

1. Considered January 31 1979
2. Name of Applicant Leonard Pevestrof
3. Post Office Address Huron, SD
4. Amount of Water Claimed 2.0
5. Source of Water Supply James River
6. Water to be used for Irrigation
7. Acres to be irrigated 140.2 maximum acre feet
8. Water to be diverted and used in Beadle County
about 6N, 5 miles east of Huron
9. PROOF OF PUBLICATION Received 1/8/79

Not Received _____

APPLICATION

Approved April 10, 1980 - FFE CL July 24, 1980
Subject to Diversion Dam to 3rd St dam Quad.

Not Approved _____

Action deferred 1/31/79

Priority

2/6/76

Date

Received 2/6/76 Application Complete yes ☒ no ☐ FEE \$8.00

Remarks _____

Date information and/or

Fee or corrected Application received _____

Period of Annual use April thru October

WATER
QUALITY

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

WI-i Description same as application yes ☐ no ☐ Remarks _____

Disapproved _____

Returned _____

Diversion Point Between
points in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$
2-111-61

Lands to be irrigated _____
SE $\frac{1}{4}$ and NE $\frac{1}{4}$ 2-111-61

WELL
LOG

Remarks _____

Driller _____ Licensed yes ☐ no ☐

Depth _____

HAP Map No. 2010-3 Map located in Water Right X Map file _____

Type of Map Drawn Prepared by Harlan Meyer PE

+++++

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 Jan 31, 1979.
Betty Westlund
 (Signed)

+++++

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

REMARKS Date
 F.F. & C Final Decision, including F.F. & C of Law were adopted July 24, 1980
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision
 DECISIONS
 ETC. was adopted _____

Remarks _____

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2643-3
LEONARD PEVESTORF (Applicant) RY #1, HURON (Post Office Address)
SOUTH DAKOTA 57350 (State) With the following modifications.

SEE ATTACHMENT for Permit qualifications:

Date of first receipt of application _____ February 6 _____ 19 76
 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 234 _____

WATER RIGHT PERMIT NO. 2643-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2643-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is February 6 _____ 19 76 _____
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 24 _____ 19 83 _____
3. The whole of said work is to be completed on or before July 24 _____ 19 85 _____
4. The limit of time from onset of beneficial use of water appropriated in accordance herewith is July 24 _____ 19 89 _____
5. The water appropriated shall be used for the purpose of Irrigation _____
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.0 _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before July 24 _____ 19 89 _____ said water to be used during the following described annual period: April thru October _____

Witness my hand this 27th _____ day of August _____ 19 80 _____

WATER RIGHTS COMMISSION

John Hatch
 Chief Engineer, Executive Officer JOHN HATCH

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

This Permit No. 2643-3 is approved subject to the following qualifications:

Diversion Dam to Third Street Dam, Huron, South Dakota.

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 15th 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 qualification.
3. The Permit holder under this permit shall complete and return the irrigation questionnaire each year to the Board or its representative.

Permit No. 2643-3, Leonard Pevestorf, Rt. #1, Huron, S.D. 57350



No. 2643-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

March 31, 1976

Leonard Peverstorf
R.R. 1
Huron, South Dakota 57350

Dear Mr. Peverstorf:

This will acknowledge receipt of your application to appropriate water from the James River for irrigation purposes. It has been assigned No. 2643-3.

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/bw

4 4024

Encl: Receipt No. _____ in the amount of \$8.00.



Department of Natural Resource Development

WATER RIGHTS COMMISSION

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

Leonard Pevestorf
RR 1
Huron, SD 57350

2643-3

December 6, 1978

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,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bt

Butler advertising agency

Department of Natural Resource Development

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

Leonard Perestorf
RR 1
Huron, SD 57350

December 6, 1978

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,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Commission

*Mr Perestorf came into
the office in person
and requested the Appl.
be advertised.*

JH/bt

John Hatch

No. 2543-3

Publish first publication, on or before December 11, 1973

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 11, 1973

Notice is hereby given Leonard Pavestorf whose post office

address is Huron, 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 #1 Pavestorf Irrigation Project, the point~~(s)~~ of diversion of which is~~(are)~~ to be located

~~XXXXXX~~ between points in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

of Section 2, Twp. 111N, Range 61W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$ and NE $\frac{1}{4}$, Section 2-T111N-R61W.

