

1. Considered 1-31 19 79

2. Name of Applicant Alfred Locken

3. Post Office Address Bath SD

4. Amount of Water Claimed 2.9

5. Source of Water Supply James River

6. Water to be used for irrigation

7. Acres to be irrigated 150 maximum acre feet

8. Water to be diverted and used in Brown County
about 5N miles of Stratford

9. PROOF OF PUBLICATION Received 1-11-79
Not Received

APPLICATION Approved 4-10-80 FF & CL 7-24-80
Subject to John Lindbergs to James
Wesleyne Larue Deal.
Not Approved
Action deferred 1-31-79

Priority Date
Received 11-17-75 Application Complete yes ☒ no ☐ FEE \$8.00

Remarks

Date information and/or
fee or corrected Application received
Period of Annual use June thru September

WATER
QUALITY
N/A

Received yes ☐ no ☐ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes ☐ no ☐ Remarks

Disapproved

Returned

Diversion Point NW 1/4 SE 1/4
Section 9, 112N, 62W

Lands to be irrigated
NW 1/4 Sec. 9, 122N, 62W

WELL
LOG

Remarks

Driller Licensed yes ☐ no ☐

Depth

MAP Map No. 1996-3 Map located in Water Right X Map file _____
 Type of Map Revised Prepared by SCS

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on Dec 31, 1979.
Little Missions
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
 F.F. & C Final Decision, including F.F. & C of Law were adopted 7-24-80
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision
 DECISIONS was adopted _____
 ETC.

Remarks _____

RECEIVED
 JUL 24 1980
 WATER RIGHTS DIVISION
 U.S. DEPARTMENT OF AGRICULTURE

No. 2629-3Map No. 1996-3 Water Division No. 3 JAMES RIVER District 1
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

NOV 17 1975

8:47

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Alfred Locken
Postoffice address Bath State S. Dak. 57427
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 Alfred Locken Irrigation system
4. Amount of water claimed (cubic feet per second) 2 cfs
5. Source of water supply James River
6. Location of point of diversion 135 ft S W of SE COR OF SECTION 9-122-62
AND 160 fts N of SW COR OF SECTION 9-122-62
County Brown
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 150

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 NW 1/4 9 122-62	38	SW 1/4 NW 1/4 9 122-62	38
SE 1/4 NW 1/4 9 122-62	36	NW 1/4 NW 1/4 9 122-62	38

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 0 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Aberdeen American News
12. Principal Features of the Proposed Water Supply System.

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

Pump

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

C. Works proposed to apply water to beneficial use.

Center-pivot sprinklerEstimated Total Cost \$ 50,000Attachments: 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 BrownI, Alfred Locken 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 Alfred LockenSubscribed and sworn to before me this 31st day of October 1975

Notary Public (or other qualified officer)

A. J. EHRLICH
Notary Public, BROWN COUNTY, S. DAK.
My Commission Expires MAR 9, 1982

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2629-3

ALFRED LOCKEN
(Applicant)

BATH
(Post Office Address)

SOUTH DAKOTA 57427 With the following modifications:
(State)

SEE ATTACHMENT for qualifications:

Date of first receipt of application November 17, 1975 ~~xxx~~
Date of return to applicant for correction, amendments or changes required 19
Date of receipt of corrected application 19
Approved July 24 19 80 Recorded in Book 21 Page 252
WATER RIGHT PERMIT NO. 2629-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2629-3 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, sub. et, however, to the following limitations and conditions:

1. The date from which applicant may claim right is November 17 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 24 19 81
3. The whole of said work is to be completed on or before July 24 19 --81-- 85
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 24 19 --81-- 85
5. The water appropriated shall be used for the purpose of IRRIGATION
(extension of time granted January 29, 1981)
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 July 24 19 81-85 said water to be used during the following described annual period: June thru September

Witness my hand this 29th day of August 19 80

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Certificate of Construction Issued 19

Water License Issued 19

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Alfred Locken Date Rec'd September 8, 1975
 Address Bath, SD 57427 Sample No. 75-825
 Identification #1 James River
NE 1/4, Sec. 9, T 122N, R 62W

WATER ANALYSIS

Calcium (Ca)	52	ppm*	2.60	me/l**
Magnesium (Mg)	30	ppm	2.46	me/l
Sodium (Na)	60	ppm	2.61	me/l
Potassium (K)	13	ppm	0.34	me/l
Sulfate (SO ₄)	66	ppm	1.37	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	22	ppm	0.61	me/l
Bicarbonate (HCO ₃)	361	ppm	6.24	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	312	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	647	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.64			
Sodium	32.58	% of cations		
Residual sodium carbonate	1.18	me/l		
pH	7.78			
Others:				

*ppm=parts per million

***g.p.g.=grains per gallon

**me/l=milliequivalents per liter

COMMENTS: Total cations 8.01 me/l
 Total anions 8.22 me/l

Fair to good quality for irrigation. - A. Locken

By: Shirley Litten

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

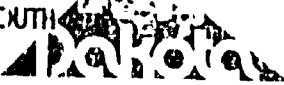
Cut along dotted line and return the lower portion with payment

Sample No. 75-825

Amount Enclosed \$6.00

Signed _____

SOUTH



No. _____

2629-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

March 31, 1976

Aldred Locken
Bath
South Dakota 57427

Dear Mr. Locken:

This will acknowledge receipt of your application to appropriate water from the James River for irrigation purposes. It has been assigned No. 2629-3.

The Commission has adopted a regulation that 300 cubic feet per second diversion can be allowed in the stretch of the river between the north Yankton County line, and the North Dakota - South Dakota state line. This figure has been reached.

Applications which are received proposing diversions from the James River are placed in a deferred status pending further evaluations on the James River and to allow time for development of the existing permits.

You will be advised of further developments.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/dw



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

Alfred Locken
Bath,
SD 57427

2629-

December 6, 1973

TO: Persons with pending applications for water rights from the James River.

FROM: John Hatch, Chief Engineer, Water Rights Commission

This notice is being written to all persons who have made application for a water right from the James River, which have been deferred with no official action taken by the Water Rights Commission.

The Commission has directed the Staff to advertise the pending applications for hearing, so official action can be taken. Water conditions have not changed on the James River, and no water is presently available for appropriation. The Commission expects to defer the applications at the time of the public hearing until such time as water becomes available. During the deferred period, the applications will retain the priority of the date of receipt by this office.

Will you please notify this office, before January 1, 1979, if you wish your application advertised for hearing. If you wish to withdraw your application, before advertising, it will be returned along with the fee.

Also, the following checked items will be required before we can process your application:

- ① Fee in the amount of \$8.00.
2. The map submitted with your application does not show the diversion point and lands to be irrigated. Please obtain an aerial photo.
3. The map has not been signed by a licensed land surveyor, or a South Dakota Registered Professional Engineer or by a governmental employee who prepares such maps as a regular part of his governmental employment.

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch", is written over a pre-printed name.

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bt

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6653

PIERRE, December 25, 1972, 19

RECEIVED OF Locken Farms, Inc., Alfred Locken, Bath, SD 57427
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 2532-3 (examination, processing, recording and filing)	8	00
Fee for Inspecting Construction, and issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	8	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
John Hatch pth

No. 2629-3

Publish first publication, on or before January 31, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 26, 1978

Notice is hereby given Alfred Locken whose post office

address is Bath, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.0 cubic feet of

water per second of time from the James River through the

A. Locken Irrigation System, the point(s) of diversion of which is(are) to be located in the NW 1/4 Sec 4

of Section 9, Twp. 122N, Range 62W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, Section 9-T122N-R62W.

This Application No. 2629-3 will be considered by the Water Rights Commission at the SDEA Auditorium, 411 E. Capitol, Pierre, SD upon the 31st day of January, 1979

at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

Getty Westlund,
Water Rights Specialist

BW:plh

cc: Alfred Locken, Bath, SD 57427

No. 969

Jan. 2 9 9

21

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 969

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brown) ss.

I, Pam Scepanick hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the January 9, 1979

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 Aberdeen of _____

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

January 2, 1979

January 9, 1979

Pam Scepanick
(Signature)

Clerk
(Title)

January 9, 1979
(Date Signed)

(110.549-Jan. 29-31)
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Notice is hereby given Alfred
Locken whose post office address is
Bath, South Dakota, has made an
application in accordance with the
provisions of SDCL 45-1-1 thru 45-1-9,
45-1-14; 45-2-1 thru 45-2-11; 45-2-12; 45-
5-1 thru 45-5-8, 45-5-12 thru 45-5-22; 45-
5-41, and Commission Rules ARSD
52:01:01:01 thru 52:01:01:13, for a
permit to appropriate for beneficial
use 2.0 cubic feet of water per second
at time from the James River
through the A. Locken Irrigation
System, the point of diversion of
which is to be located in the NW 1/4
SE 1/4 of Section 9, Twp. 122N, Range
67W. Said water to be used for the
purpose of providing irrigation on
portions of the following described
land: NW 1/4, Section 9-T122N-R67W.
This Application No. 2529-3 will be
considered by the Water Rights
Commission at the SDEA
Auditorium, 411 E. Capitol, Pierre,
SD upon the 31st day of January, 1979
at 10 A.M. The Commission is
authorized to make a determination
on this application at the hearing. All
interested persons may appear and
be heard. Any person who may be
affected by a Commission decision
who desires to present evidence or
cross-examine witnesses according
to SDCL 1-26 may nullify the Com-
mission in writing prior to the
hearing or orally at the hearing.
This hearing is an adversary
proceeding. Any person has the right
to be present, to be represented by
a lawyer. These and other due
process rights will be forfeited if
they are not exercised at the
hearing. Decisions of the Com-
mission may be appealed to the
Courts as provided by law.
WATER RIGHTS COMMISSION
Betty Westlund,
Water Rights Specialist



February 5, 1979

Mr. Alfred Locken
Bath, SD 57427

Dear Mr. Locken:

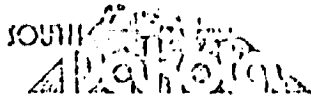
For your information the Water Rights Commission at their January 31, 1979 meeting have placed your Application No. 2629-3 in a deferred status.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bt



26-29-5

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

March 19, 1979

TO: Applicants and Persons Concerned with James River Applications
Considered January 31, 1979

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Submission of Proposed Findings of Fact and Conclusion of Law

The Water Rights Commission will continue the contested case hearing on James River Applications considered January 31 and February 1, 1979, on March 28, 1979 at 10:00 A. M. or as soon thereafter as this matter comes before the Commission. The hearing will be held in the Community Room of the City Hall, 222 East Dakota, Pierre SD.

The Water Rights Commission at the January 31 and February 1, 1979 Commission hearing passed a motion to allow all parties to prepare and submit proposed Findings of Fact and Conclusions of Law and a proposed decision for the Commission to consider. The Commission may consider and the Commission may adopt the Findings of Fact and Conclusions of Law and a final decision made on the James River Applications considered January 31, 1979.

The Oahe Conservancy Sub-District has submitted a petition to contest the Commission's January 31 deferral of the James River Applications. The petition asks the Commission to reject all pending James River Applications. The Commission may consider and may adopt a motion to reconsider its January 31st motion to defer in order to entertain the Sub-District's petition.

This hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-14; 46-2-2 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

STATE OF SOUTH DAKOTA)
 : SE
COUNTY OF HUGHES)

BEFORE THE SOUTH DAKOTA
BOARD OF WATER MANAGEMENT

In the matter of James River)
Water Permit Application Nos.)
1914-3, 1915-3, 2629-3,)
2629-3, 2632-3, 2635-3,)
2640-3, 2641-3, 2642-3,)
2643-3, 2645-3, 2654-3,)
2873-3, 2874-3, 2877-3,)
2879-3, 2880-3, 4066-3,)
4067-3, 4068-3, 4069-3,)
4072-3, 4073-3, 2633-3,)
2634-3, 2637-3, 2638-3,)
2639-3, 2646-3, 2703-3,)
2755-3, 4065-3, 4070-3,)
4071-3, 4074-3, 2602-3,)
4496-3, 4494-3, 4495-3,)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND FINAL DECISION

A hearing was held before the Board of Water Management on April 10 and 11, 1980, in Huron, South Dakota to consider the above-entitled matters. Present at the hearing were the following board members: Mr. Dennis Decker, Mrs. Marian Gunderson, Mr. Wendell Hanson, Mr. Leland Harms, Mr. Ray Rylance and Mr. Merwyn Walter. Appearing at the hearing as counsel for the Board was Mr. Robert Timm, Assistant Attorney General; appearing for the Department of Water and Natural Resources was Mr. Curtis Wilson, Assistant Attorney General and appearing for the Oahe Conservancy Subdistrict was Ms. Betty Ganje, Attorney at Law. Based upon the files of the Board of Water Management (hereinafter referred to as the Board) and the testimony and evidence presented at the hearing, the Board makes the following Findings of Fact, Conclusions of Law and Final Decision.

FINDINGS OF FACT

1. That the Water Resources Commission (a predecessor to the Board) based on the information then available, set a 300 cfs limit and an August 10th cutoff date for diversions from the James River at its May, 1965 meeting. Water permits continued to be approved until May of 1968 when the 300 cfs limit was reached at which time the Water Rights Commission (a predecessor to the Board) adopted a policy of

automatically deferring without advertising further applications until it was determined that water was available. At the November, 1975, meeting of the Commission it was determined that additional water permits could be issued within the 300 cfs limit because of cancellation of prior permits. Further permits were issued at that time to bring the total permitted appropriations up to the 300 cfs limit. Additional permits were received after November of 1975 and were advertised and officially deferred at the January and March, 1979 meetings of the Water Rights Commission. The James River was withdrawn from further appropriation for one year at the March, 1979 meeting so that additional studies could be made to determine if there was unappropriated water available.

2. That the James River was reopened for appropriation at the January, 1980 meeting of the Board in order to allow advertising of deferred and pending applications and that all applications have been regularly advertised and affidavits of publication have been received.

3. That the Oahe Conservancy Subdistrict filed a petition at the March, 1979 meeting contesting all deferred applications and the Department of Water and Natural Resources moved to dismiss the petition.

4. That the Oahe Conservancy Subdistrict has a Future Use Permit No. 1067-3 for appropriations from the James River in connection with the proposed Oahe Project.

5. That granting the deferred applications for James River Water will have no effect on any interest, pecuniary or otherwise, of the Oahe Conservancy Subdistrict to water in the James River.

6. That these deferred applications for permits for James River water, to the extent they may conflict with the Oahe Conservancy Subdistrict's Future Use Permit No. 1067-3, are subject to that permit.

7. That the Water Rights staff has conducted detailed hydrographic surveys of the availability of water in the James River and studies of the anticipated effects of

approving additional water permits based on projected development and use by appropriators.

8. That based on the studies of actual irrigation development and use, it is projected that a maximum of fifty percent of permitted acres will be irrigated at any one time.

9. That based on such surveys and studies there is unappropriated water available during the spring and through July 15th of normal years.

10. That the determination that there is unappropriated water available is based strictly on flows naturally occurring in the James River and is not based in any way upon anticipated flows which may be diverted into the James River by the proposed Garrison Project in North Dakota.

11. That the Water Quality staff has conducted a detailed study of the James River as a fishery entitled: "An Instream Flow Recommendation for the Protection of Warm Water Fishery Propagation on the James River."

12. That citizens of South Dakota, as well as other states, make substantial use of the James River for recreational fishing as well as other instream beneficial uses.

13. That the James River, particularly those portions below the city of Huron, South Dakota, supports a variety of fish and aquatic life as well as acting as a spawning ground for fish in the Missouri River.

14. That protection of the instream beneficial uses of the James River requires both good quality water as well as sufficient quantity and velocity of water.

15. That protection of the instream beneficial uses of the James River may be accomplished while still approving additional permits for appropriation from the James River by imposing on those permits for diversions below the city of Huron certain by-pass requirements.

16. That it is in the public interest and consistent with making the fullest beneficial use of the

waters of the James River to approve the following water permits subject to the following restrictions:

A. Above Sand Lake - No. 2640-3; No. 2634-3

1. Water may not be diverted under these permits until water is by-passing the lower most Sand Lake dike.
2. No diversions after July 15th of each year, nor in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the Board or its representative.
3. Prior water rights on the James River contain an August 10th cut-off date, and the additional requirement that diversions cannot be made when 20 cfs are not by-passing the Third Street Dam in Huron, to provide for downstream domestic use. In the management of the James River under these permits, flows will be monitored at all gauging stations, and cut-offs will be timed to insure water supplies to fulfill the prior water rights and domestic qualification.
4. The permit holders shall complete and return the irrigation questionnaire each year to the Board or its representative.
5. The Oahe Subdistrict has priority rights to portions of this water to the limited extent they may exist under Future Use Withdrawal Permit No. 1067-3 and these applications are approved subject to these prior rights if or when the Oahe Subdistrict

develops the reserve water supply.

B. Below Sand Lake to James Diversion Dam -

No. 2638-3	No. 2602-3
No. 2628-3	No. 2629-3
No. 2632-3	No. 2635-3
No. 2637-3	No. 2639-3
No. 2641-3	No. 2645-3
No. 2646-3	No. 2703-3
No. 2873-3	No. 2874-3
No. 4065-3	No. 4066-3
No. 4068-3	No. 4071-3
No. 4496-3	

1. No diversions after July 15th of each year, nor in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the Board or its representative.
2. Prior water rights on the James River contain an August 10th cut-off date, and the additional requirement that diversions cannot be made when 20 cfs are not by-passing the Third Street Dam in Huron, to provide for downstream domestic use. In the management of the James River under these permits, flows will be monitored at all gauging stations, and cut-offs will be timed to insure water supplies to fulfill the prior water rights and domestic qualification.
3. The permit holders shall complete and return the irrigation questionnaire each year to the Board or its representative.
4. The Oahe Subdistrict has priority rights to portions of this water to the limited extent they may exist under Future Use Withdrawal Permit No. 1067-3 and this application is approved subject to these prior rights if or when the Oahe Subdistrict develops the reserved water supply.

5. With regard to Application No. 2602-3
only, approval authorizes off-stream
storage of 368 acre feet of water annually.

C. Diversion Dam to Third Street Dam, Huron, South
Dakota - No. 2879-3; No. 2643-3; No. 4070-3.

1. No diversions after July 15th of each year,
nor in periods of obvious low flow without
a written order of the Water Management Board
or its legally appointed representative.
Diversions shall be in accordance with
written orders, if any, of the Board or its
representative.
2. Prior water rights on the James River
contain an August 10th cut-off date,
and the additional requirement that
diversions cannot be made when 20 cfs
are not by-passing the Third Street
Dam in Huron, to provide for downstream
domestic use. In the management of the
James River under these permits, flows
will be monitored at all gauging stations,
and cut-offs will be timed to insure water
supplies to fulfill the prior water rights
and domestic qualification.
3. Permit holders shall complete and return
the irrigation questionnaire each year to
the Board or its representative.

D. Below Huron - July 15th Cut-off

No. 1915-3	No. 2633-3
No. 2642-3	No. 2654-3
No. 2755-3	No. 2877-3
No. 2880-3	No. 4067-3
No. 4069-3	No. 4072-3
No. 4073-3	No. 4074-3

1. No diversions after July 15th of each year,
or in periods of obvious low flow without a
written order of the Water Management Board
or its legally appointed representative.

Diversions shall be in accordance with written orders, if any, of the board or its representative.

2. To maintain instream flows for instream and domestic purposes, these permits do not authorize diversions when there are less than the following cfs by-passing the Scotland Gauging Station:
 - (a) less than 80 cfs during any month of April;
 - (b) less than 70 cfs during any month of May;
 - (c) less than 50 cfs during any month of June;
 - (d) less than 20 cfs during the remainder of the year.
 3. Permit holders shall complete and return the irrigation questionnaire each year to the Board or its representative.
- E. Below Huron - August 10 Cut-Off - No. 1914-3
1. No diversions after August 10th of each year, nor in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the Board.
 2. The permit holder shall complete and return the irrigation questionnaire each year to the Board or its representative.
- F. Flood Flow Storage - No. 4494-3, No. 4495-3
1. Permit No. 4494-3 permit allows off-stream storage of 100 acre feet of water to be diverted annually from flood flows.
 2. Permit No. 4495-3 allows off-stream storage of 120 acre feet of water to be diverted annually from flood flows.

3. Permit holders shall complete and return the irrigation questionnaire each year to the Board or its representative.

17. That the plans of development of the pending permit applications are feasible under the above-listed restrictions.

CONCLUSIONS OF LAW

1. That this Board has jurisdiction over the subject matter and parties to this proceeding.

2. That the Oahe Conservancy Subdistrict has no interest in this matter entitling them to intervene.

3. That the general welfare of the State requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable.

4. That this Board has authority pursuant to SDCL Chapter 34A-2-11 and SDCL 46-5-18 to impose by-pass restrictions on appropriations from the James River to protect instream and domestic uses, recreational uses and the fish and aquatic life in the James River.

5. That all legal requirements for the pending applications have been met and that the applications for water permits should be approved.

FINAL DECISION

I.

That the Motion to Dismiss the Petition of the Oahe Conservancy Subdistrict is hereby granted.

II.

That Water Permit Applications Nos. 1914-3, 1915-3, 2628-3, 2629-3, 2632-3, 2635-3, 2640-3, 2641-3, 2642-3, 2643-3, 2645-3, 2654-3, 2873-3, 2874-3, 2877-3, 2879-3, 2880-3, 4066-3, 4067-3, 4068-3, 4069-3, 4072-3, 4073-3, 2633-3, 2634-3, 2637-3, 2638-3, 2639-3, 2646-3, 2703-3, 2755-3, 4065-3, 4070-3, 4071-3 and 4074-3 shall be approved subject to the following qualifications:

A. Above Sand Lake - No. 2640-3; No. 2634-3

1. Water may not be diverted under these permits until water is by-passing the lower most Sand Lake dike.
2. No diversions after July 15th of each year, nor in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the Board or its representative.
3. Prior water rights on the James River contain an August 10th cut-off date, and the additional requirement that diversions cannot be made when 20 cfs are not by-passing the Third Street Dam in Huron, to provide for downstream domestic use. In the management of the James River under these permits, flows will be monitored at all gauging stations, and cut-offs will be timed to insure water supplies to fulfill the prior water rights and domestic qualification.
4. The permit holders shall complete and return the irrigation questionnaire each year to the Board or its representative.
5. The Oahe Subdistrict has priority rights to portions of this water to the limited extent they may exist under Future Use Withdrawal Permit No. 1067-3 and these applications are approved subject to these prior rights if or when the Oahe Subdistrict develops the reserve water supply.

B. Below Sand Lake to James Diversion Dam -

No. 2638-3	No. 2602-3
No. 2628-3	No. 2629-3
No. 2632-3	No. 2635-3
No. 2637-3	No. 2639-3
No. 2641-3	No. 2645-3
No. 2646-3	No. 2703-3
No. 2873-3	No. 2874-3
No. 4065-3	No. 4066-3
No. 4068-3	No. 4071-3
No. 4496-3	

1. No diversions after July 15th of each year, nor in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the Board or its representative.
2. Prior water rights on the James River contain an August 10th cut-off date, and the additional requirement that diversions cannot be made when 20 cfs are not by-passing the Third Street Dam in Huron, to provide for downstream domestic use. In the management of the James River under these permits, flows will be monitored at all gauging stations, and cut-offs will be timed to insure water supplies to fulfill the prior water rights and domestic qualification.
3. The permit holders shall complete and return the irrigation questionnaire each year to the Board or its representative.
4. The Oahe Subdistrict has priority rights to portions of this water to the limited extent they may exist under Future Use Withdrawal Permit No. 1067-3 and this application is approved subject to these prior rights if or when the Oahe Subdistrict develops the reserved water supply.
5. With regard to Application No. 2602-3 only, approval authorizes off-stream storage of 368 acre feet of water annually.

2. For instream flow purposes, these permits do not authorize diversions when there are less than the following cfs by-passing the Scotland Gauging Station:
 - (a) less than 80 cfs during any month of April;
 - (b) less than 70 cfs during any month of May;
 - (c) less than 50 cfs during any month of June;
 - (d) less than 20 cfs during the remainder of the year.
 3. Permit holders shall complete and return the irrigation questionnaire each year to the Board or its representative.
- E. Below Huron - August 10 Cut-Off - No. 1914-3
1. No diversions after August 10th of each year, nor in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the Board or its representative.
 2. The permit holder shall complete and return the irrigation questionnaire each year to the Board or its representative.
- F. Flood Flow Storage - No. 4494-3, No. 4495-3
1. Permit No. 4494-3 permit allows off-stream storage of 100 acre feet of water to be diverted annually from flood flows.
 2. Permit No. 4495-3 allows off-stream storage of 120 acre feet of water to be diverted annually from flood flows.
 3. Permit holders shall complete and return the irrigation questionnaire each year to the Board or its representative.

C. Diversion Dam to Third Street Dam, Huron, South Dakota - No. 2879-3; No. 2643-3; No. 4070-3.

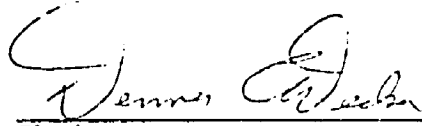
1. No diversions after July 15th of each year, nor in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the Board or its representative.
2. Prior water rights on the James River contain an August 10th cut-off date, and the additional requirement that diversions cannot be made when 20 cfs are not by-passing the Third Street Dam in Huron, to provide for downstream domestic use. In the management of the James River under these permits, flows will be monitored at all gauging stations, and cut-offs will be timed to insure water supplies to fulfill the prior water rights and domestic qualification.
3. Permit holders shall complete and return the irrigation questionnaire each year to the Board or its representative.

D. Below Huron - July 15th Cut-off

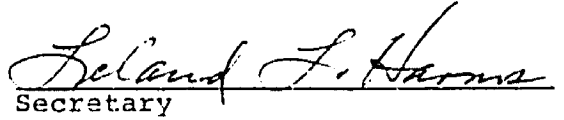
No. 1915-3	No. 2633-3
No. 2642-3	No. 2654-3
No. 2755-3	No. 2877-3
No. 2880-3	No. 4067-3
No. 4069-3	No. 4072-3
No. 4073-3	No. 4074-3

1. No diversions after July 15th of each year, or in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the board or its representative.

Dated this 24th day of July, 1980.



Chairman



Secretary

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7961

PIERRE, February 2 1981

RECEIVED OF Alfred Locken, Bath, SD 57427

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.....		
Fee for inspecting Beneficial Use, and issuing Water License No.....		
Fee for issuing Location Certificate-Dry Draw, No.....		
Fee for filing extension of time for water permit no. 2629-3	2	00
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (SY)

Form 12.

No. 2629-3

APPLICATION FOR EXTENSION OF TIME

TO: Water Rights
Foss Building
Pierre, South Dakota 57501

Date January 28, 1981

Dear Sirs:

In Water Right Permit No. 2629-3 it is specified that the water diversion system is to be completed by July 24, 1981 and that the water is to be put to the limit of beneficial use by July 24, 1981.

I hereby request that the date for completing the diversion system be extended to July 24, 1985 and that the date for putting the water to the limit of beneficial use be extended to July 24, 1985.

The extension of time for the completion of these works is requested for the following reasons: James River was dry. We had just received the permit last year (August 1980) and there was not sufficient water in the James River to use it. Plans now call for a means of storing water which will require additional time.

Enclosed herewith is a fee of Two Dollars and Fifty Cents (\$2.50) to pay the cost of filing this request for extension of time.

Alfred Locken
(Signed)

2629-3

Permit Number

APPROVED: 1/29/81

Board of Water Management

BY:



Department of Water & Natural Resources

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

February 2, 1981

Alfred Locken
Bath, SD 57427

Dear Mr. Locken:

This is to inform you that your request for extension of time dated

~~January 28, 1981~~ for Water Right No. 2629-3 has been
approved by the Board of Water Management as follows:

The date for completing construction of the water system has
been extended to July 24, 1985, and the date for
putting the water to the limit of beneficial use has been
extended to July 24, 1985.

Enclosed herewith is Receipt No. 4 7961 for \$2.50 fee for filing
of this Extension of Time.

Sincerely,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

encl

Below Sand Lake to James Diversion Dam

This Permit No. 2629-3 is approved subject to the following qualifications:

1. No diversions after July 15th of each year, nor in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the Board or its representative.
2. Prior water rights on the James River contain an August 10th cut-off date, and the additional requirement that diversions cannot be made when 20 cfs are not by passing the Third Street Dam in Huron, to provide for downstream domestic use. In the management of the James River under this Permit, flows will be monitored at all gauging stations, and cut-offs will be timed to insure water supplies to fulfill the prior water rights and domestic qualifications.
3. The permit holder under this Permit shall complete and return the irrigation questionnaire each year to the Board or its representative.
4. The Oahe Subdistrict has priority rights to portions of this water to the limited extent they may exist under Future Use Withdrawal Permit No. 1067-3. This application is approved subject to these prior rights if or when the Oahe Subdistrict develops the reserved water supply.

Permit No. 2629-3, Alfred Locken, Bath, S.D.

South Dakota
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
Water Rights Division
605 773-3352

March 7, 1984

NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits, not in compliance with the Permit qualification:

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

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The Questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of water permits not in compliance with the Irrigation Questionnaire qualification are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action including possible suspension of the permit on April 25, 1984 at 10:30 am in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD for all permits without questionnaires returned by April 2.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

Equal Opportunity Employer

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 19, 1984

Alfred Locken
Rt. #1, Box 106
Bath, South Dakota 57427

2629-3, 4668-3

Dear Mr. Locken:

This will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaire. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 2629-3 and 4668-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 7, 1984. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions please contact us.

Very truly yours,

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

Equal Opportunity Employer

LICENSE FOR PERMIT NUMBER 2629-3

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 8 in

6 in

b) type Aluminum

PVC

c) length 1380 ft

2240 ft

4. Dam information:

a) height to crest _____

i) Outlet tubes:

b) height to spillway _____

1) diameter _____

c) crest width _____

2) type _____

d) crest length _____

3) valued (Y/N) _____

e) spillway length _____

4) valve type _____

f) spillway width _____

5) location on structure _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

5. System Type: a) sideroll:

b) towline: (2) Lindsay ?

1) length _____ feet

1) length 1/4 mi. each feet

2) diameter of pipe _____

2) make, model & number of sprinklers

3) make, model & number of sprinklers

Rainbird 14600

4) spacing of sprinklers _____

3) spacing of sprinklers 40 ft

5) nozzle size _____

4) nozzle size _____

650 gpm run both at one time

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

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

h) Hydromatic

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

YES

NO

Check Items

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being abided by.
3. All Structures, wells and lands on map.

REMARKS:

motor: Baldor, 30hp

Cat No. M4108T

Spec. JOE02-265

pump: Cornell, imp. 7 1/2 in.

M.N. 3WF4

S.N. 41847

Permit No. 2629-3James 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 Alfred Locken_____ of Bath SD 57127 holder of
Permit No. 2629-3, bearing the priority of November 17 19 75 authorizingthe diversion of 2.00 cu. ft. per second of the waters of The James River
for irrigation purposes, in Brown County.

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

A. Works used to divert the water:

motor: Baldor, 30hp.Cat No. M4108TSpec. 10HC2-265pump: Cornell, imp. 7 1/2 in.M.N. 3WF4S.N. 41847

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

Pipeline: size - 8 in 6 in
type - Aluminum PVC
length - 1380 ft 2240 fttowlines (2): Lindsay?length - 1320 ftsprinklers - Rain bird 14600sprinkler spacing - 40 ftcapacity - 650 gpm operating
both at one time

C. Works used to apply water to beneficial use:

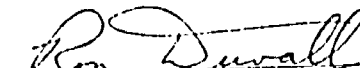
The system is in the following condition goodThe point of diversion is located James River : 440 ft. E from the center ofsec 9 - T122N - R62WThe works are capable of diverting and conveying to the place of use 1.44cu. ft. per second of water which is to be used for irrigation

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

	Acre
<u>NW 1/4 NW 1/4 sec 9 - T122N - R62W</u>	<u>28.0</u>
<u>NE 1/4 NW 1/4</u>	<u>38.0</u>
<u>SW 1/4 NW 1/4</u>	<u>28.0</u>
<u>SE 1/4 NW 1/4</u>	<u>32.4</u>

comprising a total of 126.4 acres of land and the license should be issued for 1.44 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____

Date March 28, 1985

(signature)

State of South Dakota

Water License No. 2629-3

(1) Alfred Locken
of Box 106, Bath SD 57427
made Application No. 2629-3, November 17, 1975 for a water permit to appropriate
2.0 cubic feet per second of water from the James River
Brown County, South Dakota for irrigation purposes.
Permit No. 2629-3, with a priority date of November 17, 1975
was approved July 24, 1980 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before July 24, 1985 and for the application to beneficial use of said
water on or before July 24, 1985.

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 1.44 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is on the James River, 440 feet east
of the center of Section 9, T122N, 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

TT22N, R62W

Section 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$ 23.0 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 "

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 28.0 "

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 32.4 "

TOTAL 126.4 acres

(4) Pursuant to §46-5-30.1 Alfred Locken

of Box 106, Bath SD 57427

the holder(s) and/or owner(s) of Water Permit No. 2629-3 is issued a license to appropriate water, the right to use 1.44 cubic feet per second of water from the James River

with a priority date of November 17, 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 Permit No. 2629-3 and subject to South Dakota State Law.

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

JAN 28 1986



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 2629-3

September 26, 1985

Alfred Locken
Bath SD 57427

Dear Mr. Locken:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 2629-3 has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Administrative Aide

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

*Enclosed find check # 7042 in the amount of
\$50.00 to cover cost of water license as per this letter.*

*Alfred Locken
Box 106
Bath, S.D.*

DWNR-814 8/83

RECEIPT

Division of Water Rights

Nº 4 10268 -

South Dakota Department of Water and Natural Resources

Pierre, December 23, 1935, 19__

RECEIVED OF Alfred Locken, Box 106, Bath, SD 57427

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2029-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH

MS



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3322

No. 2629-3

JAN 28 1986

Alfred Locken
Box 106
Bath SD 57427

Dear Mr. Locken:

Enclosed herewith is, Water License No. 2629-3. 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

WNR-817 3/83
Transmittal of Water License



Department of Water & Natural Resources

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

April 24, 1987

NOTICE

TO: Alfred Locken
Rt 1, Box 106
Bath SD 57427

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

A handwritten signature in cursive script, reading "John Hatch".

SUBJECT: Amendment of Water Right No. 2629-3

Notice is given that the Water Management Board will consider deleting and adding the following qualifications to Water Right No. 2629-3.

Qualifications to be deleted:

1. No diversions after July 15th of each year, nor in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the Board or its representative.
2. Prior water rights on the James River contain an August 10th cut-off date, and the additional requirement that diversions cannot be made when 20 cfs are not by-passing the Third Street Dam in Huron, to provide for downstream domestic use. In the management of the James River under these permits, flows will be monitored at all gauging stations, and cut-offs will be timed to insure water supplies to fulfill the prior water rights and domestic qualification.
3. The Oahe Subdistrict has priority rights to portions of this water to the limited extent they may exist under Future Use Withdrawal Permit No. 1067-3. This application is approved subject to these prior rights if or when the Oahe Subdistrict develops the reserve water supply.

Qualifications to be added:

1. 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 Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

2. This permit does not authorize diversions from the James River when water is not by-passing the James River Dam north of Huron or when less than 20 cfs of water is by-passing the Third Street Dam in Huron.
3. Prior rights may exist for portions of this water to a limited extent under Future Use Withdrawal Permit No. 1067-3. This application is approved subject to these prior water rights if or when the reserved water supply is developed.

The hearing to consider amendment of Water Right No. 2629-3 to delete and add the above qualifications will be held May 6, 1987 at 4:15 pm, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The hearing is based on the results from inspection of James River water permits/rights completed in the spring of 1985. The attached report "Status of James River Water Rights" summarizes the results of the inspections. The proposed amendment to Water Right No. 2629-3 is based on the decrease in James River water appropriation from 443.92 cubic feet of water per second to 254.07 cfs. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

After all evidence is taken at the hearing, the Board may issue a decision to delete and add the above qualifications, postpone any action or taken no action. This hearing is an adversary proceeding. Any party 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.

SOUTH DAKOTA Department of
Water & Natural Resources

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

May 18, 1987

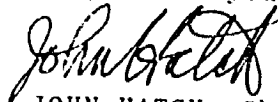
NOTICE

Alfred Locken
Rt 1, Box 106
Bath SD 57427

Dear Mr. Locken:

This letter is in response to action taken by the Water Management Board to amend Water Permit No. 2629-3. The Board amended Water Permit No. 2629-3 by deleting and adding the qualifications on the enclosed "Attachment" which should be placed with the permit. The action was taken pursuant to the notice to you dated April 24, 1987.

Very truly yours,



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

enclosures

ATTACHMENT TO WATER PERMIT NO. 2629-3

ALFRED LOCKEN

The Water Management Board amended Water Permit No. 2629-3 at the May 6, 1987 Board meeting to delete and add the following qualifications:

Qualifications deleted:

1. No diversions after July 15th of each year, nor in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the Board or its representative.
2. Prior water rights on the James River contain an August 10th cut-off date, and the additional requirement that diversions cannot be made when 20 cfs are not by-passing the Third Street Dam in Huron, to provide for downstream domestic use. In the management of the James River under these permits, flows will be monitored at all gauging stations, and cut-offs will be timed to insure water supplies to fulfill the prior water rights and domestic qualification.
3. The Oahe Subdistrict has priority rights to portions of this water to the limited extent they may exist under Future Use Withdrawal Permit No. 1067-3. This application is approved subject to these prior rights if or when the Oahe Subdistrict develops the reserve water supply.

Qualifications added:

1. 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 Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This permit does not authorize diversions from the James River when water is not by-passing the James River Dam north of Huron or when less than 20 cfs of water is by-passing the Third Street Dam in Huron.
3. Prior rights may exist for portions of this water to a limited extent under Future Use Withdrawal Permit No. 1067-3. This is subject to these prior water rights if or when the reserved water supply is developed.

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

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

April 18, 1988

2629-3
4668-3

Alfred Locken
Rt 1, Box 106
Groton, SD 57427

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Locken:

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

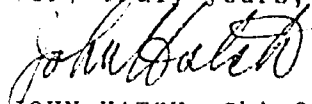
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North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

May 18, 1988

NOTICE OF SHUTOFF ORDER

TO: Alfred Locken
Rt 1, Box 106
Bath, SD 57427

2629-3
4668-3

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

John Hatch
By James Hatcher

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 24, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: Alfred Locken
Rt 1, Box 106
Bath, SD 57427

2629-3
4668-3

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

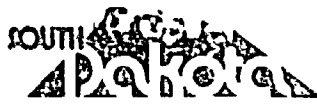


SUBJECT: Extension of Shutoff Order to 12:00 Noon, June 1, 1988
due to Increased Flows in the James River.

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.





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

May 31, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: Alfred Locken
Rt 1, Box 106
Bath, SD 57427

2629-3
4668-3

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

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

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

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



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3131

July 17, 1989

NOTICE OF SHUTOFF ORDER

2629-3
4668-3

TO: Alfred Locken
Rt 1, Box 106
Bath, SD 57427

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

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



L



Department of Water & Natural Resources

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

April 6, 1990

NOTICE OF SHUTOFF ORDER

2629-3, 4668-3

TO: Locken, Alfred
Rt 1, Box 106
Bath, SD 57427

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

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

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

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

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

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

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

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

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

2629-3

April 2, 1991

Alfred Locken
Rt 1, Box 106
Bath, SD 57427

Dear Mr. Locken:

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

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

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

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

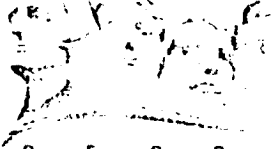
We will continue to closely monitor the flow in the river. Unless flow conditions improve in the next two to three weeks, shut off orders may have to be issued to all James River water users except for the City of Huron, which has senior water rights.

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

Very truly yours,

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

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 5, 1991

NOTICE

2629-3

TO: Alfred Locken
Rt 1, Box 106
Bath, SD 57427

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	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

2629-3

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 12, 1991

Alfred Locken
Rt 1, Box 106
Bath, SD 57427

Dear Mr. Locken:

In response to your telephone call requesting an extension to pump from the James River, you are hereby authorized to continue irrigation under Water Right No. 2629-3 from the James River.

This authorization is subject to flows remaining available for downstream domestic users and prior water rights. We will continue to monitor the river and will be in contact with you if low flows become a problem.

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

Very truly yours

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

2629-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 5, 1991

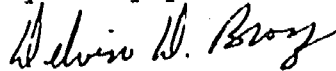
Alfred Locken
Rt 1, Box 106
Bath, SD 57427

Dear Mr. Locken:

The flow in the James River is approaching 20 cfs at Huron and continues to drop. Therefore, to protect Huron's senior water right and downstream domestic use (including livestock watering), diversions covered under Water Right No. 2629-3 shall be discontinued, effective immediately, until January 1, 1992.

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

Very truly yours

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



April 14, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

2629-3

TO: ALFRED LOCKEN
RT 1 BOX 106
BATH, SD 57427

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

Water Rights Division - DWNR

File No. 2629-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Alfred LockenADDRESS: R.P. 1 Box 106 Bath SD COUNTY BNDATE: 6-23-92 TELEPHONE 225-1079RE: request to irrigate

COMMENTS:

Mr. Locken requested permission
to start irrigating from the James River.
Permission was granted to go ahead today.
A Notice of rescission for him and the
rest of the James River area diverters
went out today from Ashton to the
ND/SD state line.

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: Norma C. Sob



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 23, 1992

RESCISSION OF SHUTOFF ORDER

2629-3

TO: ALFRED LOCKEN
RR 1 BOX 106
BATH, SD 57427

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

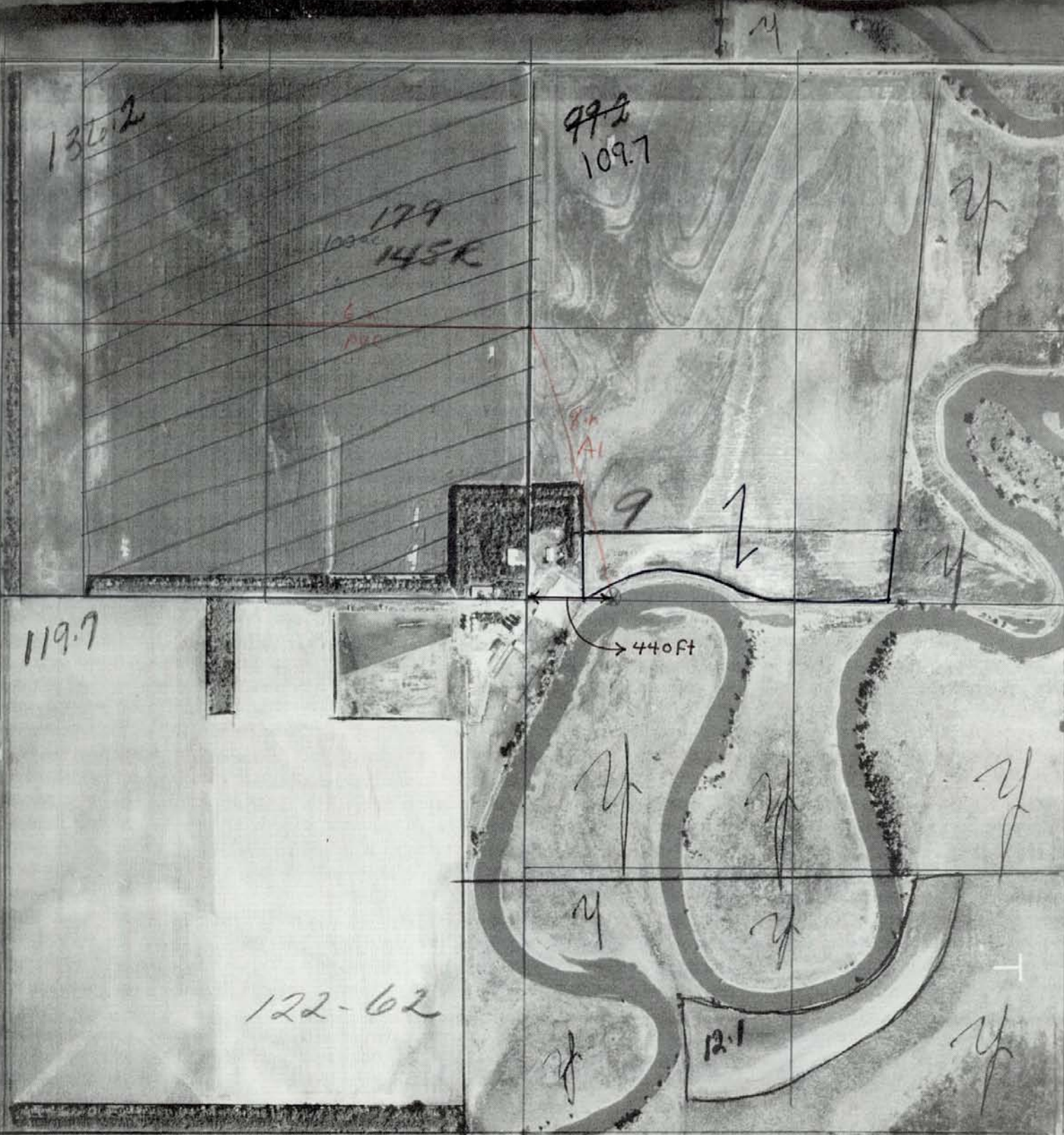
SUBJECT: Rescission of April 14, 1992 Shutoff Order
to James River Water Right Holders above
Ashton to the North Dakota/South Dakota
State Line.

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 Ashton gaging station and the North Dakota/South Dakota state line. 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

NOT TO SCALE



Ron Duvall
Natural Resources Eng
3/28/85

Permit No. 2629-3
~~Map No. 1996-3~~

43.4

122-62

136.2

130.3

53A

POUT DIVERSION

135 rds

140.9

9

JAMES RIVER

160 rds

122-62

12.1

MAP PREPARED BY
R.K. Ulrich
District Conservationist
SCS - Brown County

~~MAP No. 1976-3~~

APPL. 2629-3



**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 7, 2006

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 2629-3**

To: ALFRED LOCKEN
39643 137TH ST
BATH SD 57427

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

Subject: James River Qualification Reminder for Permit No(s). 2629-3

Qualifications on you water right indicate that you are not authorized to divert James River water after July 15^h. Please, consider this a reminder and cease diversion if you have not already done so. You may resume diversion on the date stated in the qualifications on your water right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 26, 2006

NOTICE OF SHUTOFF ORDER

TO: ALFRED LOCKEN
39643 137TH ST
BATH SD 57427

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 2629-3

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.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 11, 2007

TO: All James River Water Right Holders

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

SUBJECT: Proposed Amendment to Conditions on James River Water Rights

As Chief Engineer of the Water Rights Program, I am proposing amending conditions placed on many James River water rights in order to provide consistency for the period when pumping is authorized from the river. Please find enclosed the Chief Engineer's recommendation and a notice being published in newspapers along the James River in South Dakota. The notice schedules a May 9th hearing before the Water Management Board regarding the amendment.

Water Rights on the James River contain a variety of shutoff dates and by-pass flow qualifications. To facilitate the administration of James River water rights, the Chief Engineer is recommending that the Water Management Board amend water rights to provide a standard August 10th shut-off date and bypass conditions relative to USGS gaging stations. Real time flows can easily be accessed via USGS's website at <http://waterdata.usgs.gov/sd/nwis/>. The proposed amendments will not impose any condition more restrictive than currently in place and all water rights will remain subject to senior water rights and any written orders issued by the Chief Engineer.

Please review the enclosed recommendation and public notice. If your water right is among those that will be amended the section in the recommendation dealing with your water right is highlighted. If there is no highlighted section in your enclosure, then there is no proposed change to your water right. If you have any questions about the proposed changes, I encourage you to contact Lynn Beck or Mark Rath at (605) 773-3352.

enclosure

Instruction to Newspaper - Publish first Notice on April 12, 2007 with the second publication 7 days later. The Water Rights Program is responsible for payment.

NOTICE OF CHIEF ENGINEER'S RECOMMENDATION FOR JAMES RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD proposes to amend conditions placed on many James River water rights in South Dakota. The objective is to bring consistency among water rights for the period when pumping is authorized from the river. This requires the modification to the conditions placed on a number of existing water rights. The amendments will not increase the authorized diversion rate or number of irrigated acres authorized under existing James River water rights. Water rights held by cities for municipal use will not be amended by this proposed action.

Currently, water rights differ in the date that pumping must cease and the amount of water that must bypass a United States Geological Survey's gaging station to pump. The Water Rights Program has reviewed all James River water rights and determined that they can be modified to a standard shut-off date of August 10th of each calendar year. In addition, it is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows.

North Dakota Border to the Ashton gage (northern segment)
Ashton gage to Huron gage (central segment)
Huron gage to gage near Scotland (southern segment)

Water rights that currently have a bypass condition within each segment will be conditioned with a 20 cfs bypass.

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. James River water rights holders will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing shut-off and bypass conditions on applicable water rights and add the following qualifications to those James River water rights as set forth above.

1. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been so issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
2. This permit does not authorize diversions from the James River when there is less than 20 cfs bypassing the USGS gaging station at Ashton SD (or Huron and Scotland).

Any person interested in opposing or supporting this proposed amendment change shall file a written petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or water right holder must be filed by April 30, 2007. The petition may be informal, but must include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board hearing to consider the amendment to delete and add the above qualifications will be held at 11:00 AM, May 9, 2007 in the Floyd Matthew Training Center, 523 E Capitol Avenue, Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) defer, or 3) deny the amendment changes based on the facts presented at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The May 9, 2007 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any interested person opposing the amendments. The request for an automatic delay must be filed by April 30, 2007.

Any hearing will be an adversary proceeding. Any person filing a petition has the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 30, 2007, at the above Water Rights Program address to request copies of information pertaining to this action. Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Water Rights Program if you have special needs for which special arrangements can be made.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

REPORT ON AMENDMENT OF JAMES RIVER WATER PERMITS/RIGHTS

April 24, 2007

Purpose of this Study

The James River historical appropriations show a variety of shut-off and by-pass qualifications adopted at different times. It is the purpose of this study to bring the shut-off and by-pass qualifications of active permits in line with the intentions of the Water Management Board as adopted at the April 1980 and May 1987 Board Meetings. In addition, the study shows that future appropriations of water from the James River can also be administered as stated above.

Historical Summary of James River Water Permits/Rights

During the 1960's the Water Resources Commission (predecessor to the Water Management Board) set a 300 cubic feet per second (cfs) limit and an August 10th cutoff date for appropriations from the James River. It was also determined that 20 cfs of water should by-pass Huron, SD to provide for downstream domestic use. The diversion limit was further defined as a combined 200 cfs of water above Huron and in addition permits having a combined 300 cfs of water could be approved above the SD Hutchinson-Yankton county line.

The Commission set limit was reached in 1968 and applications were deferred until 1975 when cancellations and underdeveloped appropriations allowed for deferred applications to be approved until the 300 cfs limit was reached. Applications were once again deferred until 1979 when a similar situation allowed James River diversions to be approved. In 1980 appropriations on the James River were once again opened and based on studies of actual irrigation development and use, it was projected that a maximum of 50-percent of permitted acres were irrigated at any one time. In 1987 a recommendation was made to the Water Management Board to change the qualifications on those active water permits upstream of Huron, SD requiring alignment with the August 10th cut-off date and the 20-cfs by-pass at the Third Street Dam, and for those water permits downstream of Huron, SD to the August 10th cut-off date.

Most recently, in 2003 Water Rights Program Staff completed on-site surveys of James River water rights that had reported non-use for periods greater than three (3) years. These surveys resulted in forfeiture for non-use of twenty-four (24) James River water rights. To date the Water Rights Program periodically reviews James River water rights for non-use status and possible cancellation. Currently there is unappropriated water in the James River.

See Attachment 1 for a detailed historical review of James River shut-off and by-pass qualifications.

Review of James River Water Permits/Rights

Past inspections of James River water permits/rights have resulted in updates to the number of permits and amounts of water appropriated from the river. See Attachment 2 for a map of the James River permits/rights and Attachment 3 for a list of James River Water Rights including their use and qualifications.

Presently there are eighty-six (86) water rights on the James River reach from the North Dakota (ND) border to the SD Hutchinson-Yankton county line with 231.81-cfs total diversions. These

water rights are for direct diversion of water from the James River during the normal irrigation season. The James River reach from Huron, SD to the ND border presently has fifty-one (51) water rights with 144.83-cfs total diversions. The majority of these water rights are in Spink (25) and Beadle (16) Counties with 124.94-cfs total diversions. At this time there are no water rights in effect for direct diversion of water from the James River upstream of the James River Columbia, SD U.S Geological Survey (USGS) gaging station. Currently 68.19-cfs is available for appropriation on the James River from the ND border to the Hutchinson/Yankton County line, of which, not more than 55.17-cfs is available for appropriation above the USGS gage at Huron due to the 200-cfs limit.

This leaves thirty-five water rights with 86.98-cfs direct diversion from the James River during the normal irrigation season on the stretch below Huron to the Hutchinson/Yankton County line. The majority of these water rights are in Davison (10) and Hutchinson (13) counties with 64.66-cfs total diversions. Currently up to 68.19-cfs is available for diversion below Huron.

Water Availability at Current Appropriation

Currently 231.81-cfs is appropriated on the James River from the ND border to the Hutchinson/Yankton County line, of which, **144.83-cfs** is appropriated above the USGS gage at Huron and **86.98-cfs** is appropriated below Huron to the Hutchinson/Yankton County line. A study was conducted, by water rights staff, to determine the probability that water would be available during the irrigation season until August 10 of each calendar year if existing water permits/rights are brought in line with a common August 10 shut-off date.

The James River was divided into three river reaches between USGS gaging stations, ND border to the USGS gage at Ashton, SD; USGS gage at Ashton, SD to the USGS gage at Huron, SD; and USGS gage at Huron, SD to USGS gage near Scotland, SD. The water appropriated for irrigation and other uses for each of the three river reaches was calculated, see table below.

RIVER REACH	IRR	OTH	TOTALS
ND border to Ashton	16.85	6.5	23.35
Ashton to Huron	95.2	26.28	121.48
TOTAL	112.05	32.78	144.83
Huron to HT/YA Co. ln.	54.2	32.78	86.98
TOTAL	54.2	32.78	86.98

Once these values were obtained, a formula for actual water use at current appropriation was developed.

Stated under, **Historical Summary of Shut-Off and By-Pass Qualifications, 1980 – 1984**, in Attachment 1, the actual irrigation development and use on the James River were found to be a maximum of 50-percent. This conclusion was reached after Water Rights Staff conducted detailed hydrographic surveys of the availability of water in the river and studies of the anticipated effects of approving water permits based on projected development and use by appropriators. A similar study was conducted with current irrigation diversions on the James River. Irrigation questionnaires from 1996 – 2006 were reviewed to estimate maximum

pumping at any one time during the irrigation season. The maximum found in each river reach is as follows:

ND border to the gage at Ashton, SD	52%
Gage at Ashton to gage at Huron, SD	42%
Gage at Huron, SD to HT/YA Co. line	29%

Therefore, the 50-percent value is still applicable today.

Since reporting for other uses is limited, 100-percent pumping is assumed. In addition 20-cfs for domestic use was added. The resulting formula for maximum use is as follows:

0.5(IRR cfs) + 1.0(OTH cfs) + 20 cfs IRR – irrigation use OTH – other uses

RIVER REACH	IRR	50% IRR	OTH	DOM	NEEDED	% CHANCE AVAIL. AUG 10
ND border to Ashton	16.85	8.42	6.5	20	34.92	65
Ashton to Huron	95.2	47.6	26.28	20	93.88	56
Huron to HT/YA Co. ln.	54.2	27.1	32.78	20	79.88	57

In order to bring existing water permits/rights in line with a common August 10 shut-off date the percent chance that water will still be available August 10 must be calculated. This was done using James River flows based on 50 or more years of USGS stream flow data for each of the three river reaches. There is a 65% chance, or better, of flow being available in the reach from the ND border to the Ashton gage; 56% chance, or better, in the reach from the Ashton gage to the gage at Huron; 57% chance, or better, in the reach from the gage at Huron to the Scotland gage. A bar graph representing the above percent chance of water being available August 10th can be found in Attachment 4.

There are factors of safety built into the computations. All of the percent probabilities that water will be available at current appropriations were calculated using flow data collected from the James River during years pumping occurred. Also, while using a 50% figure for simultaneous irrigation pumping it is assumed that 100% of all other uses will be pumping at the same time.

Water Availability at Full Appropriation

In addition, the study shows that future appropriations of water from the James River can also be administered as stated above. Using estimates for future appropriations calculations showed that there is a 63% chance, or better, of flow being available in the reach from the ND border to the Ashton gage; 50% chance, or better, in the reach from the Ashton gage to the gage at Huron; 56% chance, or better, in the reach from the gage at Huron to the Scotland gage. A bar graph representing the above percent chance of water being available August 10th can be found in Attachment 5.

The same factors of safety apply to the calculations at full appropriation as those for calculations at current appropriations.

Proposed Amendment of James River Water Rights

The present appropriations from the ND-SD border to the Hutchinson-Yankton County line total 231.81-cfs. The present total appropriations are less than the 300-cfs limit set by the Water Resources Commission in 1965 and below the June 1985 appropriation total of 254.07-cfs that brought about the Water Management Board's adoption of qualification changes during the May 1987 meeting.

To facilitate the judicious administration of the use of James River water, the protection of the in-stream beneficial uses of the river for recreational use and as a fishery, to maintain good quality water as well as sufficient quantity and velocity of water, and bring the shut-off and by-pass qualifications of active permits in line with the intentions of the Water Management Board as adopted at the April 1980 and May 1987 Board Meetings; it is proposed that appropriations of water from the James River be administered by similar qualifications adopted at the May 1987 meeting without the prior right qualification for Future Use Permit No. 1067-3. Diversions will still be subject to senior water rights and any written orders by the Chief Engineer.

Although the James River is involved in Future Use Permit No. 1067-3, Oahe Conservancy Sub-District, this permit is predicated or conditioned upon Missouri River water being delivered to the James River through the Oahe Project. Presently Future Use Permit No. 1067-3 is allotted 6500-cfs of such water from the James River, but the status of the permit is questionable since the Oahe Project has been terminated.

The Chief Engineer, Water Rights Program, proposes that the Water Management Board take action as stated in the Chief Engineer's Recommendation.



Lynn Beck
Natural Resources Engineer Specialist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**CHIEF ENGINEER'S RECOMMENDATIONS FOR WATER RIGHTS
ON THE JAMES RIVER IN SOUTH DAKOTA**

Chief Engineer's Recommendation for Water Rights Above Huron:

The Chief Engineer is recommending that the Water Management Board amend the following permits/rights located above Huron as described:

ND Border to the gage at Ashton, SD

Water Permit No. 6427-3:

Delete: Qualification No. 1

1. Diversion of water from the James River shall be in accordance with the following criteria:
 - When pumping from the James River, low flows as needed for down stream domestic use, including livestock water and prior water rights must be by-passed.
 - From March 1 to March 31, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 29 cfs while pumping under this Permit.
 - From April 1 to June 30, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 63 cfs while pumping under this Permit.
 - From July 1 - October 1, diversions from the James River are not authorized unless by written orders issued by the Chief Engineer.
 - Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

The Chief Engineer is also recommending that the Water Management Board approve the following Qualifications as standard for existing James River permits issued from the ND border to the gage at Ashton, SD.

Add:

- This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Ashton, SD after pumping.
-

Gage at Ashton, SD to the gage at Huron, SD

Water Right No. 5027-3:

Delete: Qualification No. 1 "Low flows as needed for downstream domestic use and prior water rights must be bypassed. The minimum bypass at Huron for domestic use is 20 cfs. During the period of April 1 through June 30 of each calendar year, diversions are authorized only when 60 cfs or more are by-passed after diversion for domestic use or prior water rights, unless a lower flow by-pass based upon the need for water in Lake Byron verses the need for water downstream, is authorized by the Chief Engineer. This permit does not authorize diversion of water from the James River after June 30th of each calendar year unless written orders have been so issued by the Chief Engineer. In the management of the James River under this permit, flows will be monitored at all gaging stations, and cutoffs will be timed to insure water supplies for domestic use and prior water rights."

Water Permit No. 5737-3:

Delete: Qualification No. 1 "When pumping from the James River into the storage pond, low flows as needed for downstream domestic use, including livestock water, and prior water rights/permits must be by-passed. From March 1 – March 31, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 29 cfs while pumping under this Permit. From April 1 – June 30, diversions from the James River are authorized only when the flow at the Huron Third Street Dam exceeds 63 cfs while pumping under this Permit. From June 30 until November 30, diversions from the James River are not authorized unless allowed by written orders issued by the Chief Engineer. Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer."

Water Right Nos. 6182-3 & 6183-3; Water Permit Nos. 6398-3, 6400-3, & 6505-3:

Delete: Qualification No. 1

1. Diversion of water from the James River shall be in accordance with the following criteria:

- When pumping from the James River, low flows as needed for down stream domestic use, including livestock water and prior water rights must be by-passed.

- From March 1 to March 31, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 29 cfs while pumping under this Permit.
- From April 1 to June 30, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 63 cfs while pumping under this Permit
- From July 1 - October 1, diversions from the James River are not authorized unless by written orders issued by the Chief Engineer.
- Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

Water Permit Nos. 6375-3, 6588-3, 6589A-3, 6589B-3, 6590-3, 6613-3, 6614-3, 6614A-3, & 6738-3:
Delete: Qualification No. 1

1. Diversion of water from the James River shall be in accordance with the following criteria:

- When pumping from the James River, low flows as needed for down stream domestic use, including livestock water and prior water rights must be by-passed.
- From April 1 to June 30, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 63 cfs while pumping under this Permit
- From July 1 - October 31, diversions from the James River are not authorized unless by written orders issued by the Chief Engineer.
- Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

The Chief Engineer is also recommending that the Water Management Board approve the following Qualifications as standard for existing James River permits issued below the gage at Ashton, SD to the gage at Huron, SD.

Add:

- This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
- This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Huron, SD after pumping.

Water Right Nos. 1734-3, 1735-3, 1943-3, 1979-3, 2129-3, 2386-3, 2629-3, 4066A-3, 4066B-3, 4071-3, 5651-3, 5925-3, & Water Permit No. 6081-3.

Delete: "flowing over James River Dam" from Qualification No. 2.

Chief Engineer's Recommendation for Water Rights Below Huron:

Gage at Huron, SD to the gage near Scotland, SD

The Chief Engineer is recommending that the Water Management Board amend the following permits/rights located below the gage at Huron, SD as described:

Water Right Nos. 607-3 & 608-3:

Delete: "This permit is granted allowing withdrawal of water whenever 25 cfs or more is flowing past your diversion point."

Add: "This permit does not authorize diversions from the James River when less than 20 cfs is by-passing the gage near Scotland, SD after pumping."

Water Right Nos. 690-3 & 699B-3:

Delete: "Use of water under this water right is subject to flows in the James River of 15 cfs or more past your diversion point."

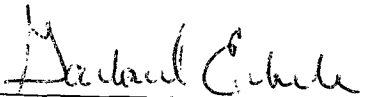
Add: "This permit does not authorize diversions from the James River when less than 20 cfs is by-passing the gage near Scotland, SD after pumping."

Water Permit No. 6534-3:

Delete: "July 15th" from Qualification No. 1.

Add: "August 10th" to Qualification No. 1.

Contact Lynn Beck, Water Rights Program staff engineer at (605) 773-3352 if you have questions regarding this recommendation.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources
April 25, 2007

Attachment 1

HISTORY OF JAMES RIVER WATER PERMITS/RIGHTS QUALIFICATIONS

April 9, 2007

Historical Summary of Shut-Off and By-Pass Qualifications:

1965 - 1979

In 1965 the South Dakota (SD) Water Resources Commission, a predecessor to the SD Water Management Board, placed a 300 cubic feet per second (cfs) total diversion limit on the James River with a maximum combined total diversion limit of 200-cfs from Huron, SD to the North Dakota border. Due to Missouri River backwater into the James River, the 300-cfs restriction has been applied from the North Dakota border to the SD Yankton-Hutchinson County Line. The Water Resources Commission also set an automatic August 10th diversion shutoff date unless a written order from them or their legal representative was issued to the holder of a James River water right.

In May of 1968 the 300-cfs limit was reached and the SD Water Rights Commission, also a predecessor to the SD Water Management Board, adopted the policy of automatically deferring without advertising further water permit applications until it was determined that non-appropriated water was available in the James River.

It was determined at the November 1975 Water Rights Commission Meeting that water permits could again be issued for James River water within the 300-cfs limit because of prior permit cancellations. Permits were issued at that time to bring the total appropriations back to the 300-cfs limit.

Applications for James River water received after November 1975 were advertised and officially deferred at the January and March 1979 Water Rights Commission Meetings. The James River was withdrawn from further appropriations for one year at the March 1979 Water Rights Commission Meeting until further studies could be made to determine if there was non-appropriated James River water available.

1980- 1984

The James River was again opened for appropriation of water at the January 1980 Water Rights Commission Meeting. The following items pertaining to James River water use were noted in the July 1980 Findings of Fact, Conclusions of Law, and Final Decision resulting from this meeting:

- The Water Rights Staff had conducted detailed hydrographic surveys of the availability of water in the river and studies of the anticipated effects of approving water permits based on projected development and use by appropriators,
- Based on such studies of actual irrigation development and use, it is projected that a maximum of 50-percent of permitted acres will be irrigated at any one time,
- Based on such surveys and studies, there is non-appropriated water available during the spring and through July 15th of normal years,
- The determination of non-appropriated water availability was based strictly on naturally occurring flows and not on anticipated flows diverted into the river from the proposed Garrison Project,
- The Water Quality Staff conducted a detailed study of the river as a fishery,

- Citizens of South Dakota, as well as other states, make substantial use of the river for recreational fishing as well as other in stream beneficial uses,
- Those portions of the river below Huron, SD support a variety of fish and aquatic life as well as acting as a spawning ground for fish in the Missouri River,
- Protection of the in stream beneficial uses of the river requires good quality of water as well as sufficient quantity and velocity of water, and
- Protection of the in stream beneficial uses of the river could be accomplished while still approving additional permits for appropriation by imposing certain by-pass requirements on those issued for use downstream of Huron, SD.

1985 - 1987

In the spring of 1985 examinations were completed by Water Rights Program personnel to update the status of appropriations from the James River. As a result of the examinations, twenty-five (25) water permits were cancelled for non-development or forfeited for non-use. The actual appropriation amount of several other water permits were also reduced to the actual amount of water being used by the appropriator. As of June 1985 there were total appropriations of 254.07-cfs from the James River.

A recommendation was made to the Water Management Board at the May 1987 meeting to change the qualifications on those active water permits upstream of Huron, SD requiring alignment with the August 10th cut-off date and the 20-cfs by-pass at the Third Street Dam, and for those water permits downstream of Huron, SD to the August 10th cut-off date.

At the May 1987 Water Management Board Meeting it was proposed that for those James River permits downstream of Huron, SD the following qualifications be deleted:

- No diversions after July 15th of each year, or in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the board or its representative.
- To maintain instream flows for instream and domestic purposes, the permit does not authorize diversions when there is less than the following cubic-feet-per-second bypassing the Scotland Gaging Station:
 - (a) less than 80-cfs during any month of April,
 - (b) less than 70-cfs during any month of May,
 - (c) less than 50-cfs during any month of June, and
 - (d) less than 20-cfs during the remainder of the year.

and replaced with the following:

- 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's flow is obviously low, unless written orders have been so issued by the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.

For those permits upstream of Huron, SD it was also proposed that the following qualifications be deleted:

- No diversions after July 15th of each year, nor in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the Board or its representative.
- Prior water rights on the James River contain an August 10th cut-off date, and the additional requirement that diversions cannot be made when 20-cfs are not by-passing the Third Street Dam in Huron, to provide for downstream domestic use. In the management of the James River under these permits, flows will be monitored at all gauging stations, and cut-offs will be timed to insure water supplies to fulfill the prior water rights and domestic qualification.
- The Oahe Subdistrict has priority rights to portions of this water to the limited extent they may exist under Future Use Withdrawal Permit No. 1067-3. This application is approved subject to these prior rights if or when the Oahe Subdistrict develops the reserve supply.

and replaced with the following:

- 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 Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- This permit does not authorize diversions from the James River when water is not by-passing the James River Dam north of Huron or when less than 20-cfs of water is by-passing the Third Street Dam in Huron.
- Prior rights may exist for portions of this water to a limited extent under Future Use Withdrawal Permit No. 1067-3. This permit is subject to these prior water rights if or when the reserved water supply is developed.

These proposals were adopted by the Water Management Board at the May 1987 meeting.

2003 - Present

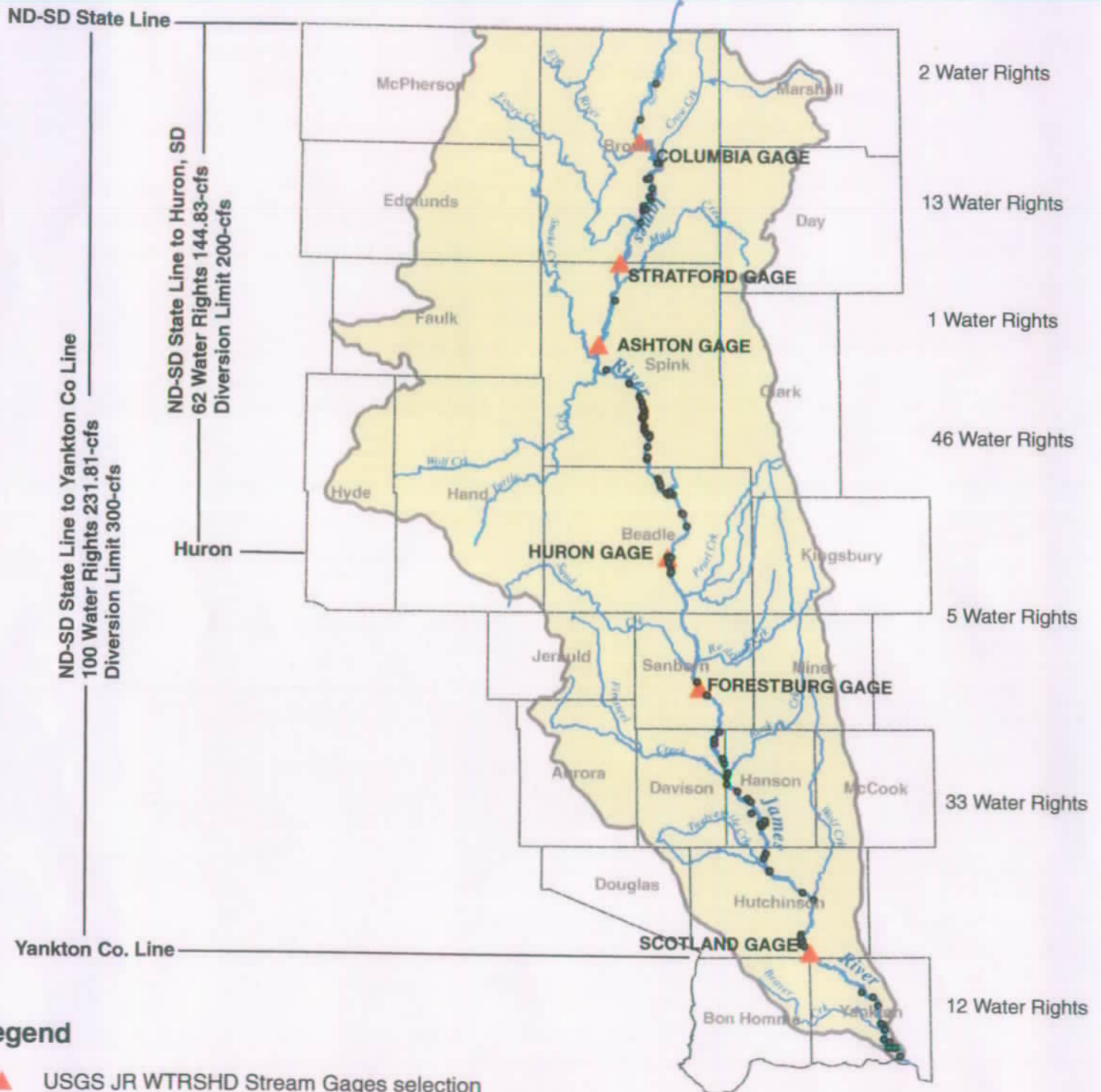
In 2003 Water Rights Program Staff completed on-site surveys of James River water rights that had reported non-use for periods greater than three (3) years. These surveys resulted in forfeiture for non-use of twenty-four (24) James River water rights. To date the Water Rights Program periodically reviews James River water rights for non use status and possible cancellation.

Presently there are eighty-six (86) water rights on the James River reach from the North Dakota (ND) border to the SD Hutchinson-Yankton county line with 231.81-cfs total diversions. These water rights are for direct diversion of water from the James River during the normal irrigation season. The James River reach from Huron, SD to the ND border presently has fifty-one (51) water rights with 144.83-cfs total diversions. The majority of these water rights are in Spink (25) and Beadle (16) Counties with 124.94-cfs total diversions. At this time there are no water rights in effect for direct diversion of water from the James River upstream of the James River Columbia, SD U.S Geological Survey (USGS) gaging station.

This leaves thirty-five water rights with 86.98-cfs direct diversion from the James River during the normal irrigation season on the stretch below Huron to the Hutchinson/Yankton County line. The majority of these water rights are in Davison (10) and Hutchinson (13) counties with 64.66-cfs total diversions.

Attachment 2 JAMES RIVER BASIN, SOUTH DAKOTA

Map showing James River Basin and water rights located between streamflow-gaging stations in South Dakota.
April 24, 2007



Legend

- ▲ USGS JR WTRSHD Stream Gages selection
- James River Water Rights
- ▲ USGS James River Stream Gages
- James River Watershed in SD

JAMES RIVER WATER RIGHTS BY GAGING STATION

WRTN ORD – Can't pump after the date without a "Written Order" from the Chief Engineer.

ABOVE HURON:

WR's above Columbia Gage: 2

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1	USE 2	USE 3
US1-3	BN	1	10/16/1934	LC	0.000			FWP	DOM	REC
5516-3	BN	1	03/08/1991	LC	0.000	110 CFS AT DIV		FWP		
total					0.000					

WR's above Stratford Gage: 13

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1	USE 2
27-3	BN	2	03/31/1941	LC	0.500			FWP	REC
1817-3	BN	2	01/01/1935	LC	0.000	VR		REC	
5924-3	BN	2	04/03/1996	PE	0.000	FLOOD FLOWS		FWP	
1125-3	BN	2	08/19/1964	LC	1.980	20 CFS		IRR	
1491-3	BN	2	01/15/1968	LC	1.940	20 CFS		IRR	
6427-3	BN	2	06/26/2003	PE	6.000	63 CFS	WRTN ORD 7/1	FWP	
4066A-3	BN	2	09/03/1976	LC	0.680	20 CFS	WRTN ORD 8/10	IRR	
4066B-3	BN	2	09/03/1976	LC	0.650	20 CFS	WRTN ORD 8/10	IRR	
5925-3	BN	2	04/09/1996	LC	2.000	20 CFS	WRTN ORD 8/10	IRR	
5277-3	BN	2	01/25/1989	LC	2.300	20 CFS	WRTN ORD 8/10	IRR	
6081-3	BN	2	05/27/1998	PE	2.220	20 CFS	WRTN ORD 8/10	IRR	
2629-3	BN	2	11/17/1975	LC	1.440	20 CFS	WRTN ORD 8/10	IRR	
1841-3	BN	2	01/01/1935	LC	0.000	VR		REC	
total					19.710				

WR's above Ashton Gage: 1

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1
4071-3	SP	3	01/20/1977	LC	3.640	20 CFS	WRTN ORD 8/10	IRR
total					3.640			

ND to Ashton appropriated cfs = 23.35. 50% irrigation pumping plus 100% other use pumping and 20 cfs for domestic use, current needed cfs = 34.92.

WR's above Huron Gage: 46

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1	USE 2
1172-3	SP	4	03/08/1965	LC	1.500	20 CFS	WRTN ORD 8/10	IRR	
1421-3	SP	4	06/15/1967	LC	0.670	20 CFS	WRTN ORD 8/10	IRR	
2129-3	SP	4	10/10/1974	LC	1.690	20 CFS	WRTN ORD 8/10	IRR	
1943-3	SP	4	05/30/1972	LC	1.890	20 CFS	WRTN ORD 8/10	IRR	

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1	USE 2
1735-3	SP	4	02/16/1970	LC	1.940	20 CFS	WRTN ORD 8/10	IRR	
6589A-3	SP	4	02/04/2005	PE	2.290	53 CFS	WRTN ORD 7/1	IRR	
6587-3	SP	4	11/04/1968	PE	1.910	20 CFS	WRTN ORD 8/10	IRR	
1733-3	SP	4	10/12/1967	LC	3.770	20 CFS	WRTN ORD 8/10	IRR	
6400-3	SP	4	02/10/2003	PE	6.860	63 CFS	WRTN ORD 7/1	IRR	
6590-3	SP	4	02/04/2005	PE	1.560	53 CFS	WRTN ORD 7/1	IRR	
1734-3	SP	4	11/04/1968	LC	3.750	20 CFS	WRTN ORD 8/10	IRR	
6589B-3	SP	4	02/04/2005	PE	2.290	53 CFS	WRTN ORD 7/1	IRR	
1450-3	SP	4	10/12/1967	LC	4.440	20 CFS	WRTN ORD 8/10	IRR	
6588-3	SP	4	02/04/2005	PE	0.000	53 CFS	WRTN ORD 7/1	IRR	
1538-3	SP	4	03/19/1968	LC	4.000	20 CFS	WRTN ORD 8/10	IRR	
2396-3	SP	4	10/10/1975	LC	1.880	20 CFS	WRTN ORD 8/10	IRR	
5737-3	SP	4	12/17/1992	PE	1.880	53 CFS	WRTN ORD 6/30	IRR	
6375-3	SP	4	01/02/2003	PE	5.350	53 CFS	WRTN ORD 7/1	IRR	
6738-3	SP	4	07/05/2006	PE	2.890	53 CFS	WRTN ORD 7/1	IRR	
2386-3	SP	4	09/24/1975	LC	1.280	20 CFS	WRTN ORD 8/10	IRR	
6398-3	SP	4	02/24/2003	PE	0.610	53 CFS	WRTN ORD 7/1	IRR	
1979-3	SP	4	03/27/1973	LC	3.760	20 CFS	WRTN ORD 8/10	IRR	
6182-3	SP	4	02/22/2000	LC	7.030	53 CFS	WRTN ORD 6/30	IRR	
6183-3	SP	4	02/22/2000	LC	7.830	53 CFS	WRTN ORD 6/30	IRR	
616-3	SP	4	06/06/1959	LC	1.140			IRR	
1027-3	BD	4	01/01/1936	LC	0.000	20 CFS		MUN	
6505-3	BD	4	04/26/2004	PE	1.560	53 CFS	WRTN ORD 7/1	IRR	
6613-3	BD	4	03/31/2005	PE	6.680	53 CFS	WRTN ORD 7/1	IRR	
6614-3	BD	4	03/31/2005	PE	1.890	53 CFS	WRTN ORD 7/1	IRR	
6614A-3	BD	4	03/31/2005	PE	0.000	53 CFS	WRTN ORD 7/1	IRR	
5651-3	BD	4	04/01/1947	LC	0.180	20 CFS	WRTN ORD 8/10	IRR	
2387-3	BD	4	12/12/1966	LC	3.500	20 CFS	WRTN ORD 8/10	IRR	
2390A-3	BD	4	09/26/1975	PE	1.890	20 CFS	WRTN ORD 8/10	IRR	
2390-3	BD	4	09/26/1975	LC	1.890	20 CFS	WRTN ORD 8/10	IRR	
5027-3	BD	4	06/14/1984	LC	12.000	50 CFS	WRTN ORD 6/30	REC	MUN
1276-3	BD	4	01/01/1949	LC	2.220	VR		IRR	
4866-3	BD	4	01/01/1949	LC	1.560	20 CFS	WRTN ORD 8/10	IRR	
2643-3	BD	4	02/06/1976	LC	1.620	20 CFS	WRTN ORD 8/10	IRR	
5321-3	BD	4	04/27/1989	LC	0.030	20 CFS	WRTN ORD 8/10	COM	
2049-3	BD	4	02/13/1974	LC	2.000	20 CFS	APRIL MAY JUNE	MUN	REC
9-3A	BD	4	03/31/1950	LC	5.000			MUN	
9-3	BD	4	04/22/1914	LC	5.000			MUN	

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1	USE 2
37A-3	BD	4	11/04/1942	PE	0.000	20 CFS		MUN	
37-3	BD	4	11/04/1942	LC	2.250			IND	
755-3	BD	4	12/23/1960	LC	0.000	2-15 CFS		MUN	
1022-3	BD	4	01/01/1936	LC	0.000	VR		MUN	
total					121.480				

Ashton to Huron appropriated cfs = 121.48. 50% irrigation pumping plus 100% other use pumping and 20 cfs for domestic use, current needed cfs = 93.88.

BELOW HURON:

WR's above Forestburg Gage: 5

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1
550-3	BD	5	09/10/1958	LC	0.600	20 CFS		IRR
559-3A	BD	5	12/03/1958	LC	2.010	15 CFS		IRR
US552-3	BD	5	04/25/1946	LC	0.000			IRR
5385-3	BD	5	01/01/1955	LC	1.360		WRTN ORD 8/10	IRR
5357-3	SA	5	01/01/1936	LC	0.000			REC
total					3.97			

WR's above Scotland Gage: 33

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL2	FL QUAL WRTN ORD	USE 1
5500-3	SA	6	03/06/1991	LC	0.250			WRTN ORD 8/10	IRR
1422-3	DN	6	01/02/1968	LC	2.000			WRTN ORD 8/10	IRR
305-3	DN	6	09/22/1956	LC	0.890				IRR
1917-3	DN	6	12/22/1971	LC	1.740			WRTN ORD 8/10	IRR
5207-3	DN	6	04/20/1957	LC	5.580				IRR
5022-3	DN	6	06/19/1984	LC	2.900	20 CFS PST DIV	110 CFS PST DIV		IRR
4354-3	DN	6	04/06/1978	LC	29.000	20 CFS PST DIV	110 CFS PST DIV		RWS
690-3	DN	6	03/02/1960	LC	0.860	15 CFS PST DIV			MUN
699B-3	DN	6	03/02/1960	LC	1.630	15 CFS PST DIV			IRR
280-3	DN	6	01/01/1955	LC	0.890				IRR
1693A-3	DN	7	08/04/1969	PE	1.330				IRR
5121-3	HS	7	01/28/1987	LC	0.880			WRTN ORD 8/10	IRR
1900-3	HS	7	09/16/1971	LC	1.550			WRTN ORD 8/10	IND
436-3	HS	7	04/05/1945	LC	1.050			WRTN ORD 8/10	IRR
4656-3	HS	7	09/16/1971	LC	5.820				IRR
608-3	HS	7	05/05/1959	LC	0.380	25 CFS PST DIV		WRTN ORD 8/10	IRR
1902-3	HS	7	09/16/1971	LC	4.750				IRR
4717A-3	HS	7	09/16/1971	LC	1.670			WRTN ORD 8/10	IRR
2411-3	HS	7	10/20/1975	LC	2.000			WRTN ORD 8/10	IRR
607-3	HT	7	05/05/1959	LC	0.660	25 CFS PST DIV			IRR
6534-3	HT	7	08/17/2004	PE	2.780			WRTN ORD 7/15	IRR
6125-3	HT	7	02/01/1999	PE	1.560			WRTN ORD 8/10	IRR

PERMIT NO	CO	GAGE NO	PRIOR DATE	STATUS	CUR CFS	FL QUAL1	FL QUAL2	FL QUAL WRTN ORD	USE 1
5970-3	HT	7	12/13/1996	LC	1.440			WRTN ORD 8/10	IRR
4072-3	HT	7	01/24/1977	LC	0.480			WRTN ORD 8/10	IRR
2385-3	HT	7	09/23/1975	LC	1.300			WRTN ORD 8/10	IRR
6131-3	HT	7	03/22/1999	LC	0.770			WRTN ORD 8/10	IRR
5392A-3	HT	7	03/01/1990	LC	1.340			WRTN ORD 8/10	IRR
6506-3	HT	7	04/26/2004	PE	0.000			WRTN ORD 8/10	IRR
5391-3	HT	7	03/01/1990	LC	2.610			WRTN ORD 8/10	IRR
6132-3	HT	7	03/22/1999	LC	0.850			WRTN ORD 8/10	IRR
6082-3	HT	7	06/02/1998	PE	0.570			WRTN ORD 8/10	IRR
2631A-3	HT	7	11/25/1975	LC	1.700			WRTN ORD 8/10	IRR
6083-3	HT	7	06/02/1998	PE	1.780			WRTN ORD 8/10	IRR
total					83.01				

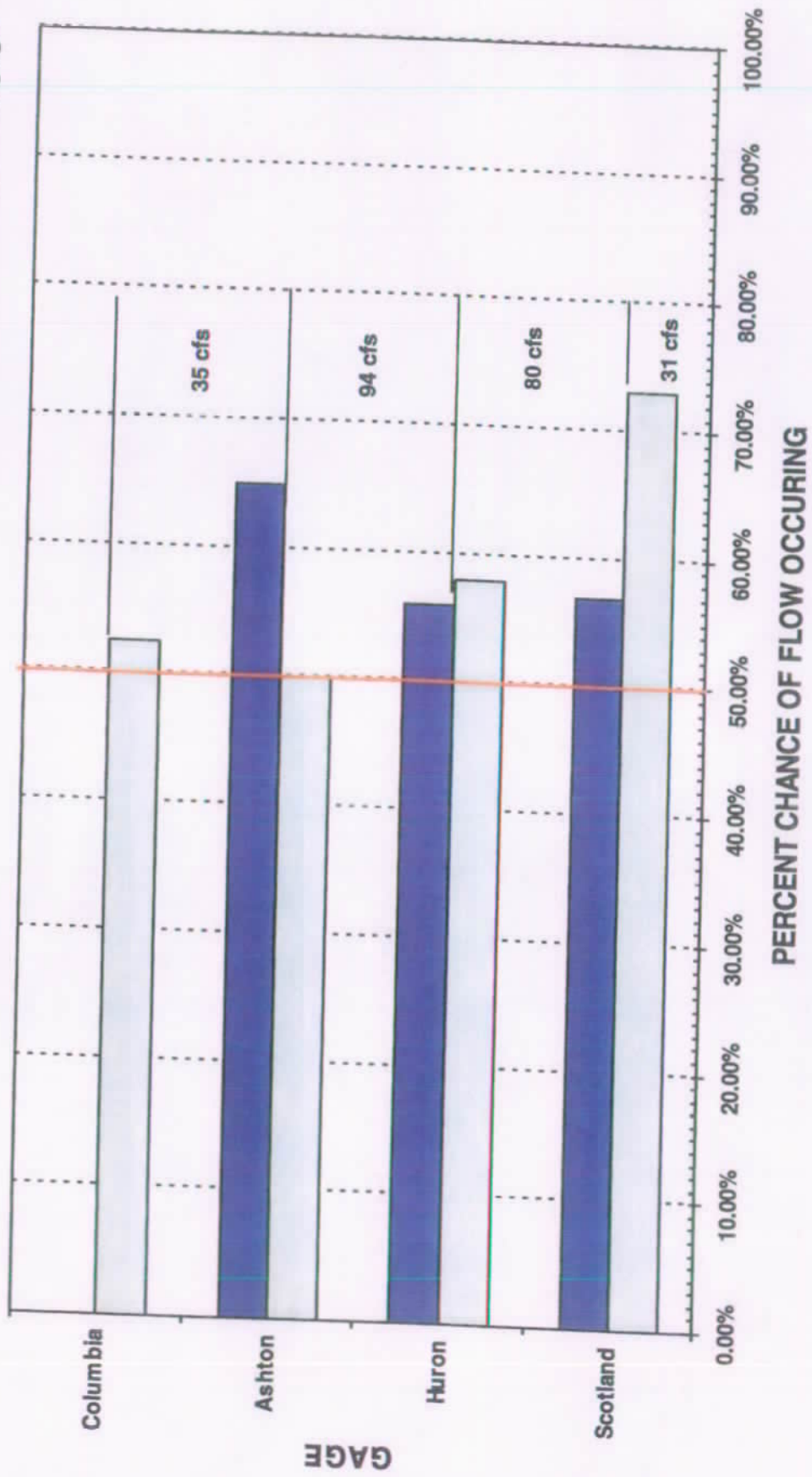
Huron to Scotland appropriated cfs = 86.98, 50% irrigation pumping plus 100% other use pumping and 20 cfs for domestic use, current needed cfs = 79.88.

