was appropriated, for a period of three years, can result in the unused portion being subject to cancellation.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *?Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

REISSUED
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1902-3

(1) Rockport Hutterian Brethren, c/o Donny Wipf, 26209 Rockport Rd, Alexandria SD 57311 was issued Water License No. 1902-3, December 1, 1986 for a water right to divert 4.75 cubic feet of water per second from the James River, Hanson County, South Dakota for irrigation purposes. Water License No. 1902-3 has a priority date of September 16, 1971.

On January 2, 2017, Water Permit No. 1902A-3 was issued to transfer acreage and diversion authority authorized by Water Right No. 1902-3. This license is being reissued to reflect the acres and diversion rate that remain upon the transfer authorized by No. 1902A-3.

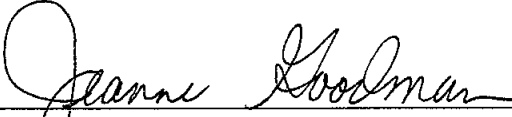
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1902-3 is issued a license, bearing a priority date of September 16, 1971 to appropriate 1.11 cubic feet of water per second from the James River to irrigate 77.5 acres.

The diversion points are located: any point between and including the SW 1/4 NE 1/4 Section 31-T102N-R58W and the NW 1/4 NE 1/4 Section 8-T102N-R58W. The acres authorized for irrigation are as follows:

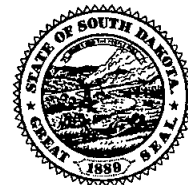
Section 31-T102N-R58W	SE 1/4 NE 1/4	2.0 acres
	NW 1/4 SE 1/4	8.5 acres
	NE 1/4 SE 1/4	20.0 acres
	SW 1/4 SE 1/4	12.0 acres
	<u>SE 1/4 SE 1/4</u>	<u>35.0 acres</u>
	Total	77.5 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1902A-3 including the following qualifications:

1. Diversion of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b) This permit does not authorize diversions from James River when there is less than 20 cfs bypassing the USGS gaging station at Scotland SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 16 2017
date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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August 08, 2017

1902-3, 1902A-3, 2411-3, 4717A-3, 7339-3
7973-3, 8045-3, 8046-3, 8047-3, 8048-3

Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

This letter is in reference to your August 8, 2017 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 through September 10, 2017.

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182

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September 12, 2017

1902-3, 1902A-3, 2411-3, 4717A-3, 7339-3
7973-3, 8045-3, 8046-3, 8047-3, 8048-3

Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

This letter is in reference to your September 12, 2017 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 through September 30, 2017.

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

Sincerely,



Jeanne Goodman, Chief Engineer
Water Rights Program



1902-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JAN 09 2018

Rockport Hutterian Brethren
c/o Donny Wipf
26209 Rockport Road
Alexandria SD 57311

Dear Mr. Wipf:

Enclosed are Water Permit Nos. 8305A-3, 8305B-3 and 8305C-3 authorizing the transfer of acreage and diversion rate authority appropriated by Water Right No. 1902-3.

A Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed for Water Permit No. 8305C-3. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An information sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures