

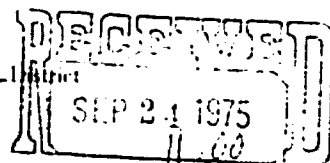
Water Right Number 2387-3

1. Considered November 12,, 19 75
2. Name of Applicant James Kleinsasser
3. Post Office Address Huron, SD 57350
4. Amount of water claimed 2.50
5. Source of water supply James River
6. Water to be used for Irrigation
- Acres to be irrigated 270
7. Water to be diverted and used in Beadle County
about 12 M Miles of Huron
8. Proof of Publication Received 11-6-75
Not received _____
Approved _____
Subject to _____
Not approved _____
Action deferred _____
9. Application

**INVOLVES CANCELLATION
OF PERMIT NO 1337-3, AND
INCORPORATION OF THE
AMOUNT OF WATER THAT**

10. Remarks:

**IS AUTHORIZED AN PRIORITY
INTO THIS PERMIT.**

Map No. 949-3Water Division No. 3No. 2387-3
JAMES RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT STATE WATER RIGHTS COM. PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant James KleinsasserPostoffice address Rt. 2, Huron State South Dakota 57350

If a corporation show date and place of incorporation _____

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

3. Name of diversion work Kleinsasser #14. Amount of water claimed (cubic feet per second) 3.8 **2.5 ADDITIONAL - 1.3 CFS TRANSFERRED TO THIS APPLICATION FROM WATER PERMIT NO. 1357-3**5. Source of water supply James River6. Location of point of diversion in the NW 1/4 SW 1/4, Section 32, T113N, R61WCounty Beadle7. 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 270 370

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4	135	CENTER PORTION OF	100
SE 1/4	135	SECTION 32, T113N, R61W	
Sec. 6, T112N, R61W		RETAINED FROM 1357	

Attach sheet if more space is needed

five

10. Time required to complete construction of water supply system _____ years. Additional time required to complete application of water to the proposed beneficial use four years.11. Choice of newspaper for notice of Intent to Appropriate Water publication Daily Plainsman, Huron, SD

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 to Pivots

C. Works proposed to apply water to beneficial use.

Center Pivot Sprinkler System

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)

County of Hughes) ss.I, James Kleinsasser, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Signed _____

Subscribed and sworn to before me this 24th day of September 19 75

Notary Public (or other qualified officer)

BETTY WESTLUND, Land/Water Crk. II

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2387-3
JAMES KLEINSASSER (Applicant) ROUTE 2, HURON (Post Office Address)
SOUTH DAKOTA 57350 (State)

With the following modifications:
 This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the State Water Rights Commission, or its legally appointed representative. Diversions under this permit shall be in accordance with any written orders issued by the Commission or its representative.

This permit does not authorize diversions from the James River when less than 20 c.f.s. of water is by-passing the Third Street Dam in Huron.

THE 1.3 CFS AND PRIORITY DATE OF DECEMBER 12, 1966, BOTH ESTABLISHED UNDER PERMIT NO 1337-8 HAVE BEEN INCORPORATED INTO THIS PERMIT, AND PERMIT NO 1337-8 HAS BEEN CANCELLED

Date of first receipt of application SEPTEMBER 24 19 75
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved NOVEMBER 13 19 75 Recorded in Book 14 Page 121

WATER RIGHT PERMIT NO. 2387-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2387-3 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:

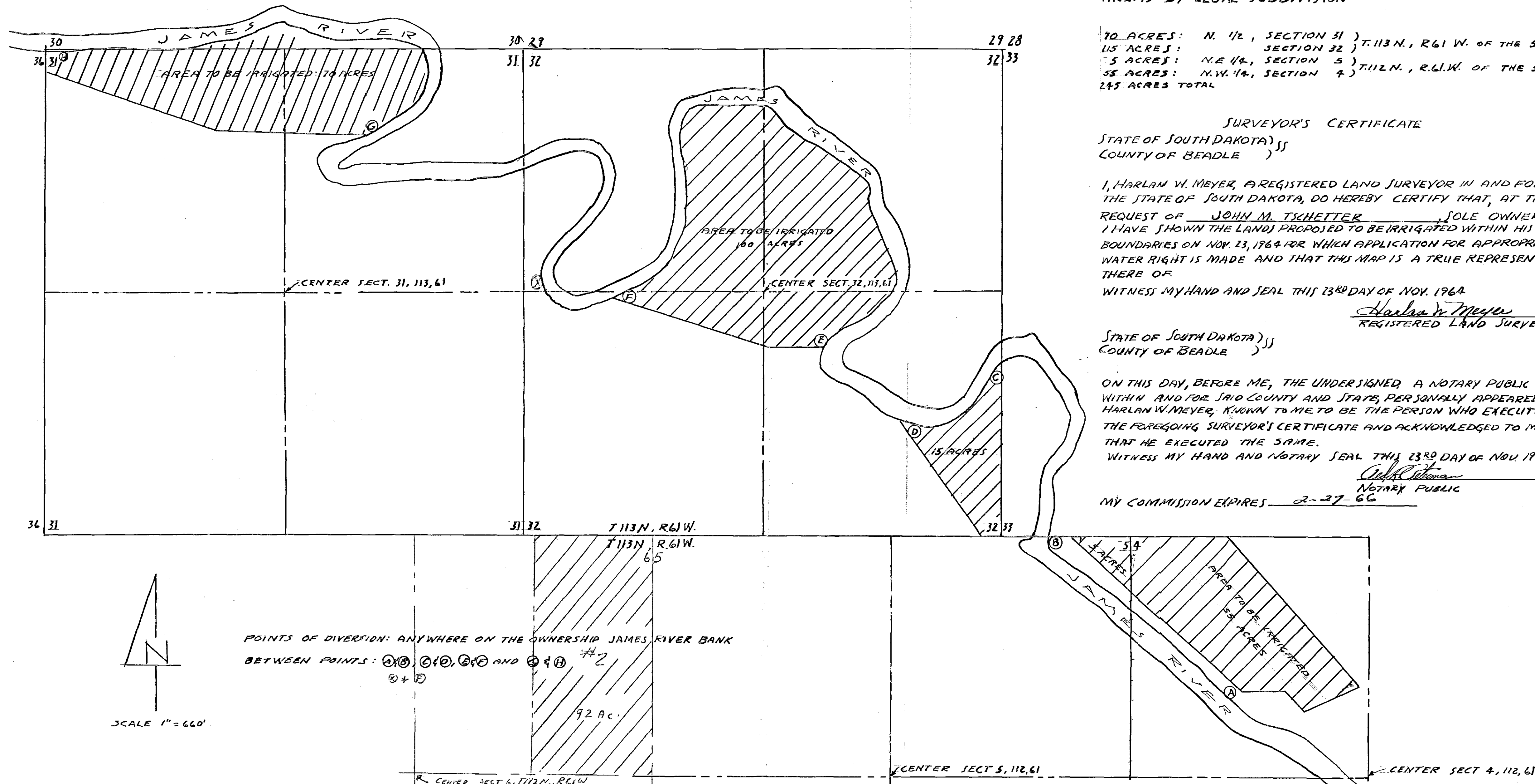
1. The date from which applicant may claim right is 1.3 CFS FROM DECEMBER 12, 1966
2.5 CFS FROM SEPTEMBER 24, 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13 19 78
3. The whole of said work is to be completed on or before NOVEMBER 13 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13 19 84
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 3.8 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 NOVEMBER 13 19 84 and water to be used during the following described annual period: APRIL THRU AUGUST 10

Witness my hand this 18TH day of NOVEMBER 19 75

WATER RIGHTS COMMISSION

John H. Hatcher
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 ____
 Water License Issued NOVEMBER 16 19 83



AREAS BY LEGAL SUBDIVISION

70 ACRES: N. 1/2, SECTION 31) T. 113 N., R. 61 W. OF THE 5TH P.M.
15 ACRES: SECTION 32)
5 ACRES: N.E. 1/4, SECTION 3) T. 112 N., R. 61 W. OF THE 5TH P.M.
55 ACRES: N.W. 1/4, SECTION 4)
245 ACRES TOTAL

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE)

I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT, AT THE REQUEST OF JOHN M. TSCHETTER, SOLE OWNER I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED WITHIN HIS OWNERSHIP BOUNDARIES ON NOV. 23, 1964 FOR WHICH APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP IS A TRUE REPRESENTATION THERE OF.

WITNESS MY HAND AND SEAL THIS 23RD DAY OF NOV. 1964

Harlan W. Meyer
REGISTERED LAND SURVEYOR

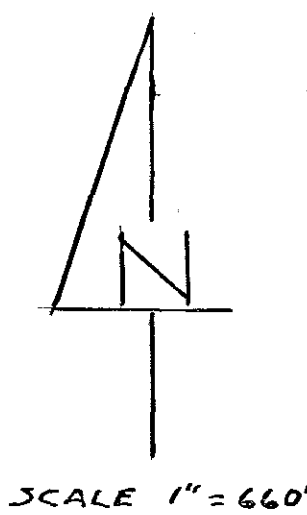
STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE)

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED HARLAN W. MEYER, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND NOTARY SEAL THIS 23RD DAY OF NOV. 1964.

John M. Tschetter
NOTARY PUBLIC

MY COMMISSION EXPIRES 2-27-66



POINTS OF DIVERSION: ANYWHERE ON THE OWNERSHIP JAMES RIVER BANK
BETWEEN POINTS: ①, ②, ③, ④ AND ⑤, ⑥, ⑦, ⑧, ⑨, ⑩

App 14
1337-3

MAP	
SHOWING AREA & DIVERSION POINTS WHERE WATERS WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER	
JOHN M. TSCHETTER	OWNER
HARLAN W. MEYER	SURVEYOR

2387-3

State of South Dakota
Water License No. 2387-3

(1) James Kleinsasser
of Route #2, Box 205, Huron, South Dakota 57350
made Application No. 2387-3 September 24, 1975 for a water permit to appropriate
3.8 cubic feet per second of water from the James River
Beadle County, South Dakota for Irrigation purposes.
Permit No. 2387-3, with a priority date of 1.3 cfs from December 12, 1966* and 2.5 cfs from
September 24, 1975
was approved November 13, 1975 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before November 13, 1980 and for the application to beneficial use of said
water on or before November 13, 1984.

* The priority date of December 12, 1966 and 1.3 cfs were transferred from Water Right No. 1337-3 and incorporated into Water Permit No. 2387-3 upon approval by the Water Management Board. Water Right No. 1337-3 was placed in a cancelled status with no loss of rights established under Permit No. 1337-3. JD

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.50 cubic feet per second of water for beneficial use. The location of the diversion point(s) is at points 550'E and 2350'N (CB) and
3430'E and 1900'N (DB) of the SW $\frac{1}{4}$, Section 32, T113N, R61W

Permit No. 2387-3
 Water Division 3 JAMES RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by JAMES KLEINSASSER of HURON holder of Permit No. 2387-3 bearing date of priority of 1.8 CFS FROM DECEMBER 12, 1966 2.5 CFS FROM SEPTEMBER 24, 1976 authorizing the diversion of 3.8 cu. ft. per second of the waters of THE JAMES RIVER for IRRIGATION purposes, in BEADLE County.

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

The Water Use System consists of,

A. Works used to divert the water:

BERKELEY - MODEL R46 PBM - 10" INTAKE - 10" DISCHARGE PUMP
 POWERED BY 50 HP CENTURY ELECTRIC MOTOR.
 BERKELEY - MODEL B4J - 6" INTAKE - 8" DISCHARGE PUMP
 POWERED BY 40 HP CENTURY ELECTRIC MOTOR.

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

3850' OF 10" BURIED PVC FROM RIVER TO CENTER OF NE⁴ SEC 6
 2650' OF 8" BURIED PVC FROM NE⁴ TO SE⁴ SEC 6
 1150' OF 8" BURIED PVC FROM RIVER TO PIVOT IN SEC 32

C. Works used to apply water to beneficial use.

ELECTROGATOR 8 TOWER CENTER PIVOT WITH NELSON #200 END GUN (1000' R)
 ELECTROGATOR 5 TOWER CENTER PIVOT WITH NELSON #100 END GUN (600' R)

The system is in the following condition: GOOD

The point of diversion is located AT POINTS 550' E & 2350' N AND 3430' E & 1900' N OF THE SW⁴ SECTION 32, T113N, R61W

The works are capable of diverting and conveying to the place of use 3.5

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: SECTION 32, T113N, R61W

<u>SECTION 6, T112N, R61W</u>	<u>NE⁴ 136 AC.</u>	<u>SW⁴ NE⁴ 38 ACRES</u>
	<u>SE⁴ 136 AC</u>	<u>NW⁴ SE⁴ 14 "</u>
	<u>132</u>	<u>SE⁴ NW⁴ 18 "</u>
		<u>NE⁴ SW⁴ 9 "</u>

comprising a total of 351 acres of land.

SEE 2545-2 FOR AERIAL PHOTOS

Date APRIL 21, 1982
 (Signature) [Signature]

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County beadle) ss.

I, Dorothy Murphy hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Huron Daily Plainsman

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

_____ city _____ of Huron

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

October 24, 1975

October 31, 1975

Dorothy Murphy
(Signature)

Beadle
(Title)

10-31-75
(Date Signed)

F.P. 10-24-75 L.P. 10-31-75

NOTICE INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501

October 17, 1975

Notice is hereby given that James
Kleinsasser whose post office ad-
dress is Huron, 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 2.5
cubic feet of water per second of
time from the James River through
the Kleinsasser No. 1, the point of
diversion of which is to be located in
the NW1/4 SE1/4 of Section 32, Twp.
113N, Range 61W. Said water to be
used for the purpose of providing
irrigation on portion of the following
described land: E1/2, Section 4,
T112N, R61W.

This application No. 2387-3 will be
considered by the Water Resources
Commission at their office at Pierre
upon the 12th day of November,
1975, at 2:30 P.M. All interested
persons may appear and be heard.
WATER RESOURCES COM-
MISSION

By: BURTON F. JONES
Water Rights Specialist
cc: James Kleinsasser, Route No. 2,
Huron, S. D. 57350.

No. 554 (adv.)

Publish first publication, on or before October 30, 1975NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 17, 1975

Notice is hereby given that James Kleinsasser
whose post office address is Huron, 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
2.5 cubic feet of water per second of time from the James River through the
Kleinsasser #1, the point of diversion of which is to be located in the _____

NW 1/4 SE 1/4

of Section 32, Twp. 113N, Range 61W. Said water to be used for the purpose

of providing irrigation of portion of the following described land:
R 1/2, Section 8, T113N, R61W

This application No. 2387-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 12th day of November, 1975, at 2:30 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: James Kleinsasser, Route #2, Huron, S.D. 57350



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

November 19, 1975

James Kleinsasser
Route 2
Huron, S.D. 57350

Dear Mr. Kleinsasser:

Enclosed herewith is your Water Right Permit No. 2387-3 as approved by the Water Rights Commission, 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. 2387-3.

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 Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a Water Right.

P.S. You will note that the applicable portions of Permit No. 1337-3 have been incorporated into this Permit, and Permit No. 1327-3 has been cancelled.

Respectfully,
WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

JH/BFJ/bw
Encl: As stated

2387-3
4545-3

WATER RIGHTS DIVISION
(605) 773-3352

April 5, 1983

James Kleinsasser
Route #2
Huron, South Dakota 57350

Dear Mr. Kleinsasser:

In checking our files it has been discovered the final inspection has been made on your Permits Nos. 2387-3 and 4545-3.

Statutes provide that we charge \$50.00 each for the inspection and issuance of the final papers. Upon receipt of your check in the amount of \$100.00 the final papers will be sent to you.

If you have any questions feel free to contact our office.

Sincerely,

Kevin C. Larson
Water Resources Engineer

KCL:BN:ms



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

August 22, 1983

SECOND NOTICE
Permit Nos. 2387-3 and 4545-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

James Kleinsasser
RR #2
Huron, SD 57350

Dear Mr. Kleinsasser:

April 5, 1983 you were notified the final inspection fee of \$50.00 each (\$100 total) is due before Water License Nos. 2387-3 and 4545-3 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, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

C82204ks.wf

2387-3
4545-3

PS Form 3811, Jan. 1978

SUMMER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

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

2. ARTICLE ADDRESS TO:
 James Kleinsasser
 PP #2
 Huron 57350

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 P 321 937 456
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Author or agent
 James Kleinsasser

4. DATE OF DELIVERY
 8-23-83

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS
 008

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

THIRD NOTICE

October 25, 1983

Permit No. Nos. 2387-3 and 4545-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

James Kleinsasser
RR #2
Huron, South Dakota 57350

Dear Mr. Kleinsasser:

April 5, 1983 and August 22, 1983 you were notified the final inspection fee of \$50.00 is due before Water License No. Nos. 2387-3 and 4545-3 can be issued. As of this date, the fee has not been received (\$100.00 total for both).

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

S508.WR

002503ks.wr

2387.3

4545.3

PS Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☒ Show to whom and date delivered _____ —f

☐ Show to whom, date, and address of delivery. —f

2. ☐ **RESTRICTED DELIVERY** —f
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**
James Kleinsasser
RR 2
Huron 50 57350

4. **TYPE OF SERVICE:**

☐ REGISTERED ☐ INSURED

☐ CERTIFIED ☐ COD

☐ EXPRESS MAIL

ARTICLE NUMBER:
P 404 78 701

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Mrs. James Kleinsasser

DATE OF DELIVERY
10/27/83

POSTMARK

5. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

2387-3

RECEIPT

No 4 9393

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, November 4, 19 83

RECEIVED OF James Kleinsasser, RR #2, Huron SD 57350

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. 2387-3

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

50 00

By

Chief Engineer

JOHN HATCH

RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

No 4 3187

October 15, 1975

PIERRE,

RECEIVED OF James Kleinsasser

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

Fee for Application for Permit to Appropriate Water No. 2387-3 (examination,
processing, recording and filing) 8.00

Fee for inspecting Construction, and issuing Cert. of Construction No.

Fee for inspecting Beneficial Use, and issuing Water License No.

Fee for issuing Location Certificate-Dry Draw, No.

Fee for filing

Fee for certified copy of

Fee for Print copy of map

Fee for Certifying

Fee for

(any other work as provided by law)

TOTAL

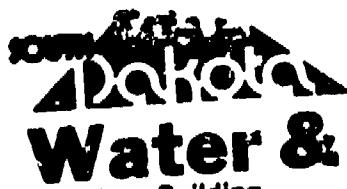
8.00

WATER RIGHTS COMMISSION

By

John Hatch
Chief Engineer, Executive Officer

John Hatch bw



South Dakota Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

January 27, 1984

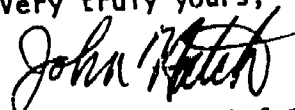
James Kleinsasser
Route #2, Box 205
Huron, South Dakota 57350

Dear Mr. Kleinsasser:

Enclosed herewith is, Water License No. 2387-3. 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, Chief Engineer
Water Rights Division

JH:ms

Enclosures

2387-3

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

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

March 23, 1987

JAMES L. KLEINSASSER
RR #2, BOX 205
HURON, SD 57350

NOTICE

Re: Violation of Water Permit(s). 4545-3 and 1986 Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4545-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4545-3 qualification:

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

The hearing(s) will also be to determine if Permit No(s). 2387-3, 2388-3, 4273-3, 1411-3, 809-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

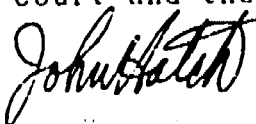
The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

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

1. Suspend Permit No(s). 4545-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 2387-3, 2388-3, 4273-3, 1411-3, 809-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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



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

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

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

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

April 24, 1987

809-3

2387-3

4273-3

1141-3

2388-3

4545-3

James & Leland Kleinsasser
RR #2 Box 205
Huron, SD 57350

Dear Sirs:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 809-3, 1141-3, 2387-3, 2388-3, 4273-3, and 4545-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

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

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

April 18, 1988

1141-3
~~2387-3~~
2388-3
809-3

James Kleinsasser
RR 2, Box 236
Huron, SD 57350

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Kleinsasser:

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

James River flow conditions are as follows:

James River Flow* Record

<u>Date</u>	<u>LaMoure</u>	<u>Ludden</u>	<u>Columbia**</u>	<u>Ashton</u>	<u>Huron</u>	<u>Forestburg</u>	<u>Scotland</u>
04/06/88	81.2	(state	15.0	37.7	48.0	105	285
04/11/88	134	line)	12.4	34.3	39.4	60.9	167
04/13/88	150		8.99	21.4	34.3	55.7	122
04/14/88	159	190	21.3	34.3	32.0	50.8	115
04/15/88	142		57.0	45.6	32.0	48.9	112

* Flow in cfs (cubic feet of water per second)

1 cfs = 449 gallons per minute

** Sand Lake Refuge has increased releases due to inflows

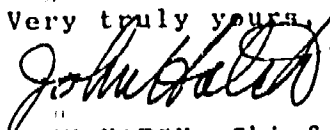
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North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

Sand Lake Refuge is at or near full capacity and releases are being made. The quantity released will depend on inflows which are measured near the ND-SD State Line.

We are providing the above information to allow you to have the latest information for the entire James River and to provide you with an indication of what to expect. Unless water supply conditions change, we expect that the James River pumping will be shutoff for much of the irrigation season.

If we may answer any questions, please contact James Winterton, 773-3352.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", written over a horizontal line.

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

Department of Water & Natural Resources

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

May 18, 1988

NOTICE OF SHUTOFF ORDER

TO: James Kleinsasser
RR 2, Box 236
Huron, SD 57350

1141-3
2387-3
2388-3
809-3

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

John Hatch
By James Kleinsasser

SUBJECT: Shut Off Order To James River Water Right Holders Located Above
Huron, Effective 12:00 Noon, May 25, 1988.

I am certain that you are aware that James River flows are not enough to supply all water rights. Therefore, to protect the City of Huron's senior water rights and to provide water for domestic use (livestock watering), effective 12:00 noon on May 25, 1988 no pumping of water from the James River is authorized until January 1, 1989 or until further notice.

The following is the latest flow information that we have on the river:
(these are provisional records - flow measured in cubic feet per second)

Date	LaMoure	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
05/09/88	5.5	156	6.97	51.4	62.0	57.7	72.0
05/10/88	4.2	48.0	16.3	43.7	65.1	65.3	87.4
05/11/88		.05	9.23	31.6	45.0	68.8	82.0
05/12/88	4.6	5.79	6.30	30.3	51.3	68.8	79.4
05/13/88	0.30	0.45	6.46	30.0	48.0	65.3	76.9
05/16/88	0.50	3.09	3.15	21.1	45.0	49.9	62.8
05/17/88	0.0	0.0	4.84	16.0	42.1	43.7	58.5
05/18/88	0.0	0.0	3.51	12.8	6.8*	39.6	50.7

* South wind affecting the reading

As the information listed above shows, there is almost no James River flow in North Dakota and the flows in South Dakota are steadily decreasing. Unless conditions change, it appears that no pumping will be allowed for the remainder of the 1988 irrigation season from the James River.

cc: City of Huron



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

May 24, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: James Kleinsasser
RR 2, Box 236
Huron, SD 57350

1141-3
2387-3
2388-3
809-3

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

John Hatch

SUBJECT: Extension of Shutoff Order to 12:00 Noon, June 1, 1988
due to Increased Flows in the James River.

The rains this past weekend over the James River Drainage area has produced enough runoff to provide additional flows in the James River. Therefore, the shutoff order to be effective at 12:00 noon, May 25, 1988 is extended to 12:00 noon, June 1, 1988.

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



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

May 31, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: James Kleinsasser
RR 2, Box 236
Huron, SD 57350

1141-3

2387-3

809-3

2388-3

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



SUBJECT: Extension of Shutoff Order to 12:00 Noon, June 15, 1988
due to Increased Flows in the James River.

The rains over the James River Drainage area has produced enough runoff to provide additional flows in the James River. Therefore, the shutoff order to be effective at 12:00 noon, May 25, 1988 is extended to 12:00 noon, June 15, 1988.

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



 **Department of
Water & Natural Resources**

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

July 17, 1989

NOTICE OF SHUTOFF ORDER

1141-3
2387-3
2388-3
809-3

TO: James Kleinsasser
RR 2, Box 236
Huron, SD 57350

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

SUBJECT: Shut Off Order to James River Water Right Holders
Located above Huron Effective 12:00 Noon July 20, 1989.

The flows in the James River have dropped to less than 20 cfs at Huron. Therefore to protect the City of Huron's prior rights and domestic uses (livestock watering) on the James River, effective 12:00 noon on July 20, 1989 no pumping of water from the James River is authorized until January 1, 1990 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for the remainder of the 1989 irrigation season from the James River.

If you have any questions, please contact James Winterton, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent



 **Department of
Water & Natural Resources**

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

September 28, 1989

2387-3

Vic Kleinsasser
RR #2
Huron, SD 57350

Dear Mr. Kleinsasser:

Enclosed, as requested, is a copy of the "Notice of Shutoff Order" sent July 17, 1989 to James Kleinsasser. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure



Department of Water & Natural Resources

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

April 6, 1990

NOTICE OF SHUTOFF ORDER

1141-3, 809-3, 2387-3 2388-3

TO: Kleinsasser, James
RR 2, Box 236
Huron, SD 57350

FROM: *for* John Hatch, Chief Engineer *Delvin D. Brosz*
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

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

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

June 29, 1990

RESCISSION OF SHUTOFF ORDER

809-3

1141-2

2387-3

2358-3

TO: James Kleinsasser
RR 2, Box 236
Huron, SD 57350

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 James River have improved. Therefore, I am rescinding the April 6, 1990 shutoff order, effective immediately, for the section of the James River downstream from the James River Diversion Dam to the Huron Third Street Dam.

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>
6/27/90	45.2	0.6	12.3	20.5	132.8	249.1
6/28/90	32.4	1.7	25.8	68.4	120.0	229.4
6/29/90	10.9	1.0	23.1	51.3	117.1	206.0

If the flows of the river should decrease to less than 20 cfs at the Third Street Dam, shutoff will again be necessary.

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 ENVIRONMENT
and NATURAL RESOURCES

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

August 5, 1991

NOTICE

809-3

1141-3

2387-3

2388-3

TO: James Kleinzasser
RR 2, Box 236
Huron, SD 57350

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

August 8, 1990

NOTICE

1141-3, 809-3,
2387-3, 2388-3

TO: James Kleinsasser
RR 2, Box 236
Huron, SD 57350

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

John Hatch

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

**Dakota Department of
Water & Natural Resources**

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

April 2, 1991

809-3
1141-3
2387-3
2388-3

James Kleinsasser
RR 2, Box 236
Huron, SD 57350

Dear Mr. Kleinsasser:

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

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

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

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

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

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

Very truly yours,

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

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

GREAT FACES. GREAT PLACES.

August 12, 1991

Vic Kleinsasser
RR 2, Box 42
Yale, SD 57386

Dear Mr. Kleinsasser:

In response to your telephone call requesting an extension to pump from the James River, you are hereby authorized to continue irrigation under Water Right Nos. 809-3, 1141-3, 2387-3, and 2388-3 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 Delwin H. Brong
JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

2387-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 5, 1991

Vic Kleinsasser
RR 2, Box 42
Yale, SD 57386

Dear Mr. Kleinsasser:

The flow in the James River is approaching 20 cfs at Huron and continues to drop. Therefore, to protect Huron's senior water right and downstream domestic use (including livestock watering), diversions covered under Water Right Nos. 809-3, 1141-3, 2387-3 and 2388-3 shall be discontinued, effective immediately, until January 1, 1992.

If you have any questions, please do not hesitate to contact this office.