% CHANCE OF FLOW BEING AVAILABLE FOR DIVERSION THRU AUGUST 10TH

Cfs values are at 50% irrigation pumping and 100% other use diversion at current appropriation plus 20 cfs domestic.

■ % chance to satisfy above gage

□ % chance to satisfy below gage

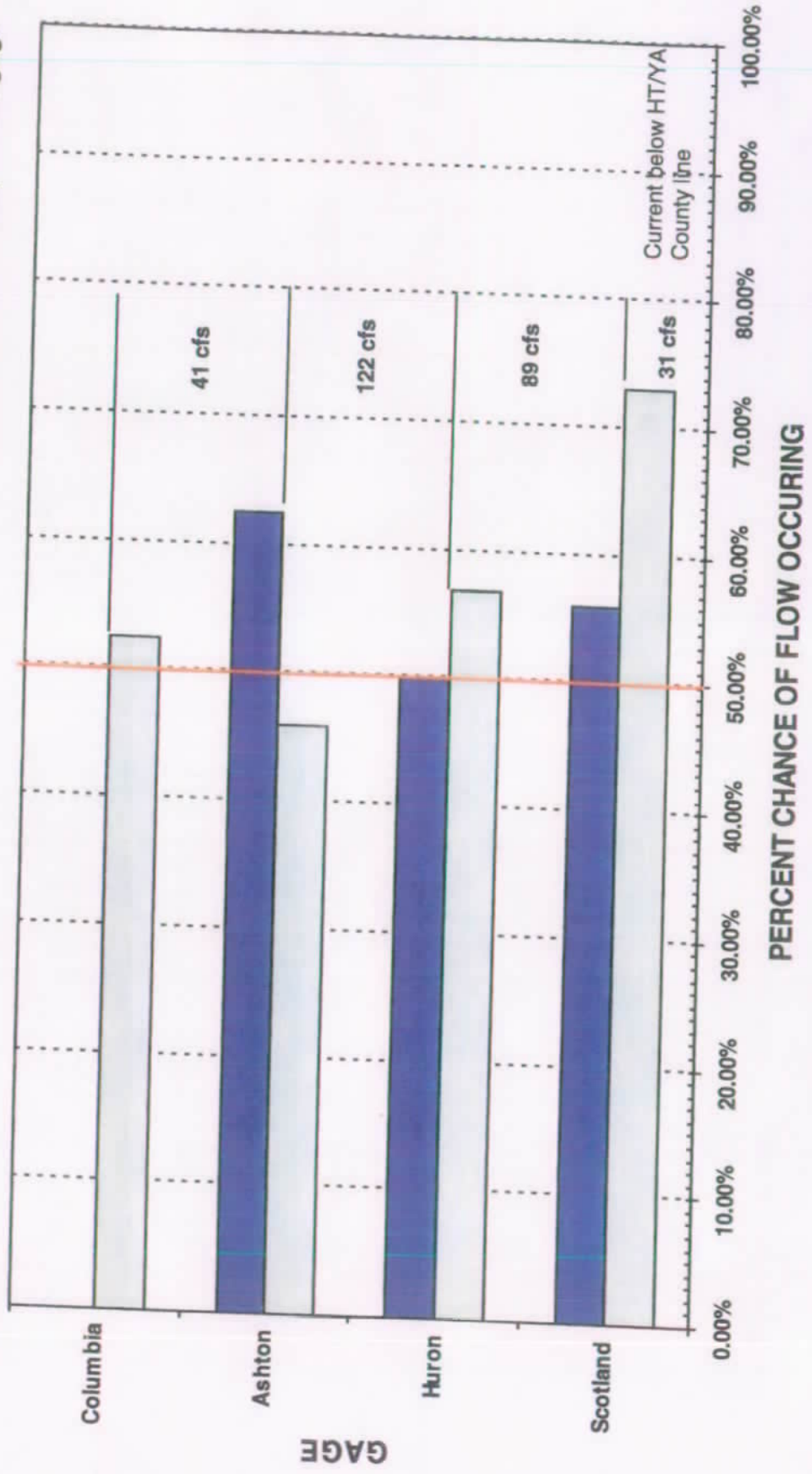


% CHANCE OF FLOW BEING AVAILABLE FOR DIVERSION THRU AUGUST 10TH

Cfs values are at 50% irrigation pumping and 100% other use diversion when fully appropriated plus 20 cfs domestic.

■ % chance to satisfy above gage

□ % chance to satisfy below gage





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 21, 2007

NOTICE

TO: ALFRED LOCKEN
39643 137TH STREET
BATH SD 57427

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

SUBJECT: Amendment to Qualifications on Water Right No. 2629-3

On May 9th, the Water Management Board amended a qualification to Water Right No. 2629-3. This action was taken as set forth in the notice sent to you on April 11, 2007 and published in James River basin newspapers and the staff report mailed to you on April 25, 2007.

Attached is a listing of the qualification as amended and the portion deleted from the qualification to reflect the amendment to your water right. Please file this with your water right records. All other qualifications listed on your water permit were not changed by the Board's action and remain in effect. For example, submittal of the annual irrigation questionnaire continues to be qualification of your water permit.

If you have any questions about the Board's action or the amendment, please contact Lynn Beck at 605 773-3352.

Enclosure

Attachment to Water Right No. 2629-3

Amended Qualifications set by the Water Management Board on May 9, 2007

Qualifications as amended to Water Right No. 2629-3

- This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
- This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Huron, SD after pumping.

Delete portion of qualification on Water Right No. 2629-3

Deleted reference to by-passing water at James River Dam

CERTIFICATION

I hereby certify that on May 21, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 21, 2007 regarding Amendment to James River Qualifications addressed as stated below:

Marke Grasse, 38313 131st St, Aberdeen SD 57401
 Ron Wheeler, Lake Byron Watershed, PO Box 1363, Huron SD 57350
 Floyd Peterson, 18892 390th Ave Hitchcock SD 57348
 Reed Bixler, Bixler Farms, 39477 184th St, Hitchcock SD 57348
 Ruben Endander, 18239 398th Ave, Frankfort SD 57440
 Lyle Arden Bendenagel, 39586 176th St, Frankfort SD 57440
 Arne Svarstad, 13797 392nd Ave, Aberdeen SD 57401
 Alfred Locken, 39643 137th St, Bath SD 57427
 Jon & Loren Locken, 13755 396th Ave, Bath Sd 57427
 Keith Kettering, 39064 156th St, Mellette, SD 57461
 Roger Locken, Locken Ag, 39643 137th St, bath Sd 57427
 Orrin Roth, 26752 421st Ave, Parkston SD 57366
 Loren Roth, 42051 262nd St, Alexandria SD 57311
 Don Barber, 41321 Hwy 38, Mitchel ISD 57301
 Mary K Puetz, 910 Firesteel Dr, Mitchell SD 57301
 Russ Werning, 1543 Parkview Dr, Watertown SD 57201
 Harvey Wollman, 40004 184th St, Frankfort SD 57440
 John Wipf, Spink Colony, 18206 Spink Ln, Frankfort SD 57440
 Jerry Kleinsasser, Glendale Colony, 17866 Glendale Dr, Frankfort SD 57440
 Sam Waldner, Huron Colony, 40068 Huron Colony Ln, Huron SD 57350

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building

Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA))
COUNTY OF HUGHES) SS

Sworn to, before me, this 21st day of May, 2007.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2013



2029-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: ALFRED LOCKEN, 39643 137TH AVE, BATH, SD 57427

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2629-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 2629-3 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 11, 2009** 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) 2629-3 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 **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.

2629-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 7101**
Status: **Delivered**

Your item was delivered at 3:10 PM on January 24, 2009 in BATH, SD 57427. The item was signed for by G LOCKEN.

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7101

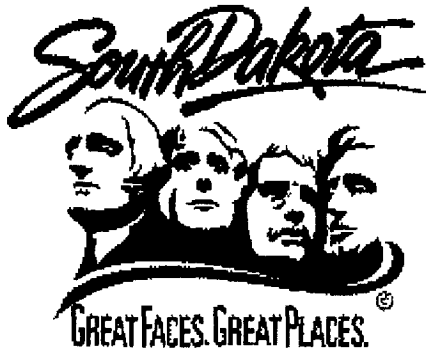
ALFRED LOCKEN
39643 137TH AVE
BATH SD 57427

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail™ Service
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**DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 28, 2009

2629-3

Alfred Locken
39643 137th Ave
Bath SD 57427

Dear Mr. Locken:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 2629-3.

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,

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



August 6, 2012

2629-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 2629-3**

To: ALFRED LOCKEN
39643 137TH ST
BATH SD 57427

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

Subject: James River Qualification Reminder for Permit No(s). 2629-3

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 10, 2016

2629-3

Alfred Locken
39643 137th St
Bath, SD 57427

Dear Mr Locken:

This letter is in reference to your August 10, 2016 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River to September 1, 2016.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 11, 2017

2629-3

Alfred Locken
39643 137th St
Bath, SD 57427

Dear Mr Locken:

This letter is in reference to the August 11, 2017 telephone call regarding water availability for irrigation from the James River for this summer and request to allow irrigation beyond 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 September 10, 2017.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

August 10, 2018

2629-3

Alfred Locken
39643 137th St
Bath, SD 57427

Dear Mr Locken:

This letter is in reference to your August 10, 2018 telephone call regarding water availability for irrigation from the James River for this summer and request to allow irrigation beyond 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 September 1, 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 ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

September 7, 2018

2629-3

Alfred Locken
39643 137th Ave
Bath, SD 57427

Dear Mr Locken:

This letter is in reference to the September 7, 2018, telephone call from Gordon Locken regarding water availability for irrigation from the James River for this summer and request to allow irrigation beyond 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 until September 28, 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 ENVIRONMENT
and NATURAL RESOURCES

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

November 27, 2018

2629-3

Shelley Locken
39667 136th Ave
Bath SD 57427

Dear Ms. Locken:

Thank you for sending in the 2018 irrigation questionnaires in electronic form. Both forms are now on file and everything is up to date as far as the annual reporting requirements.

In reference to the water right still listed in the name of Alfred Locken, I am enclosing a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

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

enclosure

PAID

JAN 09 2019

Ck# 25255

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2629-3

Date: 1/7/19

RECEIVED

I/We request that Water Right No. 2629-3

JAN 09 2019

formerly owned by: Alfred Locken

WATER RIGHTS
PROGRAM

be transferred to: (name & address) Locken Farms

39643 137th St

Bath, SD 57427

Telephone No. 605-228-4078

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

126.4 acres - NW ¼ Section 9, T122N, R62W

I/We understand that the validity of Water Right No. 2629-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Locken Farms, the new owner, certify that the above information is true and correct.

Locken Farms by Roger W. Locken
(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 January 9

1920 19

RECEIVED OF Locken Famrs 39643 137th St Bath SD 57427

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. <u>/</u> _____ 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 _____ 2629-3		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08934**

By

Jeanne Goodman
Chief Engineer
JMG



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 9, 2019

2629-3

Roger W Locken
Locken Farms
39643 137th St
Bath SD 57427

Dear Mr. Locken:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 2629-3.

The ownership change has been completed. Water Right No. 2629-3 formerly held by Alfred Locken is now listed under Locken Farms.

Enclosed for your records is Receipt No. 08934 in the amount of \$50 which you paid for filing the ownership change. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 27, 2021

Dear James River Water Right Holder:

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

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE SD 57501-3182
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August 29, 2023

5277-3, 2629-3

Roger W Locken
Locken Farms
39643 137th St
Bath SD 57427

Dear Mr. Locken:

This letter is in reference to your August 29, 2023, request for an extension to pump water from the James River beyond the August 10 shutoff date. Flows in the James River 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 permit out of the James River and allow you to divert through the end of the 2023 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 at Ashton 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 or Brittan Hullinger of the Water Rights Program at phone (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program