

No. 436-3Water 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 Rosedale Hutterian Brethren Inc., RFD #2, Mitchell,
Postoffice address _____, County Hanson, State South Dakota

I. If a corporation _____

- (a) Name of same Rosedale Hutterian Brethren Inc.
(b) Date and place of incorporation 1946, State of South Dakota
(c) Amount of capital stock None Communal Corporation
(d) Amount paid in _____
(e) Names and addresses of directors Joseph M. Waldner, David Waldner and
John Waldner, RFD #2 Mitchell, South Dakota.

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
It is now completed. Done by Direct work
(b) Cash on hand, \$ 3000.00 (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Rosedale Irrigation Project # 13. Amount of water claimed two cubic feet per second4. Source of water supply James River

5. Location of point of diversion Between a point 80 rods Northwest along the South river
bank from the place where the James river crosses the South Section line
of Section 14-102-59 in Hanson County, South Dakota, and a point _____ County in the
NE 1/4 of Section 23-102-59, where the James river crosses the east Section line
of Section 23-102-59.

6. Annual period or periods during which water is to be used April to October each year inclusive

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkler Irrigation

(a) Number of acres to be irrigated 153 Acres
35 acres in the SE 1/4 NW 1/4 and NE 1/4 SW 1/4, Sec 14; 30 acres in the S 1/2 SW 1/4,
Sec 14, and NE 1/4 NW 1/4 and NW 1/4 NE 1/4, Sec 23; 9 acres in the NE 1/4 NE 1/4, Sec
23, all in T.102N, R.59W.

(c) Statement as to domestic use (giving location, etc.) Stock wateringNE 1/4-23-102-59

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Stockwatering

Name any of the above uses claimed

(b) Amount of power to be generated _____horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

8. Estimated cost of work:

(a) Head Gates, \$-----

(c) Fluming, \$-----

(e) Other structures -----

(d) Canal-earth, \$-----

\$-----

(b) Pumping plant, \$ 500.00

Rock, \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pumping plant and sprinkler system

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top -----

feet; thickness at bottom ----- feet; thickness at top -----

feet; slope at front water face -----; slope at back face -----

material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-FEET CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet;

Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile ----- feet	----- feet	----- feet	----- feet
At ----- Mile ----- feet	----- feet	----- feet	----- feet
At ----- Mile ----- feet	----- feet	----- feet	----- feet
At ----- Mile ----- feet	----- feet	----- feet	----- feet
At ----- Mile ----- feet	----- feet	----- feet	----- feet
At ----- Mile ----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ~~work is now~~ Completed.11. Time required for complete application of water to the proposed beneficial use none years. Work was12. Choice of newspaper for publication of notice of intention to appropriate completed in prior years.Alexandria Herald

STATE OF SOUTH DAKOTA

County of Hanson

ss.

I, David Waldner, Sec. Rosedale Hutterian Brethren, being first duly sworn on my oath do hereby say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

David WaldnerSubscribed and sworn to before me this 16th day of March 19 57
H. L. Blecker
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"Vested Right" claimed

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

April 1, 1957

This is to certify that the foregoing application was received by the Commission at 3:45 o'clock

p.m. upon the 20 day of March, 1957

State Water Resources Commission

By:

Joe Brimer

Chief Engineer, Executive Officer

Vested Right

Number of permit 436-3

Date of first receipt of application

March 20, 1957

Date of return to applicant for correction, amendments or changes required as follows:

March 30, 1957

Date of receipt of corrected application

June 17, 1957
April 11, 1957
July 17, 1957

Date from which applicant may claim right

April 5, 1945

Approved

July 17, 1957

Recorded in Book

4

Page

125

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

Completed, 19--

2nd. The whole of said work is to be completed on or before

Completed

19--

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

Completed

19--

4th. The water appropriated shall be used for the purpose of

irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 1.05 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 Completed, 19--; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this

17

day of

July

1957

State Water Resources Commission

By:

Joe Brimer

Chief Engineer, Executive Officer

Certificate of Construction Issued

July 17, 1957

Water License Issued

July 17, 1957

Permit No. 436-3

River

Water Division No. 3 James Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the Rosedale Lutheran Brethren Inc.of R.F.D. #2, Mitchell, County of Hanson, and State of South Dakota, the holder of Vested Right Permit No. 436-3, Issued upon ApplicationNo. 436-3, bearing date of priority of April 5, 1945, authorizing the diversion of1.05 cu. ft. per second of the waters of the James RiverCounty of Hanson, State of South Dakota, at between a point 80 rods Northwest along the South river bank from the place where the James River crosses the South Section line of Section 14, T. 102, R. 59 in Hanson County South Dakota, and a point in the NE 1/4 of Section 23, T. 102, R. 59, where the James River crosses the east Section line of Section 23. for, irrigationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.77 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: 35 acres in the SE 1/4 NW 1/4 and NE 1/4 SW 1/4, Sec. 14; 30 acres in the S 1/4 SW 1/4, Sec. 14, and NE 1/4 NW 1/4 and NW 1/4 NE 1/4, Sec. 23; 9 acres in the NE 1/4 NE 1/4 Sec. 23, all in T. 102 N, R. 59 W, total 74 acres.Witness my hand this 17th day of July A. D. 1957

State Water Resources Commission

By:

J.W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 436-3

WHEREAS, On the 20th day of March A. D. 1957
the Rosedale Hutterian Brethren Inc.

of R.F.D. #2, Mitchell County of Hanson and State of
South Dakota duly made application (No. 436-3) to us for a permit to use 2.0
cubic feet per second of the waters of the James River
County of Hanson, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 17th day of July A. D. 1957
Vested Right 436-3 was issued to said applicant for the diversion of said water, and ~~recognizing~~
Permit No. 436-3 completion of the works of diversion therein described on or before the 5th day of
April A. D. 1945 and ~~such~~ application to beneficial use of said
water on or before the 5th day of April A. D. 1945
and,

WHEREAS, On the 11th day of April A. D. 1957
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.77
cubic feet per second of said waters, as evidenced by our Certificate No. 436-3
dated July 17, 1957 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.77 cubic feet per second of water, with date of
priority of April 5, 1945 and,

WHEREAS, On the 11th day of April A. D. 1957
proof was duly made of the application to beneficial use of 1.05 cubic feet per second of said water;
on 35 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 14; 30 acres in the
S $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 14, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$; Sec 23; 9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 23, all in T 102 N, R 59 W.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to the Rosedale Hutterian Brethren Inc.
of RFD #2, Mitchell, South Dak the holder and owner of said vested right permit No. 436-3
a water right, dating from April 5, 1957 to the use of 1.05
cubic feet per second of the waters of the James River
in the County of Hanson and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted between a point 80 rods Northwest
the place where the James River crosses the South Section line of Section 14,
T 102, R 59 in Hanson County, South Dakota and a point in the NE 1/4 of Section
23, T 102 R 59 where the James River crosses the east Section line of Section
and conducted to and upon 23
the SE 1/4, NE 1/4 and S 1/4, Sec. 14; NE 1/4 and N 1/4, Sec. 23; all
in T 102 N, R 59 W

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 17th day of July A. D. Nineteen
Hundred and Fifty-seven

State Water Resources Commission

By:

J.W.GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Location No. 436-3Water Division No. 13 James River Water District**Proof of Application of Water to P. Official Use****PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. David Waldner, Rosedale Hutterian Brethren, Mitchell, South Dakota.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. Sec-treasurer, Rosedale Hutterian Brethren Inc., Mitchell, S.D.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. 11Ques. 4. State source of water supply and give exact location of point of diversion. Between a point 80 rods northwest along the South river bank from the place where the James river crosses the south section line of section 14-102-59 in Hanson County, S.D., and a point in the Northeast Quarter (NE $\frac{1}{4}$) of Section 23-102-59, where the James river crosses the east section line of Section 23-102-59 in Hanson County, South Dakota.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Pumping plant and sprinkler system. 2000 ft. of Aluminin Pipe 50 No 40 Rainbird Sprinklers $\frac{1}{4}$ x $\frac{5}{32}$, which vary from 450 G.P.M. to 800 G.P.M. depending on the amount of pressure. Pacific Pump No 3 CKLC powered by Chrysler Gas engine.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigate 153 acres in the N $\frac{1}{2}$ of Section 23 and in the SW $\frac{1}{4}$ of Section 14, all in Township 102- Range 59, in Hanson County, South Dakota.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Stockwatering NE $\frac{1}{4}$ -23-102-59 in Hanson County, South Dakota.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 500 gallons P.M.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. ^{S. N. April 5,} We have been irrigating for some years and have drawn 450 gallons per minute and may have to draw up to 800 gallons maximum. The System was mostly completed in 1945 and use of water began in 1946, and water was pumped on 74 acres, and the amount drawn was from 450 gallons to 800 gallons per minute. Water is used from April October of each year for irrigation purposes.

(Sign) David Waldner

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Alexandria County of Hanson

State of South Dakota, on this 16th day of March A. D. 1957

Witnesses: H. L. Bleeker
Notary Public S. D.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

H. L. Bleeker
George Bleeker

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____



SOUTH DAKOTA
State Water Resources Commission

J. W. GRIMES, CHIEF ENGINEER AND EXECUTIVE OFFICER
STATE OFFICE BUILDING

PIERRE, SOUTH DAKOTA

July 3, 1959

Rosedale Colony
Route 2
Mitchell, South Dakota

Gentlemen:

The South Dakota water laws (Chapter 430, Session Laws of 1955, as amended) provide "That the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights." and "That the right of a municipality to acquire and hold rights to the use of water should be protected to the fullest extent necessary for existing and future uses, ---".

The South Dakota water laws provide also, "the full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission.

Because of the existing deficient supply of water in the James River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that all withdrawals of water from the James River for irrigation purposes between the North Dakota-South Dakota state line and the point where the East line of Range 56 crosses said James River (approximately 10 miles North of Yankton, South Dakota) shall cease effective July 11, 1959 and until further notice.

This order is necessary in order to maintain domestic use, including stockwater, and municipal water supplies to the extent possible under the scanty runoff yield of water to the James River.

Please govern your use of irrigation water under your water right in accordance with this order. You will be notified when water supplies in the James River are sufficient to again permit irrigation water withdrawals.

Sincerely,

J. W. GRIMES
Chief Engineer

March 14, 1960

Rosedale Colony
Route 2,
Mitchell, South Dakota

Gentlemen:

In July of 1959 you, as holder of a permit to irrigate with water from the James River, received a letter from this office directing you, effective July 11, 1959 to cease withdrawals of water from the James River for irrigation purposes until further notice.

This letter is written to inform you that you may resume your irrigation withdrawals as specified in your permit.

You should bear in mind, in planning your irrigation, that summer and fall flows on sections of the James River have not been adequate for irrigation withdrawals during some years of stream flow records and that irrigation restrictions are likely in the future.

Sincerely,

J. W. GRIMES
Chief Engineer

JWG:ls

COPY

436-3

COMMISSION

John M. Garhart, Spearfish
Fester Blue, Parker
Carl Cronin, Gettysburg
Lauren A. Davis, Belle Fourche
Milton E. Fischer, Milbank
Richard Lommen, Harrisburg
Clarence D. Mortenson, Hayes
Dick Fisher, Custer

South Dakota

WATER RESOURCES COMMISSION

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

J.W. GRIMES

Chief Engineer
and
Executive Officer

PHONE
224-3584
Area Code 605

August 7, 1970

Rosedale Hutterian Brethern
Rt. #2
Mitchell, South Dakota

Dear Sirs:

The South Dakota Water Laws provide "That the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights." and "That the right of a municipality to acquire and hold rights to the use of water should be protected to the fullest extent necessary for existing and future uses, ---".

The South Dakota water laws provide also, "The full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission.

Because of the existing deficient supply of water in the James River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that all withdrawals of water from the James River for irrigation purposes between the north boundary of Spink County and the south boundary of Hanson County shall cease effective 6:00 P.M., August 10, 1970, and until January 1, 1971, or until further notice.

This order is necessary in order to maintain domestic use, including stock water, and municipal water supplies to the extent possible under the scant runoff yield of water to the James River.

Please govern your use of irrigation water under your Water Right No. 436-3 in accordance with this order. You will be notified if water supplies in this section of the James River become sufficient to permit irrigation water withdrawals again during 1970. Aerial inspections of this section of the James River will be made by the Staff of the Water Resources Commission.

Sincerely,

J.W. Grimes
J.W. GRIMES

JWG/DD/bw

P.S. The Water Permits of almost every water right holder receiving this letter contains the August 10th irrigation stoppage qualification or a low flow qualification which prohibits the diversion of water from the existing low flows of the James River, even if this special order were not issued.

4436

WATER RIGHTS DIVISION
(605) 773-3352

September 2, 1983

NOTICE

TO: David Waldner
c/o Millbrook Colony
RR#3, Box 265
Mitchell, South Dakota 57301

FROM: John Hatch, Chief Engineer, Water Rights Division

RE: Extension of pumping from the James River under Permits 1901-3,
1900-3, 436-3 and 4656-3.

The flow in the James River is expected to continue to be above average. August 29, 1983 flow at Columbia was about 150 cfs. Because of the available supply of water in the James River the shutoff date for the above permits is extended to September 20, 1983. This extension is subject to change if flow conditions warrant an earlier cutoff.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 23, 1987

ROSEDALE HUTTERIAN BRETHERN, Joshua Waldner
HR #3 BOX 261
MITCHELL, SD 57301

NOTICE

Re: Violation of Water Permit(s). 4656-3 and 1986 Irrigation Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4656-3. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4656-3 qualification:

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

The hearing will also be to determine if Permit No(s). 436-3 and 3511-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 218, Joe Foss Building, 523 E Capitol, Pierre SD.

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

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

1. Suspend Permit No(s). 4656-3 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 436-3 and 3511-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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



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

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

South Dakota
Department of
Water & Natural Resources

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

April 24, 1987

436-3
3511-3
4656-3

Joshua Wollman
Rosedale Colony
RR #3 Box 261
Mitchell, SD 57301

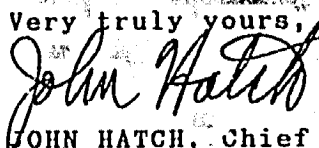
Dear Mr. Wollman:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 436-3, 3511-3 and 4656-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

NOTE: Mr. Wollman, enclosed is a blank irrigation questionnaire. You had requested a form to review for next year.

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

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

April 18, 1988

436-3
4656-3

Joshua Wollman
Rosedale Httn Brth
RR 3, Box 261
Mitchell, SD 57301

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Wollman:

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 SD 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
01/14/88	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,



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

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

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

June 28, 1988

NOTICE OF SHUTOFF ORDER

4656-3
436-3

TO: Joshua Wollman
Rosedale Httrn Brth
RR 3, Box 261
Mitchell, SD 57301

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division *by James H. Hatcher*
605 773-3352

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

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

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

Let us know if you have any questions.



SOUTH

Dakota Department of Water & Natural Resources

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

July 8, 1988

NOTICE OF RESCISSION OF SHUTOFF ORDER

TO: Joshua Wollman
Rosedale Httrn Brth
RR 3, Box 261
Mitchell, SD 57301

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3252

436-3
4656-3

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

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

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



South Dakota Department of
Water & Natural Resources

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

August 10, 1989

436-3
4656-3

Joshua Waldner
Rosedale Httrn Brth
RR-3, Box 261
Mitchell, SD 57301

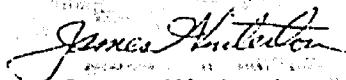
Dear Mr. Waldner:

Your August 9, 1989 telephone request for an extension of time beyond the August 10th cutoff to irrigate out of the James River is approved subject to:

- 1) no irrigation from the James River beyond August 24, 1989,
- 2) no to complaints being received from downstream domestic users or senior priority water rights located downstream,
- 3) at least 5 cfs bypassing the Scotland Gauging Station.

If conditions warrant, you may be shutoff prior to August 24th with no prior notice given. If you have any questions, please do not hesitate to contact me.

Very truly yours,



James Winterton
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division



**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

436-3, 4656-3

TO: Waldner, Joshua
Rosedale Httrn Brth
RR 3, Box 261
Mitchell, SD 57301

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

Delwin 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

May 30, 1990

RESCISSION OF SHUTOFF ORDER

436-3
4656-3

TO: Joshua Waldner
Rosedale Httn Brth
RR3, Box 261
Mitchell, SD 57301

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

Delvin D. Brosz

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

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

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

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

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

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

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

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

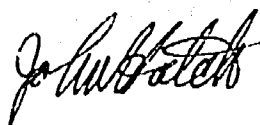
August 8, 1990

NOTICE

436-3, 4656-3

TO: Joshua Wal
Rosedale Brth
RR 3, Box 20
Mitchell, SD 57301

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

South Dakota
Department of
Water & Natural Resources

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

August 13, 1990

436-3
4656-3

Joshua Waldner
Rosedale Httrn Brth
RR 3, Box 261
Mitchell, SD 57301

Dear Mr. Waldner:

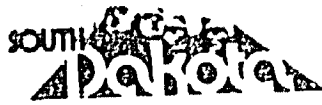
In response to your request by telephone, you are authorized to continue pumping from the James River under your water right.

The flows in the James River will continue to be monitored. If the flows become so low that use by senior water right holders or domestic users becomes impaired a shutoff order will again be issued.

If there are any questions, please contact this office.

Very truly yours,

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

April 2, 1991

436-3
4656-3

Joshua Waldner
Rosedale Httrn Brth
RR 3, Box 261
Mitchell, SD 57301

Dear Mr. Waldner:

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 WATER & NATURAL RESOURCES

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

April 26, 1991

436-3

Rosedale Hutterian Brethren, Inc.
Rt 2, Box 261
Mitchell SD 57301

Dear Sir:

The Water Management Board has validated the enclosed Vested Water Right No. 436-3. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

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

enclosure

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 436-3 FOR IRRIGATION

Date Claim Accepted For Filing March 20, 1957.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Permit No. 436-3 for irrigation purposes for Rosedale Hutterian Brethren Inc., Route 2, Box 261, Mitchell, South Dakota 57301 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 436-3 appropriates 1.05 cubic feet of water per second from the James River to irrigate 74 acres. The point of diversion is located at any point between and including the SE 1/4, Section 14 and the NE 1/4, Section 23; all in T102N, R59W. The irrigated acres are located in the SE 1/4 NW 1/4, SW 1/4, Section 14 and the NE 1/4 NW 1/4, N 1/2 NE 1/4, Section 23; all in T102N, R59W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per acre per year for each acre of irrigated land. The water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is April 5, 1945.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John Hatcher
Chief Engineer
Division of Water Rights
Dept. of Environment and Natural Resources

APR 29 1991

date

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 5, 1991

NOTICE

436-3
4656-3

TO: Joshua Wollman
Rosedale Httrn Brth
RR 3, Box 261
Mitchell, SD 57301

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

Delvin U. 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.

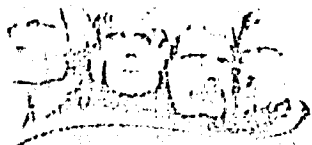
The following is the latest flow (cfs) information on the river.

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

South Dakota



GREAT FACES. GREAT PLACES.

436-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 19, 1991

Joshua Wollman
Rosedale Httrn Brth
RR 3, Box 261
Mitchell, SD 57301

Dear Mr. Wollman:

In response to your telephone call requesting an extension to pump from the James River, you are hereby authorized to continue irrigation under Water Right Nos. 436-3 and 4656-3 from the James River.

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

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

Very truly yours

A handwritten signature in dark ink, appearing to read "John Hatch", written over the typed name.

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



436-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

ROSEDALE HUTTERIAN BRETHERN
RR #3 BOX 261
MITCHELL SD 57301

NOTICE

RE: Violation of Water Permit No(s) 436-3, 4656-3 and 1993 Irrigation Questionnaire Requirements

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 436-3, 4656-3. The request for the Questionnaires was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 436-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4656-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, 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 SDCL 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) 4656-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 436-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



436-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 3, 1994

436-3
4656-3

Eddie Waldner
Rosedale Hutterian Brethern
RR #3 Box 261
Mitchell, SD 57301

Dear Mr. Waldner:

I am writing to acknowledge receipt of the 1993 Irrigation questionnaires for Rosedale Hutterian Brethern. The questionnaires were completed following a March 1st telephone conversation between Joshua Wollman and Karen Schlaak, of this office. You may disregard the February 16, 1994, Notice of Violation of Water Permit Nos. 436-3, 4656-3 and the 1993 Irrigation Questionnaire Requirements.

The questionnaires were completed and on file in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



Department of Water & Natural Resources

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

July 1, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: Joshua Wollman
Rosedale Httrn Brth
RR 3, Box 261
Mitchell, SD 57301

436-3
4656-3

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

John Hatch
by James Hinton

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

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

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





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: ROSEDALE HTTRN BRTH attn EDDIE WALDNER
25986 ROSEDALE RD
MITCHELL SD 57301

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). (436-3) 4656-3

To protect domestic use on the James River, the department is issuing shutoff orders to water right holders on the James River from the Yankton-Hutchinson county line north to the North Dakota border. Effective immediately, no diversions of water from the James River will be allowed. Previous to this Order, shutoff orders were issued for water right junior to January 1, 1975 located upstream of Huron.

Flow in the James River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. USGS gaging stations over this entire river reach are measuring flow levels at or below 20 cubic feet per second, the required bypass for downstream domestic use. This order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

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



436-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 2012

Rosedale Httrn Brth
% Moses Waldner
25986 Rosedale Rd
Mitchell SD 57301

Dear Mr. Waldner:

In response to your telephone call on August 13, 2012 requesting an extension to pump from the James River beyond the August 10th cutoff, you are authorized to pump under Water Right Nos 436-3 and 4656-3. subject to the following:

- No irrigation from the James River beyond August 24, 2012 for the 2012 irrigation season
- Flows remain available for downstream domestic users and prior water rights
- Flows past the Huron gaging station remain above 20 cubic feet per second after pumping

We will continue to monitor the James River and if conditions warrant, you may be shutoff prior to August 24, 2012, with no prior notice given. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 10, 2015

Water Permit Nos. 436-3, 4656-3,
7696-3, and 7697-3

Rosedale Hutterian Brethren, Inc.
% Moses Waldner
25986 Rosedale Road
Mitchell, SD 57301

Dear Mr. Waldner:

This letter is in reference to your August 7, 2015, telephone call regarding water availability and requesting permission to continue irrigation for Water Permit Nos. 436-3, 4656-3, 7696-3, and 7697-3 from the James River after the August 10 shutoff date. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River to the end of the 2015 irrigation season.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 8, 2017

436-3, 4656-3, 7656-3, 7696-3, 7697A-3

Rosedale Hutterian Brethern Inc
c/o Joshua Waldner
25986 Rosedale Rd
Mitchell SD 57301

Dear Mr Waldner:

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

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 11, 2017

436-3/4656-3, 7656-3, 7696-3, 7697A-3

Rosedale Hutterian Brethern Inc
c/o Joshua Waldner
25986 Rosedale Rd
Mitchell SD 57301

Dear Mr Waldner:

This letter is in reference to your September 11, 2017 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River through September 21, 2017.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 23, 2022

436-3, 4656-3, 7696-3, 7697-3, 7697A-3

Rosedale Hutterian Brethren Inc.
25986 Rosedale Rd,
Mitchell SD 57301

Dear Mr. Waldner:

This letter is in reference to your August 22, 2022, request for an extension to pump water from the James River beyond the August 10 shutoff date. Flows in the James River in the reach between the confluence with the North Dakota Border and the Yankton are sufficient at this time to allow an extension. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River and allow you to divert through the end of the 2022 irrigation season.

