

1. Considered 3/25 19 81
2. Name of Applicant Rosedale Colony, Attn: David Waldner
3. Post Office Address RR #2, Mitchell, 57301
4. Amount of Water Claimed no add'l
5. Source of Water Supply James River
6. Water to be used for Irri.
7. Acres to be irrigated 136 (No ADD'L) ^{maximum} acre feet
8. Water to be diverted and used in Hanson County
about SW 1/2 miles South of ALEXANDRIA
9. PROOF OF PUBLICATION Received (initials) 3-51-81
Not Received _____
- APPLICATION Approved _____
Subject to _____
Not Approved _____
Action deferred _____

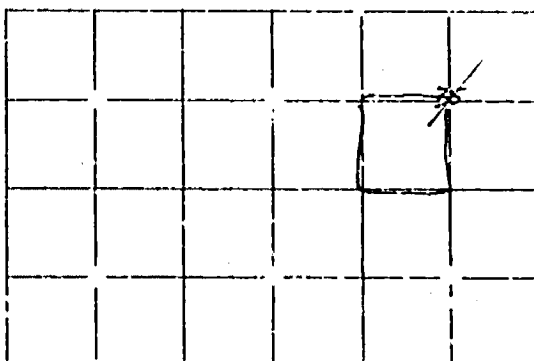
Priority

Date

Received 2-28-81 Application Complete yes ☒ no _____ FEE 150.⁰⁰2-28-81Remarks Transfer acreage from Permits Nos. 1900-3 & 1901-3WATER
QUALITYDate information and/or
fee or corrected Application receivedPeriod of Annual use April - OctoberReceived yes 3/5/81 no _____ APPROVED/ CONDITIONAL (Circle one)WI-1 Description same as application yes no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point NE 1/4 NE 1/4 25-102-59

Lands to be irrigated _____

NE 1/4 Sec. 35-102-59

Remarks _____

Drill _____ Licensed yes _____ no _____

Depth _____

MAP Map No. 1347-3 Map located in Water Right X Map file _____
 Type of Map drawn Prepared by _____

+++++

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 3/25/81.
B. J. & B. J.
 (Signed)

+++++

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

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

TRANSFER/LANDS
Re-ADVERTISED For 4 wks

1. Considered: 10-7, 1981 Water Right No. 4656-3
2. Name of Applicant ROSEDALE COLONY
3. Post Office Address RR#2-MITCHELL
4. Amount of Water Claimed No ADD'L maximum acre feet _____
5. Source of Water Supply JAMES RIVER
6. Water to be used for IRR acres to be irrigated No ADD'L
7. County HANSON about SW, 2 miles So. of ALEXANDRIA
8. PROOF OF PUBLICATION: Received 10-7-81 Not Received _____
APPLICATION: Approved 10-7-81 Subject to Aug 10th Put off
Not Approved _____ Action Deferred _____

PRIORITY 2-2-81 Dated Received 2-2-81 Application complete-yes _____ no _____ FEE 150⁰⁰
Remarks 2-2-81?

9/16/71 Corrected Application received _____ Period of Annual Use _____

WATER QUALITY Received yes 2/5/81 no _____ APPROVED/CONDITIONAL (Circle one)
WI-1 Description same as application-yes _____ no _____ Remarks _____

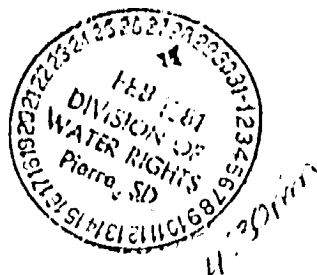
Disapproved _____ Returned _____

Diversion Point _____

Land to be irrigated NE 4 35-102-59

WELL LOG Driller _____ Licensed - yes _____ no _____
Depth _____

Remarks _____

No. 4-656-3Map No. SEE 1347-B Water Division No. 3 JAMES RIVER District
Above for Office Use

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐1. Name of Applicant Rosedale Colony Phone No. _____Post Office Address RR #2, Mitchell State SD 57301
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Rosedale #44. Amount of water claimed (cubic feet per second) no additional5. Source of water supply James River6. Location of point of diversion a point in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, T102N, R59WCounty Hanson7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, _____ Total number of acres to be irrigated _____

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.
NE $\frac{1}{4}$, Section 35, T102N, R59W	136

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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 2 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water ALEXANDRIA HERALD

12. Principal Features of the Proposed Water Supply System.

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

pumps & motors

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

mainline

C. Works proposed to apply water to beneficial use.

center pivot sprinkler

This application proposes to transfer 67 acres from the W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 25, T102N, R59W, (Permit No. 1901-3) and 60 acres from the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 11, T102N, R59W (Permit No. 1900-3) to the NE $\frac{1}{4}$, Section 35, T102N, R59W

Estimated Total Cost \$ _____

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)

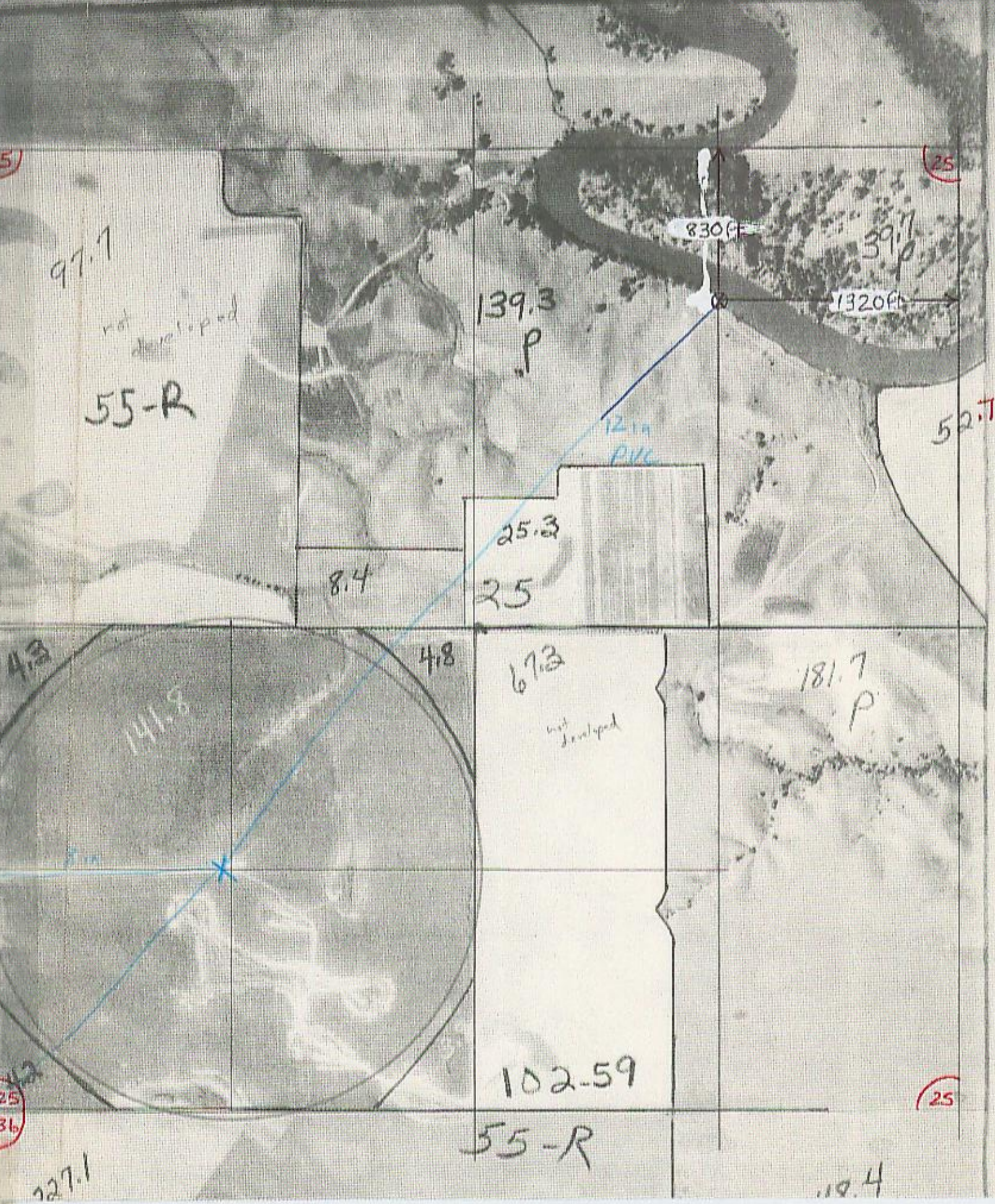
County of Hughes) ss.I, David Waldner the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed David WaldnerSubscribed and sworn to before me this 28th day of February, 1981

Notary Public (or other qualified officer)

KAREN WERNSMANN, Administrative Secretary

NOT TO SCALE

NOT TO SCALE



Ron Duvall
Natural Resources Engineer
5/23/85

102-59 Permit Nos. 1901-3 & 4656-3
Map No. 1347-3

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4656-3

ROSEDALE COLONY

(Applicant)

RT #2 MITCHELL

(Post Office Address)

SOUTH DAKOTA 57301

(State)

With the following qualifications:

PRIORITY FOR THIS PERMIT IS ESTABLISHED UNDER PERMIT NO 1900-3 & NO 1901-3. APPROVAL OF THIS PERMIT AUTHORIZES TRANSFER OF ACREAGE APPROVED UNDER PERMITS NO 1900-3 & NO 1901-3 TO THE NEW LOCATION.

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 Water Management Board or its legally appointed representatives. Diversions under this permit shall be in accordance with any written orders issued by the Board or its representative.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

PERMITS NO 1900-3 & NO 1901-3 HAVE BEEN REDUCED TO REFLECT THIS TRANSFER OF LANDS.

Date of first receipt of application FEBRUARY 28, 1981

Date of return to applicant for correction, amendments or changes required -, 1981

Date of receipt of corrected application MARCH 5, 1981

Approved MARCH 26, 1981, Recorded in Book 22 Page 98

WATER RIGHT PERMIT NO. 4656-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4656-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 16, 1971
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 26, 1982
3. The whole of said work is to be completed on or before MARCH 26, 1983
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 26, 1985
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 1.93 (NO ADDL) 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 irrigation purposes said appropriation must be limited to not more than 2 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 MARCH 26, 1985, said water to be used during the following described

annual period: APRIL THRU OCTOBER

Witness my hand this 20TH day of APRIL, 1981

THE WATER MANAGEMENT BOARD

By:

Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4656-3
Roseale Colony Rt. #2, Mitchell
 (Applicant) (Post Office Address)
South Dakota 57301

With the following qualifications.

This Permit is issued and supersedes the Permit approved March 26, 1981. Priority for this Permit is established under Permit No. 1900-3 and 1901-3. Approval of this Permit authorizes transfer of acreage approved under Permits No. 1900-3 and 1901-3 to the new location and have reduced to reflect this transfer of lands.

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 Water Management Board or its legally appointed representatives. Diversions under this permit shall be in accordance with any written orders issued by the Board or its representative.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application FEBRUARY 28, 1981
 Date of return to applicant for correction, amendments or changes required 19
 Date of receipt of corrected application W6 MARCH 5, 1981
 Approved OCTOBER 7, 1981 Recorded in Book 22 Page 98

WATER RIGHT PERMIT NO. 4656-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4656-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 16, 1971
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before OCTOBER 7, 1982
3. The whole of said work is to be completed on or before OCTOBER 7, 1983
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 7, 1985
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 1.93 (1 93/100) 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 irrigation purposes said appropriation must be limited to not more than 2 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 or before OCTOBER 7, 1985; said water to be used during the following described annual period: APRIL 1ST TO OCTOBER 31ST

Witness my hand this 14th day of OCTOBER, 1981

THE WATER MANAGEMENT BOARD

By:

John Hatch
 Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

9656-3

15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 00

MAK 1981
DIVISION OF
WATER RIGHTS
Pierre, SD

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

To- Tatunka

These are poorly drained soils and should be drained or left in permanent vegetation to avoid problems with ponding and traction.

These soils are indicated by red hatch marks.

RECOMMENDED MANAGEMENT:

20

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: ROSEDALE COLONY OWNERS ADDRESS: RR #2, MITCHELL

COUNTY LAND LOCATED IN: HANSON PHONE: 239-4526

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: JAMES RIVER, NE 1/4 SECTION 25, T102N, R59W
2. SURFACE WATER SOURCE: JAMES RIVER
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>NE 1/4 SECTION 35, T102N, R59W</u>	<u>13.6</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: CORN
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1975
LEGAL DESCRIPTION: TRANSFER OF LANDS UNDER PERMIT #1900-3 & 1901-3
IN WHAT NAME: ROSEDALE COLONY

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: James River
8. SALINITY (EC X 10⁶): 850
9. SODIUM (SAR): 1.40
10. ADJUSTED (SAR): _____

RECEIVED

MAR 04 1991

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: N/A by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

20 DAY OF FEBRUARY, 19____

(NOTARY PUBLIC)



APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

No. 4656-3

Publish first publication, on or before August 20, 1981
(to be published for four weeks)

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501
August 7, 1981

To bring the advertising requirements into compliance with State Statutes, the following notice is being re-advertised. This notice does not propose additional Water Rights.

Notice is hereby given the Rosedale Colony whose post office address is Mitchell, 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 Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no additional cubic feet of water per second of time from the James River through the Rosedale #4, the point XX of

diversion of which is XXXX to be located NE 1/4 NE 1/4

of Section 25, Twp. 102N, Range 59W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4, Section 35, T102N, R59W (transfer acreage from existing permit)

This Application No. 4656-3 will be considered by the Water Management Board at Staurolite Inn, Brookings SD upon the 7th day of October, 1981 at 10 A.M.

The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board 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 Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

cc: David Walden
Rosedale Colony
Rt #2, Mitchell SD 57301
SURFACE WATER

70-2-81

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Hanson } ss.

I, R. E. Braden hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Alexandria Herald

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

Alexandria Herald of Alexandria

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

August 13, 1981

August 20, 1981

August 27, 1981

September 3, 1981

R. E. Braden
(Signature)

Editor
(Title)

9-3-81
(Date Signed)

Cost of Printing: \$45.22

Notice of Hearing
On Application To
Appropriate Water

Pierre, South Dakota 57501
August 7, 1981
To bring the advertising require-
ments into compliance with State
Statutes, the following notice is be-
ing re-advised. This notice does
not propose additional Water
Rights.
Notice is hereby given the Rose-
dale Colony whose post office
address is Mitchell, South Dakota,
has made an application in accor-
dance with the provisions of SDCL
40-1-1 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 Board Rules ARSD 52:01.01.01
thru 52:01.01.13 for a permit to
appropriate for beneficial use no
additional cubic feet of water per
second of time from the James
River through the Rosedale #4, the
point of diversion of which is to be
located NE 1/4 of Section 25,
Twp. 102N, Range 59W, South Dakota
to be used for the purpose of
providing irrigation on portions of
the following described land:

NE 1/4, Section 35, T102N, R59W
(transfer acreage from existing
permit)

This Application No. 2656-3 will
be considered by the Water Man-
agement Board at Statrolle Inn,
Brookings, SD upon the 7th day of
October, 1981 at 10 A.M. The Board
is authorized to make a determina-
tion on this application at the hear-
ing. All interested persons may
appear and be heard. Any person
who may be affected by a Board
decision who desires to present
evidence or cross-examine wit-
nesses according to SDCL 1-26 may
notify the Board in writing prior to
the hearing or orally at the hearing.

This hearing is an adversary pro-
ceeding. 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 Board
may be appealed to the Courts as
provided by law.

Any handicapped person wishing
to attend this hearing can contact
the Water Rights Division, DWNR,
Joe Foss Building, Pierre, SD, prior
to the hearing date for assistance to
assure access to the hearing.
WATER MANAGEMENT BOARD
BETTY WESTLUND
Water Rights Specialist

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County - Hansen) ss.

I, R.E. Braden hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the The Alexandria Herald

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

town of Alexandria

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

March 12

March 19

R.E. Braden
(Signature)

publisher
(Title)

March 26, 1981
(Date Signed)



Notice of Hearing
On Application to
Appropriate Water

Pierre, South Dakota 57501

March 6, 1981
Notice is hereby given that the Rose Dale Colony whose post office address is Mitchell, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru

1981 at 1:00 P.M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board 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 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 Board may be appealed to the Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD
BETTY WESTLUND
Water Rights Specialist

cc: Rose Dale Colony
ATTENTION: David Walder
RR #2, Mitchell, SD 57301

WNR-800B-7179 Notice of Intent to
Appropriate Water
SURFACE WATER 11-12a

No. 4656-3

Publish first publication, on or before March 12, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 5, 1981

Notice is hereby given Rosedale Colony whose post office address is Mitchell, 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; 46-5-15 thru 46-5-21, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to change lands to be irrigated to appropriate for beneficial use no additional cubic feet of water per second of time from the James River through the Rosedale #4, the point of diversion of which is to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 25, Twp. 102N, Range 59W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$, Section 35, T102N, R59W

This Application No. 4656-3 will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Room, Watertown, SD 57201 upon the 25th day of March, 1981

at 1:00 P.M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board 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 Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Rosedale Colony
ATTENTION: David Walder
RR #2, Mitchell, SD 57301

BETTY WESTLUND
Water Rights Specialist

WNR-806B-7/79 Notice of Intent to Appropriate Water
SURFACE WATER

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8031

PIERRE,

March 4

1981

RECEIVED OF

Rosedale Colony, RP #2, Mitchell, SD 57301

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

Fee for Application for Permit to Appropriate Water No. 4656-3 (examination, processing, recording and filing)	150.00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.	
Fee for Inspecting Beneficial Use, and Issuing Water License No.	
Fee for Issuing Location Certificate-Dry Draw, No.	
Fee for filling	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	150.00

WATER RIGHTS COMMISSION

By

Chief Engineer, Executive Officer

JOHN HATCH / dt

1/6

**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.

State of South Dakota
Water License No. 4656-3

(1) Rosedale Colony
of RR#3, Box 261, Mitchell, South Dakota
made Application No. 4656-3 February 28, 1981 for a water permit to appropriate
No Add'l cubic feet per second of water from the James River
Hanson County, South Dakota for Irrigation purposes.
Permit No. 4656-3, with a priority date of September 16, 1971
was approved October 7, 1981 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before October 7, 1983 and for the application to beneficial use of said
water on or before October 7, 1985.

Water Permit No. 4656-3 authorized a transfer of lands from Water Permit Nos. 1900-3
and 1901-3 to a new location. The priority date of September 16, 1971, specified in
Permit Nos. 1900-3 and 1901-3 was retained for Permit No. 4656-3.

The applicable portions of Water Permit No. 1901-3 are incorporated into this Water
License No. 4656-3.

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 5.82 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is on the James River: 830'S and 1320' W
from the NE Corner of Section 25, T102N-R59W.

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 T102N-R59W

Section 25	NW $\frac{1}{4}$ SW $\frac{1}{4}$	34 Acres	Section 35	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	34 Acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$	34 Acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	34 Acres		SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 Acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	34 Acres		SE $\frac{1}{4}$ NE $\frac{1}{4}$	34 Acres
Section 26	NW $\frac{1}{4}$ SE $\frac{1}{4}$	34 Acres	TOTAL	408	ACRES
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	34 Acres			
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	34 Acres			
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	34 Acres			

(4) Pursuant to §16-5-30.1 Rosedale Colony
of RR 3, Box 261, Mitchell, South Dakota 57301
the holder(s) and/or owner(s) of Water Permit No. 4656-3 is issued a license to appropriate water, the right to use
5.82 cubic feet per second of water from the James River with a priority date
of September 16, 1971 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. 4656-3 and subject
to South Dakota State Law.


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

JOHN HATCH

DEC 1 1985

1901-3

LICENSE FOR PERMIT NUMBER 4656-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump _____
no. of stages _____

3. Distribution lines:

a) size of lines 8 in. 12 in.
b) type PVC PVC
c) length 6400 Ft 4160 Ft

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

h) Distribution lines or canals:

1) size _____
2) type _____
3) length _____

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 pivots (3)

- 1) make Valley
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure high
- 7) make & size of nozzles Rainbird
- 8) PSI reading while system is running 60
- 9) GPM 900 each
operate all 3 pivots simultaneously

g) Gun

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

d) Gate Pipe

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

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

h) Hydromatic

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

YES NO Check Items

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

REMARKS: J. River pump station:

motor: U.S. Electrical pump: Berkeley, imp. Full
ID D-7008737 M.N. B6EXPBH
150 hp., 1775rpm S.N. 7585495

motor: Century, 40hp.
P.N. 6-32305801
Frame 324TCZ

motor: Century
P.N. 6-323058-01
40hp., 1765rpm

motor: Marathon
M.N. DA 296ITDR7373BB
S.N. 0845683
30hp., 1765rpm

Booster stations:

pump: Berkeley, imp. 12 3/8 in.
M.N. B4J PBM
S.N. 7577391

pump: Berkeley, imp. 12 3/8 in.
M.N. B4J PBM
S.N. 7577466

pump: Berkeley, imp. 11 1/4 in.
S.N. 7577390
M.N. B4J PBM

James River Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Rosedale Colonyof Rt 2, Mitchell, SD 57301 holder of
* 1901-3 September 16 1971Permit No. 4656-3 bearing the priority of September 16 1971 authorizingthe diversion of no addl 15.00 cu. ft. per second of the waters of the James Riverfor irrigation purposes, in Hanson County.

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

Booster pumps:

At James River: motor: Century, 40 hp. pump: Berkeley, imp. 12 $\frac{3}{8}$ in.

P.N. 6-32305801

M.N. B4JPBM

A. Works used to divert the water:

motor: U.S. Electrical pump: Berkeley, imp. Full

Frame 324TCZ

S.N. 7577391

ID D-7008737

M.N. R6EXPBH

150 hp., 1775rpm

S.N. 7585495

motor: Century

pump: Berkeley, imp. 12 $\frac{3}{8}$ in.

P.N. 6-323058-01

M.N. B4JPBM

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

40 hp., 1765rpm

S.N. 7577466

Pipeline: size - 8 in. 12 in.type - PVC PVClength - 6400 ft 4160 ft

motor: Marathon

pump: Berkeley, imp. 11 $\frac{1}{2}$ in.

M.N. DA 286TDR73738B

S.N. 7577390

C. Works used to apply water to beneficial use:

S.N. 0845683

M.N. B4JPBM

3 center pivots: make - Valley high pressure - 60psi:
of towers - 7 capacity - 900 gpm each

30 hp., 1765rpm

sprinklers - Rainbird

The system is in the following condition goodThe point of diversion is located James River: 830 ft S and 1320 ft W from the NE
corner of sec 25-T102N-R59WThe works are capable of diverting and conveying to the place of use 6.00cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: all in T102N-R59W

Acres		Acres		Acres	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	sec 26 34.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$	sec 25 34.0	NW $\frac{1}{4}$ NE $\frac{1}{4}$	sec 35 34.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	" 34.0	NE $\frac{1}{4}$ SW $\frac{1}{4}$	" 34.0	NE $\frac{1}{4}$ NE $\frac{1}{4}$	" 34.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	" 34.0	SW $\frac{1}{4}$ SW $\frac{1}{4}$	" 34.0	SW $\frac{1}{4}$ NE $\frac{1}{4}$	" 34.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	" 34.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$	" 34.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$	" 34.0

comprising a total of 408.0 acres of land and the license should be issued for 5.82 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are:

Date May 23, 1985

* Permit No. 1901-3 is incorporated into Permit No. 4656-3.
The priority dates are the same because No. 4656-3 is a
transfer of acreage from Nos. 1900-3 and 1901-3.

Ron Duvall
SIGNED



Department of Water & Natural Resources

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

October 8, 1986

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

Dear Mr. Waldner:

This will acknowledge receipt of the \$100.00 check you submitted for inspection and issuance of the water licenses for Perrit Nos. 1900-3 and 4656-3. The inspection fee for Water License No. 1900-3 has already been paid. At this time, only a fee for No. 4656-3 is needed.

After reviewing the file, I can understand where the discrepancy occurred. The following is a brief explanation of the correspondence in Water Right No. 1900-3.

1. August 30, 1985, the permit was transferred to Millbrook Hutterian Brethren, Inc.
2. January 28, 1986, a notice was sent to you requesting a \$50.00 inspection fee for issuance of the water license.
3. January 29, 1986, it was discovered that the notice requesting the fee was sent to you and should have been sent to Millbrook Hutterian Brethren, Inc. A letter was sent to you the same day which explained the error and advised you to disregard the notice which requested the fee.
4. January 29, 1986, a notice was sent to Millbrook Hutterian Brethren requesting the inspection fee.
5. May 15, 1986, David Waldner paid the \$50.00 fee on behalf of Millbrook. On June 22, 1986 Water License No. 1900-3 was issued.

Enclosed is your check in the amount of \$100.00. Please remit a \$50.00 fee for inspection and issuance of Water License No. 4656-3. Thank you for your assistance in this matter. I apologize for any inconvenience this may have caused you. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath

Genny McMath

Natural Resources and *Equal Opportunity Employer*

enclosure

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4656-3

January 28, 1986

Rosedale Colony
Route #2
Mitchell, South Dakota 57301

Dear Sir:

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. 4656-3 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,

Maxine Stirling

Maxine Stirling
Staff Assistant

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

1730



DWNR-814 8/83



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

SECOND NOTICE

September 29, 1986

Permit No. 4656-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Mike Waldner
Rosedale Colony
RR #3, Box 261
Mitchell, SD 57301

Dear Mr. Waldner:

January 28, 1986, you were notified the final inspection fee of \$50.00 is due before Water License No. 4656-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

s508.wr

Dakota
Welding
Supply Co.

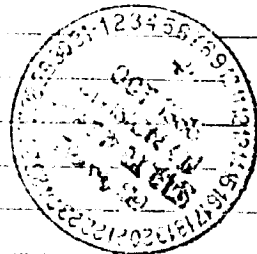
Sirs

Could you please change the mailing
address to read only:

Rosedale Colony
Box 241 RR #3
Mitchell, S.D.
57301

Enclosed is the \$50.00 fee required to
issue the license for our water-
right # 4656-3 plus \$50.00
for # 1900-3

Joshua Walden



SIoux CITY, IA
Ph 277-8411

WATERTOWN, SD
Ph 896-4155

HURON, SD
Ph 352-4239

MITCHELL, SD
Ph 996-5518

SIoux FALLS, SD
Ph 336-1125

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

414892

Pierre, October 14, 1966

RECEIVED OF Rosedale Colony, RR 3, Box 261, Mitchell, SD 57301

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7020-5</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By J. H. Hatch
Chief Engineer JOHN HATCH

ms

No. 4656-3



Department of Water & Natural Resources

Joa Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

DEC 1 1986

Rosedale Colony
RR 3, Box 261
Mitchell, South Dakota 57301

Dear Sir:

Enclosed herewith is, Water License No. 4656-3. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

Applicable portions of Water Permit No. 1901-3 are incorporated into this Water License No. 4656-3.

WNR-817 3/83

Transmittal of Water License.



Department of Water & Natural Resources

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

March 23, 1987

ROSEDALE HUTTERIAN BRETHERN, Joshua Waldner
RR #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 216, 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, 46-2-3, 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.

A handwritten signature in cursive script that reads "John Hatch".

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

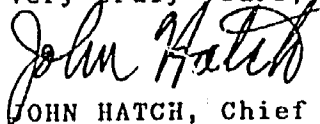
Dear Mr. Wollman:

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.

**Department of
Water & Natural Resources**

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

April 18, 1988

448-3

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 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

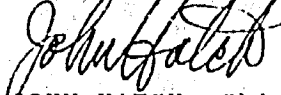
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North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



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

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 H. H. Chief Engineer
Water Right Division
605 773-3552

John H. H.
by James H. H.

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.





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

436-3
4656-3

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

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

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

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





Department of Water & Natural Resources

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

August 10, 1989

436-2
4656-2

Joshua Waldner
Hosedale/Httrr Brth
RR-3, Pox 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



Department of Water & Natural Resources

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

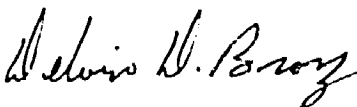
April 6, 1990

NOTICE OF SHUTOFF ORDER

436-3, (4656-3)

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

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



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

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

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

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

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

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

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

cc: City of Huron, Water Superintendent

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

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

May 30, 1990

RESCISSI^{ON} OF SHUTOFF ORDER

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:

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

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

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



Department of Water & Natural Resources

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

August 8, 1990

NOTICE

436-3, 4656-3

TO: Joshua Waldner
Rosedale Httrn Brth
RR 3, Box 261
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>FOPESTBURG</u>	<u>SCOTLAND</u>
8/06/90	0.0	0.0	14.3	128.0	188.0	99.0
8/01/90	0.0	0.0	10.6	108.1	166.5	119.5
8/02/90	0.0	0.0	7.6	99.0	146.2	138.9

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

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

August 13, 1990

436-3
4656-5

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, 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

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 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 W. Brosz

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

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

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

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

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

cc: City of Huron, Water Superintendent



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", is written over the typed name.

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



4656-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS 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."

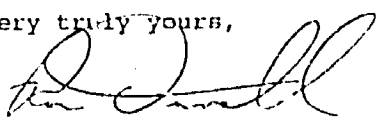
The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a 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

on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4656-3

ROSEDALE HUTTERIAN BRETHERN
RR #3 BOX 261
MITCHELL SD 57301

4a. Article Number

P837692583

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

2-1-94

5. Signature (Addressee)

George Waldner

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Rosedale Color
R-3 Box 261
in Mitchell S.D. 57301

Is your RETURN AL

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 • US G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT



4656-3

**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



File
4656-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 16, 2000

Josh Waldner
c/o Rosedale Colony
25986 Rosedale Road
Mitchell, SD 57301

Dear Mr. Waldner:

I am writing this letter is in reference to your request for an extension to pump from the James River. You are authorized to continue pumping from the James River for irrigation under Water Permit No. 4656-3 for the remainder of the 2000 irrigation season.

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

Sincerely,

Donald E. Stroup
for
Garland Erbele, Chief Engineer
Water Rights Program



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.



4656-3

55R

22.3

12.4
p

13.8 Gravel p.t.

not developed

19.1

30

137.5
p

62.6
p

9.5

2.8

102-58

55-R



**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 HTRN 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.



4656-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 2012

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 4656-3**

To: ROSEDALE HTTRN BRTH
25986 ROSEDALE RD
MITCHELL SD 57301

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

Subject: James River Qualification Reminder for Permit No(s). 4656-3

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



4656-3
**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:

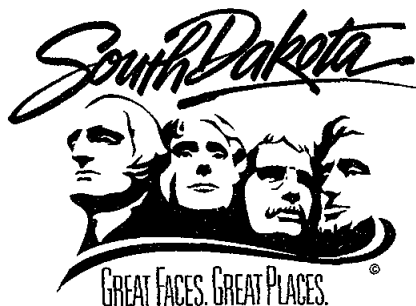
- No irrigation from the James River beyond August 24, 2012 for the 2012 irrigation season
- Flows remain available for downstream domestic users and prior water rights
- Flows past the Huron gaging station remain above 20 cubic feet per second after pumping

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,

A handwritten signature in black ink, appearing to read 'Garland Erbele'.

Garland Erbele, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

MAY 17 2013

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

Dear Mr. Waldner:

Enclosed are Water Permit Nos. 7696-3, 7697-3 and Reissued Water License 4656-3. The Water Permits authorize construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Two Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 4656-3

(1) Rosedale Hutterian Brethren, 25986 Rosedale Rd, Mitchell SD 57301 was issued Water License No. 4656-3, December 1, 1985 for a water right to divert 5.82 cubic feet of water per second from the James River, Hanson County, South Dakota for irrigation purposes. Water License No. 4656-3, with a priority date of February 28, 1981 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

Water Permit No. 7696-3 transferred irrigation of 136 acres located in the SE ¼ Section 26, T102N, R59W authorized by Water Right No. 4656-3 to the SE ¼ Section 34, T102N, R59W. Water Right No. 4656-3 is being reissued to remove the 136 acres and corresponding diversion authority now transferred to other land as authorized under Water Permit No. 7696-3.

(2) It is certified that the water right holder 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 3.88 cubic feet of water per second for beneficial use.

The location of the diversion point on the James River is 830 feet south and 1,320 feet west of the NE corner of Section 25, T102N, R59W.

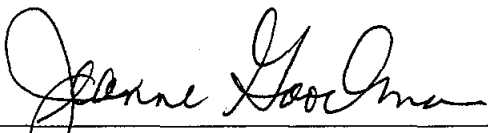
(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 25, T102N, R59W		Section 35, T102N, R59W	
NW ¼ SW ¼	34 acres	NW ¼ NE ¼	34 acres
NE ¼ SW ¼	34 acres	NE ¼ NE ¼	34 acres
SW ¼ SW ¼	34 acres	SW ¼ NE ¼	34 acres
SE ¼ SW ¼	34 acres	SE ¼ NE ¼	34 acres

Total 272 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Rosedale Hutterian Brethren, 25986 Rosedale Rd, Mitchell SD 57301 the holder and/or owner of Water Right No. 4656-3 is issued a license to appropriate water, the right to use 3.88 cubic feet of water per second from the James River with a priority date of September 16, 1971 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 4656-3.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 17 2013

date



4656-3



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,

A handwritten signature in black ink that reads 'Jeanne Goodman'.

Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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August 09, 2016

4656-3, 7696-3 and 7697-3.

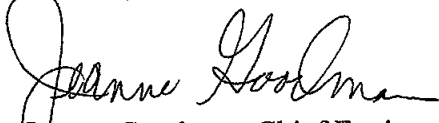
Rosedale Hutterian Brethren Inc.
25986 Rosedale Road
Mitchell SD 57301

Dear Mr. Waldner:

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

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 29, 2016

4656-3, 7696-3 and 7697-3

Rosedale Hutterian Brethren Inc.
25986 Rosedale Road
Mitchell SD 57301

Dear Mr. Waldner:

This letter is in reference to your August 29, 2016 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permits out of the James River through September 15, 2016.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



4656-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7697A-3, Rosedale Hutterian Brethren**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7697A-3, Rosedale Hutterian Brethren, c/o Joshua Waldner, 25986 Rosedale Road, Mitchell SD 57301.

The Chief Engineer is recommending APPROVAL of Application No. 7697A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. Diversion of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b) This permit does not authorize diversions from James River when there is less than 20 cfs bypassing the USGS gaging station at Scotland SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
December 13, 2016

NOTE: If approved, DENR will reissue Water Permit No. 7697-3 for 16.94 cfs and irrigation of 1,186 acres to reflect the acres and diversion rate that remain upon the transfer authorized by this application. Water Permit No. 7697A-3 will then be issued for an appropriation of 2.63 cfs to irrigate 184 acres. Upon completion of construction and a licensing investigation by a Water Rights staff person it is likely that Water Right No. 4656-3 and Water Permit Nos. 7696-3 & 7697A-3 will be incorporated to reflect one water use system. Until that time, Rosedale will receive irrigation questionnaires each fall for each permit/right. It is acceptable to submit one irrigation questionnaire that represents water use from the irrigation systems authorized by multiple permits/rights as long as the comment section on the questionnaire states the permits/rights affiliated with the reported water use.

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Rosedale Hutterian Brethren , Application No. 7697A-3
ADDRESS: COUNTY: Hanson County
DATE: January 25, 2017 TELEPHONE:

RE: Acre breakdown

The following table breakdown of acres by quarter-quarter section associated with the three water rights/permits associated with irrigation primarily located in Section 25, T102N, R59W with a small parcel in Section 30, T102N, R58W.

The asterisk denotes that although 6 acres were authorized by No. 7696-3 in the NE ¼ SW ¼ Section 25; that Application No. 7697A-3 which authorized transfer of a portion of the acres under No. 7697-3 allowed for reconfiguration of the pivot which will result in 6 acres no longer being irrigated in the NE ¼ SW ¼ of Section 25 (see map). So effectively only 154 acres are authorized for irrigation in the SW ¼ of Section 25 where Nos. 4656-3 and 7696-3, combined, authorized a total of 160 acres. All total 444 acres are authorized under the applicable portion of Nos. 4656-3, 7696-3 and 7697A-3.

	No. 4656-3	No. 7696-3		7697A-3		Totals
Legal	Acres	Acres		Acres		
Section 25, T102N, R59W						
NW 1/4 NW 1/4				39(+1)*		40
NE 1/4 NW 1/4				10		10
SW 1/4 NW 1/4		31		8(+1) *		40
SE 1/4 NW 1/4		16		12		28
NW 1/4 SW 1/4	34	6				40
NE 1/4 SW 1/4	34	6 *		(6) *		34
SW 1/4 SW 1/4	34	6				40
SE 1/4 SW 1/4	34	6				40
SW 1/4 NE 1/4				31		31
NW 1/4 SE 1/4		20		20		40
SW 1/4 SE 1/4		33		7		40
SE 1/4 SE 1/4				38 (+1)*		39
Section 30, T102N,R58W						
SW 1/4 SW 1/4				22		22
Totals						444

Name: Eric Hutter

Breakdown of Acreage Transferred under Water Permit No. 7697A-3 and the Acreage that remains authorized by Water Permit No. 7697-3

Legal	No. 7697-3 Acres	Transferred Acres	Remaining Acres
Section 26, T102N, R59W			
NW 1/4 NW 1/4	40	18	22
NE 1/4 NW 1/4	40	0	40
SW 1/4 NW 1/4	40	0	40
SE 1/4 NW 1/4	40	0	40
NW 1/4 NE 1/4	40	0	40
NE 1/4 NE 1/4	40	18	22
SW 1/4 NE 1/4	40	0	40
SE 1/4 NE 1/4	40	0	40
Section 27, T102N, R59W			
NW 1/4 NE 1/4	40	0	40
NE 1/4 NE 1/4	40	0	40
SW 1/4 NE 1/4	40	0	40
SE 1/4 NE 1/4	40	0	40
Section 22, T102N, R59W			
NW 1/4 SW 1/4	25	3	22
NE 1/4 SW 1/4	40	2	38
SW 1/4 SW 1/4	15	2	13
SE 1/4 SW 1/4	40	15	25
Section 23, T102N, R59W			
NW 1/4 NW 1/4	10	0	10
NE 1/4 NW 1/4	2	0	2
SW 1/4 NW 1/4	40	0	40
SE 1/4 NW 1/4	15	7	8
NW 1/4 SW 1/4	40	0	40
NE 1/4 SW 1/4	25	0	25
SW 1/4 SW 1/4	40	0	40
SE 1/4 SW 1/4	40	0	40

Legal	No. 7697-3 Acres	Transferred Acres	Remaining Acres
Section 26, T102N, R59W			
NW 1/4 SW 1/4	40	0	40
NE 1/4 SW 1/4	40	0	40
SW 1/4 SW 1/4	40	18	22
SE 1/4 SW 1/4	40	0	40
NW 1/4 SE 1/4	40	0	40
NE 1/4 SE 1/4	40	0	40
SW 1/4 SE 1/4	40	0	40
SE 1/4 SE 1/4	40	18	22
Section 27, T102N, R59W			
NW 1/4 SE 1/4	40	40	0
NE 1/4 SE 1/4	40	0	40
SW 1/4 SE 1/4	40	40	0
SE 1/4 SE 1/4	40	0	40

Eric Brenden 1/27/17



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 16, 2021

Dear James River Water Right Holder:

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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