This Application No. 2543-3 will be considered by the Water Rights Commission at the SDEA Auditorium, 411 E. Capitol, Pierre, SD upon the 31st day of January, 1974

at 10 A.M. The Commission is authorized to make 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

Betty Westlund,
Water Rights Specialist

cc: Leonard Pavestorf, RR #1, Huron, SD 57350

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

No. 2643-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
Beadle) ss.
County _____)

I, Linda Schleiter hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Huron Daily Freeman

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

_____ city _____ of Huron

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

December 29, 1978
January 5, 1979

Linda Schleiter
(Signature)

bookkeeper

(Title)

Jan 5, 1979
(Date Signed)

F.P. 12-29-78 L.F. 1-5-79
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
December 14, 1978

Notice is hereby given Leonard
Pevefort whose post office ad-
dress is Huron, South Dakota, has
made an application in accordance
with the provisions of SDCL 46-1-1
thru 46-1-9, 46-1-14; 46-2-2 thru 46-2-
11, 46-2-13; 46-3-1 thru 46-3-6, 46-3-10
thru 46-3-22, 46-5-41, and Com-
mission 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 Pevefort Irrigation
Project No. 1, the point of diversion
of which is to be located be-
tween points in the NW¼ NE¼ and
SW¼ SE¼ of Section 2, Twp. 111N,
Range 61W. Said water to be used
for the purpose of providing
irrigation on portions of the
following described land:

SE¼ and NE¼, Section 2-T111N-
R61W.

This Application No. 2643-3 will
be considered by the Water Rights
Commission at the SDEA
Auditorium, 411 E. Capitol, Pierre,
S.D. upon the 11st day of January,
1979 at 10 A.M. The Commission is
authorized to make a deter-
mination 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 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 or to be repre-
sented 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
Betty Westlund
Water Rights Specialist
No. 666 (adv.)



No. 2643-3

February 5, 1979

Mr. Leonard Pevestorf
PP #1
Huron, SD 57350

Dear Mr. Pevestorf:

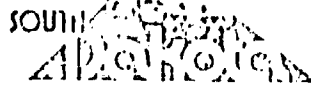
For your information the Water Rights Commission at their January 31, 1979 meeting have placed your Application No. 2643-3 in a deferred status.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bt



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; 46-2-9 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.

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, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

STATE OF SOUTH DAKOTA)
 : SS
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

4

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. 2634-2

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.

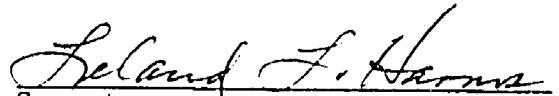
D. Below Huron - July 15th Cut-off

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

Form 10.

No. _____



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Pierre, S.D.

Date April 3, 1981

TO: Water Rights [REDACTED]
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2643-3

Water Right Permit No. 2643-3 states that the diversion system is to be constructed by _____, 19____ and that the water is to be put to beneficial use by _____, 19____.

The diversion system was completed on _____, 19____. Applying the water to beneficial use was completed on _____, 19____.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Leonard P. Pomeroy
(Signature)

I have purchased pipe, pump, and motor to be added to pump from point designated in the map sent with application in 1976.

LICENSE FOR PERMIT NUMBER 2643-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____

b) length _____

c) type _____

Screen a) type _____

b) length _____

Static Water Level _____

Pump

a) make _____

b) model _____

c) size _____

d) capacity _____ GPM

e) turbine pump
no. of stages _____

Motor a) make _____

b) model no. _____

c) horsepower rating _____

d) motor efficiency rating _____

3. Distribution lines:

a) size of lines 8 in

b) type Aluminum

c) length 150 ft

6 in

Aluminum

1000 ft

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) ~~concrete~~ handmove

1) length 1500 feet

2) make, model & number of sprinklers
Rainbird # 30

3) spacing of sprinklers 30 ft

4) nozzle size 3/16 in.

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 1350 ft
- 2) diameter 8 in
- 3) spacing of gates 40 in

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

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

h) Hydromatic

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

YES

NO

Check Items

✓

✓

✓

REMARKS:

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

pump: PTO drive Berkeley, imp 9in.

S.N. 7678347

M.N. B3ZRM CCW

capacity $\approx$ 500 gpm

pump: PTO drive Berkeley, imp. 7 $\frac{1}{4}$ x 9

S.N. 7679668

M.N. B6ZRM CCW

capacity $\approx$ 2000 gpm

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

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

I have this day made a thorough examination of the water use system constructed by Leonard Pevestorf_____ of PRL, Huron SD 57350 holder ofPermit No. 2643-3, bearing the priority of February 6 1976 authorizingthe diversion of 2.00 cu. ft. per second of the waters of the James Riverfor irrigation purposes, in Beadle County.

I have to report on the conditions of the same as follows: pump: PTO drive Berkeley, imp 9in

S.N. 7673847

M.N. B3ZRM CCW

capacity $\approx$ 500 gpm

A. Works used to divert the water:

pump: PTO drive Berkeley, imp. 7 $\frac{1}{4}$ x 9

S.N. 7679668

M.N. B6ZRM CCW

capacity $\approx$ 2000 gpm

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

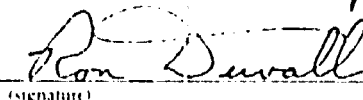
pipeline: size - 8in 6in
type - Aluminum Aluminum
length - 150 ft. 1000 ft.Handmove line: length - 1500 ft
sprinklers - Rainbird 30
sprinkler spacing - 30 ft
nozzle size - $\frac{3}{16}$ in.

C. Works used to apply water to beneficial use:

gated pipe: length - 1350 ft
size - 8in.
gate spacing - 40 in.The system is in the following condition goodThe point of diversion is located James River: between and including the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of sec 2-T111N-R61WThe works are capable of diverting and conveying to the place of use 5.55cu. ft. per second of water which is to be used for irrigation

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

		Acres			Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	sec 2-T111N-R61W	24.9	NW $\frac{1}{4}$ SE $\frac{1}{4}$	sec 2-T111N-R61W	21.1
NE $\frac{1}{4}$ NE $\frac{1}{4}$		1.3	NE $\frac{1}{4}$ SE $\frac{1}{4}$		9.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$		19.6	SW $\frac{1}{4}$ SE $\frac{1}{4}$		7.8
SE $\frac{1}{4}$ NE $\frac{1}{4}$		7.8	SE $\frac{1}{4}$ SE $\frac{1}{4}$		22.2

comprising a total of 113.7 acres of land and the license should be issued for 1.62 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date April 24, 1985


(signature)

State of South Dakota
Water License No. 2643-3

(1) Leonard Pevestorf
of Route #1, Box 225, Huron, South Dakota
made Application No. 2643-3, February 6, 1976 for a water permit to appropriate
2.0 cubic feet per second of water from the James River,
Beadle County, South Dakota for irrigation purposes.
Permit No. 2643-3, with a priority date of February 6, 1976
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, 1989.

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 1.62 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is on the James River between and
including the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T111N, R61W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent. to irrigate the following lands all in T111N, R31W

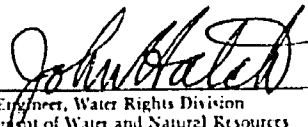
Section 2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	24.9 Acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.3 Acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	19.6 Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	7.8 Acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	21.1 Acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	9.0 Acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	7.8 Acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	22.2 Acres
	TOTAL	113.7 ACRES

(4) Pursuant to §46-5-30.1 Leonard Pevestorf

of RR#1, Box 225, Huron, South Dakota 57350

the holder(s) and/or owner(s) of Water Permit No. 2643-3 is issued a license to appropriate water, the right to use 1.62 cubic feet per second of water from the James River with a priority date of February 6, 1976 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. 2643-3 and subject to South Dakota State Law.


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

JOHN HATCH

JAN 28 1986



Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 2613-3

December 19, 1985

Leonard Pevestorf
RR 1
Buron SD 57350

Dear Mr. Pevestorf:

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. 2613-3 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 SCHLAAR
Administrative Aide

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

Capitol Box 205
Huron So Dak
Dec 31, 1985

Dear Sir:

Enclosed find a check
for \$50. for my license fee
so that now my final
water right document, the
water license, can be issued.

My water right No. 2643-3.

Very truly yours,
Leonard Pennington



RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

No 410275

Pierre, January 2, 1986, 19__

RECEIVED OF Leonard Pavestorf, Route #1, Box 225, Huron, SD 57350

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 2043	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/CS

SOUTH Dakota Department of
Water & Natural Resources

Joe Fuss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 2643-3

JAN 28 1985

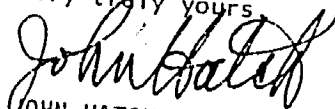
Leonard Pevestorf
RR#1, Box 225
Huron, South Dakota 57350

Dear Mr. Pevestorf:

Enclosed herewith is, Water License No. 2643-3. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:MS

Enclosures

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: Leonard Pevestorf
RR 1
Huron SD 57350

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

SUBJECT: Amendment of Water Right No. 2643-3

Notice is given that the Water Management Board will consider deleting and adding the following qualifications to Water Right No. 2643-3.

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 in insure water supplies to fulfill the prior water rights and domestic qualification.

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 less than 20 cfs of water is by-passing the Third Street Dam in Huron.

The hearing to consider amendment of Water Right No. 2643-3 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. 2643-3 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.



Department of Water & Natural Resources

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

May 18, 1987

NOTICE

Leonard Pevestorf
RR 1
Huron SD 57350

Dear Mr. Pevestorf:

This letter is in response to action taken by the Water Management Board to amend Water Permit No. 2643-3. The Board amended Water Permit No. 2643-3 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. 2643-3

LEONARD PEVESTORF

The Water Management Board amended Water Permit No. 2643-3 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.

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 less than 20 cfs of water is by-passing the Third Street Dam in Huron.

 **Department of
Water & Natural Resources**

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

April 18, 1988

2643-3

Leonard Pevestorf
RR 1, Box 225
Huron, SD 57350

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Pevestorf:

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

James River flow conditions are as follows:

James River Flow* Record

<u>Date</u>	<u>LaMoure</u>	<u>Ludden</u>	<u>Columbia**</u>	<u>Ashton</u>	<u>Huron</u>	<u>Forestburg</u>	<u>Scotland</u>
04/06/88	81.2	(state	15.0	37.7	48.0	105	285
04/11/88	134	line)	12.4	34.3	39.4	60.9	167
04/13/88	150		8.99	21.0	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

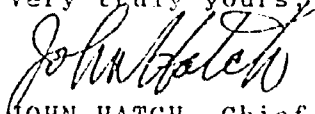
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North 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: Leonard Pevestorf
RR 1, Box 225
Huron, SD 57350

2643-3

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

John Hatch
John James Montalto

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	68.1	65.3	87.4
05/11/88		.05	9.23	31.6	45.0	68.8	82.0
05/12/88	4.6	5.79	6.30	30.3	51.3	68.8	79.4
05/13/88	0.30	0.45	6.46	30.0	48.0	65.3	76.9
05/16/88	0.50	3.09	3.15	21.1	45.0	49.9	62.8
05/17/88	0.0	0.0	4.84	16.0	42.1	43.7	58.5
05/18/88	0.0	0.0	3.51	12.8	6.8*	39.6	50.7

* South wind affecting the reading

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

cc: City of Huron



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

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

May 24, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: Leonard Pevestorf
RR 1, Box 225
Huron, SD 57350

2643-3

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.

- A 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 57501-3181

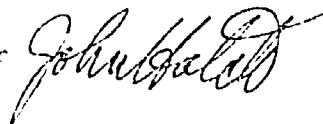
May 31, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: Leonard Pevestorf
RR 1, Box 225
Huron, SD 57350

2643-3

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



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

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

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





**Department of
Water & Natural Resources**

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

July 17, 1989

NOTICE OF SHUTOFF ORDER

2643-3

TO: Leonard Pevestorf
RR 1, Box 225
Huron, SD 57350

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

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

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

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

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

cc: City of Huron, Water Superintendent





Department of Water & Natural Resources

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

April 6, 1990

NOTICE OF SHUTOFF ORDER

2643-3

TO: Pevestorf, Leonard
RR 1, Box 225
Huron, SD 57350

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

June 29, 1990

RESCISSION OF SHUTOFF ORDER

2643-3

TO: Leonard Pevestorf
RR 1, Box 225
Huron, SD 57350

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

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

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

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

<u>Date</u>	<u>Ludden</u>	<u>Columbia</u>	<u>Ashton</u>	<u>Huron</u>	<u>Forestburg</u>	<u>Scotland</u>
6/27/90	45.2	0.6	12.3	20.5	132.8	249.1
6/28/90	32.4	1.7	25.8	68.4	120.0	229.4
6/29/90	10.9	1.0	23.1	51.3	117.1	206.0

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

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

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

August 8, 1990

NOTICE

2643-3

TO: Leonard Pevestorf
RR 1, Box 225
Huron, SD 57350

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

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

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

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

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

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

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

April 2, 1991

2643-3

Leonard Pevestorf
RR 1, Box 225
Huron, SD 57350

Dear Mr. Pevestorf:

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



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

August 5, 1991

NOTICE

2643-3

TO: Leonard Pevestorf
RR 1, Box 225
Huron, SD 57350

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

Delvin W. Brosz

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

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

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

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

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

cc: City of Huron, Water Superintendent



April 14, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

2643-3

TO: LEONARD PEVESTORF
RR #1 BOX 225
HURON, SD 57350

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 22, 1992

RESCISSION OF SHUTOFF ORDER

2643-3

TO: LEONARD PEVESTORF
RR #1 BOX 225
HURON, SD 57350

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

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

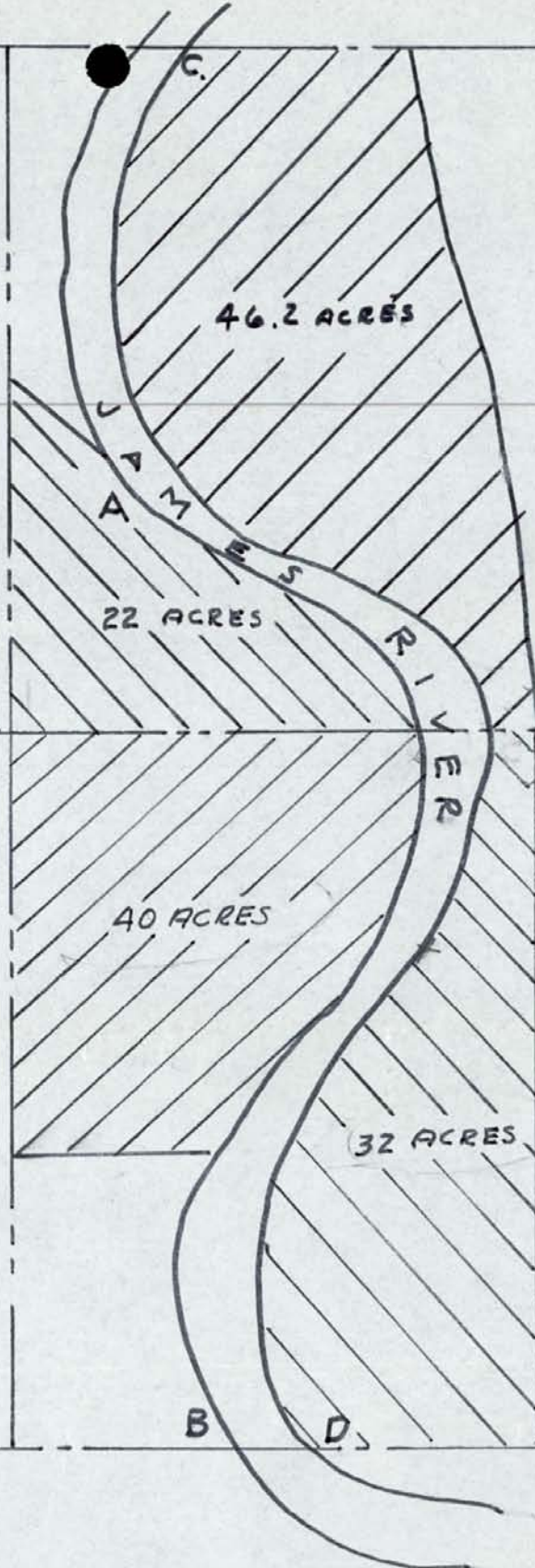
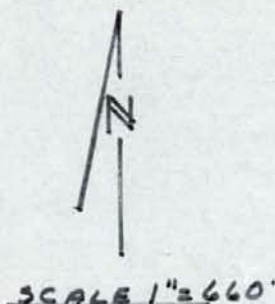
The present flow conditions on the James River are sufficient to allow for diversions. The Shutoff Order of April 14, 1992 is rescinded, effective immediately, for all James River Water Right Holders between the Huron Third Street Dam and the Ashton gaging station. We will continue to monitor the flows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

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

cc: City of Huron, Water Superintendent

CENTER SECTION 2, 111, 61

NOTE: POINTS OF DIVERSION
ARE ANYWHERE BETWEEN
POINTS A-B AND C-D WHERE
IT ABUTTS OWNERS PROPERTY
ON EITHER SIDE OF JAMES
RIVER



PEVESTORF IRRIGATION PROJECT NO 1

SHOWS AREA TO BE IRRIGATED AND JAMES RIVER
DIVERSION POINTS. FOR PERMIT TO APPROPRIATE
WATER.

OWNER
SURVEYOR

LEONARD PEVESTORF
HARLAN W. MEYER
JAN 1, 1976



FILE

MAP 2010-3

APPL 2643-3

NOT TO SCALE





**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). 2643-3**

To: LEONARD PEVESTORF
40489 202 ND ST
HURON SD 57350

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

Subject: James River Qualification Reminder for Permit No(s) 2643-3

Qualifications on your water right indicate that you are not authorized to divert James River water after July 15th. 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: LEONARD PEVESTORF
40489 202 ND ST
HURON SD 57350

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 2643-3

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

July 26, 2006

NOTICE OF SHUTOFF ORDER

TO: SCOTT SLEPIKAS, OPERATOR
20205 402ND AVE
HURON SD 57350

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 2643-3

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.



2643-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 2012

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 2643-3**

To: LEONARD PEVESTORF
955 NEBRASKA AVE SW
HURON SD 57350

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

Subject: James River Qualification Reminder for Permit No(s). 2643-3

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.

McMath, Genny

From: Scott Slepikas <slepikasfarm@gmail.com>
Sent: Thursday, August 15, 2019 6:27 PM
To: McMath, Genny
Subject: Re: [EXT] Water Right No. 2643-3, Leonard Pevestorf

Current owner is,
Barb & Tony Kludt
312 E. 6th St.
Miller, SD 57362
This is a daughter of the past Pevestorfs

On Aug 15, 2019, at 1:31 PM, McMath, Genny <Genny.McMath@state.sd.us> wrote:

Mr. Slepikas,
Over the years we have mailed you the annual irrigation questionnaire for Water Right No. 2643-3 as that of "operator". In reviewing the files to ensure ownership is up to date, it looks like the water right should be transferred to reflect current ownership.

The water right authorizes irrigation of 113.7 acres in the E ½ Section 2, T111N, R61W in Beadle County. Can you tell me who now owns the land so I can get them a transfer form to change ownership? This does not affect the "operator" status we have for you listed for, it would just update ownership. Additionally, if you now own the land, I can forward the transfer form to you for completion.

Thank you in advance for your help.

Genny McMath
DENR – Water Rights Program
773-3352 (main phone)
773-5455 (desk phone)
Website: <https://denr.sd.gov/des/wr>

2643-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 16, 2019

2643-3

Barb & Tony Kludt
312 E 6th St
Miller SD 57362

Dear Mr. & Mrs. Kludt:

I am writing regarding ownership of Water Right No. 2643-3, currently listed in the name of Leonard Pevestorf (copy enclosed). Recently when going through the mailing list for sending the annual irrigation questionnaire, I contacted the renter of the property to see if ownership needed to be changed. Mr. Slepikas was kind enough to give me your name and address as being owners of the property.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

We can continue to mail the annual questionnaires to Mr. Slepikas. He has always kept up to date on filing the reports. If you have any questions concerning the water right or completion of the transfer form, please let me know.

Sincerely,

A handwritten signature in black ink, which appears to read "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

AUG 20 2019

Ck# 1117

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

No. 2643-3

Date: 8/19/2019

I/We request that Water Right No. 2643-3

formerly owned by: Leonard Pevestorf

be transferred to: (name & address) Tony / Barbara Kludt
312 E 6th Street Miller SD 57362

Telephone No. 605-853-3854
Cell 605-450-8519

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

113.7 acres - E ½ Section 2, T11N, R61W

I/We understand that the validity of Water Right No. 2643-3 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 Tony / Barbara Kludt, the new owner, certify that the above information is true and correct.

Barbara Kludt

(Signed by new owner)

Tony Kludt

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

Aug 20, 2019

Tony / Barbara Kludt, 312 E 6th St, Miller SD 57362

RECEIVED OF

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form Water Right No. 2643-3		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. 09183

By

Jeannette Goodman
Chief Engineer

115



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 20, 2019

2643-3

Barb & Tony Kludt
312 E 6th St
Miller SD 57362

Dear Mr. & Mrs. Kludt:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 2643-3.

The ownership change has been completed. Water Right No. 2643-3, formerly held by Leonard Pevestorf, is now listed in your names.

Enclosed is Receipt No. 09183 in the amount of \$50 which you paid for filing the ownership change. If I can answer any questions for you, please contact me.

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