

1. Considered January 31 1979
2. Name of Applicant Sperry Farms Inc.
3. Post Office Address Bath, SD
4. Amount of Water Claimed 6.74
5. Source of Water Supply James River
6. Water to be used for Irrigation
7. Acres to be irrigated 472 maximum acre feet
8. Water to be diverted and used in Brown County  
about 7E, 2 miles South of Aberdeen
9. PROOF OF PUBLICATION Received 1-11-79

Not Received

APPLICATION

Approved 4-10-80 FFE CL 7-21-80

Subject to Below Land Title

Not Approved Owner Decision Don't Deal

Action deferred 1-31-79; 2-1-79; 3-28-79

Priority Date Received 9-3-76 Application Complete yes ☒ no ☐ FEE \$8.00

Remarks

Date information and/or fee or corrected Application received  
Period of Annual use April 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

SE 1/4 NE 1/4 27-123-62

Lands to be irrigated

NE 1/4, SE 1/4, Sec. 20; NW 1/4 Sec. 27

NE 1/4 Sec. 28; 12311, R62W

WELL LOG

Remarks

Driller Licensed yes ☐ no ☐

Depth

MAP Map No. 3303-3 Map located in Water Right X Map File \_\_\_\_\_  
Type of Map Revised Prepared by SCS

+++++

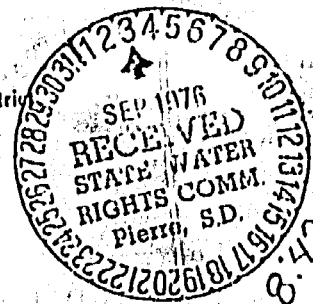
REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 1-31-79.  
Duty Wilson  
(Signed)

+++++

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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No. 4066-3  
 Map No. 3303-3 Water Division No. 3 JAMES RIVER District \_\_\_\_\_  
 (Blanks to be Filled by the Engineer for the W. R. C.)


## APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant SPERRY FARMS INC - JAMES SPERRY 5220 TREAS  
 Postoffice address BATH State S.DAK 57427  
 If a corporation show date and place of incorporation Jan 30, 1962 Bath, SD
2. Method of accomplishing work (contract, employment of others, or by direct labor) \_\_\_\_\_
3. Name of diversion work Sperry Farm Diversion #1
4. Amount of water claimed (cubic feet per second) 7.45 6.74 MAX. ALLOWABLE
5. Source of water supply JAMES RIVER
6. Location of point of diversion 150 yds SOUTH, 35' W of NE COR. OF SECTION 21, 123-62
7. Annual period or periods during which water is to be used APRIL - SEPTEMBER County BROWN
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 472

| 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 NW 27-123-62                                                                                                       | 34             | NE NE 28 123-62  | 34             |
| NW NW                                                                                                                 | 34             | NW NE            | 34             |
| SW NW                                                                                                                 | 34             | SW NE            | 34             |
| SE NW                                                                                                                 | 34             | SE NE            | 34             |

Attach sheet if more space is needed (SEE ATTACHED)

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 1 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.

PIPE

C. Works proposed to apply water to beneficial use.

CENTER PILOT

Estimated Total Cost \$ 1,000
 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map;  
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Brown
 I, James Sperry, 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

James Sperry

Subscribed and sworn to before me this

1st day of September, 1976
 Notary Public (or other qualified officer)  
LOARNE L. PRUNTY, Notary Public

Brown County, South Dakota

My Commission Expires March 8, 1982

The Water Rights Commission hereby approves Water Right Application No. 4066-3  
SPERRY FARMS, INC. BATH  
 (Applicant) (Post Office Address)  
SOUTH DAKOTA 57427  
 (State) With the following modifications:

Date of first receipt of application \_\_\_\_\_ September 3 \_\_\_\_\_, 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 \_\_\_\_\_ 267  
WATER RIGHT PERMIT NO. \_\_\_\_\_ 4066-3

1. The date from which applicant may claim right is September 3, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before July 24, 1981
3. The whole of said work is to be completed on or before July 24, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 24, 1983
5. The water appropriated shall be used for the purpose of IRRIGATION

7. The amount of the appropriation herein granted shall not exceed 6.74 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 1983; said water to be used during the following described annual period: April thru September

WATER RIGHTS COMMISSION

**By:**

Chief Engineer, Executive Officer

JOHN HATCH

Certificate of Construction Issued \_\_\_\_\_ 19\_\_

Water License Issued \_\_\_\_\_ 19\_\_\_\_

| LAND DISPOSITION |    |        | NO ACRES TRS |
|------------------|----|--------|--------------|
| NW NE            | 20 | 123-62 | 25           |
| NE NE            | "  | "      | 25           |
| SW NE            | "  | "      | 25           |
| SE NE            | "  | "      | 25           |
| NW SE            | 20 | 123-67 | 15           |
| NE SE            | "  | "      | 34           |
| SE SE            | "  | "      | 34           |
| SW SE            | "  | "      | 17           |

SPERRY FARMS INC.  
BROWN CO.

The Land is Owned By

NE 1/4 20 James and Jo Ann Sperry  
SE 1/4 20 Sperry Farms Inc  
NW 1/4 27 KO Lee Co Alameda  
NE 1/4 20 KO Lee Co.

Below Sand Lake to James Diversion Dam

This Permit No. 4066-3 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. 4066-3, Sperry Farms, Inc., Bath, S.D.

No. 4066-3

Publish first publication, on or before January 5, 1979

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 22, 1978

Notice is hereby given Sperry Farms Inc. 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 6.74 cubic feet of

water per second of time from the James River through the Sperry Farms Diversion #1, the point(s) of diversion of which is(are) to be located in the SE $\frac{1}{4}$  NE $\frac{1}{4}$

of Section 27, Twp. 123N, Range 62W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$  and SE $\frac{1}{4}$ , Section 20; NW $\frac{1}{4}$ , Section 27; NE $\frac{1}{4}$ , Section 28, all in T123N, R62W

This Application No. 4066-3 will be considered by the Water Rights Commission at SDEA Auditorium 411 E. Capitol, Pierre, South Dakota 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

BETTY WESTLUND  
Water Rights Specialist

cc: Sperry Farms Inc., Bath, SD 57427

FORM 6 - Notice of Intent to Appropriate Water  
SURFACE WATER

Form 3 - Proof of Publication - Notice of Intent to Appropriate Water

No. 967

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Brown ) ss.

I, Pam Scepaniak 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 of Aberdeen  
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 Scepaniak  
(Signature)

Clerk

(Title)

January 9, 1979

(Date Signed)



(No. 967 - Jan. 2 & 9 - 27)  
**NOTICE OF HEARING  
ON APPLICATION TO  
APPROPRIATE WATER**  
Pierre, South Dakota 57501  
December 22, 1978  
Notice is hereby given Sperry Farms Inc. 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 thru 52:01:01:13, for a permit to appropriate for beneficial use 6.74 cubic feet of water per second of time from the James River through the Sperry Farms Diversion No. 1, the point(s) of diversion of which is (are) to be located in the SE 1/4 NE 1/4 of Section 27, Twp. 123N, Range 62W. Said water to be used for the purpose of providing irrigation on portions of the following described land:  
NE 1/4 and SE 1/4, Section 20, NW 1/4, Section 27, NE 1/4, Section 28, all in T123N, R62W.  
This Application No. 4044-3 will be considered by the Water Rights Commission at SDEA Auditorium, 411 E. Capitol, Pierre, South Dakota 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 1-16 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 Vestlund, Water Rights Specialist



No. 4066-3

# Department of Natural Resource Development

## WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

July 11, 1977

Sperry Farms, Inc.  
Bath, South Dakota 57427

Dear Sirs:

This will acknowledge receipt of your application to appropriate water from the James River for irrigation purposes. It has been assigned No. 4066-3.

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

Encl: Receipt No. 405880 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

Sperry Farms Inc.  
Bath,  
SD 57427

4066-3

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

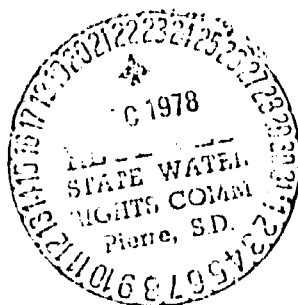
JH/bt

# SPERRY FARM, INC.

Phone: 225-0493 or 225-0495  
BATH, SOUTH DAKOTA 57427

Dec 13, 1973

Mr. Colin Hatch  
Chief Engineer  
Water Rights Comm.  
Pierre, S.D.



Dear Mr. Hatch,

It is my wish to have my application for water rights to remain active and to retain my priority according to date of receipt in your office.

Please inform me of any action to be taken on my application.

