

Considered: _____

WATER PERMIT NO. 5321-3

MAP No. same 352-4064

Name of Applicant Ralph Gosch

Post Office Address RR1, Huron SD 57350

Amount of Water Claimed 0.034 (15gpm) Total Acres NA

Source of Water Supply James River

Water to be used for commercial use (greenhouse) County Beadle

About — miles — of Huron

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Apr 29, 1986 Fee \$50.00 Remarks _____

Corrected Application Received Apr 27, 1989 Period of Annual Use Apr 1 - July 15

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

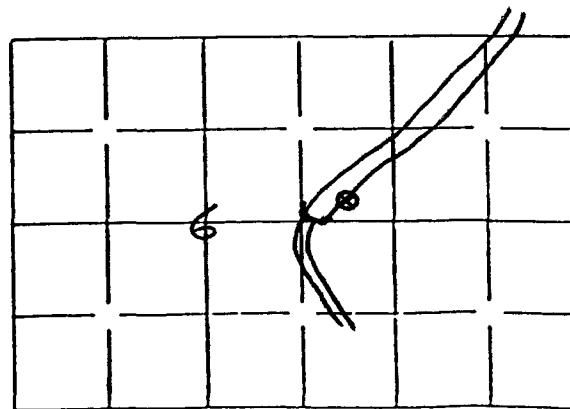
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point James River : SE 1/4 NE 1/4

section 6 - T110N - R61W

Land to be irrigated supply a greenhouse

operation



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map topo PREPARED BY Randall Hoschied P.E. Reviewed and the Number

assigned on May 5, 1989 By Ron Durrall

No. 5321-3 Hydrologic Unit 10160006
 Map No. same Basin James River
 Newspaper Huron Daily Plainsman, Box 1272 57350

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☒
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☒ greenhouse agricultural at less than 18 gal/min.

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Ralph Gosch Phone No. 352-4064Post Office Address RRI Huron State SD 573502. Amount of water claimed (c.f.s) 15 gal/minute for 20 minutes 1000 gal per day for 90 days/year 0.034 Zip Code3. Source of water supply Ravine Lake, James River4. Location of point of diversion James River Boat Ramp at 3rd street dam.SE 1/4 NE 1/4 Sec 6-T110N-R61W Huron S.D. County Beadle5. Counties where water will be used Beadle6. Annual period during which water is to be used April thru July 15

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

water for flowers + vegetables -- agricultural
500 to 1000 gal per day
use of less than 2000 gal/day!!

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA

County of Beadle

I, Ralph Gosch the applicant, certify that I have read the foregoing application, 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 Ralph GoschSubscribed and sworn to before me this 28 day of April 19 86

Lashlee A. Crawford
 Notary Public (or other qualified officer) 10/29/90

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____.
5. The water appropriated shall be used for the purpose of _____

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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ 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 to which water is actually and beneficially applied for _____ on or before _____, 19____; said water to be used during the following described annual period: _____

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

_____, 19____

SOUTH DAKOTA
WATER PERMIT No. 5321-3

Date of first receipt of application April 29, 1986.

Date returned to applicant for corrections, amendments or changes May 26, 1986.

Date of receipt of corrected application April 27, 1989.

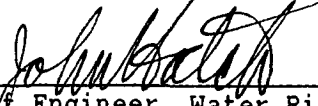
The Water Management Board approved Water Permit Application No. 5321-3 on July 26, 1989 for Ralph Gosch, RR #1, Huron, South Dakota 57350 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5321-3 appropriates 0.034 cubic feet of water per second from the James River in the SE1/4 NE1/4 Section 6-T110N-R61W.
2. The water appropriated shall be used for the purpose of supplying a greenhouse operation and may not exceed the amount of water needed for beneficial use for commerical purposes.
3. The water is to be used during the following described annual period: April 1 - July 15.
4. The date from which applicant may claim right is April 27, 1989.
5. One-fifth of the construction is completed.
6. All construction is completed.
7. Water is put to beneficial use.
8. 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 so issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This permit does not authorize diversions from the James River when less than 20 cfs of water is by-passing the Third Street Dam in Huron.

WATER MANAGEMENT BOARD

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

SEP 12 1989
(date)

WATER RIGHTS DIVISION
(605) 773-3352

May 26, 1986

Ralph Gosch
Gosch's Greenhouse
RR 1
Huron, South Dakota 57350

Dear Mr. Gosch:

This letter is in response to your permit application received on April 29, 1986. The following information needs to be returned before the application can be processed.

1. An application fee for \$50.00 must be submitted.
2. Mark the location of the pumping point on the enclosed map and sign the map.
3. The pumping capacity (g.p.m.) of the pump used to fill the tank.

Please contact us if you have any questions regarding this information.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 13, 19 89

RECEIVED OF Ralph Gosch, RR 1, Huron SD 57350

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

Fee for Application for Permit No. <u>5321-3</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Hatch
JOHN HATCH KS

APR 1989
DIVISION OF
WATER RIGHTS
Pierre, SD





Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

April 16, 1986

NOTICE

Ralph Gosch
Gosch's Greenhouse
RR 1
Huron SD 57350

Dear Mr. Gosch:

This Notice is in response to a report received from Roger Strom, Department of Game, Fish and Parks on April 14, 1986. Mr. Strom stated that on April 9, 1986, he was informed that water was being pumped from Ravine Lake. Mr. Strom spoke to Jim Geyerman about the pumping of water from the lake. Mr. Geyerman stated that you had informed him that water could be pumped if water was flowing over the spillway.

Water used for commercial purposes requires a water permit pursuant to SDCL 46-1-15 and 46-5-10. These statutes apply whether or not water is flowing over the spillway. You are ordered to cease pumping water from Ravine Lake until you obtain a water permit allowing you to use water from Ravine Lake. This order is issued pursuant to SDCL 46-2-18.

Enclosed are water permit application forms. If you wish to apply for a water permit, complete and return the forms. The water permit is needed if you want to pump water from Ravine Lake for commercial purposes.

If we can answer any questions, please contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

cc: Roger Strom
Box 915
Huron SD 57350

Equal Opportunity Employer



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
(605) 773-3352

DIVISION III

TEMPORARY PERMIT

A GREENHOUSE OPERATION
TO USE PUBLIC WATERS FOR ~~HIGHWAY CONSTRUCTION PURPOSES~~

This temporary permit to use public waters ~~for highway construction purposes~~ is
issued to Ralph Gosch of RR1, Huron, SD 57350
authorizing withdrawal of 3500 gallons of water ~~at a maximum daily~~
~~rate of~~ per week ~~gallons~~ from the Ravine Lake (boat landing) until May 14, 1986,
~~at the location described as~~ and then from the James River a short distance above the
third Street Dam until July 1, 1986 ~~for highway construction purposes~~
~~on project~~

This temporary permit is issued subject to receipt by May 2, 1986 of an application
for a water permit.

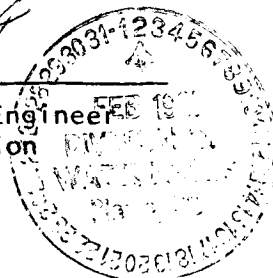
This temporary permit becomes effective April 23, 1986 and expires
on July 1, 1986.

This permit does not provide necessary right-of-way. Such arrangements should be
made with the proper land owner.

Issued April 23, 1986

John Hatch, Chief Engineer
Water Rights Division

cc: Roger Strom, Game, Fish & Parks
Harold Root, Huron Water Treatment Plant
James Nelson, Environmental Quality



*We decided we did not need this water
last year because we had sufficient rainfall to
collect our needs in a cistern*
R. Gosch 1-30-87

WNR-827-7/79
Temporary Permit

WATER RIGHTS DIVISION
(605) 773-3352

February 26, 1987

Ralph Gosch
Gosch's Greenhouse
RR 1
Huron, South Dakota 57350

Dear Mr. Gosch:

This letter is in response to the temporary use permit received from you on February 2, 1987. You stated that no water was used due to adequate rainfall. However, a water permit (not a temporary use permit) is needed if you intend to use water from Ravine Lake or the James River in the future. Enclosed is a copy of the water permit application submitted by you on April 29, 1986. The following information is needed to complete the application.

1. A map showing the location where water is diverted. Mark the location with an "X" and sign the map according to the instruction sheet.
2. Application fee of \$50.00 needs to be submitted.

Please obtain a map and return the map with the \$50.00 application fee. Contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.



Department of Water & Natural Resources

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

June 1, 1988

NOTICE

Ralph Gosch
Gosch's Greenhouse
RR 1
Huron SD 57350

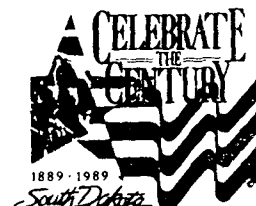
Dear Mr. Gosch:

I am writing to follow-up on a telephone conversation with Roger Strom, Department of Game, Fish and Parks May 27, 1988 and your water permit application which we received April 29, 1986.

Mr. Strom called to report that you were pumping water from the James River last week to fill a tank. Enclosed are Notices dated July 9, 1985 and April 16, 1986 stating that a water permit is required for commercial purposes such as a greenhouse operation. The application for a water permit was received on April 29, 1986; however, the application was incomplete. No response was received to two follow-up letters dated May 26, 1986 and February 26, 1987 (copies enclosed) requesting additional information to complete the application. Use of water for commercial purposes without a water permit is in violation of State law.

Enclosed is the water permit application received on April 29, 1986. The following information is still needed to complete the application:

- 1) The application should specify each source from which water is to be obtained. The James River should also be included for Question No. 3 if you intend to use both Ravine Lake and the James River.
- 2) The pumping capacity (gallons per minute) of the pump used to fill the tank needs to be included for Question No. 2.
- 3) A map showing the location of the Ravine Lake and James River pumping points. The locations should be noted with an "X" and the map signed by one of the following persons. A South Dakota registered professional engineer, a South Dakota licensed land surveyor or a government employee that regularly prepares maps as part of his or her employment (ASCS or SCS offices).



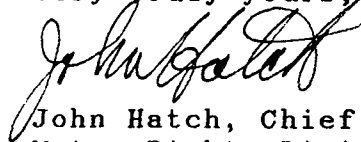
June 1, 1988
Ralph Gosch
Page 2

4) The application fee to appropriate 45 gpm or less is \$50.00.

It is our intent to request the Attorney General to initiate legal action unless the completed application with the pumping capacity, map and the application fee are submitted by June 24, 1988.

Please contact us if you have any questions.

Very truly yours,



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

enclosure

cc: Roger Strom
Harold Deering, Assistant Attorney General

CERTIFICATION

I hereby certify that on June 1, 1988 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice addressed as follows:

Ralph Gosch, Gosch's Greenhouse, RR 1, Huron SD 57350
Roger Strom, Box 915, Huron SD 57350

Baren Schleack

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of June, 1988.



John Hatch

Notary Public

Ralph Gosch
Gosch Greenhouse
RR #1
Huron, So.Dak. 57350

June 9, 1988



Department of Natural Resources
Joe Foss Building
523 East Capitol
Pierre, So.Dak. 57501-3181

Dear Mr. Hatch:

I am writing in reply to your notice of June 1, 1988. I am currently evaluating the water quality of both the James River and Ravine lake. For over a year both have been unsatisfactory for greenhouse use. However, we do have a periodic need for water of that quality on our lawn and garden. It is our understanding it does not require a permit for domestic use.

Unless the application is effective for more than we will hold the application in our files and submit it soon as water quality improves. Please advise.

Sincerely,


Ralph Gosch



Department of Water & Natural Resources

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

August 4, 1988

NOTICE

Ralph Gosch
Gosch's Greenhouse
RR 1
Huron SD 57350

Dear Mr. Gosch:

I am writing in response to your letter received June 22, 1988. You indicated that currently water was not being used for the greenhouse operation but was being used for your lawn and garden. No water permit is required for irrigation of your private lawn and garden if the area is one half acre or less.

You also indicated that if the application is not effective for more than one year, then you would hold the application until the water quality improves in the James River and Ravine Lake. An approved permit application remains effective as long as the appropriated water is beneficially used once every three years pursuant to SDCL 46-5-37. Therefore, if you intend to use water for the greenhouse this year or in future years, you need to obtain the required water permit.

The application needs to be submitted as specified in the June 1, 1988 Notice or your written statement that you no longer intend to use water from the James River or Ravine Lake. Either the completed application or the statement need to be submitted by August 31, 1988. Please contact us if you have any questions.

Very truly yours,

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

cc: Roger Strom
Dan Doyle, Assistant Attorney General



CERTIFICATION

I hereby certify that on August 4, 1988 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice addressed as follows:

Ralph Gosch, Gosch's Greenhouse, RR 1, Huron SD 57350
Roger Strom, Box 915, Huron SD 57350

Karen Schlaak

KAREN SCHLAAK
Senior Secretary

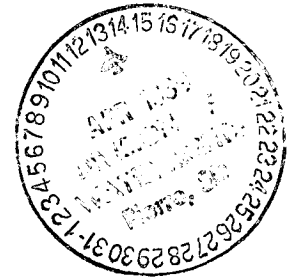
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of August, 1988.



John Hatch
Notary Public

DEPARTMENT OF WATER AND NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITAL
PIERRE, SD 57501-3181

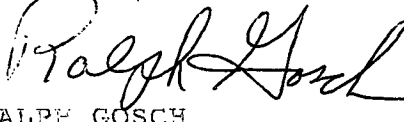


RALPH GOSCH
GOSCH'S GREENHOUSE
RR1
HURON, SD 57350

DEAR SIR:

ENCLOSED IS AN APPLICATION FOR PUMPING WATER FOR AGRICULTURAL (GREENHOUSE) USE IN AMOUNTS OF 15 GALLON PER MINUTES OR LESS. I HAVE CHECKED WITH OTHER GREENHOUSES AROUND THE STATE THAT ARE 15,000 SQUARE FEET AND UNDER AND IT IS MY UNDERSTANDING THAT MINE IS THE ONLY ONE REQUIRED TO HAVE A WATER PERMIT FOR AGRICUTURAL (GREENHOUSE) USE. I HAVE EVEN CHECKED WITH GREENHOUSES EXCEEDING 150,000 SQUARE FEET (10 TIMES MY SIZE) AND THEY HAVE NEVER BEEN REQUIRED TO HAVE A PERMIT. HOWEVER SINCE YOU ARE AN ENFORCEMENT AGENCY DOING YOUR JOB WITH GREAT VIGOR I AM RELUCTANTLY AND AGAINST MY BETTER JUDGEMENT, ENCLOSING AN APPLICATION AND \$50.00. IN RETURN PLEASE HAVE THE ATTORNEY GENERAL ISSUE ME AN OPINION AS TO WHY I AM THE ONLY GREENHOUSE IN SOUTH DAKOTA NEEDING A WATER PERMIT. FOR YOUR INFORMATION, THE IRS AND THE UNITED STATES DEPARTMENT OF AGRICULTURE BOTH REQUIRE ME TO FILL OUT AGRICULTRAL REPORTS. IF THEY ARE WRONG AND YOU ARE RIGHT, I'LL SUBMIT YOUR REPLY TO THEM, SO WE CAN ALL AVOID PAPER WORK. PLEASE REPLY.

SINCERLY,


RALPH GOSCH

CC/ROGER STROM
R. TELLINGHUSEN, SD ATTORNEY GENERAL



Department of Water & Natural Resources

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

072820

April 21, 1989



Ralph Gosch
Gosch's Greenhouse
RR 1
Huron SD 57350

Dear Mr. Gosch:

I am writing in regard to your letter received on April 13, 1989 with your revised water permit application and fee.

You were originally informed that a water permit was required for your greenhouse operation in response to an inquiry made by Roger Strom about your pumping from Ravine Lake. As stated in a Notice to you dated April 16, 1986, water used for commercial purposes requires a water permit pursuant to SDCL 46-1-15 and 46-5-10. The other greenhouses referred to in your letter may or may not need a water permit depending on the water source. Greenhouses supplied with water from a permitted distribution system such as a municipality or rural water system do not need to obtain a separate permit. A water permit is needed by any commercial greenhouse operation that uses water not supplied by a permitted distribution system. The greenhouses referred to in your letter will be contacted by the Division of Water Rights if you send us a list with the mailing addresses. The requirement to obtain a water permit for commercial purposes is based on South Dakota statutes and is not associated with any agricultural reports submitted to the IRS or the USDA.

The James River has been added to the application and the enclosed map shows the James River diversion point; however, the pumping point from Ravine Lake has not been marked on the map. Please locate the diversion point from Ravine Lake on the map, if you still intend to use Ravine Lake as a water source. Delbert Minske, a computer system analyst with the Soil Conservation Service, signed the enclosed map; however, the map needs to be signed by one of the following persons: a South Dakota registered professional engineer, a South Dakota licensed land surveyor or a government employee that regularly prepares maps as part of his or her employment. Mr. Minske needs to certify that he regularly prepares maps for the SCS or someone else that meets one of the above requirements needs to sign the map. Processing of the water permit application will begin upon receipt of the completed map.



April 21, 1989
Ralph Gosch
Page 2

Please contact Ron Duvall, Natural Resources Engineer, if you have any questions.

Very truly yours,

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

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

enc.

cc: Harold Deering, Assistant Attorney General
Roger Strom
Box 915
Huron SD 57350

PRINZIDE® 12.5

(Lisinopril-Hydrochlorothiazide) (MSD)

Each tablet contains 20 mg lisinopril and 12.5 mg hydrochlorothiazide

MSD
MERCK
SHARP
DOHME

Enclosed is signed mail.
I still maintain that my
Greenhouse is agricultural
as raising corn and therefore
does not require an application
for commercial use. Please
~~provide~~ provide me with

Each tablet contains

L5705-189-3594 PRINTED IN U.S.A.

Documentation that
agricultural greenhouses
that raise tomatoes & cucumbers
are considered commercial

Ralph Joseph

L5705-189-3594 PRINTED IN U.S.A.

PRINZIDE® 12.5

(Lisinopril-Hydrochlorothiazide) (MSD)

Each tablet contains 20 mg lisinopril and 12.5 mg hydrochlorothiazide

MSD
MERCK
SHARP
DOHME

Here is a list of Greenhouses
that ~~do~~ not pump off of
city systems:

- ① Jahns Gro Inc Rural Greenhouse
Madison, S. Dak
- ② Herbert Rural Greenhouse
Sioux Falls, S. Dak
- ③ Beadle Rural Greenhouse
Aberdeen, S. Dak

L5705-189-3594 PRINTED IN U.S.A.

Please advise why
they do not require
a permit for their
country locations that
pump out of wells.

L5705-189-3594 PRINTED IN U.S.A.



Department of Water & Natural Resources

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

April 28, 1989

Ralph Gosch
Gosch's Greenhouse
RR 1
Huron SD 57350

Dear Mr. Gosch:

I am writing in response to the signed map received on April 27, 1989 and your request for documentation that greenhouses are considered commercial operations.

The returned map does not include a diversion point for Ravine Lake which will now be deleted from your permit application as a water source unless you specify otherwise. Therefore, the only water source remaining on your application will be the James River. Notice will be given when your application is to be considered by the Water Management Board.

Commercial use of water is defined as follows by Water Management Board Rule 74:02:01:01(4):

"Commercial use," Water use supplied from other than a common water distribution system to a business such as a truckstop; tourist attraction; eating, drinking, or lodging establishment; commercial campground; convenience store; implement business; salvage business; or any other business or to a livestock confinement feeding operation that exceeds reasonable domestic use;

The greenhouses mentioned on your notes are being contacted to determine if these operations need water permits. A copy of the correspondence to these greenhouses is enclosed.

Please contact Ron Duvall, Natural Resources Engineer, if you have any further questions.

Very truly yours,

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

enc.

cc: Harold Deering, Assistant Attorney General



GRO-JOY PLANTS, INC.

809 NE Third St., PO Box 532, Madison, SD 57042 Ph. 605-256-6995



May 22, 1989

Ron Duvall
Natural Resources Engineer
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Duvall:

This letter is in reply to your query about our source of irrigation water. We obtain our irrigation water from the Big Sioux Rural Water System.

We have a well with a maximum flow of 20 gpm which is not used for irrigation. At one time we used this well for a back up, but the Big Sioux Rural Water System can supply all of our irrigation water now. The Big Sioux Water is much better in quality and is our preferred water source.

Sincerely,


James W. Kussow

JWK/kao

Report on Application No. 5321-3
Ralph Gosch
June 15, 1989

Application No. 5321-3 requests the appropriation of 0.034 cubic feet of water per second (cfs) from the James River. The water would be used in a commercial greenhouse operation. The water is proposed to be diverted from the James River at a point in the SE1/4NE1/4 of section 6, T110N, R61W.

DISCUSSION

Ralph Gosch has questioned the requirement for a water permit because he waters flowers and vegetables in his greenhouse which he believes should be considered an agricultural use of less than 2000 gallons per day. The greenhouse operation is a commercial use of water since the produce is sold for profit. This use does not qualify as domestic use pursuant to the definition of domestic use SDCL 46-1-6(4). Individual domestic water use includes irrigation of a non commercial family garden, trees shrubbery or orchard not greater in area than one acre (July 1, 1989). A water permit is required even though the greenhouse operation may be considered agricultural type use.

The location of the point of diversion is on the James River within the city limits of Huron. The Water Management Board can issue additional permits from the James River. The Board has limited James River permits to a total of 300 cfs above the north Yankton County line.

Present appropriations on the James River total 285 cfs. The diversion would be located directly above the stream flow gauging station at Huron. Therefore, it would be subject to the 20 cfs bypass requirement at Huron and the August 10 cutoff date.

CONCLUSION AND RECOMMENDATION

Water is available from the James River to meet the needs of this application. The appropriation will not cause the total water appropriations to exceed the 300 cfs limit. Existing water rights located downstream on the James River will not be adversely impacted.

It is recommended that Application No. 5321-3 be approved with the James River above Huron qualification.



James Winterton
Natural Resources Engineer

James River Water Rights
June 15, 1989

Permit No.	Name	Corporation Name	City	Priority Date	Diverion Rate	Storage	Legal Description
2631-3	Merritt	Ulmer	Menno	11/25/75	2.20		097,58,23
2631A-3	Merritt E.	Ulmer	Menno	11/25/75	0.00		097,58,23
2385-3	Clinton	Bauer	Freeman	09/23/75	1.30		098,57,06
4074-3	John	Decker	Wolf Creek Hutterian	01/31/77	5.35		099,57,31
4074A-3	John	Decker	Wolf Creek Hutterian	01/31/77	0.00		099,57,31
4072-3	Alvin	Weber	Freeman	01/24/77	0.48		099,58,25
2381-3	Thomas	Decker	Tschetter Colony	08/18/75	9.50		099,58,35
2381A-3	Thomas	Decker	Tschetter Colony	08/18/75	0.00		099,58,35
2380-3	Mike	Tschetter	New Elm Springs Colony	08/18/75	4.67		100,59,14
607-3	Russell	Roth	Parkston	05/05/59	0.66		100,59,15
2877-3	Joseph	Dilger	Parkston	07/19/76	1.42		100,59,26
608-3	Loren	Roth	Alexandria	05/05/59	0.38		101,58,05
2411-3	Dave	Tuttle	Alexandria	10/20/75	2.00		101,58,08
4717-3	Jake	Wipf	Rockport Colony	09/16/71	1.88		102,48,31
1902-3	Jake	Wipf	Rockport Colony	09/10/71	4.75		102,58,31
5121-3	Gene	Kleinsasser, Op	Fisher, Sand and Gravel	01/28/87	0.89	120	102,59,04
1900-3	David	Waldner	Millbrook Colony	09/16/71	1.55		102,59,11
436-3	Joshua	Wollman	Rosedale Htrrn Brth	04/05/45	1.05		102,59,14
4656-3	Joshua	Wollman	Rosedale Htrrn Brth	09/16/71	5.82		102,59,35
1393-3	V. R.	Palmer	Mitchell	04/13/67	0.68		103,59,18
1527-3	Calvin F.	Andersen	Mitchell	02/23/68	3.46		103,59,25
1950-3	Goldie	Arbeiter	Huron	07/12/72	1.36		103,59,31
1215-3	Calvin F.	Andersen	Mitchell	08/13/65	1.16		103,59,31
2755-3	Ed	Arbeiter	Huron	04/22/76	0.56		103,59,32
5022-3		Davison Rural Water Sys.	Mitchell	06/19/84	2.90		103,60,01
4354-3		City of Mitchell	Mitchell	04/06/78	29.00	8,430	103,60,01
93-3	Joseph	Ellwein	Ellwein Co.	02/07/53	1.20		103,60,02
690-3	Don	Barber	Mitchell	03/02/60	0.86		103,60,13
280-3	Don	Barber	Mitchell	01/01/55	0.89		103,60,24
699-3	H. T.	Bosworth	Mitchell	03/02/60	2.32		103,60,24
1693-3	Calvin F.	Andersen	Mitchell	08/04/69	3.14		103,60,35
1752-3	Dan	Koupal	Jim-Rec-Ag, Inc.	02/10/67	2.28		104,59,31
1357-3	Dan	Koupal	Jim-Rec-Ag, Inc.	02/10/67	9.15		104,59,31
1159-3	Paul	Van Overschelde	Letcher	02/02/65	0.97		104,60,02
1422-3	Kenneth	Stoebner	Letcher	01/02/68	1.19		104,60,02
310-3	Richard	Hansen	Letcher	09/29/56	0.93		104,60,10
305-3	Iner	Houska	Mitchell	09/22/56	0.89		104,60,10
1917-3	Walter	Morrison	Mitchell	12/22/71	1.74		104,60,14
92-3	Joseph	Ellwein	Ellwein Co.	02/07/53	0.60		104,60,26
94-3	Joseph	Ellwein	Ellwein Co.	02/07/53	0.85		104,60,35
464-3	Dan	Koupal	Jim-Rec-Ag, Inc.	04/20/57	5.00		104,60,36
2880-3	Leonard	Van Overschelde	Letcher	08/12/76	0.85		105,60,60
1233-3	Robert	Keen	Letcher	12/06/65	1.02		105,60,20
1242-3	Charles	Moody	Letcher	12/22/65	2.44		105,60,34
1439-3	Carlton	Cassens	Forestburg	08/09/67	2.45		105,61,01
200-3	Bruce	Wessel	Woonsocket	05/24/56	0.54		108,61,15
1962-3	Alvin	Gutormson	Huron	12/21/72	0.86		110,61,06
9-3	Herb	Schelle	City of Huron	04/22/14	5.00		110,61,06
1022-3		City of Huron	Huron	01/01/36	0.00	2,600	110,61,06

James River Water Rights
June 15, 1989

Permit No.	Name	Corporation Name	City	Priority Date	Diverion Rate	Storage	Legal Description
37-3		Dakota Pork Industries	Huron	11/04/42	2.25		110,61,06
9-3A		City of Huron	Huron	03/31/50	5.00		110,61,06
755-3		City of Huron	Huron	12/23/60	0.00	600	110,61,06
2049-3		City of Huron	Huron	02/13/74	2.00	90	110,61,06
1045-3	Alvin	Gutormson	Huron	07/05/63	0.72		110,61,07
550-3	Jerry	Bales	Huron	09/10/58	0.60		110,61,07
559-3A	Leroy/Glen	Halter	Huron	12/03/58	2.01		110,61,17
1278-3	John F.	McFadden	Manheim	05/31/66	1.67		110,61,20
559-3	Jerry	Bales	Huron	12/03/58	1.62		110,61,29
2389-3	Jane	Haskell	Huron	09/26/75	0.43		110,61,29
1151-3	Ms. Willard	Meyer	Huron	12/17/64	2.00		110,61,32
2643-3	Leonard	Pevestorf	Huron	02/06/76	1.62		111,61,02
4266-3	Edward	Verhelst	Verhelst Brothers	08/17/64	1.83		111,61,11
4266A-3	Edward	Verhelst	Verhelst Brothers	08/17/64	0.35		111,61,11
1154-3	Donald	Barton	Huron	12/23/64	1.88		111,61,15
1896-3	Paul	Ramsell	Huron	06/27/72	1.56		111,61,15
2382A-3	Edward	Verhelst	Verhelst Brothers	01/14/83	1.24		111,61,20
2391-3	Kirk	Ford, Op.	Huron	09/29/75	0.74		111,61,21
2382-3	Edward	Verhelst	Verhelst Bros.	08/25/75	1.40		111,61,29
2388-3	James	Kleinsasser	Huron	09/24/75	8.63		112,61,09
809-3	James	Kleinsasser	Huron	07/31/61	2.23		112,61,09
1170-3	George	Walters	Huron	03/02/65	3.60		112,61,22
1276-3	Mike	Waldner	Riverside Colony	01/01/49	2.22		112,61,22
4866-3	Mike	Waldner	Riverside Colony	01/01/49	1.88		112,61,22
2879-3	Kirk	Ford, Op	Huron	08/02/76	0.76		112,61,35
2390-3	Jake	Wollman	Huron Colony	09/26/75	1.89		113,61,29
343-3	Jake	Wollman	Huron Colony	01/01/47	0.88		113,61,30
1141-3	James	Kleinsasser	Huron	12/01/64	2.00		113,61,31
2387-3	James	Kleinsasser	Huron	12/12/66	3.50		113,61,32
5027-3		Lake Byron Watershed Dis	Huron	06/14/84	12.00	3,400	113,61,33
1253-3	Roger	Chaplin	Sturgis	02/21/66	0.66		113,62,10
325-3	Roger	Chaplin	Sturgis	10/01/54	0.63		113,62,11
1027-3		US Bureau of Reclamation		01/01/36	0.00	4,875	113,62,13
343-3A	Jake	Wollman	Huron Colony	01/01/47	0.00		113,62,24
616-3		Haskell-Tomkins-Haskell	Huron	06/06/59	1.14		114,62,27
1733-3	Jerry	Kleinsasser	Glendale Colony	10/12/67	3.77		115,62,03
1450-3	Jerry	Kleinsasser	Glendale Colony	10/12/67	4.44		115,62,08
1734-3	Jerry	Kleinsasser	Glendale Colony	11/04/68	5.66		115,62,10
1538-3	John J	Wipf	Spink Hutterian Brth	03/19/68	4.00		115,62,16
2396-3	John J	Wipf	Spink Hutterian Brth	10/10/75	1.88		115,62,21
2386-3	Harvey	Wollman	Frankfort	09/24/75	1.28		115,62,34
1979-3	John J	Wipf	Spink Hutterian Brth	03/27/73	3.76		115,62,35
1143-3A	George	Cluts, Jr.	Doland	12/01/64	0.11		116,62,07
2129-3	Lyle	Bindenagel	Frankfort	10/10/74	1.69		116,62,20
1943-3	Jerry	Kleinsasser	Glendale Colony	05/30/72	2.00		116,62,29
1735-3	Jerry	Kleinsasser	Glendale Colony	02/16/70	1.94		116,62,33
1421-3	Edmund	Carter Mg.	Fisher Grove Ctry. Club	06/15/67	0.67		116,63,01
1172-3	Jesse	Wright	Redfield	03/08/65	1.50		117,63,21
1225-3	James S	Esser	Redfield	10/05/65	1.27		117,63,28

James River Water Rights
June 15, 1989

Permit No.	Name	Corporation Name	City	Priority Date	Diverion Rate	Storage	Legal Description
1105-3B	Sheldon	Osborn	Redfield	04/13/64	1.10		117,63,29
1105-3A	Leon	Osborn	Redfield	04/13/64	2.61		117,63,30
4065-3	Sheldon	Osborn	Redfield	08/26/76	2.20		117,63,32
2377-3	Charles	Davis	Redfield	09/03/75	1.89		117,63,33
1935-3	Dale P.	Peterson	Mellette	03/30/72	1.11		119,63,09
4071-3	Keith	Kettering, Op	Mellette	01/20/77	3.64		119,63,09
5277-3	Roger	Locken	Bath	01/25/89	2.57		122,62,04
2629-3	Alfred	Locken	Bath	11/17/75	1.44		122,62,09
4668-3	Alfred	Locken	Bath	02/19/81	0.00		122,62,09
2703-3	Delwin	Tullis	Groton	12/29/75	2.70		122,62,10
1841-3		Tullis Brothers Game, Fish, & Parks	Pierre	01/01/35	0.00	21	122,62,21
1491-3	Scott	Sperry	Bath	01/15/68	1.94		123,62,03
1125-3	Scott	Sperry	Bath	08/19/64	1.98		123,62,03
4494-3	Roland	Sieh	Bath	11/02/79	1.07		123,62,15
4066-3	James	Sperry	Sperry Farms, Inc.	09/03/76	1.33		123,62,20
4495-3	Roland	Sieh	Bath	11/02/79	2.57		123,62,23
4609-3	James	Sperry	Sperry Farms, Inc.	01/06/81	0.00		123,62,27
2639-3	Delwin	Tullis	Tullis Brothers	12/29/75	2.00		123,62,36
100-3	Harold	Weismantel	Bath	04/27/53	2.00		124,62,15
2394-3	Dennis	Jones	Bath	10/06/75	1.55		124,62,22
1817-3		Game, Fish, & Parks	Pierre	01/01/35	0.00	60	124,62,24
27-3		Tacoma Park Association	Groton	03/31/41	0.50		124,62,24
2395-3	Dennis	Jones	Bath	10/06/75	2.22		124,62,34
2392-3	Charles	Boynton	Bath	09/30/75	2.00		124,62,34
2637-3	Ron	Nelson	Aberdeen	12/22/75	3.80		125,62,35
4351-3	Shirley	Treeby	Hecla	01/31/68	1.49		128,61,05
4667-3	Shirley	Treeby	Hecla	12/29/75	0.00		128,61,05
2640-3	Shirley	Treeby	Hecla	12/29/75	8.01		128,61,11
*** Total ***							284.82

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5321-3, Ralph Gosch

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. 5321-3, Ralph Gosch, RR 1, Huron SD.

The Chief Engineer is recommending APPROVAL of Application No. 5321-3 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 so issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This permit does not authorize diversions from the James River when less than 20 cfs of water is by-passing the Third Street Dam in Huron.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
June 16, 1989



Department of Water & Natural Resources

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

June 20, 1989

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

Ralph Gosch
RR 1
Huron, SD 57350

Dear Mr. Gosch:

Water Permit Application No. 5321-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Huron Daily Plainsman printed at Huron SD. For your information, a copy of the notice is enclosed. A copy of the report and the Engineer's Recommendations are enclosed. 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

June 20, 1989

Huron Daily Plainsman
Box 1278
Huron, SD 57350

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5321-3 to be published twice. Please publish the first notice on or before June 28, 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 Ralph Gosch, RR 1, Huron, SD 57350.

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 June 28, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5321-3 to Appropriate Water

Notice is given that Ralph Gosch, RR #1, Huron, SD 57350 has filed an application for a water permit to appropriate 0.034 cubic feet of water per second from the James River in the SE1/4 NE1/4 Section 6-T110N-R61W. Water is to be used in a commercial greenhouse operation (Gosch's Greenhouse).

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5321-3 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 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City, SD, July 26, 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 July 14, 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 July 14, 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.

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 46-5-13, 46-5-15 thru 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.

9/21/2013 4:40 PM No. 313 (adv.)



Department of Water & Natural Resources

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

SEP 12 1989

Ralph Gosch
RR #1
Huron, SD 57350-9801

Dear Mr. Gosch:

Enclosed is Water Permit No. 5321-3 as approved by the Water Management Board authorizing construction of the water system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures



DEPARTMENT OF AGRICULTURE

DIVISION OF REGULATORY SERVICES
Anderson Building, 445 East Capitol
Pierre, South Dakota 57501
Phone (605) 773-3724

April 17, 1990

Ralph Gosch
Gosch Greenhouse
RR 1
Huron, SD 57350



Dear Mr. Gosch:

Greenhouse production of bedding plants-ornamentally, vegetable or herb-is an agricultural industry. As is production of seed, flowers, vegetables and herbs. Greenhouse production and distribution is regulated by the United States Department of Agriculture and by the state Department of Agriculture in all 50 states. Research in support of greenhouse production is conducted by the Agriculture Research Services and the Agricultural Experiment Stations. Information about greenhouse production is distributed through the Agriculture Extension Services. Greenhouse production and related fields are taught at the Colleges of Agriculture at land grant Universities. Additionally, according to the USDA's Economic Research Service, Greenhouses and nursery production ranks sixth in terms of agricultural cash receipts.

The Department of Agriculture certainly supports your contention that greenhouse production is an agricultural industry.

Sincerely,

Jimmy Krsnak, Administrator
Office of Plant Industry

JK/lh

cc: John Hatch, Department of Water & Natural Resources



Department of Water & Natural Resources

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

June 20, 1990

RESCISSION OF SHUTOFF ORDER

5321-3

TO: Ralph Gosch
Rt 1
Huron, SD 57350

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

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

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

The flows in the Lower James River have improved. Therefore, I am rescinding the April 6, 1990 shutoff order, effective immediately, for the section of the James River downstream from the Huron Third Street Dam to the I-90 bridge near Mitchell.

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

<u>Date</u>	<u>Ludden</u>	<u>Columbia</u>	<u>Ashton</u>	<u>Huron</u>	<u>Forestburg</u>	<u>Scotland</u>
6/18/90	25.44	1.14	12.02	65.12	206.10	186.00
6/19/90	---	2.13	14.31	62.00	245.80	116.90
6/20/90	28.00	1.86	13.00	58.23	---	136.10

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

5321-3

TO: Ralph Gosch
Rt 1
Huron, SD 57350

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

A handwritten signature in cursive script, reading "John Hatch".

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

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

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

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

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

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

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

April 2, 1991

5321-3

Ralph Gosch
Rt 1
Huron, SD 57350

Dear Mr. Gosch:

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

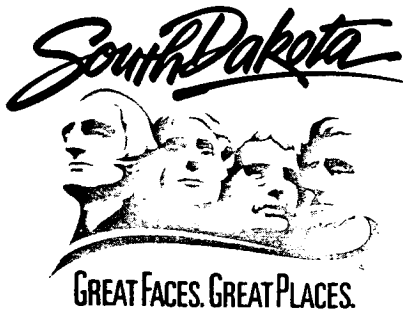
Conversation or File Documentation

NAME OF PERSON OR FILE: Ralph GoschADDRESS: R.R. 1 Huron, SD 57350 COUNTY BeadleDATE: 7/18/91 TELEPHONE _____RE: Inspection for licensing

COMMENTS:

Stopped at Mr. Gosch's home, he wasn't there.
Will try to contact again.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 5, 1991

NOTICE

5321-3

TO: Ralph Gosch
Rt 1
Huron, SD 57350

FROM: *for* 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. 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

File No. 5321-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Ralph Gosch

ADDRESS: RR 1 Huron, SD 57350 COUNTY: Beadle

DATE: 9-23-91 TELEPHONE: Hm 352-8289 Off 352-4064

RE: Inspection for licensing.

COMMENTS:

Mr. Gosch is under the impression that he does not need a commercial water permit for his greenhouse production because it should be considered agricultural and he uses under 18 gpm. He was told by someone in the Department of Horticulture at SDSU that he did not need one. Mr. Gosch is going to get the name of the person from SDSU so I can contact that person.

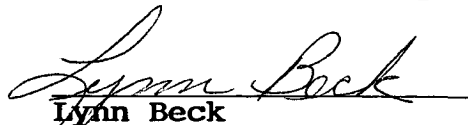
Mr. Gosch said that if charged a fee for the licensing he will not pay it.

Mr. Gosch said he uses 45,000 to 60,000 gallons per year. Under permit no. 5321-3.

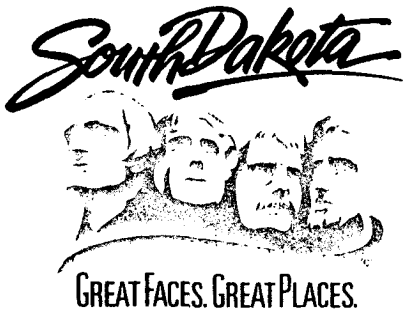
Mr. Gosch would like to irrigate an apple tree orchard and does not believe that he needs a water permit.

9-26-91 called Ralph Gosch to get name of the person with the Department of Horticulture at SDSU, he wasn't in and will be leaving town for a week. He was going to stop at the store before leaving town so I told them to have him call me. He did not call me back.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 26, 1991

Ralph Gosch
Gosch Greenhouse
RR 1
Huron, SD 57350

Dear Mr. Gosch:

As per our conversation on September 23, 1991, I have done some investigating into your claim that you do not need a Water Permit to water the potted plants in your greenhouse. Under South Dakota Codified Law definition of domestic use 46-1-6(4), it states "Irrigation of a noncommercial family garden, trees, shrubbery, or orchard not greater than 1 acre" is a domestic use". Gosch Greenhouse is not a family garden, and therefore, requires a water permit, which you already have. I spoke with Jimmy Krsnac, Department of Agriculture, and it is his opinion that your greenhouse is an agricultural industry, but does not exclude you from the need for a water permit. The license will be a commercial license with the distinction that it is for greenhouse production, agricultural industry.

The licensing process includes obtaining a water permit, which you have done, constructing works and putting water to beneficial use, which you have done, and a final licensing inspection, which I have done. To obtain the license, a \$50.00 licensing fee must be paid to the Division of Water Rights, Department of Environment and Natural Resources. As per South Dakota Codified Law 46-5-30.1, "No permit holder may divert water until the assessed licensed fee has been paid".

With this letter, I have included copies of the referred to South Dakota Codified Laws.

If I can be of further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Beck".

Lynn Beck
Natural Resource Engineer
Water Rights Division
(605) 773-3352

encl

cc: Jimmy Krsnac, Department of Agriculture



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 22, 1992

RESCISSION OF SHUTOFF ORDER

5321-3

TO: RALPH GOSCH
RR 1
HURON, SD 57350

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

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

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

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

cc: City of Huron, Water Superintendent



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 23, 1992

5321-3

Ralph Gosch
RR 1
Huron, SD 57350

Dear Mr. Gosch:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5321-3, 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 issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 20, 1992

NOTICE OF SHUTOFF ORDER

5321-3

TO: RALPH GOSCH
RR 1
HURON, SD 57350

FROM: *for* 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



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 25, 1992

SECOND NOTICE

PERMIT NO: 5321-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Ralph Gosch
RR 1
Huron, SD 57350

Dear Mr. Gosch:

On June 23, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 5321-3 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,

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

Is your Return Address completed 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:

5321-3

Ralph Gosch

RR 1

Huron, SD 57350

4a. Article Number

P 906 559 924

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

8/26/92 *Ralph Gosch*

5. Signature (Addressee)

Ralph Gosch

6. Signature (Agent)

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

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 18, 1992

THIRD NOTICE

PERMIT NO. 5321-3

**NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 5321-3 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE**

Ralph Gosch
RR 1
Huron, SD 57350

Dear Mr. Gosch:

On June 23, 1992 and August 25, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 5321-3 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 5321-3 until the \$50.00 fee is paid.

Very truly yours,

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

Is your RETURN ADDRESS completed 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:

Ralph Gosch
RR 1
Huron, SD 57350

5321-3

4a. Article Number

P 906 559 958

4b. Service Type

- | | |
|---------------------------------------|---|
| ☐ Registered | ☐ Insured |
| ☐ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

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

5. Signature (Addressee)

6. Signature (Agent)

Samuel Ostberg

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

12-492

Dear Sirs

Enclosed is ch for
Water Permit -

We don't need
the permit until Feb
so hadn't sent this -
But you kept sending
Notices so here's your
Check



RECEIPT

413531

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 9 _____, 19 92

RECEIVED OF Bonnie Gosch, H.H. Humphrey Drug Store, 233 Dakota Ave S, Huron, SD 57350

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>5321-5</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 John Hatch
Chief Engineer

Permit No. 5321-3

James River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Ralph Gosch of RR 1 Huron, SD 57350 holder of Permit No. 5321-3, bearing the priority of April 27, 1989 authorizing the diversion of 0.034 cu. ft. per second and/or the storage of N/A acre-feet of the waters of James River for commercial (Agricultural Industry-Greenhouse) purposes, in Beadle County.

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

A. Works used to divert the water:

Pump - Goulds pump, capacity of 60 gpm, 15-20 operating psi.

Motor - Dayton motor, model no. 5K475E, 1.5 HP.

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

500 gal tank on back of truck.

C. Works used to apply water to beneficial use:

Greenhouse

The system is in the following condition good. The point of diversion is located 1220' W and 200' N of the E corner section 6, T110N, R61W. The works are capable of diverting and conveying to the place of use 0.034 ^{(0.13) gpm} cu. ft. per second of water and/or storing N/A acre-feet of water which is to be used for commercial (Agricultural Industry-Greenhouse).

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

Used to water potted plants in a greenhouse

comprising a total of N/A acres of land and the license should be issued for 0.034 cfs and/or N/A acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are:

Date 9-24-91

Lynn Beck

Natural Resources Engineer III

DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 5321-3

1. Legal location of wells: Diversion point out of the James River SE1/4 NE1/4 Sec. T110N, R61W

Dams and Structures N/A

2. Well Information: Well Drilling Firm N/A

Completion Report? Yes No No. of Wells Depth(s) feet

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

Pump a) make Goulds Motor a) make Dayton
b) model b) model no. 5K475E
c) size c) horsepower rating 1.5
d) capacity 60 GPM d) serial no.
e) turbine pump - no. of stages
f) operating PSI 15-20

Yes No Check Items

- N/A 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
- X 2. Special qualifications to permit being abided by?
- X 3. All structures, wells and lands on map?
- X 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
- X 5. Is chemigation used?
6. If yes, does equipment comply with chemigation rules?

REMARKS: Mr. Gosch uses a 500 gal. tank to transport water from the diversion point to greenhouse.

NOT TO SCALE

Prepared by:

Lynn Beck

Lynn Beck

Natural Resource Engineer
Water Rights Division
DENR

10/2/91

6

378

200'

diversion point

17R

1220'

1.993

66.0

110+61

5321-3

11

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5321-3

(1) Ralph Gosch, of RR#1, Huron, SD 57350 made Application No. 5321-3, April 29, 1986 for a water permit to appropriate 0.034 cubic feet of water per second from the James River, Beadle County, South Dakota for commercial purposes. Permit No. 5321-3, with a priority date of April 27, 1989 was approved July 26, 1989 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the applicant 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 0.034 cubic feet of water per second for beneficial use. The location of the diversion point is 1220 feet west and 200 feet north of the E 1/4 corner Section 6, T110N, R61W (SE 1/4 NE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a commercial greenhouse operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ralph Gosch of RR #1, Huron, SD 57350 the holder and/or owner of Water Permit No. 5321-3 is issued a license to appropriate water, the right to use 0.034 cubic feet of water per second from the James River with a priority date of April 27, 1989 from the location specified in (2) of this license. The water is used for commercial purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5321-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment & Natural Resources

MAR 12 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1993

5321-3

Ralph Gosch
RR 1
Huron, SD 57350

Dear Mr. Gosch:

Enclosed is Water License No. 5321-3 and Receipt No. 413531 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5321-3 is the final document which completes the process of obtaining a water right.

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.

Very truly yours,

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

enclosures



**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: RALPH GOSCH
RR 1
HURON SD 57350

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 5321-3

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.



5321-3
**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). 5321-3**

To: RALPH GOSCH
20774 403RD AVE
HURON SD 57350

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

Subject: James River Qualification Reminder for Permit No(s). 5321-3

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.