Very truly yours

for William H. Bragg
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

September 27, 1991

Vic Kleinsasser
RR #1 Box 42
Yale, SD 57386

RE: Ownership changes on Water Right Nos. 809-3, 1141-3, (2387-3,
2388-3, 4545-3 and Water Permit No. 4273-3

Dear Mr. Kleinsasser:

Enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 809-3, 1141-3, 2387-3, 2388-3, 4545-3 and Water Permit No. 4273-3. They are currently listed in the names of James and/or Leland Kleinsasser.

The transfer forms should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$15.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 2387-3

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 12/6/91

I, We request that Water ~~Permit~~/Right No. 2387-3

formerly owned by: James Kleinsasser, RR 2 Huron, SD

be transferred to: (name & address) X Victor Kleinsasser, Peggy Kleinsasser
RR, Box 42, Yale, SD. 57386 (telephone No.) 352-8103

Title to the following described land(s)/property has been transferred as described above:

S 1/2 Section 6, T112N, R61W, SW 1/4 SE 1/4, NW 1/4 SE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4 Section 32, T113N, R61W

I, We understand that the validity of Water ~~Permit~~/Right No. 2387-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of X Beadle)

I/We X Victor & Peggy Kleinsasser 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 that I know of my own personal knowledge that the information herein stated is true.

X Peggy Kleinsasser

X Victor Kleinsasser
(Signed)

Subscribed and sworn to before me this 6th day of Dec, 1991.

Bert A. New
(Notary Public)

Jun 21, 1994

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ December 10, 19 91

RECEIVED OF Victor or Peggy Kleinsasser, RP 1, Box 42, Yale, SD 57386

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 Water Right No. 2387-3

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

J. C. [Signature]
Chief Engineer

2387-3



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

January 2, 1992

No. 809-3
1141-3
2387-3
2388-3
4273-3
4545-3

Victor and Peggy Kleinsasser
RR 1, Box 42
Yale, SD 57386

Dear Mr. and Ms. Kleinsasser:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right Nos. 809-3, 1141-3, 2387-3, 2388-3, 4545-3 and Water Permit No. 4273-3.

Our records now show you as the owner of Water Right Nos. 809-3, 1141-3, 2387-3, 2388-3, 4545-3 and Water Permit No. 4273-3.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl F. Frost'.

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure



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

VICTOR/PEGGY KLEINSASSER
RR #1 BOX 42
YALE SD 57386

NOTICE

RE: Violation of Water Permit Nos 809-3, 1141-3, 2387-3 & 2388-3, 4545-3 and 1991
Irrigation Questionnaire Requirements

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit Nos 809-3, 1141-3, 2387-3 & 2388-3, 4545-3. The request for the Questionnaire 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) 809-3, 1141-3, 2387-3 & 2388-3 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) 4545-3 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 Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to 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) 4545-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 809-3, 1141-3, 2387-3 & 2388-3 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,

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



2387-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 1992

Victor & Peggy Kleinsasser
RR #1 Box 42
Yale, SD 57386

RE: Irrigation Questionnaires for Water Permit Nos. 809-3,
1141-3, 2387-3 2388-3 and 4545-3

Dear Mr. & Mrs. Kleinsasser:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for the above listed Water Permits. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division



April 14, 1992

2387-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

809-3
1141-3
2387-3
2388-3

TO: VICTOR/PEGGY KLEINSASSER
RR 1 BOX 42
YALE, SD 57386

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

SUBJECT: Shut Off Order to All James River Water Right Holders
Above Huron, Effective Immediately.

The flows in the James River are below 20 cubic feet per second (cfs) at the gaging stations above Huron. Therefore to protect the City of Huron's prior rights from diversions above Huron and domestic uses (livestock watering) below Huron, effective immediately, no pumping of water from the James River above Huron is authorized until January 1, 1993 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for 1992 from the James River above Huron diversion dam. If conditions improve, notices will be issued, based on senior priority dates, to allow pumping by water users.

Due to the continuing drought, the James River basin, in both North Dakota and South Dakota, is receiving below normal runoff.

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

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
4/7/92	83	.4	9	32	40	57
4/10/92	54	.6	7	20.5	---	57
4/13/92	6	.6	4	20.5	---	55

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

cc: City of Huron, Water Superintendent



2387-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 22, 1992

RESCISSION OF SHUTOFF ORDER

809-3
1141-3
2387-3
2388-3

TO: VICTOR/PEGGY KLEINSASSER
RR 1 BOX 42
YALE, SD 57386

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

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

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

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

cc: City of Huron, Water Superintendent



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

DEC 16 1998

Victor & Peggy Kleinsasser
40008 198th St
Huron SD 57350

Dear Mr. & Mrs. Kleinsasser:

Enclosed is Water License No. 2387-3 which is being reissued because of an incomplete microfilm copy of the original water license issued on January 27, 1984.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

ks

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 2387-3

(1) James Kleinsasser, Huron SD made Application No. 2387-3, September 24, 1975 for a water permit to divert 3.8 cubic feet of water per second (cfs) from the James River, Beadle County, South Dakota for irrigation purposes. Permit No. 2387-3, with priority dates of December 12, 1966 (1.3 cfs) and September 24, 1975 (2.2 cfs) was approved November 13, 1975 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 13, 1980 and for the application to beneficial use of said water on or before November 13, 1984.

