

Water Right Number 2411-3

1. Considered November 12, 19 75
2. Name of Applicant Dave Tuttle
3. Post Office Address Rt. 2, Alexandria, SD
4. Amount of water claimed 2.6
5. Source of water supply James River
6. Water to be used for irrigation
Acres to be irrigated 210
7. Water to be diverted and used in Hanson County
about 1/2 S, 3W Miles of ALEXANDRIA
8. Proof of Publication
Received 11-12-75
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

Form 2 - Application for Permit to Appropriate Water (Original (Includes Approval and Permit))

No. 2411-3Map No. 1788-3 Water Division No. 3 JAMES RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant David Tuttle
 Post-office address Rt 2 Alexandria State S. Dak.
 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 _____

4. Amount of water claimed (cubic feet per second) 200 gal. per min. 2.007 CFS

5. Source of water supply James River

6. Location of point of diversion approximately 1 1/4 miles up stream from Highway 42 and James River junction
 County Hanson

7. Annual period or periods during which water is to be used June through 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 200

List below each 1/4 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>N 1/2 SW 1/4 of 18</u>	<u>50</u>		
<u>N 1/2 SE 1/4 of 18</u>	<u>20</u>		
<u>N 1/2 SW 1/4 of 17</u>	<u>20</u>		
<u>S 1/2 SW 1/4 of 8</u>	<u>80</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system one years. Additional time required to complete application of water to the proposed beneficial use one years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Daily Republic Mitchell, S.Dak

12. Principal Features of the Proposed Water Supply System.

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

pump with both prop. and electric power

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

pipe line construction

C. Works proposed to apply water to beneficial use.

both flood irrigation & pressurized pipe sprinkler systems.

Estimated Total Cost \$10,000.00

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

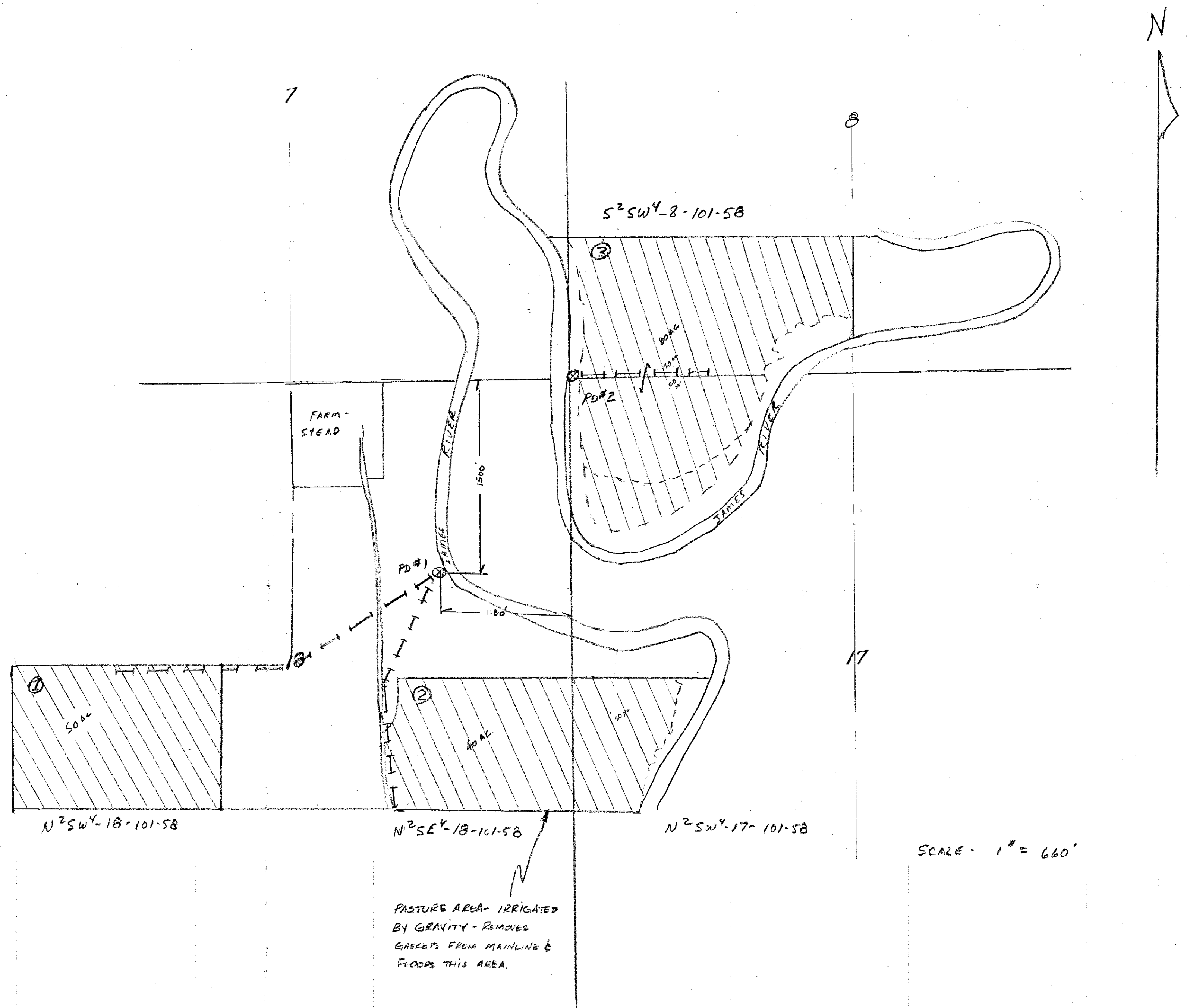
County of Hanson

I, Wilma Schlimgen 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 David Tuttle

Subscribed and sworn to before me this 17 day of October, 1975

Wilma Schlimgen
 Notary Public (or other qualified officer)



DAVID TUTTLE PROPOSED IRRIGATION SYSTEM S2SW4-8 W2SE4-18 101-58 N2SW4-18 N2SW4-17			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed	Date	Approved by	
Drawn		Title	
Traced		Title	
Checked		Sheet No.	Drawing No.

MAP NO. 1788-3 (APPL NO. 2411-3)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2411-3DANE TUTTLE
(Applicant)Rte 2, ALEXANDRIA
(Post Office Address)SOUTH DAKOTA 57311 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.

Date of first receipt of application OCTOBER 20 19 75Date 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 141WATER RIGHT PERMIT NO. 2411-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2411-3 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 20 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13 19 76
3. The whole of said work is to be completed on or before NOVEMBER 13 19 76
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13 19 77
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 2.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before NOVEMBER 13 19 77; said water to be used during the following described annual period: JUNE THRU AUGUST 10

Witness my hand this 21ST day of NOVEMBER 19 75

WATER RIGHTS COMMISSION

John H. Hark
Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 27 19 80Water License Issued FEBRUARY 27 19 80

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2411-3

(1) WHEREAS, On the 20th day of October A. D. 19 75
Dave Tuttle

made Water Right Application No. 2411-3 for a permit to use 2.0 cubic feet per second of the waters
of the James River

County of Hanson, State of South Dakota, for irrigation

_____ purposes; and

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

Permit No. 2411-3, with a date of priority of October 20, 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 76 and for the
application to beneficial use of said water on or before the 13th day of November A. D. 19 77

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 2.0 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 lands all in T101N, R58W

Section 8	acres
<u>S½ SW¼</u>	<u>70</u>
Section 17	N½ NW¼
	<u>30</u>
	<u>SW¼ NW¼</u>
	<u>20</u>
Section 18	N½ SW¼
	<u>50</u>
	N½ SE¼
	<u>20</u>
TOTAL 190 acres	

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Dave Tuttle

of Alexandria

the holder _____ and owner _____ of said permit No. 2411-3 a water right dating from October 20, 1975
to use of 2.0 cubic feet per second of the waters

of the James River

in the County of Hanson and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at at a point in the SW corner, Section 8, and
point 1500 feet south and 1180 feet west of the NE corner, Section 18, T101N, R58W

and conduct ^{ed} portions of Sections 8, 17, and 18, T101N, R58W more fully described on the face
of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2411-3 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 February A. D.