Sincerely  
James Sperry



February 5, 1979

Sperry Farms, Inc.  
Bath, SD 57427

Dear Sirs:

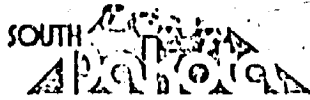
For your information the Water Rights Commission at their January 31, 1979 meeting have placed your Application No. 4066-3 in a deferred status.

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

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Commission

JH/bt



4006-5

# 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.

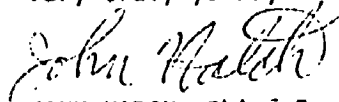
The Water Rights Commission at the January 31 and February 1, 1979 Commission hearing passed a motion to allow all parties to prepare and submit proposed Findings of Fact and Conclusions of Law and a proposed decision for the Commission to consider. The Commission may consider and the Commission may 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 46-1-3; 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,

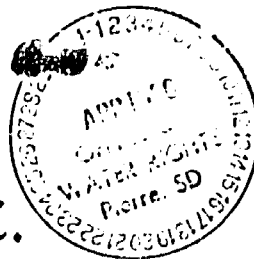
  
JOHN HATCH, Chief Engineer  
Water Rights Commission

JH:kjw

SPERRY FARM, INC.

Phone: 225-0493 or 225-0495  
BATH, SOUTH DAKOTA 57427

March, 28, 1980



Mr. John Hatch  
Water Rights  
Water Management Division  
Pierre, So. Dak.

Dear Mr. Hatch,

I recieved your letter of March 20 concerning the hearing  
for reconsideration of deferred water permit applications.

I am unable to be in Huron on April 10, however, I am still  
interested in using James River water at such time it would  
become available.

In the event the Garrison Project would contribute return flows  
to the James River, I would hope this additional water supply  
could justify additional acres of irrigation permits.

I hope your board will continue to resist the Oahe Board and  
their efforts to prevent irrigation developement in Brown Co.

Please cortact me if any additional information is needed  
concerning my application.

Sincerely,

*James Sperry*  
James Sperry, sec  
Sperry Farms Inc.

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, 2632-3,         )  
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.

13

Dated this 24th day of July, 1980.

Werner E. Jochen  
Chairman

Helmut L. Harms  
Secretary

Permit No. 4066-3James River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Sperry Farms Inc.  
James Sperry, sec. 4 trees. of Rt 1, Box 99, Bath SD 57427 holder of  
 Permit No. 4066-3, bearing the priority of September 3 19 76 authorizing  
 the diversion of 6.74 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: Deutz, diesel  
M.N. F6L912  
6 cyl., 88 hp.

 pump: Berkeley  
M.N. B3JGBM  
S.N. 7683039

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

 Pipeline: size - 6 in.  
type - Aluminum  
length - 1 mile

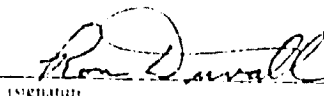
 Nelson gun      Gun:  
M.N. P200      make - Vermeer  
S.N. CC459      capacity - 600 gpm  
                          psi - 90  
                          hose size - 5 in  
                          hose length - 660 ft

## C. Works used to apply water to beneficial use:

The system is in the following condition good
 The point of diversion is located James River: 2000 ft E of the center of  
sec. 27-T123N-R62W
The works are capable of diverting and conveying to the place of use 1.33cu. 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                                                       |                                                             |                           |             |
|-------------------------------------------------------------|---------------------------|-------------------------------------------------------------|-------------------------------------------------------------|---------------------------|-------------|
| <u>NW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math></u> | <u>sec. 28-T123N-R62W</u> | <u>40.0</u>                                                 | <u>NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></u> | <u>sec. 27-T123N-R62W</u> | <u>36.1</u> |
| <u>NE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math></u> | <u>36.7</u>               | <u>NE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></u> | <u>36.1</u>                                                 |                           |             |
| <u>SW<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math></u> | <u>40.0</u>               | <u>SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></u> | <u>38.0</u>                                                 |                           |             |
| <u>SE<math>\frac{1}{4}</math>NE<math>\frac{1}{4}</math></u> | <u>40.0</u>               | <u>SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math></u> | <u>38.0</u>                                                 |                           |             |

comprising a total of 304.9 acres of land and the license should be issued for 1.33 cfsApplicable permit qualifications have been complied with Yes Yes No NoExceptions to compliance are: \_\_\_\_\_ Date March 28, 1985
  
 Ron Darrall  
 ENGINEER

LICENSE FOR PERMIT NUMBER 4066-3

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 6 in

b) type Aluminum

c) length 1 mile

4. Dam information:

a) height to crest \_\_\_\_\_

b) height to spillway \_\_\_\_\_

c) crest width \_\_\_\_\_

d) crest length \_\_\_\_\_

e) spillway length \_\_\_\_\_

f) spillway width \_\_\_\_\_

g) approx. storage \_\_\_\_\_

h) Distribution lines or canals:

1) size \_\_\_\_\_

2) type \_\_\_\_\_

3) length \_\_\_\_\_

i) Outlet tubes:

1) diameter \_\_\_\_\_

2) type \_\_\_\_\_

3) valued (Y/N) \_\_\_\_\_

4) valve type \_\_\_\_\_

5) location on structure \_\_\_\_\_

5. System Type: a) sideroll:

1) length \_\_\_\_\_ feet

2) diameter of pipe \_\_\_\_\_

3) make, model & number of sprinklers \_\_\_\_\_

4) spacing of sprinklers \_\_\_\_\_

5) nozzle size \_\_\_\_\_

b) towline:

1) length \_\_\_\_\_ feet

2) make, model & number of sprinklers \_\_\_\_\_

3) spacing of sprinklers \_\_\_\_\_

4) nozzle size \_\_\_\_\_

5. System Type: c) center pivot

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

g) Gun

- Nelson gun
- 1) make Vermeer
  - 2) serial number \_\_\_\_\_
  - 3) nozzle size \_\_\_\_\_
  - 4) capacity (GPM) 600
  - 5) PSI 90
  - 6) hose size 5 in
  - 7) hose length 660 ft

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: Deutz diesel  
M.N. FL6L912  
6cyl., 88 hp.

pump: Berkeley  
M.N. B3JQBM  
S.N. 7683039

**State of South Dakota**  
**Water License No. 4066-3**

(1) Sperry Farms, Inc.  
of Rt #1, Box 99, Bath SD 57427  
made Application No. 4066-3, September 3, 1976 for a water permit to appropriate  
5.74 cubic feet per second of water from the James River,  
Brown County, South Dakota for irrigation purposes.  
Permit No. 4066-3, with a priority date of September 3, 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, 1982 and for the application to beneficial use of said  
water on or before July 24, 1983.

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 1.33 cubic feet per second of water  
for beneficial use. The location of the diversion point(s) is 2000 ft E of the center of Section  
27, T123N, R62W (AD)

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 T123N, R62W

|            |               |                  |
|------------|---------------|------------------|
| Section 23 | NE 1/4 NE 1/4 | 42.00 acres (AB) |
|            | NE 1/4 NE 1/4 | 36.70 acres (AA) |
|            | SW 1/4 NE 1/4 | 40.00 acres (AC) |
|            | SE 1/4 NE 1/4 | 40.00 acres (AD) |
| Section 27 | NW 1/4 NW 1/4 | 36.10 acres (EB) |
|            | NE 1/4 NW 1/4 | 36.10 acres (BA) |
|            | SW 1/4 NW 1/4 | 38.00 acres (BC) |
|            | SE 1/4 NW 1/4 | 38.00 acres (BD) |
|            | TOTAL         | 304.90 acres     |

(4) Pursuant to §16-5-30.1 Sperry Farms, Inc.  
of RR 1, Box 99, Bath SD 57427

the holder(s) and/or owner(s) of Water Permit No. 4066-3 is issued a license to appropriate water, the right to use 1.53 cubic feet per second of water from the James River with a priority date of September 3, 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. 4066-3 and subject to South Dakota State Law.

John Hatch  
Chief Engineer, Water Rights Division  
Department of Water and Natural Resources  
DEC 20 1985



**Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Division of Water Rights  
605 773-3352

No. 4066-3

September 24, 1985

Sperry Farms Inc.  
E James Sperry  
Rt 1, Box 99  
Bath SD 57427

Dear Mr. Sperry:

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. 4066-3 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 SCHLAACK  
Administrative Aide

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

# RECEIPT

Division of Water Rights

No 4 10208

South Dakota Department of Water and Natural Resources

Pierre, October 5, 1955

Scarry Farm Inc., Lath SD 57427

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 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. _____                        | 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

Chief Engineer

JOHN HATCHES

No. 4066-3

 **Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
Phone (605) 773-3352

DEC 20 1985

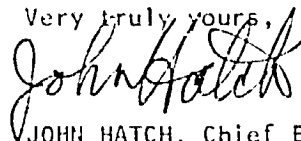
Sperry Farm Inc.  
Rt 1, Box 99  
Bath SD 57427

Dear Sir:

Enclosed herewith is, Water License No. 4066-3. 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

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

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

April 24, 1987

NOTICE

TO: Sperry Farms, Inc.  
Rt 1, Box 99  
Bath SD 57427

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

*John Hatch*

SUBJECT: Amendment of Water Right No. 4066-3

Notice is given that the Water Management Board will consider deleting and adding the following qualifications to Water Right No. 4066-3.

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.
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. 4066-3 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. 4066-3 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**

Sperry Farms, Inc.  
Rt 1, Box 99  
Bath SD 57427

Dear Sir:

This letter is in response to action taken by the Water Management Board to amend Water Permit No. 4066-3. The Board amended Water Permit No. 4066-3 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. 4066-3

SPERRY FARMS, INC.

The Water Management Board amended Water Permit No. 4066-3 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 permit is subject to these prior water rights if or when the reserved water supply is developed.

 **Department of  
Water & Natural Resources**

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

April 18, 1988

4066-3  
4609-3

James Sperry  
Sperry Farms, Inc.  
Box 99  
Bath, SD 57427

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Sperry:

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

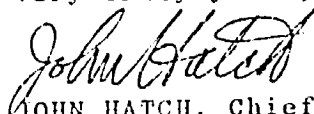
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North 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: James Sperry  
Sperry Farms, Inc.  
Box 99  
Bath, SD 57427

4006-3  
4609-3

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

*John Hatch*  
*By James Hamilton*

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: James Sperry  
Sperry Farms, Inc.  
Box 99  
Bath, SD 57427

4066-3  
4609-3

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 57501-3181

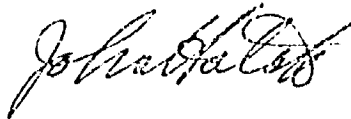
May 31, 1988

**NOTICE OF EXTENSION OF SHUTOFF ORDER**

TO: James Sperry  
Sperry Farms, Inc.  
Box 99  
Bath, SD 57427

(4066-3)  
4609-3

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**

4066-3  
4609-3

TO: James Sperry  
Sperry Farms, Inc.  
Box 99  
Bath, SD 57427

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



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

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

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

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

cc: City of Huron, Water Superintendent



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

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

April 6, 1990

NOTICE OF SHUTOFF ORDER

(4066-3, 4609-3)

TO: Sperry, James  
Sperry Farms, Inc.  
Box 99  
Bath, SD 57427

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

*Delvin W. Brosz*

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

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

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

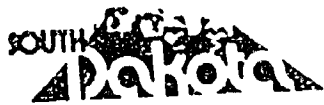
Sand Lake Wildlife Refuge is approximately one foot below the full level. The Refuge is entitled to the flows from North Dakota under a senior water right. The flows from North Dakota are expected to decrease due to the lack of snow pack. The storage levels in the Jamestown and Pipestem Reservoirs are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

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

| 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

4066-2

April 2, 1991

James Sperry  
Sperry Farms, Inc.  
Box 99  
Bath, SD 57427

Dear Mr. Sperry:

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

4066-3

TO: James Sperry  
Sperry Farms, Inc.  
RR 1 Box 99  
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



April 14, 1992

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

4066-3

TO: %JAMES SPERRY-SEC  
SPERRY FARMS INC  
RR #1 BOX 99  
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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3101

June 23, 1992

RESCISSION OF SHUTOFF ORDER

1066-3

TO: SPERRY FARMS INC  
%JAMES SPERRY-SEC  
RR #1 BOX 99  
BATH, SD 57427

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



4066-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 14, 2000

**NOTICE**

**TO:** SPERRY FARMS INC, JAMES SPERRY, 13403 395TH AVE, BATH, SD 57427  
**FROM:** Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

**SUBJECT:** Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4066-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4066-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 4066-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

4066-3

**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

SPERRY FARMS INC  
JAMES SPERRY  
13403 395TH AVE  
BATH SD 57427

**COMPLETE THIS SECTION ON DELIVERY**

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

Scott Sperry 1-18-00

C. Signature

X Scott Sperry ☐ Agent  
☐ Addressee

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

3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

2227670225



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 10, 2000

4066-3

Scott Sperry  
Sperry Farms  
39600 132<sup>nd</sup> St  
Bath, SD 57427

Dear Mr. Sperry:

Thank you for calling in about the 1999 irrigation questionnaire for Sperry Farms. I completed a form for you based on our telephone conversation. The form reflects that the land was not irrigated in 1999.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 4066-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

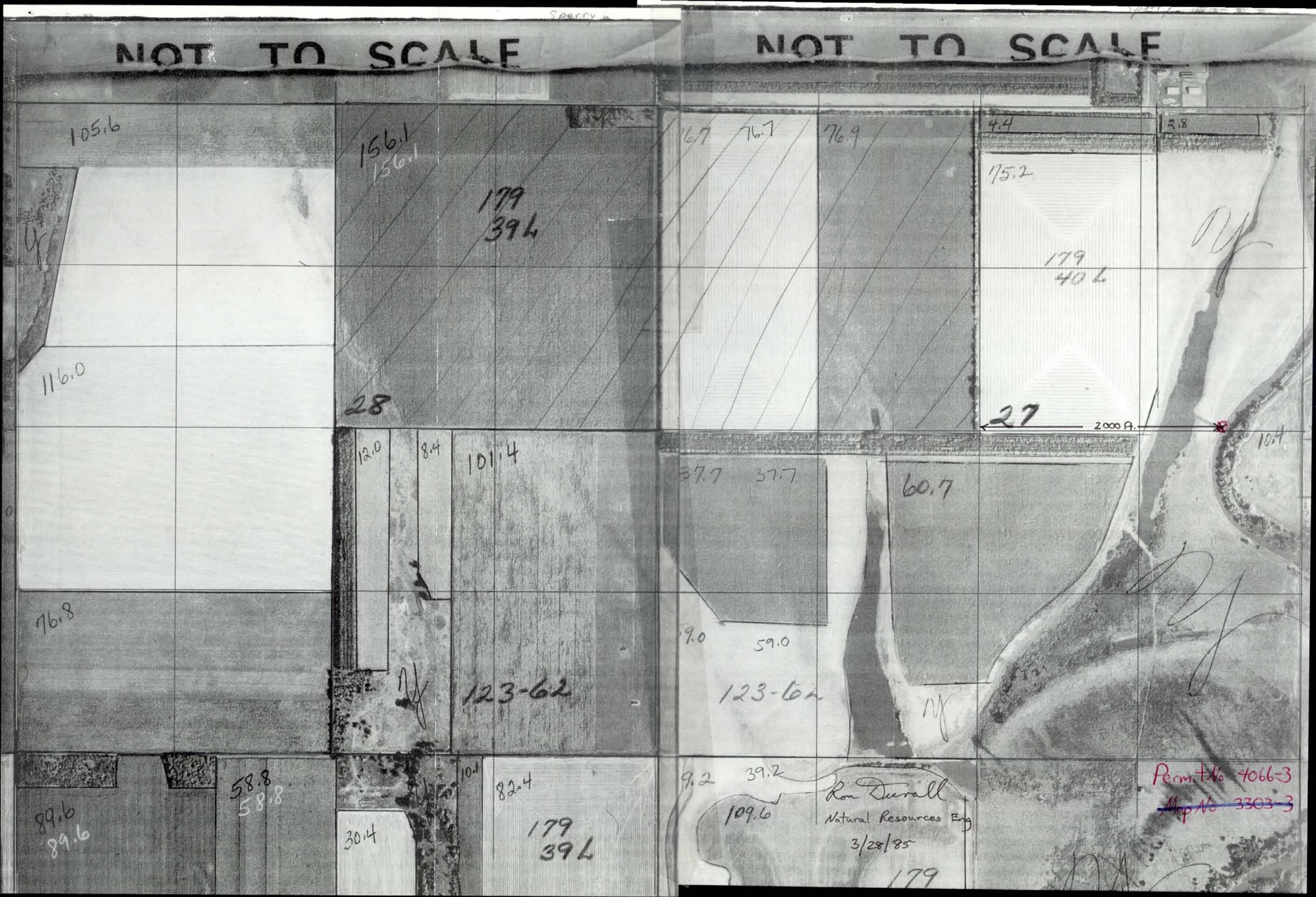
In reference to our phone conversation, I changed the contact person for future correspondence from James Sperry to your name. If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE

NOT TO SCALE



Permit No 4066-3  
Map No 3303-3

Ron Durrall  
Natural Resources Eng  
3/28/85

NOT TO SCALE

Sperry

65.4

179  
39 R

126.6

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20

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123-62