On December 21, 1991, Water Right No. 2387-3 was transferred to Victor and Peggy Kleinsasser.

This water license is being reissued because of an incomplete microfilm copy of the original water license issued on January 27, 1984.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.5 cubic feet of water per second for beneficial use. The location of the diversion points are: 550 feet east and 2,350 feet north (NW ¼ SW ¼) and 3,430 feet east and 1,900 feet north (NW ¼ SE ¼) from the SW corner of Section 32-T113N-R61W.

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

All in T113N-R61W					
Section 6	NE ¼ NE ¼	33 acres	Section 32	SW ¼ NE ¼	38 acres
	SW ¼ NE ¼	33 acres		NW ¼ SE ¼	14 acres
	NW ¼ NE ¼	37 acres		SE ¼ NW ¼	18 acres
	SE ¼ NE ¼	37 acres		NE ¼ SW ¼	9 acres
Section 6	NE ¼ SE ¼	33 acres			
	NW ¼ SE ¼	33 acres			
	SW ¼ SE ¼	33 acres			
	SE ¼ SE ¼	33 acres			
Total					351 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Victor and Peggy Kleinsasser, 40003 198th St, Huron SD 57350 the holders and/or owners of Water Right No. 2387-3 are issued a license to appropriate water, the right to use 3.5 cubic feet of water per second from the James River with priority dates of December 12, 1966 (1.3 cfs) and September 24, 1975 (2.2 cfs) from the locations specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 2387-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 16 1998
date



map # 84933

W/R 2387-3

NOT TO SCALE

27.7

6.2

443.3
136

33

John Freeman

178-251R

17.1

235

6

156.5

136

33

Port
Clement

112.61

71.6

12.1

2.2



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: VICTOR/PEGGY KLEINSASSER
40008 198TH ST
HURON SD 57350

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 2387-3

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.



2387-3

**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). 2387-3**

To: VICTOR/PEGGY KLEINSASSER
40008 198TH ST
HURON SD 57350

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

Subject: James River Qualification Reminder for Permit No(s). 2387-3

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 27, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who use water from the James River that river flow is much lower this year and to let them know that shutoff orders are possible this summer.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses will begin to interfere with domestic use. If river levels become critically low, the department may be forced to issue shutoff orders to protect domestic use, including livestock watering and those water rights that are most senior.

We are only cautioning that shutoff orders may become necessary. **This not a shutoff order.** This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shutoff orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and avoid wasting water.

If you are interested, the US Geological Survey has an Internet site showing river flows at 164 stream gauging stations across the state. To view the latest realtime stream flow, go to:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who either use water from the James River or tributaries under permits with the August 10 shutoff date qualification.

Water rights containing this qualification requires a mandatory compliance and pumping under your permit must cease after August 10th unless you contact the Water Rights Program and receive permission to continue to divert water.

Water Rights staff drove along the James River last week after the August 10 shutoff date to spot-check whether water right holders were complying with this qualification. This spot-check found multiple water right holders diverting water in violation of this qualification.

Again, I remind you, compliance with this shutoff qualification is required unless you request and receive permission from the Water Rights Program to continue pumping. Permission may be granted based upon water availability.

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 11, 2026

2387-3

Victor & Peggy Kleinsasser
40008 198th St
Huron SD 57350

Dear Mr. & Ms. Kleinsasser,

This letter is in reference to your August 11, 2026, request for an extension to pump water from the James River, beyond the annual August 10th shutoff date.

Flows in the James River, in the reach between North Dakota and the USGS stream gaging station at Huron are sufficient, at this time, to allow an extension. Since there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your Water Permits and Rights appropriating water from the James River, allowing diversions through August 24, 2026.

If continued use is needed beyond August 24, 2026, please contact the Water Rights Program for an additional extension. At this time, we are only granting extensions for the James River in two-week increments, since the forecast is for continued hot and dry conditions throughout August.

In the event that dry climactic conditions in the river basin cause river flows to significantly decrease, and flow measured at the USGS stream gaging station at Huron drops below 20 cfs, you will be contacted and provided orders to cease pumping. Realtime flows in and James River can be monitored by going to the following website:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

If you have any questions, please contact Whitney Kilts with the Water Rights Program at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE
Chief Engineer, Water Rights Program
SD - DANR