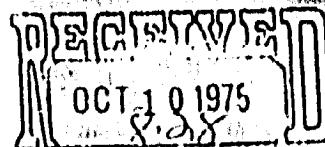


Wa. & Right Number 2396-3

1. Considered November 12, 19 75
2. Name of Applicant Spink Colony
3. Post Office Address Frankfort, SD
4. Amount of water claimed 3.8
5. Source of water supply James River
6. Water to be used for irrigation
Acres to be irrigated 600
7. Water to be diverted and used in Spink County
about 85~~3~~ Miles of FRANKFORT
8. Proof of Publication
Received ~~12~~ 11-17-75
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 2396-3Map No. 1773-3 Water Division No. 3 - JAMES RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

STATE WATER RIGHTS COMMISSION
SOUTH DAKOTA

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Spink Colony
Postoffice address Frankfort, State S. Dak. 57440
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work SPINK COLONY #5
4. Amount of water claimed (cubic feet per second) 3.8 - 2400 gal. per min.
5. Source of water supply James River
6. Location of point of diversion BETWEEN POINTS N89°29'E, 668.76 FEET FROM THE NW CORNER, AND N48°38'20"N 2458.3 FEET FROM THE SW CORNER, ALL IN SECTION 21, T115N, R62W County Spink
7. Annual period or periods during which water is to be used June - Sept
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 600

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>E 1/2 21 - 115-62</u>	<u>300</u>		
<u>W 1/2 22 - 115-62</u>	<u>300</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 4 years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Daily Plainsman "Huron"
12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$75,000.Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

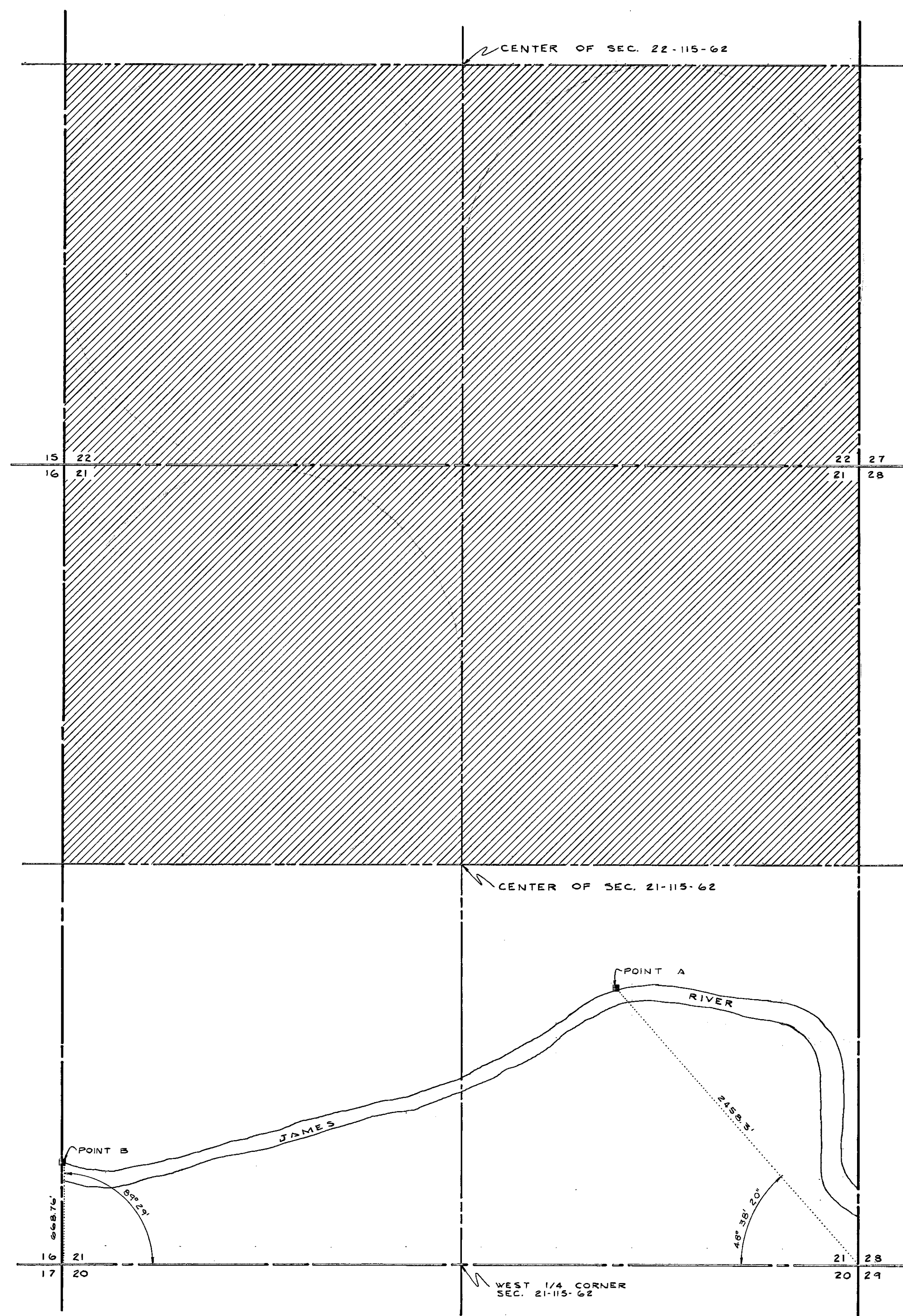
STATE OF SOUTH DAKOTA)

County of Spink) ssI, John J. Woff, 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.

Subscribed and sworn to before me this

Signed John J. Woff6 day of Oct, 19 75Clay H. Hamlin
Notary Public (or other qualified officer)

SPINK COLONY IRRIGATION PROJECT NO. 5



SCALE 1" = 800'

SCHOELL and MADSON INC.
Engineers and Surveyors
MURDOCK SOUTH DAKOTA

MAP

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

AREA BY LEGAL SUBDIVISION:

Section 22, Township 115, Range 62 West of the 5th P.M., Spink County, South Dakota:

The Northwest Quarter	160 acres
The Southwest Quarter	160 acres
	320 acres

Section 21, Township 115, Range 62 West of the 5th P.M., Spink County, South Dakota:

The Northeast Quarter	160 acres
The Southeast Quarter	160 acres
	320 acres

TOTAL ACREAGE 640 acres

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE) SS

I, Jack T. Vosler, a registered and licensed land surveyor, in and for the State of South Dakota, do hereby certify that at the request of the owner, I have shown the lands proposed to be irrigated by diverting water from the James River within their ownership, for which application to appropriate water is made, and that this map is a true representation thereof. In witness whereof I place my hand and seal this 2nd day of October, A.D., 1975.

Jack T. Vosler
Jack T. Vosler, Land Surveyor - So. Dak. Reg. No. 956

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE) SS

On this 2nd day of October, A.D., 1975, before me, a notary public, personally appeared Jack T. Vosler, known to me to be a registered land surveyor and the person who executed the foregoing instrument, and he acknowledged to me that he executed same as his own free act and deed.

Ronald J. Vosler
Notary Public, Beadle County, South Dakota July 30, 1977
My commission expires

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2396-3SPINK COLONY

(Applicant)

FRANKFORT

(Post Office Address)

SOUTH DAKOTA 57440 With the following modifications:
(State)

This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the State Water 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.

Date of first receipt of application OCTOBER 10, 1975Date of return to applicant for correction, amendments or changes required — 19 —Date of receipt of corrected application — 19 —Approved NOVEMBER 13, 1975, Recorded in Book 14 Page 129WATER RIGHT PERMIT NO. 2396-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2396-3 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 OCTOBER 10, 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 13, 1977
3. The whole of said work is to be completed on or before NOVEMBER 13, 1979
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13, 1979
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 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, 1979; said water to be used during the following described annual period: JUNE THRU AUGUST 10

Witness my hand this 18TH day of NOVEMBER 19 75

WATER RIGHTS COMMISSION

By:


 Chief Engineer, Executive Officer
Certificate of Construction Issued —, 19 —Water License Issued —, 19 —

D. 2396-3

Publish first publication, on or before October 30, 1975

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

October 24, 1975

Spink Colony

Notice is hereby given that _____

whose post office address is Frankfort, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

3.8 cubic feet of water per second of time from the James River through the Spink Colony #5, the point of diversion of which is to be located in the XXXX

between points in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the NW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 21, Twp. 115N, Range 62E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E $\frac{1}{2}$, Section 21; W $\frac{1}{2}$, Section 22, T115N, R62E

This application No. 2396-3 will be considered by the Water Rights 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 RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

Spink Colony, Frankfort, S.D. 57440

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 30, 1975

November 6, 1975

Dorothy Murphy
(Signature)

Bookkeeper
(Title)

11-6-75

(Date Signed)

F. P. 10-3075

NOTICE INTENT TO
APPROPRIATE WATER
PIERRE, SOUTH DAKOTA 57511
October 24, 1975

Notice is hereby given that Spink
Colony whose post office address is
Frankfort, South Dakota, has made
an application in accordance with
the provisions of the water laws of
South Dakota for a permit to ap-
propriate for beneficial use 3.8 cubic
feet of water per second of time from
the James River through the Spink
Colony No. 5, the point of diversion
of which is to be located between
points in the NW 1/4 NW 1/4 and in the
NW 1/4 SE 1/4 of Section 21, Twp. 115N,
Range 62W. Said water to be used for
the purpose of providing irrigation
on portions of the following
described land: E 1/2, Section 21;
W 1/2, Section 22, T115N, R62W.
This application No. 2396-3 will be
considered by the Water Rights
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 RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist
cc: Spink Colony, Frankfort, S. D.
57440.

No. 56 (adv)

NOV 17 1975

WATER RIGHTS
COMMISSION

September 18, 1978

George Waldner
Spink Colony
Frankfort, SD 57440

Dear Mr. Waldner:

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gv

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

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3252

1979-3
2375-3
2396-3
3272-3
3468-3
4195-3

March 2, 1983

Spink Hutterian Brethern, Inc.
Frankfort, South Dakota 57440

Dear Sir:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Permit Nos. 1979-3, 2375-3, 2396-3, 3272-3, 3468-3, and 4195-3 has been completed.

Your final water right documents, the Water Licenses can now be issued.

Statutes require that we charge \$50.00 fee for the inspection and issuing of the Water License for each, a total of \$300.00 for six Licenses. Upon receipt of the \$300.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms

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

Permit No. 2396.3Water Division 3 JAMES RIVER Water DistrictREPORT 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 SPINK HUTTERIAN
BRETHERN, INC. of FRANKFORT holder
of Permit No. 2396.3, bearing date of priority of OCTOBER 10, 1975
authorizing the diversion of 3.8 cu. ft. per second of the waters of THE JAMES RIVER
for IRRIGATION purposes, in SPINK County.

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

The Water Use System consists of, CORNELL MODEL BHFA -4" PUMP WITH 8" INLET

A. Works used to divert the water: 4 8" DISCHARGE, POWERED BY MODEL 671
DETROIT DIESEL ENGINE RATED @ 225HP
CORNELL MODEL 4BRHF6 -4" X 6" PUMP WITH 8" INTAKE & 8" DISCHARGE,
POWERED BY MODEL 471 DETROIT DIESEL MOTOR RATED @ 150HP.

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

3150' OF 8" BURIED PVC FROM PUMP SITE TO PIVOT PAD IN NE⁴, SEC 212480' OF 8" BURIED PVC FROM PUMP SITE TO PIVOT PAD IN SE⁴, SEC 212640' OF 8" BURIED PVC FROM PIVOT PAD IN NE⁴ SEC 21 TO PIVOT PAD IN NW⁴, SEC 222640' OF 8" BURIED PVC FROM PIVOT PAD IN SE⁴, SEC 21 TO PIVOT PAD IN SW⁴, SEC 22

C. Works used to apply water to beneficial use.

2 - T & L 10 TOWER CENTER PIVOT SYSTEMS WITH NELSON #100
END GUNS. TWO PIVOT SYSTEMS ARE TOWED BETWEEN THE
FOUR QUARTERS

The system is in the following condition: GOOD

The point of diversion is located BOTH PUMPS LOCATED APPROXIMATELY 2100' N &
1650' E OF THE SW CORNER SECTION 21, T115N, R62W

The works are capable of diverting and conveying to the place of use 3.76 (850 GPM THRU EACH
PIVOT SYSTEM)
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: ALL IN T115N, R62W

<u>SECTION 21</u>	<u>NE⁴</u>	<u>136 ACRES</u>
	<u>SE⁴</u>	<u>136 "</u>
<u>SECTION 22</u>	<u>NW⁴</u>	<u>136 "</u>
	<u>SW⁴</u>	<u>136 "</u>

comprising a total of 544 acres of land.Date AUGUST 26 1982

Darwin J. Fine
(Signature)

WATER LICENSE NO. 2396-3

(1) WHEREAS, On the 10th day of October A. D. 19 75

Spink Hutterian Brethren

made Water Right Application No. 2396-3 for a permit to use 3.80 cubic feet per second of the waters of the James River County of Spink, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 13th day of November A. D. 19 75

Permit No. 2396-3 with a date of priority of October 10, 1975

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 13th day of November A. D. 19 79 and for the application to beneficial use of said water on or before the 13th day of November A. D. 19 79

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 3.76* cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,
to irrigate the following land all in T115N, R62W

Section 21 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 34 acres (AA)					Section 22 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 34 acres (BA)				
NW $\frac{1}{4}$	NE $\frac{1}{4}$	34	"	(AB)	NW $\frac{1}{4}$	NW $\frac{1}{4}$	34	"	(BB)
SW $\frac{1}{4}$	NE $\frac{1}{4}$	34	"	(AC)	SW $\frac{1}{4}$	NW $\frac{1}{4}$	34	"	(BC)
SE $\frac{1}{4}$	NE $\frac{1}{4}$	34	"	(AD)	SE $\frac{1}{4}$	NW $\frac{1}{4}$	34	"	(BD)
NE $\frac{1}{4}$	SE $\frac{1}{4}$	34	"	(DA)	NE $\frac{1}{4}$	SW $\frac{1}{4}$	34	"	(CA)
NW $\frac{1}{4}$	SE $\frac{1}{4}$	34	"	(DB)	NW $\frac{1}{4}$	SW $\frac{1}{4}$	34	"	(CB)
SW $\frac{1}{4}$	SE $\frac{1}{4}$	34	"	(DC)	SW $\frac{1}{4}$	SW $\frac{1}{4}$	34	"	(CC)
SE $\frac{1}{4}$	SE $\frac{1}{4}$	34	"	(DD)	SE $\frac{1}{4}$	SW $\frac{1}{4}$	34	"	(CD)

TOTAL 514 acres

NOTE: The above described land is being irrigated as a 136 acre circle in the NE $\frac{1}{4}$, and a 136 acre circle in the SE $\frac{1}{4}$ Section 21; a 136 acre circle in the NW $\frac{1}{4}$ and a 136 acre circle in the SW $\frac{1}{4}$ of Section 22.

* 850 gpm thru each pivot system

"The NE $\frac{1}{4}$ Section 21 can also be irrigated with groundwater under License No. 3468-3"

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Spink Hutterian Brethren, Inc.

_____ of % John J Wipf, Frankfort SD 57440
the holder _____ and owner _____ of said permit No. 2396-3 a water right, dating from October 10, 1975
_____ to use of 3.76 cubic feet per second of the waters
of the James River

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at both pumps located approximately 2100'N and
1650'E of the SW $\frac{1}{4}$, Section 21, T115N, R62W (CA)

_____ portions of Sections 21 and 22, T115N, R62W, more fully
and conducted to and upon _____
described on the face of this License

_____ for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2396-3 and subject to the laws of the State of South Dakota.

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

WATER MANAGEMENT BOARD

By:

John M. Hatch
Chief Engineer, Executive Officer
JOHN HATCH

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 9187

PIERRE, March 15, 1983

RECEIVED OF Spink Hutterian Brethren, Inc., (John J. Mpf) Frankfort, SD 57440
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No. 2396-3	50	00
Fee for Inspecting Beneficial Use, and issuing Water License No. 2396-3		
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	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH/ms



No. 2396-3

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

March 29, 1983

Spink Hutterian Brethron, Inc.
% John J Wipf
Frankfort SD 57440

Dear Mr. Wipf:

Enclosed herewith is, Water License No. 2396-3. 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: ks

Enclosures

AND ON MICROFILM WHICH MAY BE
REPRODUCTIONS. REDUCTION 25:1
ROLL NO. 44-11
DATE MICROFILMED 7-28-85
CAMERA OF LITHO

Form 12

Permit No. 2396-3

James River Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Spink Hutterian

Brethern, Inc. of Frankfort, SD holder of

Permit No. 2396-3 bearing the priority of October 10 1975 authorizing

the diversion of 3.80 cu. ft. per second of the waters of the James River

for irrigation purposes, in Spink County.

I have to report on the conditions of the same as follows: motor: 471 Detroit diesel, 150 hp. pump: Cornell, 4" x 6" M.V. 4RBR HF6

A. Works used to divert the water:

motor: 671 Detroit diesel, 235 hp. or pump: Cornell M.V. BHFA

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

pipe: size - 8 in.

type - PVC

length - 2970 ft.

C. Works used to apply water to beneficial use:

T & L 10 tower center pivot with Nelson 100 end gun
850 gpm.

The system is in the following condition good

The point of diversion is located James River : 1680 ft E and 2050 ft N from the
SW 1/4 of sec 21 - T115N - R62W

The works are capable of diverting and conveying to the place of use 1.88

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:

NE 1/4 NE 1/4 sec 21 - T115N - R62W 34.0 Acres

NW 1/4 NE 1/4 34.0

SW 1/4 NE 1/4 34.0

SE 1/4 NE 1/4 34.0

comprising a total of 136.0 acres of land and the license should be issued for 1.88 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are:

Date April 18, 1985

Ron D. Small
(signature)

LICENSE FOR PERMIT NUMBER 2396-3

4/18/75

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm: _____

No. of wells _____ Depth _____

Casing a) diameter _____

b) length _____

c) type _____

Pump

a) make _____

b) model _____

c) size _____

d) capacity _____ GPM

e) turbine pump
no. of stages _____

Screen a) type _____

b) length _____

Static Water Level _____

Motor a) make _____

b) model no. _____

c) horsepower rating _____

d) motor efficiency rating _____

3. Distribution lines:

a) size of lines 8 in

b) type PVC

c) length 2970 ft

4. Dam Information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

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 _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

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 T-6-L
- 2) number of towers 10
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (B/H) Nelson 100
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM 850

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

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

g) Gun

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

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: 471 Detroit
diesel, 150hp.

pump: Cornell, 4 X 6
M.N. 4RBRHF6

motor: 671 Detroit
diesel, 235 hp.

pump: Cornell
M.N. BHFA

State of South Dakota

REISSUANCE OF Water license No. 2396-3

(1) Spink Hutterian Brethern Inc.

of Frankfort SD was issued Water License No. 2396-3

made Application No. March 28, 1983 for a ^{right} ~~water permit~~ to appropriate 3.76 cubic feet per second of water from the James River

Spink County, South Dakota for irrigation purposes.

Water License Permit No. 2396-3, with a priority date of October 10, 1975

was approved and issued to applicant(s) for diversion of water with construction of the described

water supply system to be completed on or before and for the application to beneficial use of said

water on or before.

Water License No. 2396-3 dated March 28, 1983 was issued for diversion of 3.76 cfs from the James River to irrigate 544 acres. Based on an April 18, 1985 inspection of the water use system, the license is being reissued to reflect what was actually being irrigated.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.88 cubic feet per second of water

for beneficial use. The location of the diversion point(s) is on the James River: 1680 ft E and

2050 ft N from the SW 1/4 Section 21, T115N, R62W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T115N, R62W

Section 21 NE 1/4 NE 1/4 34 acres

NW 1/4 NE 1/4 34 "

SW 1/4 NE 1/4 34 "

SE 1/4 NE 1/4 34 "

TOTAL 136 acres

NOTE: These lands are also authorized for irrigation from groundwater

under Water License No. 3463-3

(4) Pursuant to §46-5-30.1 Spink Hutterian Brethern Inc.

of % John J Wipf, Frankfort SD

the holder(s) and/or owner(s) of Water ^{Right} ~~Permit~~ No. 2396-3 is issued a license to appropriate water, the right to use 1.88 cubic feet per second of water from the James River with a priority date of October 10, 1975 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water ^{Right} ~~Permit~~ No. 2396-3 and subject to South Dakota State Law.

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

DEC 20 1985



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

DEC 20 1985

Spink Hutterian Brethern, Inc.
Frankfort,
South Dakota 57440

Dear Sirs:

Enclosed is your Water Right License No. 2396-3. The water license has been reissued to the extent of what is actually being used. The relicense is based on a April 18, 1985 inspection of your water use system.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

2396-3

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

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

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

NOTICE

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

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

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

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

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

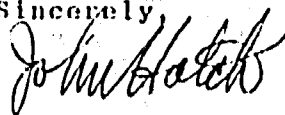
The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

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

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

Sincerely,



John Hatch, Chief Engineer
Water Rights Division

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

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

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

February 6, 1988

3468-3	3467-3
4195-3	3272-3
2375-3	1979-3
2276-3A	2396-3
1538-3	

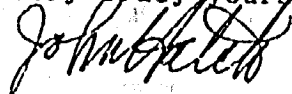
Spink Colony
c/o John J Wipf
Frankfort SD 57440

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 1538-3, 1979-3, 2276-3A, 2375-2, 2396-3, 3272-3, 3467-3, 3468-3, 4195-3 and the hearing date before the Water Management Board.

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

Very truly yours,



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

**Department of
Water & Natural Resources**

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

April 18, 1988

1979-3

1538-3

2396-3

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

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Wipf:

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

James River flow conditions are as follows:

James River Flow* Record

Date	LaMoure	Ludden	Columbia**	Ashton	Huron	Forestburg	Scotland
04/06/88	81.2	(state	15.0	37.7	48.0	105	285
04/11/88	134	line)	12.4	34.3	39.4	60.9	167
04/13/88	150		8.99	21.4	34.3	55.7	122
04/14/88	159	196	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

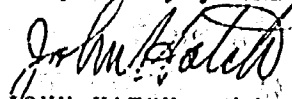
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North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



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

2396-3

May 18, 1988

NOTICE OF SHUTOFF ORDER

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

1979-3
1538-3
2396-3

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

John Hatch
by James Hinton

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

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

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

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

* South wind affecting the reading

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

cc: City of Huron



**Department of
Water & Natural Resources**

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

May 26, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

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

1979-3
1538-3
2396-3

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

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
623 East Capitol
Pierre, South Dakota 57501-3181

May 31, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

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

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

1979-3

1638-3

2396-3

John Hatch

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.



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

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

May 26, 1988

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

Dear Mr. Wipf:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(n). 2396-3.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



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



Department of Water & Natural Resources

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

July 17, 1989

NOTICE OF SHUTOFF ORDER

1979-3

1538-3

2396-3

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

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

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

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

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

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

cc: City of Huron, Water Superintendent



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

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

April 6, 1990

NOTICE OF SHUTOFF ORDER

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

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

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

Delvin H. Brosz

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

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

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

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

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

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland	Yankton
3/28/90	----	----	----	----	----	----	30.2
4/2/90	----	3.5	8.0	0	6.0	15.0	----
4/4/90	51.0	10.0	10.0	0	5.4	22.0	----

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

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

August 2, 1990

RESCISSION OF SHUTOFF ORDER

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

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

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

SUBJECT: Rescission of April 6, 1990 Shutoff Order to James
River Water Right Holders

The present flow conditions on a portion of the James River below Ashton appear to be of sufficient quantities to allow for irrigation. The Shutoff Order of April 6, 1990 is rescinded, this notice is effective immediately, for the section of the James River downstream from Ashton to the James River Diversion Dam. The mandatory August 10 shutoff date is still in effect, but exceptions to this will be handled on a case by case basis by contacting the Water Rights Division.

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



Department of Water & Natural Resources

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

August 8, 1990

NOTICE

1979-3, 2396-3
1538-3

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

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

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

The August 10 automatic shutoff date for water diversions from the James River is still in effect. On some of the older permits this qualification though not listed is still valid and must be followed. Since there are still flows in portions of the James River, continuation of diversions beyond the shutoff date will be considered on a case by case basis. To do this you need to contact Water Rights Division in Pierre.

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

<u>DATE</u>	<u>LUDDEN</u>	<u>COLUMBIA</u>	<u>ASHTON</u>	<u>HURON</u>	<u>FORESTBURG</u>	<u>SCOTLAND</u>
8/06/90	0.0	0.0	14.3	128.0	188.0	99.0
8/01/90	0.0	0.0	10.6	108.1	166.5	119.5
8/02/90	0.0	0.0	7.6	99.0	146.2	138.9

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

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

April 2, 1991

1538-3

1979-3

2396-3

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

Dear Mr. Wipf:

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

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

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

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

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

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

Very truly yours,

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

August 5, 1991

NOTICE

1538-3
1979-3
(2396-3)

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

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

Delvin W. Brosz

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

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

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

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

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

cc: City of Huron, Water Superintendent



April 14, 1992

2396-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

1538-3

1979-3

2396-3

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

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

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

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

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

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

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

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

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

cc: City of Huron, Water Superintendent



2396-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 22, 1992

RESCISSION OF SHUTOFF ORDER

1538-3

1979-3

2396-3

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

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

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

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

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

cc: City of Huron, Water Superintendent



January 22, 1999

NOTICE

2396-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 2276-3A & 5737-3, 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2276-3A & 5737-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2276-3A & 5737-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



2396-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 1, 1999

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

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

Dear Mr. Wipf:

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

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



2396-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

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

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 2276-3A & 5737-3, 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2276-3A & 5737-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2276-3A & 5737-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



2396-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2000

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

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

Dear Mr. Wipf:

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

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



January 16, 2002

NOTICE

2396-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 2276-3A & 5737-3, 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2276-3A & 5737-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2276-3A & 5737-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2396-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) John J. Wipf B. Date of Delivery 1-22-02

C. Signature John J Wipf ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☒ Yes
YES, enter delivery address below: ☐ No

Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
Restricted Delivery? (Extra Fee) ☐ Yes

2. 7001 2510 0004

PS Form 3811, July 1999

K02595 99 M-1759



2396-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2002

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

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

Dear Mr Wipf:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3, 4195-3 and 5737-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



2396-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

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

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 2276-3A & 5737-3, 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2276-3A & 5737-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2276-3A & 5737-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2003

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

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

Dear Mr. Wipf:

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

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

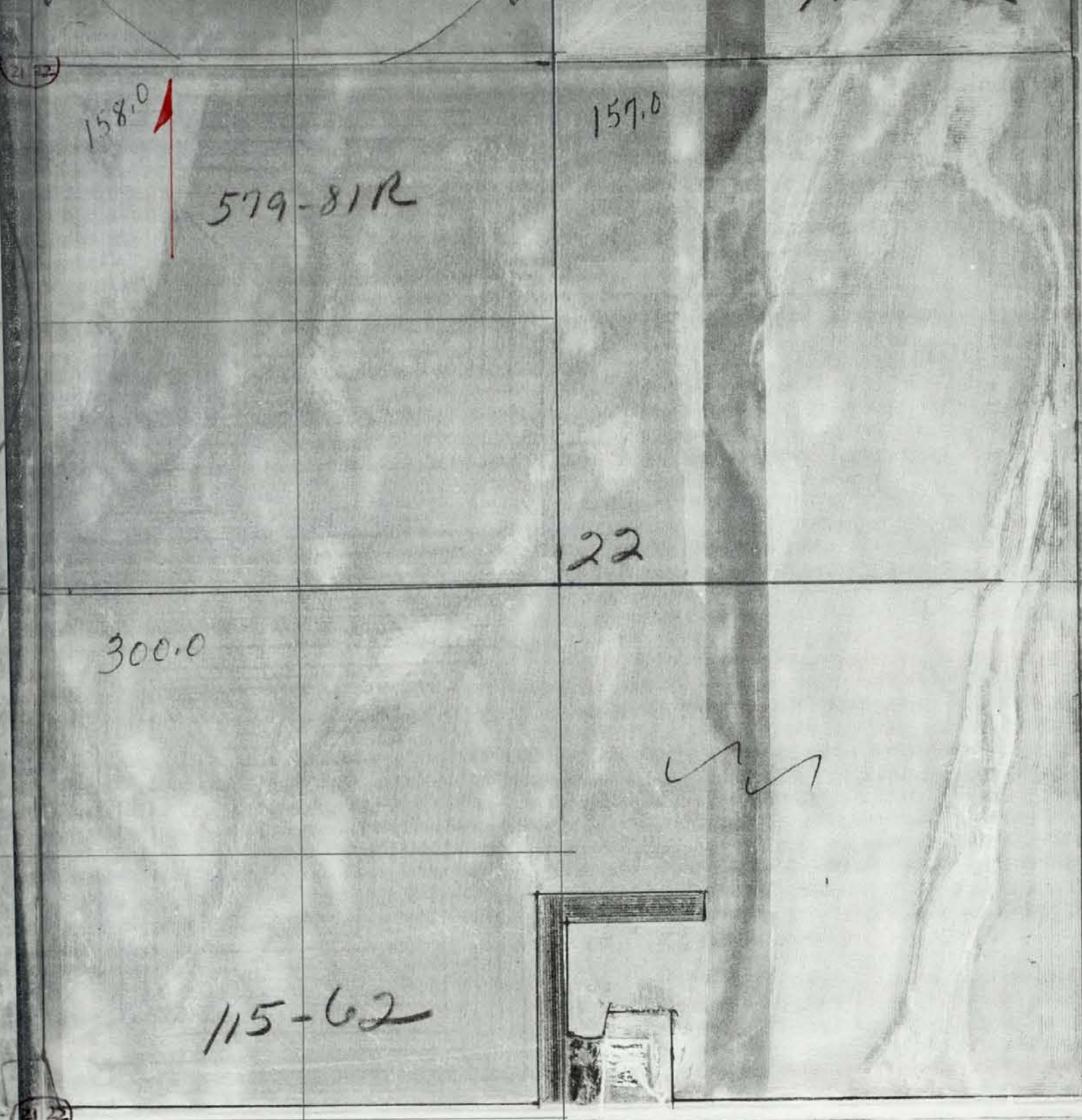
If you have any questions, please contact me.

Sincerely,

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

2396

115-62



579-81R

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115-62

Ron Duval
Natural Resources Eng
4/18/85

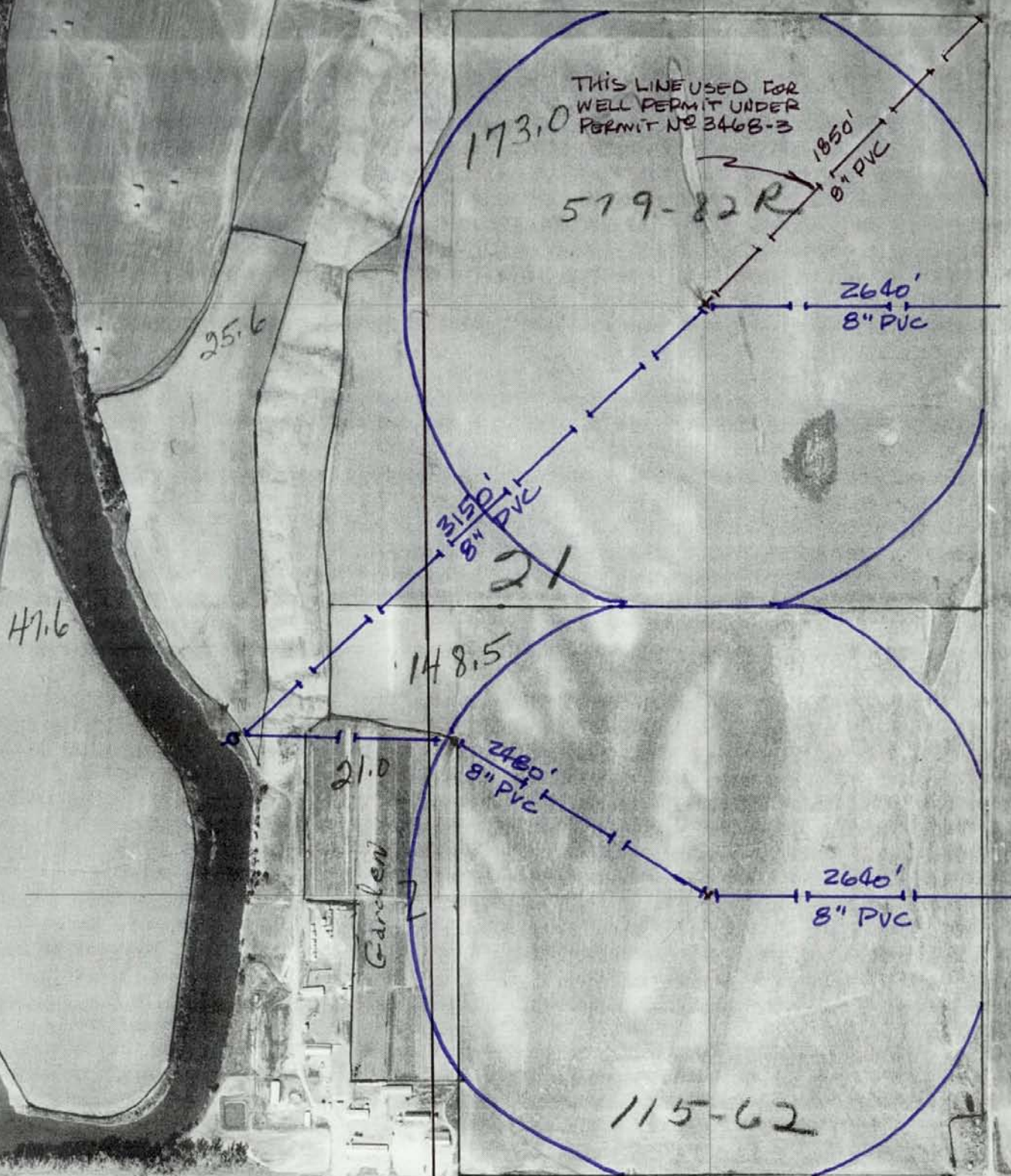
License No. 2396-3

~~Map No. 1773-3~~

NOT TO SCALE

3468
2396

115-62



NOT TO SCALE

2396

115-62

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157.0

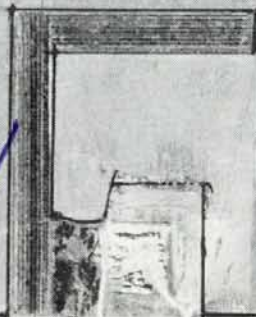
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115-62





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 26, 2006

NOTICE OF SHUTOFF ORDER

TO: JOHN WIPF, SPINK HTTRN BRTH
18206 SPINK LN
FRANKFORT SD 57440

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s) 2396-3, 5737-3

To protect the senior priority water rights and domestic use, the department is issuing shutoff orders to water right holders on the James River above Huron. Effective immediately, no diversions of water from the James River will be allowed for those permits with a priority date after January 1, 1975. Previous to this Order, diversions requiring written order from the Chief Engineer to divert James River water after July 1, have not been allowed.

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. The Huron gage is below 20 cubic feet per second, the required bypass for downstream domestic use. This order will be rescinded as soon as conditions improve. If conditions do not improve, 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.

2396-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 2012

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 1538-3, 1979-3, 2396-3, 5737-3**

To: SPINK HTRN BRTH
18206 SPINK LN
FRANKFORT SD 57440

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

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

Qualifications on 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 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



2396-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

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

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1538-3, 2396-3 & 3468-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2276-3A, 4195A-3, 5737-3, 7424-3, 7425-3 & 7427-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2276-3A, 4195A-3, 5737-3, 7424-3, 7425-3 & 7427-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 2396-3 & 3468-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KTKGUJ**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2396-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2022

John J Wipf
Spink Colony
18206 Spink Ln
Frankfort SD 57440

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

Dear Mr. Wipf:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1538-3, 2276-3A, 2396-3, 3468-3, 4195A-3, 5737-3, 7424-3, 7425-3 & 7427-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us