

Considered: _____

WATER PERMIT NO. 5277-3

HAP No. same 225-7511

Name of Applicant Roger W. Locken

Post Office Address RR1 Box 109, Bath SD 57427

Amount of Water Claimed 2.57 cfs Total Acres 180

Source of Water Supply James River

Water to be used for irrigation County Brown

About 4 miles 5 of Bath

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.& C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Jan. 25, 1989 Fee 250⁰⁰ Remarks _____

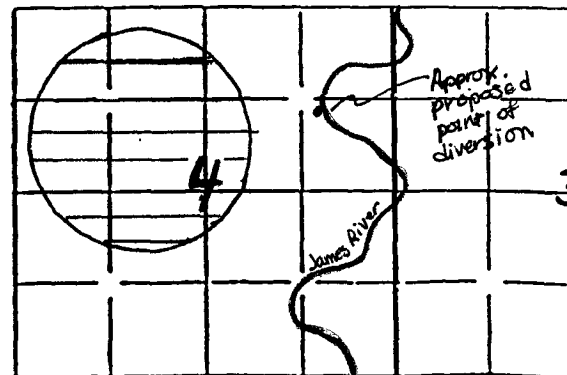
Corrected Application Received _____ Period of Annual Use May 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED Feb 6, 1989 APPROVED CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point NE 1/4 Sect 4 - T122N - R62W

Land to be Irrigated Sect 4 - T122N - R62W



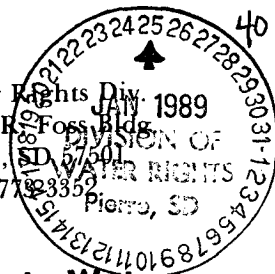
Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Douglas Farrad Reviewed and the Number

assigned on February 7, 1989 By Susan A. Bowser

Mail to: Water Rights Div.
DWRN, Foss Bldg.
Pierre, SD 57501
(605) 771-3352



(See instructions)

No. 5277-3 Hydrologic Unit 10160003
Basin James R.
Newspaper Aberdeen American News Box 4430 (daily)
57401

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Roger W Locken Phone No. 605-225-7511

Post Office Address RR1 Box 109 Bath State SD 57427
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 2.57 CFS Total acres irrigated 180

3. Source of Water supply James River

4. Location of point of diversion 225 rods east and 80 rods south
of the NW corner of Section 4 - 122-62 Brown County
NE 1/4 Section 4-T122N-R62W County Brown

5. Counties where water will be used Brown

6. Annual period during which water is to be used May 1 through October 31 when possible

7. 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.
<u>These divisions</u>	
<u>are on the map</u>	
NW 1/4 NW 1/4 Sec 4-T122N-R62W	18
NE 1/4 NW 1/4 "	26
SW 1/4 NW 1/4 "	39
SE 1/4 NW 1/4 "	40

Land Description	No. Acres Irr.
NW 1/4 NE 1/4 Sec 4-T122N-R62W	3
SW 1/4 NE 1/4 "	15
NW 1/4 SW 1/4 "	15
NE 1/4 SW 1/4 "	22
NW 1/4 SE 1/4 "	2

8. Type of Irrigation: Gravity: _____ Towline: X Center Pivot: X Gun: _____ (Specify) _____

9. Crops to be Irrigated: Alfalfa, Corn

10. Give a description of proposed project. (Attach sheet if more space is needed)
This proposed project will start with towline irrigation equipment and will eventually be replaced by a center pivot system. The water will be pumped from the James River and applied to Alfalfa and corn which are well adapted to these soils. These crops and soils should be able to utilize the available and frequent excess flows of the river. I feel that this project would make very beneficial use of this water.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Brown)^{ss}

I, Roger W Locken, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Roger W Locken

Subscribed and sworn to before me this 20th day of January 1989

Ann Detch
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5277-3 FOR IRRIGATION

Date of first receipt of application January 25, 1989.

Date Soil/Water Compatibility Permit received February 6, 1989.

The Water Management Board approved Water Permit Application No. 5277-3 on May 10, 1989 for Roger Locken, RR #1 Box 109, Bath, SD 57427 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5277-3 appropriates 2.57 cubic feet of water per second from the James River to irrigate 180 acres. The proposed location of the point of diversion is the NE1/4 Section 4 and the acreage to be irrigated is in the NW1/4, W1/2 NE1/4, N1/2 SW1/4, NW1/4 SE1/4 Section 4; all in T122N, R62W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 to October 31.
3. The date from which applicant may claim right is January 25, 1989.
4. One-fifth of the construction is to be completed on or before November 10, 1991.
5. All construction is to be completed on or before May 10, 1994.
6. Water is to be put to beneficial use on or before May 10, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

- 1) This Permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- 2) This permit does not authorize diversions from the James River when less than 20 cfs of water is by-passing the Third Street Dam in Huron.
- 3) This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

SEP 12 1989

(date)

Department of Agriculture
WI#1
5/87



SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4332

WR#

OWNERS NAME: Roger W. Lockan

OWNERS ADDRESS: RR1, Box 109

Bath, SD 57427

COUNTY LAND LOCATED IN: Brown

PHONE: 225-7511

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION NE 1/4 Sec. 4-T122N-R62W

Depth: _____

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 NW 1/4 Sec. 4-T122N-R62W</u>	<u>18</u>	<u>NW 1/4 NE 1/4 Sec. 4-T122N-R62W</u>	<u>3</u>
<u>NE 1/4 NW 1/4 " "</u>	<u>26</u>	<u>SW 1/4 NE 1/4 " "</u>	<u>15</u>
<u>SW 1/4 NW 1/4 " "</u>	<u>39</u>	<u>NW 1/4 SW 1/4 " "</u>	<u>15</u>
<u>SE 1/4 NW 1/4 " "</u>	<u>40</u>	<u>NE 1/4 SW 1/4 " "</u>	<u>22</u>

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: ☒ CENTER PIVOT: ☒ GUN: _____ OTHER: 2 = 180 A
(Specify) _____

3. CROPS TO BE IRRIGATED: alfalfa, corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: James River

7. ADJUSTED (SAR): 3.45

5. SALINITY (EC X 10⁶): 750

8. PERCENT SODIUM _____

6. SODIUM (SAR): 1.50

Requirements: The areas of Beotia-Winship and Colvin are subject to excess wetness, resulting in crops drowning out and trafficability. These areas shall remain in permanent vegetation.

☒ APPROVED

☐ DISAPPROVED

☐ WAIVER

☒ REQUIREMENTS

[Signature]
Director, Division of Conservation

11/9/89
Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411610

Pierre, January 26, 1989

RECEIVED OF Locken Farms Box 106, Bath SD 57427

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

Fee for Application for Permit No. <u>5277-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	250	000
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
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	250 00

By

John Hatch / msa
Chief Engineer

Section 4

122-62

Brown County

Roger Locken
water Permit
Appl

NOT TO SCALE



Report on Application No. 5277-3

Roger W. Locken

March 17, 1989

Application No. 5277-3 for Roger W. Locken, applicant, requests the appropriation of 2.57 cubic feet of water per second (cfs) from the James River to irrigate 180 acres. The proposed point of diversion is the NE1/4 of section 4 and the acreage to be irrigated is in the NW1/4, W1/2NE1/4, N1/2SW1/4, and NW1/4SE1/4 of section 4; all in T122N, R62W.

The applicant states in the application that the project will start with towline irrigation equipment and will eventually be replaced by a center pivot system. The water will be used to irrigate corn and alfalfa.

DISCUSSION

The location for the point of diversion from the James River is between the towns of Bath and Stratford. This would make the appropriation subject to the City of Huron's water right and downstream prior appropriators. In this reach of the river, all irrigation is usually shutoff above Huron during low flow years because of the City of Huron's prior water right.

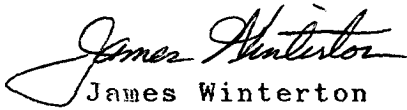
During 1985 and 1986 a number of permits were cancelled by the Water Management Board due to nondevelopment of the system or forfeiture for nonuse. Ron Duvall, Staff Engineer inspected the James River Water Rights during the spring of 1985. A total of 164 authorized water permits existed between the North Dakota/South Dakota border and the Missouri backup waters in Yankton County. As a result of the inspections, 25 water permits were cancelled. In addition, a number of licensed water rights were reduced to reflect the actual amount of water being put to beneficial use. The total number of acres irrigated from the James River as of June 1985 was 15,626.1 acres for an appropriation of 190 cfs. The maximum number of acres that can be irrigated under the current appropriations is 17,875.1 acres for a total appropriation from the river of 211 cfs.

The Cities of Huron and Mitchell are authorized 41 cfs and other uses 16 cfs. Therefore irrigation, municipal, and other use appropriations from the James River total 268 cfs excluding the Yankton County Missouri River backup waters. The cfs limit for the James River has been set at 300 cfs. Although the cfs limit is being approached, median to average flow years will not cause problems with existing rights. During low flow years, all irrigation rights are subject to cutoff when low flows exist to protect the City of Huron's prior rights.

CONCLUSIONS

Based on the investigations conducted by the Division during 1985, the actual quantity of water put to beneficial use is not in excess of the 300 cfs limit. Water is available to meet the needs of this application. The James River during most years can meet the needs of existing appropriations through August 10th.

It is recommended that Application No. 5277-3 be approved with the James River Above Huron, August 10th cutoff and irrigation questionnaire qualifications.

A handwritten signature in cursive script, reading "James Winterton".

James Winterton
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5277-3, Roger W. Locken

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5277-3, Roger W Locken, RR 1, Box 109, Bath SD.

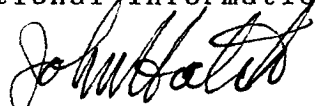
The Chief Engineer is recommending APPROVAL of Application No. 5277-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. This Permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

This permit does not authorize diversions from the James River when less than 20 cfs of water is by-passing the Third Street Dam in Huron.

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

See the attached report for additional information.


JOHN HATCH, Chief Engineer
March 20, 1989

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

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

March 29, 1989

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

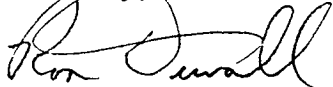
Roger W Locken
RR 1, Box 109
Bath SD 57427

Dear Mr. Locken:

Your Application No. 5277-3 for a permit to appropriate water for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the Aberdeen American News printed at Aberdeen SD. For your information, a copy of the notice is enclosed. The recommendation of the Chief Engineer and a report on the application will be sent later. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

March 29, 1989

Aberdeen American News
Box 4480
Aberdeen SD 57401

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5277-3 to be published twice. Please publish the first notice on or before April 5, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Roger W Locken, RR 1, Box 109, Bath SD 57427.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before April 5, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5277-3 to Appropriate Water

Notice is given that Roger W. Locken, RR 1, Box 109, Bath SD 57427 has filed an application for a water permit to appropriate 2.57 cubic feet of water per second from the James River to irrigate 180 acres. The proposed location of the point of diversion is the NE 1/4 Section 4 and the acreage to be irrigated is in the NW 1/4, W 1/2 NE 1/4, N 1/2 SW 1/4, NW 1/4 SE 1/4 Section 4; all in T122N, R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5277-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF BROWN

ss.

Lori Noltner

BEING DULY SWORN, ON HIS OATH SAYS:

That the ABERDEEN AMERICAN NEWS is a DAILY newspaper of general circulation, printed and published in Aberdeen, Brown County.

South Dakota, by the Aberdeen News Company, a corporation, has been such a newspaper during the times hereinafter

affiant is an employee and principal clerk of said publication. I have personal knowledge of all the facts stated in this affidavit. Notice of hearing on application No. 5277-3

(No. 782 - April 5, 12 - 2T)
NOTICE OF HEARING
on Application No. 5277-3
to Appropriate Water

Notice is given that Roger W. Locken, RR 1, Box 109, Bath, SD 57427 has filed an application for a water permit to appropriate 2.57 cubic feet of water per second from the James River to irrigate 180 acres. The proposed location of the point of diversion is the NE 1/4 Section 4 and the acreage to be irrigated is in the NW 1/4, W 1/2 NE 1/4, N 1/2 SW 1/4, NW 1/4 SE 1/4 Section 4; all in T122N, R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5277-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) if it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief

Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3-1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30-2, 46-5-30-4, 46-5-31; and Board Rules ARSD 74-02:01:01 thru 74-02:01:15.

a printed copy of which is hereunto attached, was printed

in the regular and entire issue of said newspaper, and

supplement thereof, once each week for 2 successive

The first publication being made on the 5th day of

The second publication being made on the 12th day of

The third publication being made on the day of

The fourth publication being made on the day of

The fifth publication being made on the day of

The sixth publication being made on the day of

The seventh publication being made on the day of

The eighth publication being made on the day of

The ninth publication being made on the day of

That said newspaper is a legal newspaper, being published five days or more each week, having a bona fide circulation of more than two hundred copies daily, having been published in the English language within the said County of Brown for more than one year next prior to the first publication of said notice, and is printed in whole in an office maintained at the place of publication of said newspaper. That the whole amount of the fee paid for the publication of the annexed notice is \$ 50.05, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Lori Noltner

Subscribed and sworn to before me this 12th day of

April 19 89

Ella Jauska

Notary Public, Brown County, S. D.

My commission expires 7-17-95

daily circulation 19930

Publication Fees \$

Received Payment,

Aberdeen News Co.

By

 **Department of
Water & Natural Resources**

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

SEP 12 1989

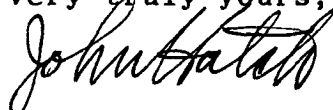
Roger Locken
RR #1 Box 109
Bath, SD 57427

Dear Mr. Locken:

Enclosed is Water Permit No. 5277-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,



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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.





Department of Water & Natural Resources

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

July 17, 1989

NOTICE OF SHUTOFF ORDER

5277-3

TO: Roger Locken
RR #1, Box 109
Bath, SD 57427

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

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

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

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

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

cc: City of Huron, Water Superintendent





Department of Water & Natural Resources

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

April 6, 1990

NOTICE OF SHUTOFF ORDER

5277-3

TO: Locken, Roger
RR #1, Box 109
Bath, SD 57427

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

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

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

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

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

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

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

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

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

April 2, 1991

5277-3

Roger Locken
RR #1, Box 109
Bath, SD 57427

Dear Mr. Locken:

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

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

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

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

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

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

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 5, 1991

NOTICE

5277-3

TO: Roger Locken
RR #1, Box 109
Bath, SD 57427

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

Arthur 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.

<u>DATE</u>	<u>LUDDEN</u>	<u>COLUMBIA</u>	<u>ASHTON</u>	<u>HURON</u>	<u>FORESTBURG</u>	<u>SCOTLAND</u>
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

April 14, 1992

NOTICE OF SHUTOFF ORDER

5277-3

TO: ROGER W LOCKEN
RR 1 BOX 109
BATH, SD 57427

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

SUBJECT: Shut Off Order to All James River Water Right Holders
Above Huron, Effective Immediately.

The flows in the James River are below 20 cubic feet per second (cfs) at the gaging stations above Huron. Therefore to protect the City of Huron's prior rights from diversions above Huron and domestic uses (livestock watering) below Huron, effective immediately, no pumping of water from the James River above Huron is authorized until January 1, 1993 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for 1992 from the James River above Huron diversion dam. If conditions improve, notices will be issued, based on senior priority dates, to allow pumping by water users.

Due to the continuing drought, the James River basin, in both North Dakota and South Dakota, is receiving below normal runoff.

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

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
4/7/92	83	.4	9	32	40	57
4/10/92	54	.6	7	20.5	---	57
4/13/92	6	.6	4	20.5	---	55

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

cc: City of Huron, Water Superintendent



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 23, 1992

RESCISSION OF SHUTOFF ORDER

5277-3

TO: ROGER W LOCKEN
RR 1 BOX 109
BATH, SD 57427

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

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

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

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

cc: City of Huron, Water Superintendent

Permit No. 5277-3
James River - Water District

Other permit/license(s) associated with project: **none**

Contact Person & Address: **Roger Locken, 39667 136th St, Bath, SD 57427**

Report Of Examination Of Works

On, **August 8, 2000**, I made a thorough examination of the water use system constructed by **Roger Locken** of **39667 136th St, Bath, SD 57427** holder of Permit No. **5277-3**, bearing the priority of **January 25, 1989**, authorizing the diversion of **2.57** cu. ft. per second of the waters for **irrigation** purposes, in **Brown** County.

The system is in the following condition **good**. The point of diversion is located **from the NE corner of Section 4 T122N-R62W** it is **1719 feet west and 1578 feet south** with a longitude of **-98.295015** and a latitude of **45.410184**. The works are capable of diverting and conveying to the place of use **2.23** cu. ft. per second of water that is to be used for **irrigation purposes**. Water has been put to beneficial use to the maximum extent as follows:
All land is in Section 4 T122N-R62W

NW ¼ NW ¼ = 18 Acres

NE ¼ NW ¼ = 26 Acres

SW ¼ NW ¼ = 39 Acres

SE ¼ NW ¼ = 40 Acres

NW ¼ NE ¼ = 3 Acres

SW ¼ NE ¼ = 15 Acres

NW ¼ SW ¼ = 15 Acres

NE ¼ SW ¼ = 22 Acres

NW ¼ SE ¼ = 2 Acres

Total = 180 Acres

comprising a total of **180** acres of land and the license should be issued for **2.23** cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Pump\ Motor:

- | | |
|-----------------------------------|---|
| 1) Pump Make <u>Cornell</u> | 2) Pump Model <u>4RB-50-4 (Serial SD8 134A-HEF)</u> |
| 3) Capacity <u>1000</u> GPM | 4) Motor Make <u>Boldor</u> |
| 5) Motor Model No. <u>3 phase</u> | 6) Horsepower rating <u>50</u> hp |

Distribution System:

- | | | |
|-------------------------|--------------------------|--|
| 1) Type <u>PVC</u> | 2) Size <u>10</u> inches | 3) Length <u>2000</u> feet |
| 1) Type <u>Aluminum</u> | 2) Size <u>8</u> inches | 3) Length feet <u>(40 feet intake)</u> |

System Type:

Center pivot:

- | | |
|--|---|
| 1) Make <u>Zimmatic</u> | 2) Overall length <u>1500-1600</u> feet |
| 3) Number of towers <u>12 without center pivot</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>1000</u> GPM |

Chemigation:

- | | |
|--|---|
| 1) Does chemigate <u>yes</u> | 2) Main line check valve <u>yes</u> |
| 3) Inspection port/air relief <u>yes</u> | 4) Low pressure drain <u>no</u> |
| 5) Discharge is 20' from source <u>yes</u> | 6) Interlock type <u>Midwest Irrigation Co.</u> |
| 7) Injection pump type <u>Positive Displacement</u> | 8) Injection check valve <u>yes</u> |
| 9) Injection line check valve or positive displacement pump <u>yes</u> | |
| 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules <u>yes</u> | |

COMMENTS: Has chemigation equipped but is not using it right now.

Stacy J. Johnson
Stacy J. Johnson
Natural Resources Engineer
DENR, Water Rights Program

11-16-00
Date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 2000

5277-3

Roger Locken
39667 136th St
Bath SD 57427

Dear Mr. Locken:

On August 8, 2000 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5277-3, was completed by Stacy J Johnson, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law require that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5277-3

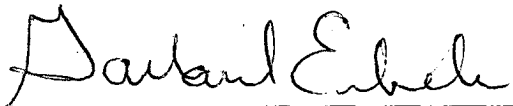
(1) Roger Locken, 39667 136th St, Bath SD 57427 made Application No. 5277-3, January 25, 1989 for a water permit to divert 2.57 cubic feet of water per second from the James River, Brown County, South Dakota for irrigation purposes. Permit No. 5277-3, with a priority date of January 25, 1989 was approved May 10, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 10, 1994 and for the application to beneficial use of said water on or before May 10, 1998.

(2) It is certified that the permit 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 2.23 cubic feet of water per second for beneficial use. The location of the diversion point is 1,719 feet west and 1,578 feet south of the northeast corner of Section 4-T122N-R62W (SW ¼ NE ¼).

(3) The permit 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 4-T122N-R62W			
NW ¼ NW ¼	18 acres	NW ¼ NE ¼	3 acres
NE ¼ NW ¼	26 acres	SW ¼ NE ¼	15 acres
SW ¼ NW ¼	39 acres		
SE ¼ NW ¼	40 acres	NW ¼ SW ¼	15 acres
		NE ¼ SW ¼	22 acres
NW ¼ SE ¼	2 acres		
Total 180 acres			

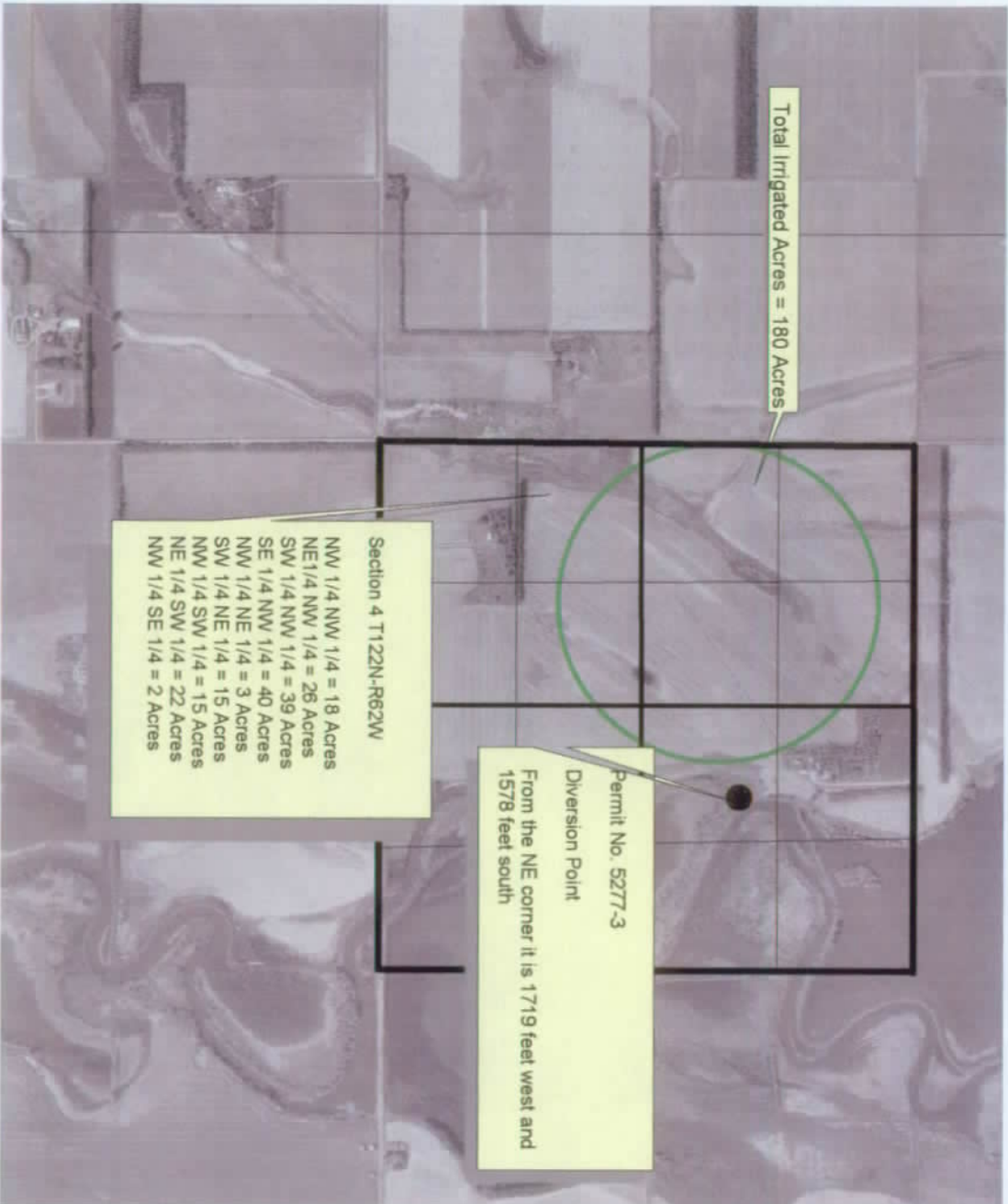
(4) Pursuant to South Dakota Water Law 46-5-30.1 Roger Locken, 39667 136th St, Bath SD 57427 the holder and/or owner of Water Right No. 5277-3 is issued a license to appropriate water, the right to use 2.23 cubic feet of water per second from the James River with a priority date of January 25, 1989 from 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 Right No. 5277-3 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 29 2001

date





Stacy J Johnson 11-16-00
Stacy J Johnson
Natural Resources Engineer
SD DENR Water Rights Program

5277-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416711

Pierre, December 13, 2000, _____

RECEIVED OF Roger Locken, 39667 136th St, Bath SD 57427
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
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>5277-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Darla S. Erbe

Chief Engineer

gm



JAN 29 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5277-3

Roger Locken
39667 136th St
Bath, SD 57427

Dear Mr. Locken:

Enclosed is Water License No. 5277-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416711 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

Sincerely,

A handwritten signature in cursive script that reads "Garland Erbele".

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: ROGER LOCKEN, 39667 136TH AVE, BATH, SD 57427

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5277-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5277-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5277-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

5277-3

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

ROGER LOCKEN
39667 136TH AVE
BATH SD 57427

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Roger Locken

B. Date of Delivery

1-17-2 RLB

C. Signature

X Roger Locken

☐ Agent☐ Addressee

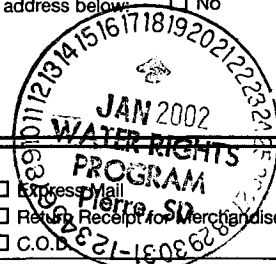
D. Is delivery address different from item 1?

☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

7001 2510 0004 4797 4111

PS Form 3811 July 1999

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2002

5277-3

Roger Locken
39667 136th Ave
Bath SD 57427

Dear Mr. Locken:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 5277-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 26, 2006

NOTICE OF SHUTOFF ORDER

TO: ROGER W LOCKEN
39667 136TH ST
BATH SD 57427

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 5277-3

To protect the senior priority water rights and domestic use, the department is issuing shutoff orders to water right holders on the James River above Huron. Effective immediately, no diversions of water from the James River will be allowed for those permits with a priority date after January 1, 1975. Previous to this Order, diversions requiring written order from the Chief Engineer to divert James River water after July 1, have not been allowed.

Flow in the James River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. The Huron gage is below 20 cubic feet per second, the required bypass for downstream domestic use. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

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

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

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

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



5277-3
**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). 5277-3**

To: ROGER W LOCKEN
39667 136TH ST
BATH SD 57427

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

Subject: James River Qualification Reminder for Permit No(s). 5277-3

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 10, 2016

5277-3

Roger Locken
39667 136th St
Bath, SD 57427

Dear Mr Locken:

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

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

August 11, 2017

5277-3

Roger Locken
39667 136th St
Bath, SD 57427

Dear Mr Locken:

This letter is in reference to the August 11, 2017 telephone call regarding water availability for irrigation from the James River for this summer and request to allow irrigation beyond the August 10 shutoff date. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River to September 10, 2017.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

August 10, 2018

5277-3

Roger Locken
39667 136th St
Bath, SD 57427

Dear Mr Locken:

This letter is in reference to your August 10, 2018 telephone call regarding water availability for irrigation from the James River for this summer and request to allow irrigation beyond the August 10 shutoff date. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River to September 1, 2018.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

September 7, 2018

5277-3

Roger Locken
39667 136th Ave
Bath, SD 57427

Dear Mr Locken:

This letter is in reference to the September 7, 2018, telephone call from Gordon Locken regarding water availability for irrigation from the James River for this summer and request to allow irrigation beyond the August 10 shutoff date. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River until September 28, 2018.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 27, 2021

Dear James River Water Right Holder:

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

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 29, 2023

5277-3, 2629-3

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

Dear Mr. Locken:

This letter is in reference to your August 29, 2023, request for an extension to pump water from the James River beyond the August 10 shutoff date. Flows in the James River are sufficient at this time to allow an extension. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River and allow you to divert through the end of the 2023 irrigation season.

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program