Nine ^{ten} Hundred and Eighty

Board of Water Management

By:

John Hatch
Chief Engineer, JOHN HATCH

Permit No. 2411-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That David Tuttle

_____ the holder _____ of
Permit No. 2411-3, issued upon Application No. 2411-3, bearing date of priority of October 30,
1975 authorizing the diversion of 2.0 cu. ft. per second of the waters of _____
the James River County of Hutchinson, State of South Dakota at _____
at a point in the SW corner, Section 8 and a point 1500 feet south and
1180 feet west of the NE corner, Section 18, T101N, R55W
_____, for irrigation

_____ purposes, ha. 5 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water.

Date February 27, 1980

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WMD

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,
County of Davison

Gerald H. Putjenter of said county being first duly sworn, on oath says that he is the General Manager of The Daily Republic, a daily newspaper printed and published in Mitchell, said County of Davison and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies daily, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice Intent to appropriate water of David Tuttle

....., a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week fortwo..... successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

November 5	75	19.....	19.....
November 10	75	19.....	19.....
		19.....	19.....
		19.....	19.....
		19.....	19.....

that the full amount of the fees for the publication of the annexed notice is \$ 17.08

Subscribed and sworn to before me this 10th day of NOVEMBER 75 19.....

Notary Public,
County of Davison, South Dakota

My commission expires: 7-3-73

NOTE
INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
October 24, 1975
Notice is hereby given that Dave Tuttle whose post office address is Alexandria, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from the James River through the Tuttle Project No. 1, the point of diversion of which is to be located between points in the SW 1/4 NE 1/4, Section 18, and in the SW 1/4 SW 1/4 of Section 8, Twp. 101N, Range 58W. Said water to be used for purpose of providing irrigation on portions of the following described land: N 1/2 SW 1/4, N 1/2 SE 1/4, Section 18; N 1/2 SW 1/4, Section 17; S 1/2 SW 1/4, Section 8, all in T101N, R58W.
This application No. 2411-3 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

Form 6 - Notice of Intent to Appropriate Water

~~2411-3~~

Publish first publication, on or before October 20, 1975

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

~~October 24~~, 1976

Dave Tuttle

Notice is hereby given that

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

2.0 cubic feet of water per second of time from the James River through the Tuttle Project #1, the point of diversion of which is to be located in the XXXX

between points in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, and in the SW $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 6, Twp. 101N, Range 58W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 18; N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 17; S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 8,
all in T101N, R58W

This application No. 2411-3 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:

Dave Tuttle, Route #2, Alexandria, S.D. 57311

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7298

PIERRE,

February 10

1900

Dave Tuffe, Rt 2, Box 38, Alexandria, ND 58001

RECEIVED OF

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. 7477-3)	12	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 7477-3)		
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	12	00

WATER RIGHTS COMMISSION

By: *John Hatch*
Chief Engineer, Executive Officer
John Hatch

Permit No. 2411-3Water 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 DAVID
TUTTLE of ALEXANDRIA holder
of Permit No. 2411-3, bearing date of priority of OCTOBER 20, 1975
authorizing the diversion of 2.0 cu. ft. per second of the waters of JAMES RIVER
for IRRIGATION purposes, in HANSON 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 BMZ 4" PUMP WITH 6" INLET & 8" DISCHARGE
POWERED BY CHRYSLER INDUSTRIAL #413 D, DIESEL
ENGINE

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

2000' OF 10" MAINLINE
1800' OF 8" MAINLINE

C. Works used to apply water to beneficial use.

3 - 1080' 4" TOWLINES WITH RAINBIRD #14000 SPRINKLER
HEADS AT 30' SPACINGS W/ 1 1/4" NOZZLES

The system is in the following condition: FAIR

The point of diversion is located AT A POINT IN THE SW CORNER, SECTION 8, AND
A POINT 1500'S & 1180' W OF THE NE CORNER, SECTION 18, T10N, R56W

The works are capable of diverting and conveying to the place of use 2.0
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 T10N, R56W

SECTION 8 S ² SW ⁴	70 ACRES	SECTION 18 N ² SE ⁴	70 ACRES
SECTION 17 N ² NW ²	30 "		
SW ⁴ NW ⁴	20 "		
SECTION 18 N ² SW ⁴	50 "		

comprising a total of 190 acres of land.

*Description on
orig map wrong
w/L is correct
But*

Date JANUARY 17, 1980

Dwight J. Jones
(Signature)

Water Rights Division - DWR
Conversation or File Documentation

File No. 2411-3

NAME OF PERSON OR FILE: Dave Tuttle

ADDRESS: Alexandria, SD 57311 COUNTY Hanson

DATE: 2/4/86 TELEPHONE _____

RE. Spoke to Dave Tuttle

COMMENTS:

License No. 2411-3 was inspected on May 28, 1985, for the purpose of updating records regarding James River diversions. The total acreage being irrigated has been reduced by 8.6 acres and information regarding the irrigation equipment has been updated. The total acreage currently being irrigated is 181.4 acres with a diversion rate of 2.00 cfs. An error was made on the original report of examination of works. The report states that 20 acres are being irrigated in the S¹/₄N¹/₄W¹/₄ of section 17. However, the aerial photo shows that the SW¹/₄NW¹/₄ does not contain 20 irrigable acres. The Report dated May 28, 1985 shows the correct land descriptions.

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

NAME: Ron D. Small

LICENSE FOR PERMIT NUMBER 2411-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. Distribution lines:

a) size of lines 10 in + 8 in

b) type Aluminum

c) length 1600 ft

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

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

g) Gun

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

d) Gate Pipe

- 1) length 240 ft
- 2) diameter 8 in.
- 3) spacing of gates 40 in.

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

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

h) Hydromatic

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

YES

NO

Check Items

☒

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

☒

2. Special Qualifications to permit being abided by.

☒

3. All Structures, wells and lands on map.

REMARKS:

pump: PTO drive Berkeley
4 in. imp., BMZ
6 in. inlet, 8 in. outlet

Permit No. 2411-3James 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 Dave Tuttle
 of Alexandria SD 57311 holder of
 Permit No. 2411-3, bearing the priority of October 20 19 75 authorizing
 the diversion of 2.00 cu. ft. per second of the waters of The James River
 for irrigation purposes, in Hanson County.
 I have to report on the conditions of the same as follows:

A. Works used to divert the water:

pump: PTO drive Berkeley
 4 in. imp., BMZ
 6 in. inlet, 8 in. outlet

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

pipeline: size - 10 in + 8 in.
 type - Aluminum
 length - 1600 ft

C. Works used to apply water to beneficial use:

gated pipe: size - 8 in
 length - 240 ft
 gate spacing - 40 in.

The system is in the following condition good

The point of diversion is located James River: any point between and including the
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec 18 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec 7; all in T10N-R58W

The works are capable of diverting and conveying to the place of use 2.00
 cu. ft. per second of water which is to be used for irrigation

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

	Acres		Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 18-T10N-R58W	32.4	SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 8-T10N-R58W	38.6
NE $\frac{1}{4}$ SW $\frac{1}{4}$	17.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.4
NW $\frac{1}{4}$ SE $\frac{1}{4}$	11.8	NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 17-T10N-R58W	36.4
NE $\frac{1}{4}$ SE $\frac{1}{4}$	5.4	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.4
		SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.0

comprising a total of 181.4 acres of land and the license should be issued for 2.00 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are:

Date May 28, 1975

Ron Darnall
 (signature)

State of South Dakota

REISSUANCE OF Water License No. 2411-3

(1) Dave Tuttle
of Alexandria, South Dakota was issued Water License No. 2411-3

~~made Application No.~~ February 28, 1980 for a ^{right} ~~water permit~~ to appropriate

2.0 cubic feet per second of water from the James River

Hansen County, South Dakota for irrigation purposes.

Water License
A Permit No. 2411-3, with a priority date of October 20, 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~~ completed.

Water License dated February 28, 1980 authorized diversion of 2.0 cfs from the James River to irrigate 190 acres. Based upon a May 28, 1985 inspection of the water use system, the license is being reissued to reflect what is actually being irrigated.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.0 cubic feet per second of water for beneficial use. The location of the diversion point(s) is on the James River any point between and including the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7; all in T101N, R58W

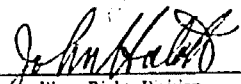
and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following lands all in T101N, R58W

Section 18	NW $\frac{1}{4}$ SW $\frac{1}{4}$	32.4 Acres	(CB)
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	17.0 Acres	(CA)
	W $\frac{1}{2}$ SE $\frac{1}{4}$	11.8 Acres	(DB)
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	5.4 Acres	(DA)
Section 8	SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.6 Acres	(CC)
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.4 Acres	(CD)
Section 17	NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.4 Acres	(BB)
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.4 Acres	(BA)
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.0 Acres	(BC)
	TOTAL	181.4	ACRES

(4) Pursuant to §46-5-30.1 Dave Tuttle
of RR #2, Alexandria, South Dakota
the holder(s) and/or owner(s) of Water ^{Right} Permit No. 2411-3 is issued a license to appropriate water, the right to use 2.0 cubic feet per second of water from the James River with a priority date of October 20, 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. 2411-3 and subject to South Dakota State Law.


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

JOHN HATCH

NOV 26 1986



**Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

2411-3

NOV 26 1986

Dave Tuttle
Rural Route 2
Alexandria, South Dakota 57311

Dear Mr. Tuttle:

Enclosed is your Water Right License No. 2411-3. The water license has been reissued to the extent of what is actually being used. The relicense is based on a May 28, 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: ms

enclosure

PLEASE FILL OUT AND RETURN AT ONCE

This is the Water Management Board data sheet for recording 1986 irrigation estimates.

November, 1986

2411-3
DAVE TURTLE
RR 2
ALEXANDRIA
SD 57311

HS/JR

SURFACE WATER ☐ (check one)
GROUNDWATER ☐

For Refl. use only ☐

S

Number of acres actually irrigated _____
If you did not irrigate during 1986-check this box ☐
If your system has not been constructed-check this box ☐

Type of Power	No. acres irrigated
1. Electric	_____
2. Gravity	_____
3. Gasoline	_____
4. Nat. Gas Pipeline	_____
5. Diesel	_____
6. Propane	_____
7. Other	_____

Electric

Type of System
1. Hand Moved Sprinklers _____
2. Portable booms _____
3. Center pivots (# of) _____
4. Gated pipes _____
5. Sidewheel _____
6. Towlines _____
7. Big Gun _____
8. Siphons _____
9. Flood _____
10. Other _____

Owner or address change, if any:

Address change as above don't know name now in our community drainage district?

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimate Water Use			
				Crop	Acres	Water Used	Water Used
April							
May							
June							
July							
August							
Sept.							
Oct.							
Other Months							

Season Static Water Level: beginning _____ ft. end _____ ft. (groundwater only)

COMMENTS: *My land under permit was covered by Joe Foss Building*

with about 4' of water under July 1. I'm thinking we're going to stop it had another meeting. No one thinks we're going to stop it.



SOUTH DAKOTA
Department of
Water & Natural Resources

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

December 5, 1986

Dave Tuttle
RR #2
Alexandria, SD 57311

2411-3

Dear Mr. Tuttle:

I am writing in regard to your note on your 1986 irrigation questionnaire which was received November 12, 1986. You advised that due to excessive flooding during 1986, you were not able to irrigate. You do not believe that it was necessary for irrigators in your area to receive a questionnaire.

Although you could not irrigate due to the excessive flooding, we are unable to determine which irrigators in the state are flooded each year. Water Management Board Rules require irrigation permit owners (except those with waterspreading systems) to submit the irrigation questionnaire each year.

We have received irrigation questionnaires from other irrigators in your area who did irrigate during 1986. Trying to determine who is flooded and who is not before sending the questionnaire would be difficult. Questionnaire data received from irrigators is very important in that it helps determine if additional water permits can be approved for use during normal or low moisture years. The data also establishes actual water use by the irrigators as compared to the amount of water appropriated through the permit process, but not yet utilized.

Thank you for taking the time to comment on this problem.

Very truly yours,



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

JH:GM:ks

Equal Opportunity Employer

 **Department of
Water & Natural Resources**

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

April 18, 1988

2411-3

Dave Tuttle
RR 2
Alexandria, SD 57311

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Tuttle:

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

James River flow conditions are as follows:

James River Flow* Record

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

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

1 cfs = 449 gallons per minute

** Sand Lake Refuge has increased releases due to inflows

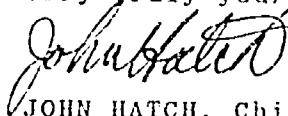
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North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

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

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

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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



Department of Water & Natural Resources

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

January 29, 1988

DAVE TUTTLE
RR 2
ALEXANDRIA, SD 57311

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2411-3. 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 hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 2411-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. 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) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

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

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

March 14, 1988

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: DAVE TUTTLE
RR 2
ALEXANDRIA, SD 57311

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

SUBJECT: Amendment to Water Permit No(s). 2411-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 2411-3 to add the following qualification to each:

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

The addition of this qualification to your Permit(s) means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

South Dakota Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 2411-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 2411-3 to add the following qualification to each:

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

PS Form 3811, Jan. 1971

SENDER: 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 of delivery....		
☐ RESTRICTED DELIVERY		
DAVE TUTTLE RR 2 ALEXANDRIA, SD 57311		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	P404 786 468	
(Always obtain signature of addressee or agent)		
I have received the article described above.		
SIGNATURE	Addressee	Authorized agent
<i>David Tuttle</i>		
DATE OF DELIVERY	POSTMARK	
March 15/1984	MAR 15 1984	
5. ADDRESS (Complete only)		
ALEXANDRIA, SD 57311		
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS
		JK

REPT. REGISTERED, INSURED AND CERTIFIED MAIL

 **Department of
Water & Natural Resources**

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

June 28, 1988

NOTICE OF SHUTOFF ORDER

2411-3

TO: Dave Tuttle
RR 2
Alexandria, SD 57311

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

John Hatch
by James Montfort

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

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

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

Let us know if you have any questions.



SOUTH DAKOTA
Department of
Water & Natural Resources

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

July 8, 1988

NOTICE OF RESCISSION OF SHUTOFF ORDER

TO: Dave Tuttle
RR 2
Alexandria, SD 57311

2411-3

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



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

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

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





Department of Water & Natural Resources

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

April 6, 1990

NOTICE OF SHUTOFF ORDER

2411-3

TO: Tuttle, Dave
RR 2
Alexandria, SD 57311

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

Delvin W. Brosz

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

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

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

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

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

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

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

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

May 30, 1990

RESCISSION OF SHUTOFF ORDER

2411-3

TO: Dave Tuttle
RR 2
Alexandria, SD 57311

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

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

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

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

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

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

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



Department of Water & Natural Resources

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

August 8, 1990

NOTICE

2411-3

TO: Dave Tuttle
RR 2
Alexandria, SD 57311

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

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

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

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

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

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

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

2411-3

April 2, 1991

Dave Tuttle
RR 2
Alexandria, SD 57311

Dear Mr. Tuttle:

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	6.3	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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 5, 1991

NOTICE

2411-3

TO: Dave Tuttle
RR 2
Alexandria, SD 57311

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

Delvin H. 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	HUPON	FORESTBURG	SCOTLAND
7/31/91	6.7	63	130	139	142	148
8/02/91	17	58	125	134	139	154
8/05/91	0.3	36	101	128	140	166

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

cc: City of Huron, Water Superintendent



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: DAVE TUTTLE, 41804 TUTTLE RD, ALEXANDRIA, SD 57311
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2411-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2411-3 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 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 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) 2411-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is(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 at (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.

2411-3

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:

DAVE TUTTLE
41804 TUTTLE RD
ALEXANDRIA SD 57311

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

1-15-00

C. Signature

X Dave Tuttle

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

2227 670 232

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-14-1789



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 6, 2000

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Dave Tuttle, 41804 Tuttle Rd, Alexandria, SD 57311

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 2411-3

Pursuant to the provisions of the notice dated January 14, 2000, and following the hearing March 1, 2000, the Water Management Board has ordered:

That Water Right No. 2411-3 be suspended until December 31, 2000, for failure to submit the 1999 irrigation questionnaire.

Suspension of a water permit or right means water may not be pumped during the 2000 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

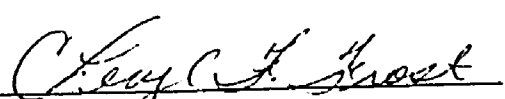
If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 1999 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 3, 2000 in Pierre, SD. The letter should include your reasons for not completing the 1999 irrigation questionnaire.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 6, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 6, 2000, regarding One Year Suspension of the following Water Rights/Permits, addressed as stated below:

- W.R. #1770-2: Germain Leber, RR 1, Box 8AA, Colome, SD 57528-9701.
- W.R. #1113-3: Duane Mercer, Mercer Brothers, 31309 199th St., Blunt, SD 57522.
- W.R. #1693A-3: Calvin Frank Andersen, 25518 411th Ave., Mitchell, SD 57301.
- W.R. #2411-3: Dave Tuttle, 41804 Tuttle Rd., Alexandria, SD 57311.
- W.R. #4364-3: Warren Thompson, 47600 207th St., Aurora, SD 57002.
- W.P. #4503-3: Kathleen Chicoine, 32873 479th Ave., Elk Point, SD 57025.
- W.P. #4585-3: John F. Roost, 1 Edgewater Ln., Dakota Dunes, SD 57049-5016.

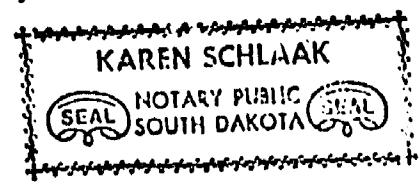

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2000


Notary Public

KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001





Department of Water & Natural Resources

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

July 1, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

2411-3

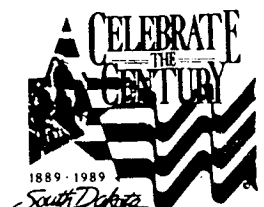
TO: Dave Tuttle
RR 2
Alexandria, SD 57311

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

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

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

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: DAVE TUTTLE
41804 TUTTLE RD
ALEXANDRIA SD 57311

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 2411-3

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.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Dave Tuttle, 41804 Tuttle Rd, Alexandria SD 57311

DATE: October 5, 2011

TELEPHONE: 605 239-4586

RE: CRP enrollment

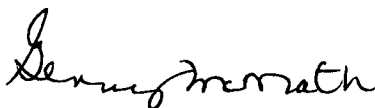
COMMENTS:

The questionnaire database has a notation that Mr. Tuttle's land was in CRP thru 2011. I called him to find out if he reenrolled the land and if not, did he intend to irrigate.

Mr. Tuttle indicated there was a misunderstanding and he never did put the land in CRP. He said there is a small chunk that was in the program but otherwise he has turned the land into a wildlife habitat area and has not irrigated but wanted to keep his water right.

I explained the need to irrigate in order to maintain his water right. He replied that the area has been extremely wet for three or four years and no irrigation was needed.

I told him that I would begin sending him annual irrigation questionnaires starting this year. A letter should be sent to him along with excerpts of statutes and board rules dealing with abandonment and/or forfeiture.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 6, 2011

2411-3

Dave Tuttle
41804 Tuttle Rd
Alexandria SD 57311

Dear Mr. Tuttle:

I am writing in follow-up to our phone conversation of October 5th involving your water right. Water Right No. 2411-3 authorizes diversion of water from the James River for irrigation purposes.

Back in 2001, you reported on your irrigation questionnaire that your land was in CRP (see enclosed copy). Based on that information, we held up mailing questionnaires to you until this year. It is my understanding from our phone conversation that your land has not been in CRP (with the exception of a small plot) and you have turned the acreage into an area for wildlife with natural grasses.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

You did mention that the area has been very wet the last 3-4 years and no irrigation was needed. As I indicated on the phone, a water right can be forfeited if not used. I will place you back on the mailing list for receiving an annual irrigation questionnaire. Submission of the annual form is mandatory however; submission of the annual form does not keep your water right from being forfeited for nonuse of water.

If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



2411-3

**DEPARTMENT of ENVIRONMENT
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August 6, 2012

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 2411-3**

To: DAVE TUTTLE
41804 TUTTLE RD
ALEXANDRIA SD 57311

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

Subject: James River Qualification Reminder for Permit No(s). 2411-3

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.



2411-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 24, 2014

NOTICE

TO: DAVE TUTTLE, 41804 TUTTLE RD, ALEXANDRIA, SD 57311

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2411-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2411-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 2411-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Program will recommend to the Board that the water right be suspended for a period of 3 years.**
2. Postpone any action; or
3. 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 questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) 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: <http://denr.sd.gov/iq.aspx>

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.



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www.denr.sd.gov

February 3, 2014

2411-3

Dave Tuttle
41804 Tuttle Rd
Alexandria SD 57311

Dear Mr. Tuttle:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 2411-3. 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
email: genny.mcmath@state.sd.us

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2411-3Date: March 2, 2014

I/We request that Water Right/Permit No. 2411-3 formerly owned by:
Dave Tuttle, 41804 Tuttle Road, Alexandria SD 57311 be transferred to:

New Owner Name: Rockport Hutterian Brethren, c/o Donny Wipf
Address: 26209 Rockport Road
City, State, Zip Alexandria SD 57311 Telephone No. 605 239-4422

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

Tuttle Land - 2.0 cfs for irrigation in portions of N 1/2 SW 1/4, N 1/2 SE 1/4 Section 18, S 1/2 SW 1/4 Section 8 and N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 17, T101N, R58W

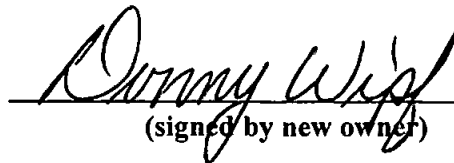
Rockport land - part of Application No. 7973-3 to include land in the S 1/2 Section 12, T101N, R59W

☒ I understand that the validity of Water Right/Permit No. 2411-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Donny Wipf, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a 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

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/4, 2014

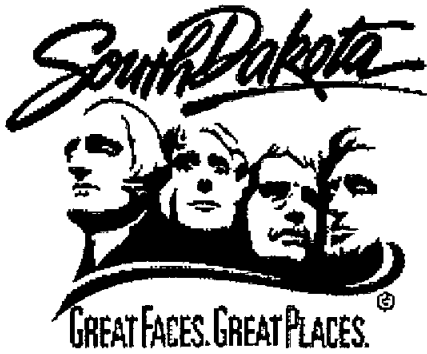
RECEIVED OF Rockport HB D Wipf 26209 Rockport Rd Alexandria SD 57311

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2411-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06773**

By Jeanne Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
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March 4, 2014

2411-3

Donny Wipf
Rockport Hutterian Brethren
26209 Rockport Rd
Alexandria SD 57311

Dear Mr. Wipf:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 2411-3.

The ownership change has been completed. Water Right No. 2411-3 formerly held by Dave Tuttle is now listed in the name of Rockport Hutterian Brethren.

Enclosed for your records is Receipt No. 06773 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 6, 2015

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

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

Dear Mr. Wipf:

This letter is in reference to your August 6, 2015 call regarding water availability and requesting permission to continue irrigation for Water Permit Nos. 1902-3, 2411-3, 4717A-3, 6015-3, 6232-3, 7339-3, 7973-3, 8045-3, and 8046-3 from the James River after the August 10 shutoff date. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River to the end of the 2015 irrigation season.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
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August 08, 2016

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

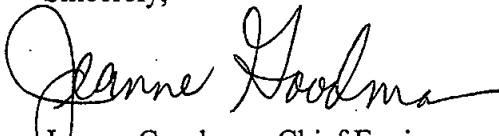
Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

This letter is in reference to your August 8, 2016 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River through September 1, 2016.

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

Sincerely,


Jeanne Goodman, Chief Engineer,
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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August 08, 2017

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

Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

This letter is in reference to your August 8, 2017 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River through September 10, 2017.

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
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September 12, 2017

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

Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

This letter is in reference to your September 12, 2017 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River through September 30, 2017.

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

Sincerely,



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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August 28, 2018

1902A-3, 2411-3, 4717A-3, 7339-3, 7973-3, 8045-3
8046-3, 8047-3, 8048-3, 8350A-3, 8350B-3, 8350C-3

Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

This letter is in reference to your August 27, 2018 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River through September 15, 2018.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT of 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
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PIERRE SD 57501-3182
danr.sd.gov

August 15, 2022

1902A-3, 2411-3, 4717A-3, 7339-3, 7973-3, 8045-3
8046-3, 8047-3, 8048-3, 8048A-3, 8048B-3
8305A-3, 8035B-3, 8305C-3, 8448-3, 8449-3

Rockport Hutterian Brethren Inc.
26209 Rockport Road
Alexandria SD 57311

Dear Mr. Wipf:

This letter is in reference to your August 13, 2022, request for an extension to pump water from the James River beyond the August 10 shutoff date. Flows in the James River in the reach between the confluence with the North Dakota Border and the Huron are sufficient at this time to allow an extension. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permits out of the James River and allow you to divert through the end of the 2022 irrigation season.

In the event dry climatic conditions in the river basin causes river flow to significantly decrease and flow measured at the USGS stream gaging station James River near Scotland drops to below 20 cfs, you will be contacted and provided orders to cease pumping. Realtime flows in the 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 Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE SD 57501-3182
danr.sd.gov

August 17, 2026

1902A-3, 2411-3, 4717A-3, 7339-3
7973-3, 8045-3, 8046-3, 8047-3, 8048-3
8048A-3, 8048B-3, 8305A-3, 8305B-3
8305C-3, 8448-3, 8449-3

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

Dear Mr. Wipf,

This letter is in reference to your 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 stations along the James River 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 near Scotland 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2026

1902A-3, 2411-3, 4717A-3, 7339-3
7973-3, 8045-3, 8046-3, 8047-3, 8048-3
8048A-3, 8048B-3, 8305A-3, 8305B-3
8305C-3, 8448-3, 8449-3

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

Dear Mr. Wipf,

This letter is in reference to your 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 stations along the James River 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 September 9th, 2026.

If continued use is needed beyond September 9th, 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 near Scotland 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