In the event dry climatic conditions in the river basin causes river flow to significantly decrease and flow measured at the USGS stream gaging station James River near Scotland drops to below 20 cfs, you will be contacted and provided orders to cease pumping. Realtime flows in the James River can be monitored by going to the following website:

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: ROSEDALE HUTTERIAN BRETHERN, MARK WALDNER, 25986 ROSEDALE RD,
MITCHELL, SD 57301 7515

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 436-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4656-3, 7696-3, 7697-3 & 7697A-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4656-3, 7696-3, 7697-3 & 7697A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 436-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ERULHN**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2023

Mark Waldner
Rosedale Hutterian Brethren
25986 Rosedale Rd
Mitchell SD 57301-7515

RE: Water Permit/Right Nos. 436-3, 4656-3, 7696-3, 7697-3 & 7697A-3

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit/Right Nos. 436-3, 4656-3, 7696-3, 7697-3 & 7697A-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 21, 2023

436-3, 4656-3, 7696-3, 7697-3, 7697A-3

Rosedale Hutterian Brethren Inc.
25986 Rosedale Rd,
Mitchell SD 57301

Dear Mr. Waldner:

This letter is in reference to your August 21, 2023, request for an extension to pump water from the James River beyond the August 10 shutoff date. Flows in the James River in the reach between the confluence with the North Dakota Border and the Yankton are sufficient at this time to allow an extension. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River and allow you to divert through the end of the 2023 irrigation season.

In the event dry climatic conditions in the river basin causes river flow to significantly decrease and flow measured at the USGS stream gaging station James River near Scotland drops to below 20 cfs, you will be contacted and provided orders to cease pumping. Realtime flows in the James River can be monitored by going to the following website:

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 17, 2026

436-3, 4656-3, 7696-3
7697-3, 7697A-3

Rosedale Hutterian Brethren
c/o Mark Waldner
25986 Rosedale Rd
Mitchell SD 57301

Dear Mr. Waldner,

This letter is in reference to your request for an extension to pump water from the James River, beyond the annual August 10th shutoff date.

Flows in the James River, in the reach between North Dakota and the USGS stream gaging stations along the James River are sufficient, at this time, to allow an extension. Since there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your Water Permits and Rights appropriating water from the James River, allowing diversions through August 24, 2026.

If continued use is needed beyond August 24, 2026, please contact the Water Rights Program for an additional extension. At this time, we are only granting extensions for the James River in two-week increments, since the forecast is for continued hot and dry conditions throughout August.

In the event that dry climactic conditions in the river basin cause river flows to significantly decrease, and flow measured at the USGS stream gaging station near Scotland drops below 20 cfs, you will be contacted and provided orders to cease pumping. Realtime flows in and James River can be monitored by going to the following website:

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

If you have any questions, please contact Whitney Kilts with the Water Rights Program at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE
Chief Engineer, Water Rights Program
SD - DANR



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 26, 2026

436-3, 4656-3, 7696-3, 7697-3, 7697A-3

Rosedale Hutterian Brethren
c/o Mark Waldner
25986 Rosedale Rd
Mitchell SD 57301

Dear Mr. Waldner,

This letter is in reference to your August 26, 2026, request for an extension to pump water from the James River beyond the August 10 shutoff date.

Flows in the James River in the reach between the North Dakota Border and the USGS stream gaging station James River at near Scotland are sufficient at this time to allow an additional extension. Since there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permits out of the James River, allowing diversions through September 9, 2026.

If continued use is needed beyond September 9, 2026, please contact the Water Rights Program for further extension of time. We are only giving extensions for the James River in two week increments at this time, since the forecast is for continued hot and dry conditions throughout August and September.

In the event that dry climatic conditions in the river basin cause river flow to significantly decrease, and flow measured at the USGS stream gaging station near Scotland drops to below 20 cfs, you will be contacted and provided orders to cease pumping. Realtime flows in the James River can be monitored by going to the following website:

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

If you have any questions, please contact Whitney Kilts or myself at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE
Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources