

Considered: _____

WATER PERMIT NO. 5737-3

Phone: _____

Name of Applicant: Spink Hutterian Brethren, Inc.

Post Office Address: RR 1, Box 84, Frankfort, SD 57440

Amount of Water Claimed: 1.88 cfs Total Acres: 132

Source of Water Supply: James River

Water to be used for: irrigation County: Beadle

About 9 miles South of Frankfort

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 12/17/92 Fee: 225 Remarks _____

Corrected Application Received _____ Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED 1/5/93 APPROVED/CONDITIONAL (Circle one)

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

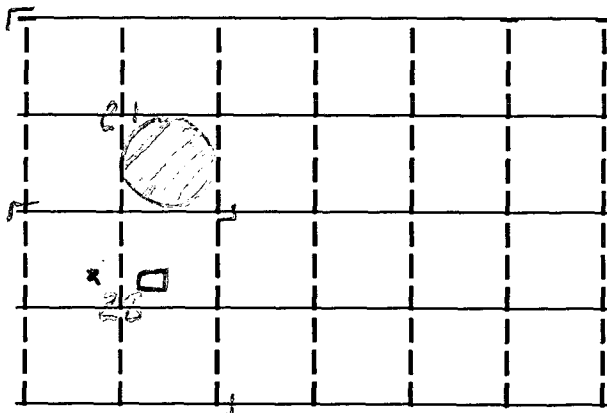
Diversion Point: SE1/4 NW1/4 Sect. 28, T115N

R62W, Storage Pond - SW1/4 NE1/4 Section 28,

T115N, R62W

Land to be Irrigated: SE1/4 Section 21, T115N

R62W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: Soil PREPARED BY: John Millar Reviewed and the Number

Assigned on 1/6/93 By Eric Gronlund

FORM 2: Application for irrigation in South Dakota

(type or print)



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5737-3 Hydrologic Unit 10160006
Basin James River
Newspaper Redfield Press, Box 440, Redfield, SD
(office use only)

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

Type of Application: ☒ **New** ☐ **Vested Right** ☐ **Amendment/Correction to Permit No. _____**
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____

- Name of Applicant Spink Hutterian, Brethren, Inc Phone 472-1269
Mailing Address RR 1 Box 84 Frankfort, State SD 57440
(Street, RR, or Box) ~~For add 34 acres~~ (City) (Zip Code)
- Amount of water claimed 1.88 ~~2.22~~ *CFS or 144 **GPM ***AF Total Acreage 132
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet -- storage capacity of dam/dugout if applicable) ~~For add 34 acres~~
- Source of water supply James River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Diversion from James River
SE1/4, NW1/4 section 28 T115N-R62W
Storage - SW1/4 NE1/4 Section 28-T115N-R62W County Spink
- County or counties where water will be used Spink
- Annual period during which water is to be used March 1- November 30
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
all in Sec 21-T115N-R62W (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE1/4, SE1/4	33		
SW1/4, SE1/4	33		
NW1/4, SE1/4	33		
NE1/4, SE1/4	33		

- Type of Irrigation: Gravity: ☐ Towline: ☐ Center Pivot: ☒ Gun: ☐ Other (Specify): _____
- Crops to be irrigated: Corn, Soybeans
- Give a description of the project. (Attach sheet if more space is needed)
See Attached Sheet

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

STATE OF SOUTH DAKOTA)

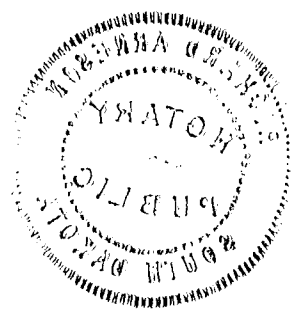
County of Spink)^{ss}

I, John J. Weff, 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 representative of the water to be used, and that the matters stated in this application are true and correct.

Signed John J. Weff

Subscribed and sworn to before me this 15th day of December 19 92

Richard O. Arneson
2-6-97 Notary Public



**SOUTH DAKOTA
WATER PERMIT NO. 5737-3**

Date of first receipt of application December 17, 1992.

Date Soil/Water Compatibility Permit received January 5, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5737-3 to Spink Hutterian Brethren, Inc., RR 1, Box 84, Frankfort SD 57440 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. 5737-3 appropriates 1.88 cubic feet of water per second (cfs) from the James River at a point located in the SE 1/4 NW 1/4 Section 28 to irrigate 132 acres located in the SE 1/4 Section 21; all in T115N-R62W. An offstream storage pond (144 acre feet capacity) will be located in the SW 1/4 NE 1/4 Section 28-T115N-R62W. The storage pond is to be filled during periods of high James River flows utilizing the diversion point authorized by Water Right No. 1538-3. The pond may also receive effluent from the permit holder's livestock confinement unit. Water will be diverted from the pond for irrigation when James River shut-off orders have been issued. This will enable the permit holder to continue irrigation of the SE 1/4 Section 21-T115N-R62W during periods of low flow.

This permit also allows the diversion of water authorized by Water Right No. 1538-3 for the purpose of filling the storage pond. Water Right No. 1538-3 appropriates 4.0 cfs from the James River to irrigate 343.4 acres located in the N 1/2 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4, S 1/2 SW 1/4 Section 16, W 1/2 Section 21, NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, SE 1/4 Section 28; all in T115N-R62W. This combined diversion rate of 5.88 cfs will allow the storage pond to be rapidly filled during periods of high spring runoff or high flows in the James River.

2. The amount of the appropriation may not exceed 2 acre feet annually 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: March 1 - November 30.
3. The date from which applicant may claim right is December 17, 1992.
4. The date of approval of Permit No. 5737-3 is March 23, 1993.
5. One-fifth of the construction is to be completed on or before September 23, 1995.
6. All construction is to be completed on or before March 23, 1998.
7. Water is to be put to beneficial use on or before March 23, 2002.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

(continued)

QUALIFICATIONS

1. When pumping from the James River into the storage pond, low flows as needed for downstream domestic use, including livestock water, and prior water rights/permits must be by-passed. From March 1 - March 31, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 29 cfs while pumping under this Permit. From April 1 - June 30, diversions from the James River are authorized only when the flow at the Huron Third Street Dam exceeds 63 cfs while pumping under this permit. From June 30 until November 30, diversions from the James River are not authorized unless allowed by written orders issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. Water can be diverted from the storage pond during the time period of March 1 through November 30 at a diversion rate not to exceed 1.88 cfs to irrigate the SE 1/4 Section 21-T115N-R62W.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

John Hatch, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

MAY 19 1993

date

10) Description of Project

We currently have Permit #1538-3 which appropriates four cubic feet/second from the James River to irrigate 343.4 ~~including 98 acres in SE 1/4 21 T115-R62W~~. Knowing the supply of water from the James River is regulated by seasonal conditions we have constructed the following. Recently we completed an offstream storage facility capable of holding 144 acre feet. Having this size of storage capacity will allow us to fill the facility during peak flow of the James River in early spring. This application if approved for ¹³²~~44 additional~~ ^{new} acres in conjunction with Permit #1538-3 would allow us to fill the storage facility during peak flow, and utilize the water during the growing season through a center pivot located on the SE 1/4 Sec 21 T115-R62W irrigating 132 acres.

We would also like this application to ammend 1538-3 to allow diversions to begin March 1 instead of April 1.

1538-3 Annual period is March - Aug 10



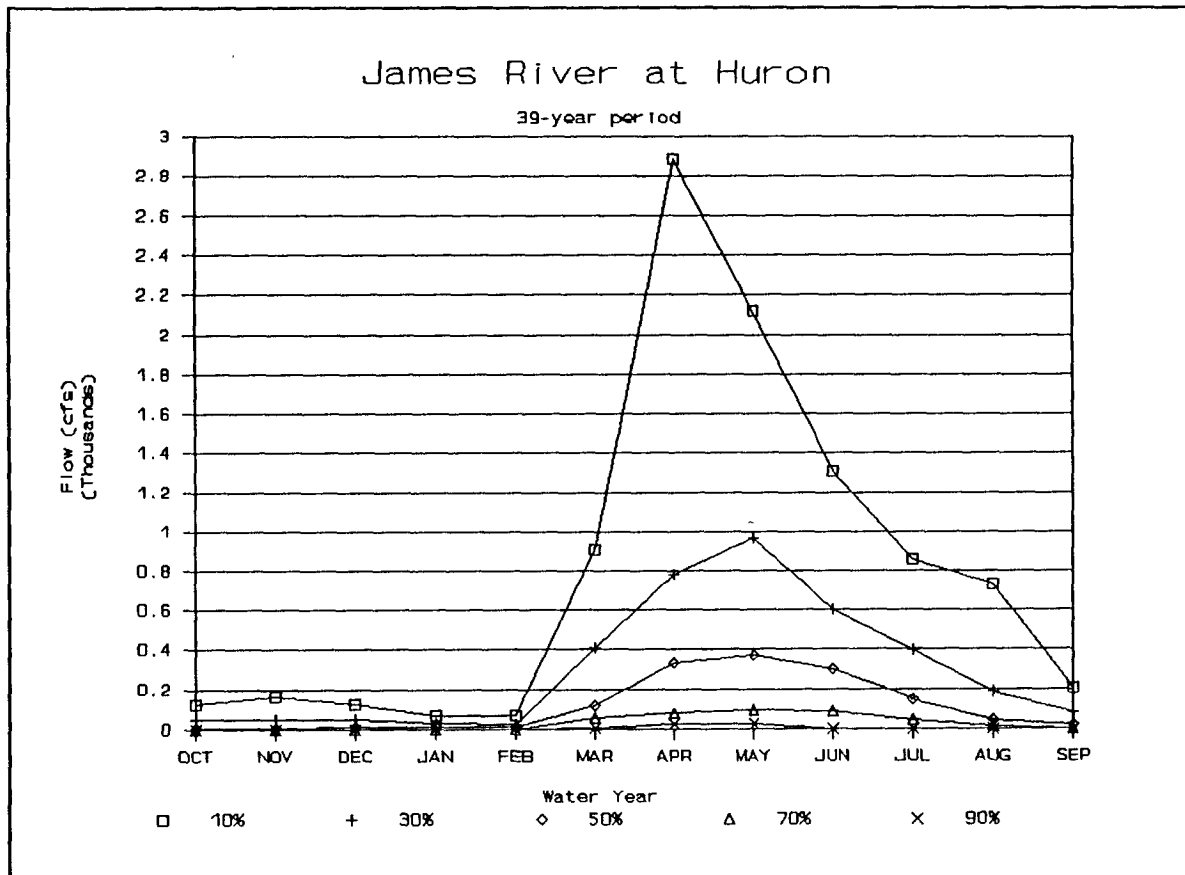
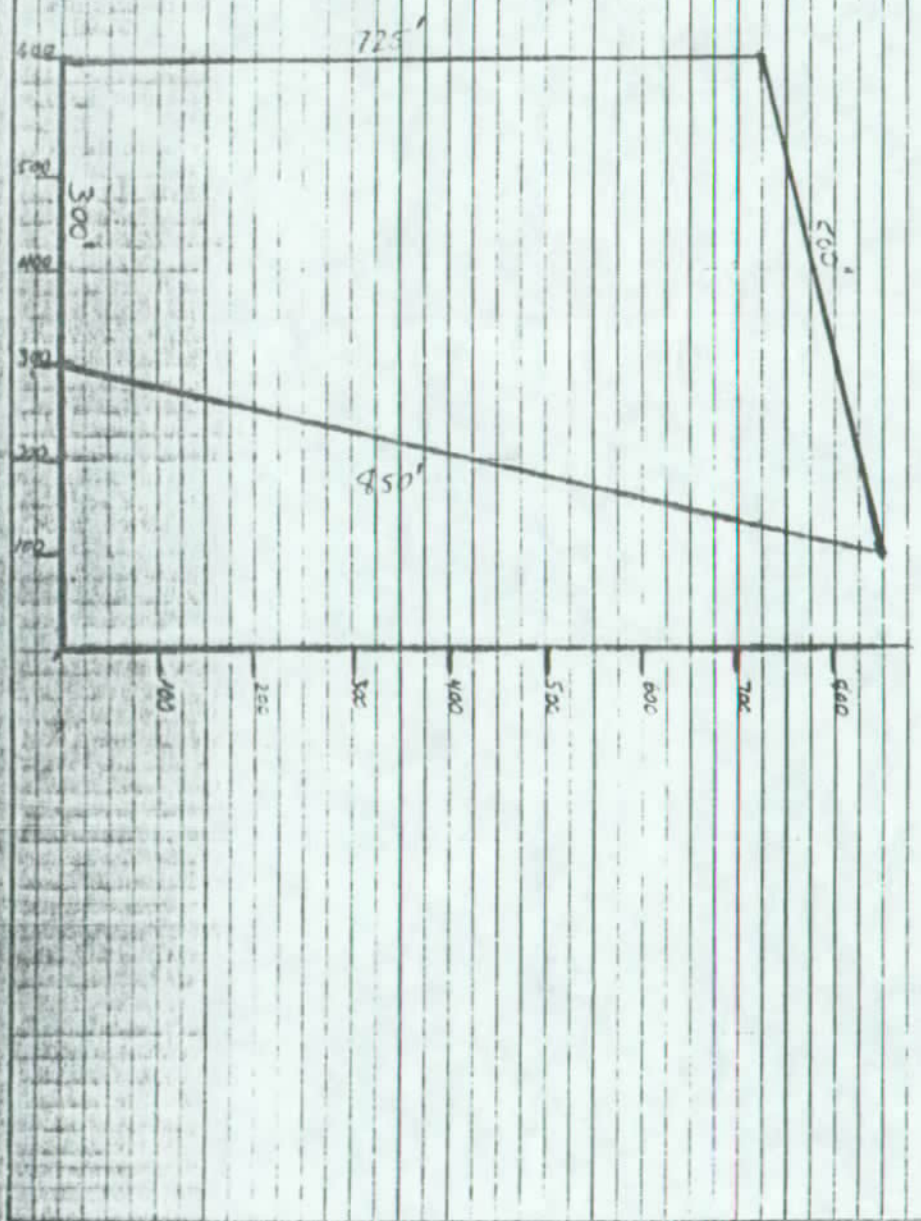


Figure 3 James River at Huron flow duration hydrograph for 39 year period beginning October 1949, printed December 1991.

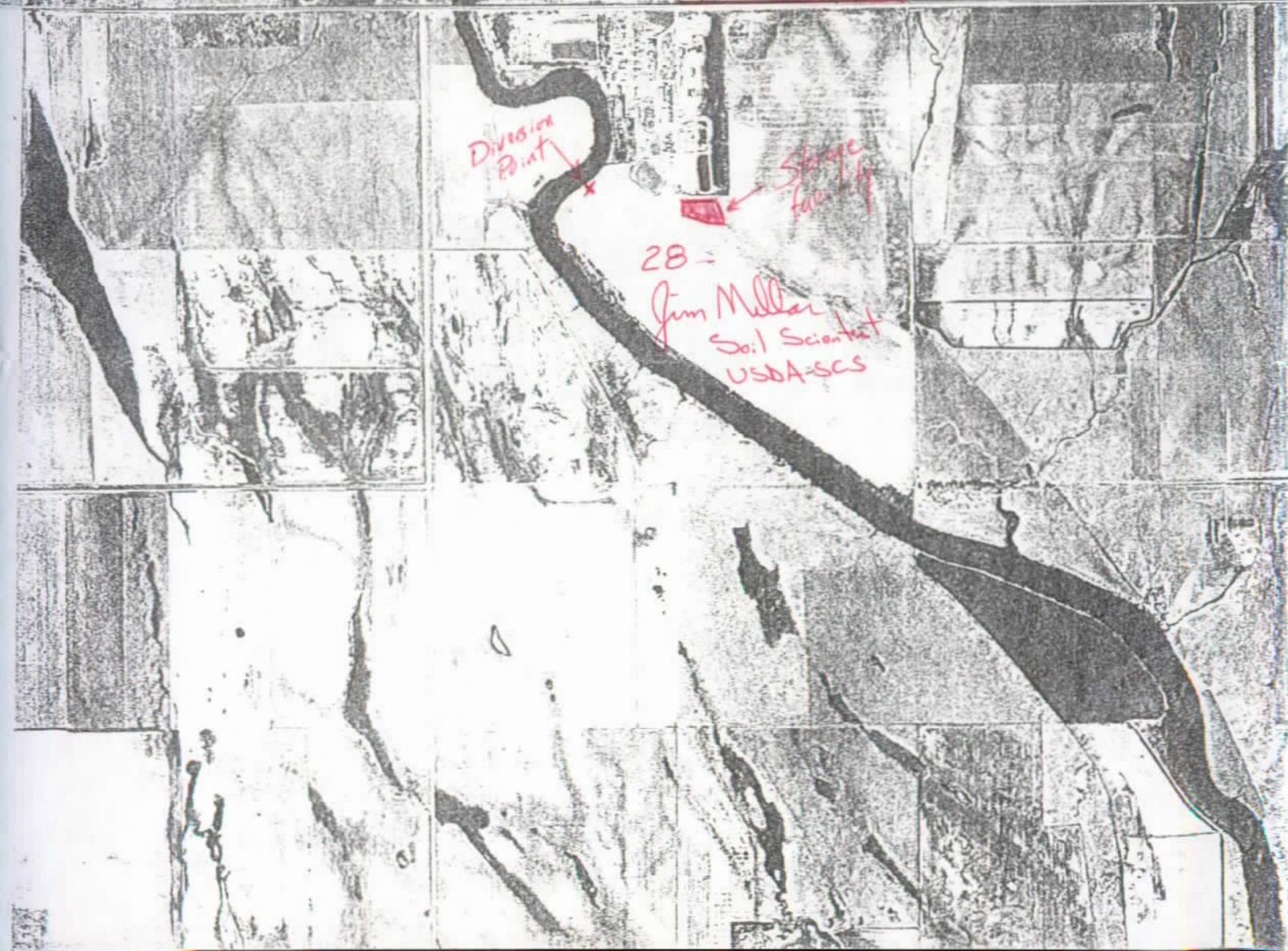
Month	Probability of Flow (cfs)				
	10%	30%	50%	70%	90%
OCT	129	50	5	0	0
NOV	169	51	7	1	0
DEC	130	54	13	0	0
JAN	69	33	13	0	0
FEB	69	27	14	4	0
MAR	912	410	122	57	7
APR	2883	781	332	81	24
MAY	2119	969	371	94	23
JUN	1305	601	304	91	3
JUL	856	398	146	46	0
AUG	728	185	44	11	0
SEP	206	84	22	0	0


$$n \uparrow$$


$$\left(\frac{300+500}{2}\right)\left(\frac{725+850}{2}\right)(20) = 6,300,000 \text{ ft}^3$$
$$= 47,124,000 \text{ Gallons}$$

$$\frac{6300000 \text{ ft}^3}{1} \times \frac{1 \text{ Acre ft}}{3630 \text{ ft}^3} \times \frac{1 \text{ ft} \cdot \text{ft}}{12 \text{ ft} \cdot \text{ft}} = 144 \text{ Acre feet}$$

Capacity in the Lagoon



PAGE NO.

Tom Rathjen
FOREMAN

Jt No.	DEPTH	TIME	REMARKS
			HOLE #2
1	20'	9:10	0-2 topsoil
2	40'	9:30	2-19 yellow clay
3	60'	10:40	19-20 yellow gravel
4	80'	11:00	20-22 blue clay
			22-40 sand & gravel coarse
			40-55 gravel
			55-70 good gravel, pea size
			70-75 sand & gravel
			75-80 shale
			Cased up hole #2 with 6" PVC with 20' slotted. Pumped 50 G.P.M. with supply pump set at 64'. Water head 50-55'

NOT TO SCALE



NEEL FIELD

30.8
T2544

6.5

25.6

50.0

18.2
7

21.8

141.1

1 579-22R

E-11

4.2
9

60.0

47.6

5

21

7.4

10

148.5

21.4

2

1320
ASCS
as close as possible
until we receive '92 slides

115-62

A 11

NOT TO SCALE



NOT TO SCALE



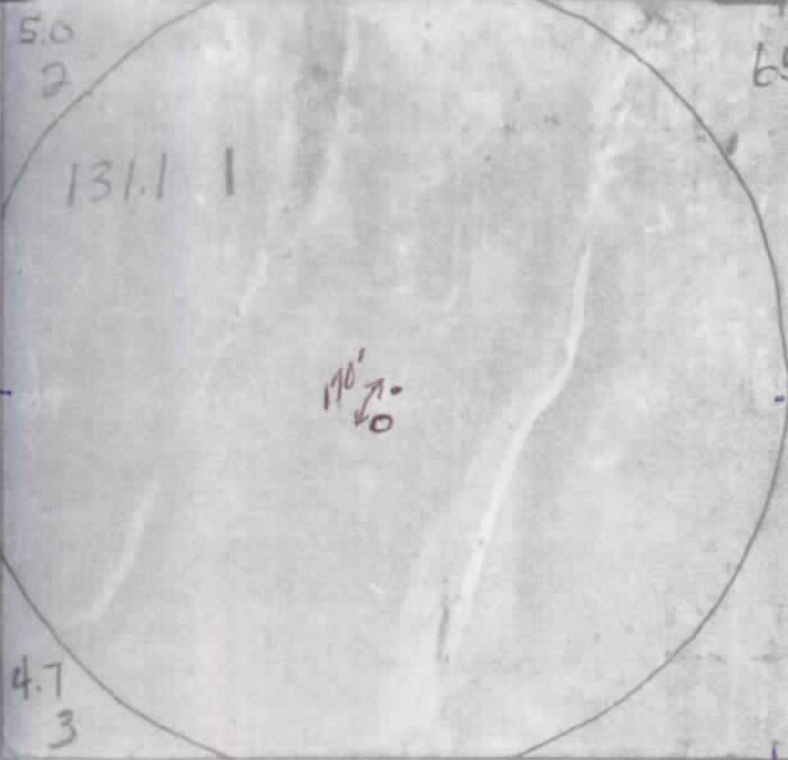
156.1
T184.5
1
579-81R
E-12



T2550
155.2
5



23



65.4
4

6
100.5

115-62

4.7
3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413203

Pierre, May 1, 1992

RECEIVED OF John Wipf, Spink Hutterian Brethren Inc, RR 1 Box 84, Frankfort SD 57440

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

Fee for Application for Permit No. <u>5737-3</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 / JMK



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 25, 1992

Gregg Magera
Siegel, Barnett & Schutz
P.O. Box 490
Aberdeen, SD 57402-0490

Dear Mr. Magera:

In response to your letter regarding the Spink Hutterian Brethren water permit application, we have contacted the Department of Agriculture, Division of Conservation regarding the Soil Water Compatibility Permit. The water sample for this application must be validated. Therefore, staff from the Division of Conservation must personally take the water sample. It is my understanding that the Colony was to contact the Conservation Division office when the test hole was drilled so they could be on hand to take the water sample. I suggest you contact Jim Stukel (773-3258) regarding the status of the Soil Water Compatibility Permit.

If chemical analyses data is available concerning the sodium and salt problem following irrigation in 1987 and 1988, we would appreciate receiving the data.

The recent rains have allowed recision of the James River shut-off order. I have issued an order to allow irrigators to pump from the James River. We have advised you in a telephone call that the Colony can pump from the James River to dilute waste water in the livestock lagoons. When flows subside, I will again issue a shutoff order to permit holders.

Very truly yours,

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

cc: Jim Stukel, Department of Agriculture

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Spink Hutterian Brethren, Inc.

ADDRESS: RR 1, Box 84, Frankfort, SD 57440 COUNTY: Spink

DATE: 12/8/92 TELEPHONE: _____

RE: Meeting with Spink Colony and their consultant

COMMENTS:

Two gentlemen from Spink Colony (John Wipf and Paul ?Wipf?) along with their consultant (Shawn Thelen) came to Pierre to meet with Jim Stukel and myself. The conversation revolved around how they could get a water supply to irrigate the SE1/4 Section 21, T115N, R62W that would not be subject to James River shut-off orders.

MS The Colony had previously applied to transfer the diversion rate for a well (Tulare East James) and the irrigated acreage authorized by Right No. 3467-3 to portion of the S1/2 Section 28. Correspondence in our files states that Right No. 3467-3 may be subject to cancellation for non-use. The irrigation questionnaire's for 1989, 1991 and 1992 indicates that irrigation did not take place. See file documentation and letters in the file by Gregg Magerra, Spink Colony's attorney and John Hatch regarding the subject of non-use.

The colony presented the option of using off-stream storage for irrigating the SE1/4 Section 21 when James River shut-off orders have been issued. This off-stream storage would be filled during periods of James River high flow. The plan would be to increase the number of acres in the SE1/4 by approximately 34 acres and the corresponding diversion of 0.41 cfs.

12/17/92

The colony submitted a water permit application for irrigation of the SE1/4 Section 21 and for off-stream storage. There had been some confusion from our meeting on December 8, 1992 when I thought they were intending to irrigate the SE1/4 of Section 28 which was authorized by Water Right No. 1538-3. Currently the SE1/4 Section 21 is not covered by any water permit. This acreage was covered at one time by Water Right No. 2396-3 but based on an inspection by Ron Duvall in 1985 the water right was re-issued for only the NE1/4 Section 21.

The application is also serve to amend Right No. 1538-3 to allow diversions to begin on March 1 of each year for filling of this storage facility. This will allow the storage dugout to be filled when the river is at high flow stage under diversions authorized by this permit application and Water Right No. 1538-3 for irrigation of the SE1/4 Section 21.

The Colony does not, at this time, plan to pursue their application to pursue the transfer of Water Right No. 3467-3. The \$50 fee submitted with the transfer application will be used as part of this new application for off-stream storage.

I called Shawn Thelen also and he indicated the diversion from the well was in the SE1/4 NW1/4 Section 28, T115N, R62W and that the storage dugout is in the SW1/4 NE1/4 Section 28, T115N, R62W.

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.

NAME: Eric Thelen

UPDATED

Water Rights Division - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Spink Hutterian Brethren, Inc.

ADDRESS: RR 1, Box 84, Frankfort, SD 57440 COUNTY: Spink

DATE: 12/8/92 TELEPHONE: _____

RE: Meeting with Spink Colony and their consultant

COMMENTS:

Two gentlemen from Spink Colony (John Wipf and Paul ?Wipf?) along with their consultant came to Pierre to meet with Jim Stukel and myself. The conversation revolved around how they could get a water supply to irrigate the SE1/4 Section 21, T115N, R62W that would not be subject to James River shut-off orders. Approximately 98.1 acres are currently authorized for irrigation in the SE1/4 Section 21 from the James River by Right No. 1538-~~2~~.

The Colony had previously applied to transfer the diversion rate for a well (Tulare East James) and the irrigated acreage authorized by Right No. 3467-3 to the SE1/4 Section 21. Correspondence in our files states that Right No. 3467-3 may be subject to cancellation for non-use. The irrigation ^{WS}questionnaire's for 1989, 1991 and 1992 indicates that irrigation did not take place. See file documentation and letters in the file by Gregg Magerra, Spink Colony's attorney and John Hatch regarding the subject of non-use.

The colony presented the option of using off-stream storage for irrigating the SE1/4 Section 21 when James River shut-off orders have been issued. This off-stream storage would be filled during periods of James River high flow. The plan would be to increase the number of acres in the SE1/4 by approximately 34 acres and the corresponding diversion of 0.41 cfs.

The colony is going to be submitting an water permit application for this increase in diversion rate to irrigate the 34 acres and for off-stream storage. The application will also serve to amend Right No. 1538-3 to allow diversions to begin on March 1 of each year. This will allow the storage dugout to be filled when the river is at high flow stage.

The Colony does not, at this time, plan to pursue their application to pursue the transfer of Water Right No. 3467-3. The \$50 fee submitted with the transfer application will be used as part of this new application for off-stream storage.

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.

NAME: Eric S. Hunkeler

RECEIPT

413550

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, December 18, 19 92RECEIVED OF Spink Hutterian Brethren, Inc., RR 1 Box 84, Frankfort, SD 57440

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

Fee for Application for Permit No. <u>5737-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	175	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 _____		

(Any Other Work Provided by Law)	Total	175 00

By

Chief Engineer

John Hatch / [Signature]

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4741

WR#

SPINK HUTTERIAN BRETHERN, INC.

RR 1 BOX 84

OWNERS NAME:

OWNERS ADDRESS:

FRANKFORT SD 57440

COUNTY LAND LOCATED IN:

SPINK

PHONE:

472-1269

LEGAL DESCRIPTION:

☐ Well

JAMES RIVER

☒ Surface

1. LOCATION

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 28-T115N-R62W (DIVISION FROM JAMES RIVER)

Depth

(STORAGE) ^{SW} SE $\frac{1}{4}$ NE $\frac{1}{4}$ 28-T115N-R62W

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 21-T115N-R62W	33		
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 21-T115N-R62W	33		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 21-T115N-R62W	33		
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 21-T115N-R62W	33		

2. TYPE OF IRRIGATION: GRAVITY

TOWLINE

CENTER PIVOT

XX

GUN

OTHER:

(Specify)

3. CROPS TO BE IRRIGATED:

CORN, SOYBEANS

WATER QUALITY:

4. WATER SAMPLE NUMBER:

JAMES RIVER

7. ADJUSTED (SAR):

5. SALINITY (EC X 10⁶):

8. PERCENT SODIUM

6. SODIUM (SAR):

Requirements:

The area mapped as Cresbard Cavour loams is comprised of clay pan soils and is subject to slow intake wetness and high salt contents. This area shall remain in permanent vegetation, or shall be renovated.



Russell Hane

Director, Division of Conservation

XX APPROVED

DISAPPROVED

WAIVER

XX REQUIREMENTS

DECEMBER 28, 1992

Date

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

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Spink Hutterian Colony - WP Application No. 5737-3

ADDRESS: _____ COUNTY: Spink

DATE: 1/11/93 TELEPHONE: _____

RE: Discussion with Shawn Thelen - consultant

COMMENTS:

Shawn Thelen called regarding the status of Spink Colony's Water Permit Application No. 5737-3. I told him that the application to appropriate water was currently having a staff report prepared on it by Norma Job. He asked what the January 13, 1993 hearing was regarding; I told him that was the hearing before the Conservation Commission on the Soil Water Compatibility Permit.

I asked him whether the Colony had any intention to divert water from the offstream storage facility to any of the lands authorized by Water Right No. 1538-3. He said the intention of the Colony was to use the stored water only for the irrigation of the SE1/4 Section 21 during those periods when JR shut-off orders had been issued. And that the only reason Water Right No. 1538-3 is involved in this application is that during period of high spring flow the Colony wants to be able to utilize the pumping capacity of No. 1538-3 to get a "quick fill" of the offstream storage facility.

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.

NAME: Eric Honlund

REPORT ON WATER PERMIT APPLICATION NO. 5737-3
SPINK HUTTERIAN BRETHREN, INC.
JANUARY 14, 1993

Application No. 5737-3, Spink Hutterian Brethren, Inc., proposes to appropriate 1.88 cubic feet of water per second (cfs) from the James River, utilizing the diversion point for Water Right No. 1538-3, to irrigate 132 acres located in the SE 1/4 Section 21-T115N-R62W. The diversion point authorized by Water Right No. 1538-3 is located in the SE 1/4 NW 1/4 Section 28-T115N-R62W. The water is to be diverted from the James River during high flows into a 144 acre-feet storage pond located in the SW 1/4 NE 1/4 Section 28-T115N-R62W located in Spink County. The storage pond may also receive effluent water from the applicant's livestock confinement unit. Water will then be diverted from the storage pond and applied to the 132 acres in the SE 1/4 Section 21-T115N-R62W when James River shutoff orders have been issued. The land was previously covered by Water Right No. 2396-3.

The storage pond (lagoon), located in the SW 1/4 NE 1/4 Section 28-T115N-R62W, is 400 feet x 788 feet x 20 feet (144 acre-feet) in size.

This application is also to allow for the diversion of water authorized by Water Right No. 1538-3 for the purpose of filling the storage pond. Water Right No. 1538-3 appropriates 4.0 cfs from the James River to irrigate 343.4 acres located in the N 1/2 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4, S 1/2 SW 1/4 Section 16, W 1/2 Section 21, NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, SE 1/4 Section 28; all in T115N-R62W. Water Right No. 1538-3 contains the qualification: 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.

The combined diversion rate of 5.88 cfs is to allow the storage pond to be rapidly filled during periods of high spring runoff or high flows in the James River.

WATER SOURCE - JAMES RIVER

The James River has a 300 cfs appropriation limit from the Yankton/Hutchinson County line to the North Dakota state line. There are currently 124 water rights/permits appropriating 268.19 cfs from this stretch of the James River. An appropriation limit of 200 cfs has been established from the Huron Third Street Dam to the North Dakota boundary of which an appropriation of 147.55 cfs has been approved for 69 permits. There is 12.06 cfs appropriated for irrigation in Spink County below this application. Of that 12.06 cfs, 9.64 cfs is appropriated by the Spink Hutterian Brethren, Inc. There is an additional 75.93 cfs appropriated from the Spink/Beadle County line to the Huron Third Street Dam. Water is available during high flow or spring runoff in the James River to fill a storage pond.

The City of Huron and SDSU have prior water rights below this application with a 54 cfs by-pass qualification at the Huron Third Street Dam after withdrawals with a cutoff date of June 30. After June 30, written permission from the Chief Engineer is required. These qualifications were set to protect downstream prior water rights and domestic uses. This application should contain the 54 cfs plus 9.11 cfs (City of Huron & SDSU diversion rates) required by-pass at the Huron Third Street Dam to protect these water rights. Therefore, diversions from the James River authorized by this application should only occur when 63.11 cfs is by-passing the Huron Third Street Dam after withdrawal between April 1 through June 30. During March, there should be at least 29.11 cfs by-passing the Huron Third Street Dam after withdrawal. The 29.11 cfs is from the 20 cfs by-pass at the Huron Third Street Dam plus the City of Huron and SDSU's allowed diversions. When pumping from the James River into the storage pond utilizing Water Right No. 1538-3's diversion rate, 63.11 cfs or more must be by-passing the Huron Third Street Dam. After June 30, diversions are not authorized unless allowed by written orders issued by the Chief Engineer.

There is a continuous recording gaging station located at the Huron Third Street Dam approximately 34 river miles downstream and one located near Ashton approximately 32 river miles upstream from this application's diversion point. The James River Diversion Dam is located approximately 11 river miles downstream from this application. Flow at the Diversion Dam is measured with a staff gage which is read approximately once or twice a month during the irrigation season by personnel from the Huron Water Treatment Facility. According to the hydrograph for the gaging station at the Huron Third Street Dam, there is a 70% probability that water will be available from the James River for the proposed project for the time period from April through June.

The storage pond water is to be used to irrigate the 132 acres located in the SE 1/4 Section 21-T115N-R62W when shutoff orders on the James River have been issued. The applicant has other lands covered by three additional water rights/permits that are subject to the shutoff orders.

Following is a table of irrigation use for water rights/permits in Spink and Beadle Counties that have prior water rights to this application:

IRRIGATION USE IN SPINK AND BEADLE COUNTY
FROM APPLICATION'S DIVERSION POINT TO THE HURON THIRD STREET DAM

YEAR	NO. OF PERMITS	NO. OF PERMITS IRRIGATING	REPORTED USE IN ACRE - FEET
1992	33 1 - NOT RECEIVED	3	157.00
1991	26	8	863.00
1990	25	5	377.00
1989	26	9	972.60
1988	26	6	387.60

CONCLUSIONS

1. Water is available in the James River during high flow periods.
2. This stretch of the James River is susceptible to shutoff orders being issued during low flow periods.
3. If this application is approved, it should contain the following qualifications:
 - a. Subject to the Irrigation Water Use Questionnaire being submitted each year.
 - b. When diverting from the James River into the storage pond, low flows as needed for downstream domestic use, including livestock water, and prior water rights/permits must be by-passed. From March 1 to March 31, diversions from the James River are authorized only when 29.11 cfs or more are being by-passed at the Huron Third Street Dam. From April 1 to June 30, diversions from the James River are authorized only when 63.11 cfs or more are being by-passed at the Huron Third Street Dam. From June 30 until November 30, diversions from the James River are not authorized unless allowed by written orders issued by the Chief Engineer. Diversions under this application shall be in accordance with any written orders issued by the Chief Engineer.

4. Water can be diverted from the storage pond during the time period of March 1 through November 30 at a rate of no more than 1.88 cfs to irrigate the SE 1/4 Section 21-T115N-R62W.

Norma C. Job

NORMA C. JOB
Natural Resources Engineer II

Approved by:

Delvin D. Brosz

DELVIN D. BROSZ, PE
Natural Resources Engineer IV

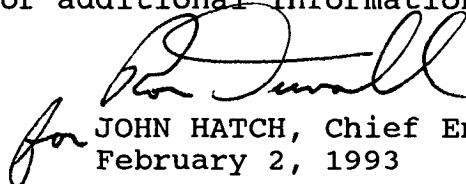
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5737-3, Spink Hutterian Brethren, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5737-3, Spink Hutterian Brethren, Inc., c/o John Wipf, RR 1 Box 84, Frankfort, SD 57440.

The Chief Engineer is recommending APPROVAL of Application No. 5737-3 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. When pumping from the James River into the storage pond, low flows as needed for downstream domestic use, including livestock water, and prior water rights/permits must be bypassed. From March 1 - March 31, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 29 cfs while pumping under this Permit. From April 1 to June 30, diversions from the James River are authorized only when the flow at the Huron Third Street Dam exceeds 63 cfs while pumping under this Permit. From June 30 until November 30, diversions from the James River are not authorized unless allowed by written orders issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. Water can be diverted from the storage pond during the time period of March 1 through November 30 at a diversion rate not to exceed 1.88 cfs to irrigate the SE 1/4 Section 21-T115N-R62W.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
February 2, 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 18, 1993

John Wipf
Spink Hutterian Brethren, Inc.
RR 1 Box 84
Frankfort, SD 57440

Dear Mr. Wipf:

Water Permit Application No. 5737-3 for irrigation 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 Redfield Press printed at Redfield, SD (Ph # 472-0822). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cc: Shawn Thelen, SD Wheat Growers Elevator, Tulare, SD 57476

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 1993

Redfield Press
Box 440
Redfield, SD 57469

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5737-3 to be published twice. Please publish the first notice on February 24, 1993, 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 Spink Hutterian Brethren, Inc., RR 1 Box 84, Frankfort, SD 57440 (Ph # 472-1269).

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE TO: Eric Gronlund
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 February 24, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5737-3 to Appropriate Water
and to Amend Water Right No. 1538-3

Notice is given that Spink Hutterian Brethren, RR 1 Box 84, Frankfort, SD 57440 has filed an application for a water permit to appropriate 1.88 cubic feet of water per second (cfs) from the James River at a point located in the SE 1/4 NW 1/4 Section 28 to irrigate 132 acres located in the SE 1/4 Section 21; all in T115N-R62W. This application also proposes an offstream storage pond (144 acre-feet capacity) located in the SW 1/4 NE 1/4 Section 28-T115N-R62W. This storage pond is to be filled during periods of high James River flow, utilizing the diversion point authorized by Water Right No. 1538-3. The pond may also receive effluent from the applicant's livestock confinement unit. Water will be diverted from the pond for irrigation when James River shut-off orders have been issued. This will enable the applicant to continue irrigation of the SE 1/4 Section 21-T115N-R62W during periods of low flow.

This application also proposes to allow the diversion of water authorized by Water Right No. 1538-3 for the purpose of filling the storage pond. Water Right No. 1538-3 appropriates 4.0 cfs from the James River to irrigate 343.4 acres located in the N 1/2 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4, S 1/2 SW 1/4 Section 16, W 1/2 Section 21, NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, SE 1/4 Section 28; all in T115N-R62W. This combined diversion rate of 5.88 cfs is to allow the storage pond to be rapidly filled during periods of high spring runoff or high flows in the James River.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5737-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 15, 1993. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5737-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 23, 1993, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the March 23, 1993, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The March 23, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by March 15, 1993.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by March 15, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Spink) ss

I, Margaret Mundstach

certify that the attached printed Notice was
taken from the Redfield Press

printed and published in Redfield

County of Spink and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

February 24, 1993

March 3, 1993

Cost of Printing: \$65.09

Margaret Mundstach
(Signature)

Bookkeeper
(Title)

March 3, 1993
(Date Signed)

Water permit application filed

No. 91

NOTICE OF HEARING

on Application No. 5737-3 to Appropriate
Water and to Amend Water Right No. 1538-3

Notice is given that Spink Lutheran Brethren, RR 1 Box 84, Frankfort, SD 57440 has filed an application for a water permit to appropriate 1.88 cubic feet of water per second (cfs) from the James River at a point located in the SE 1/4 NW 1/4 Section 28 to irrigate 132 acres located in the SE 1/4 Section 21; all in T115N-R62W. This application also proposes an off-stream storage pond (144 acre-foot capacity) located in the SW 1/4 NE 1/4 Section 28-T115N-R62W. This storage pond is to be filled during periods of high James River flow, utilizing the diversion point authorized by Water Right No. 1538-3. The pond may also receive effluent from the applicant's livestock confinement unit. Water will be diverted from the pond for irrigation when James River shut-off orders have been issued. This will enable the applicant to continue irrigation of the SE 1/4 Section 21-T115N-R62W during period of low flow.

This application also proposes to allow the diversion of water authorized by Water Right No. 1538-3 for the purpose of filling the storage pond. Water Right No. 1538-3 appropriates 4.0 cfs from the James River to irrigate 343.4 acres located in the N 1/2 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4, S 1/2 SW 1/4 Section 16, W 1/2 Section 21, NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, SE 1/4 Section 28; all in T115N-R62W. This combined diversion rate of 5.88 cfs is to allow the storage pond to be rapidly filled during periods of high spring runoff or high flows in the James River.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5737-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 15, 1993. The

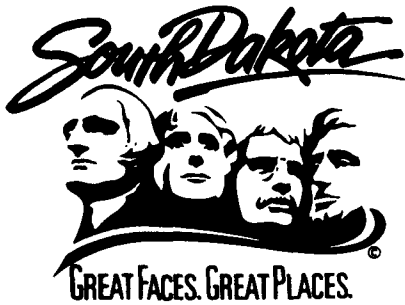
petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5737-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 23, 1993, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the March 23, 1993, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The March 23, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by March 15, 1993.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by March 15, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 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.
Robert E. Roberts
Secretary
Department of Environment and Natural Resources.

(February 24, March 3)



MAY 19 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

John Wipf
Spink Hutterian Brethren, Inc.
RR 1 Box 84
Frankfort, SD 57440

Dear Mr. Wipf:

Enclosed is Water Permit No. 5737-3 authorizing construction of your water diversion system and beneficial use of the water, 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.

5737-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1999

NOTICE

TO: SPINK COLONY, JOHN J WIPF, 18206 SPINK LN, FRANKFORT, SD 57440 7207

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 2276-3A & 5737-3, 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2276-3A & 5737-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2276-3A & 5737-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1999, 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 (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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 1999

John J Wipf
18206 Spink Lane
Frankfort, SD 57440-7207

RE: Water Permit/Right Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3 3467-3,
3468-3, 4195-3 and 5737-3

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemical reporting forms. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Permit/Right Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3 3467-3, 3468-3, 4195-3 and 5737-3.

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



5737-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: SPINK COLONY, JOHN J WIPF, 18206 SPINK LN, FRANKFORT, SD 57440 7207
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 2276-3A & 5737-3, 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2276-3A & 5737-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2276-3A & 5737-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2000

John J Wipf
Spink Colony
18206 Spink Ln
Frankfort, SD 57440-7207

RE: Water Permit Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3,
4195-3 & 5737-3

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3, 4195-3 & 5737-3.

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



January 16, 2002

NOTICE

5737-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: SPINK COLONY, JOHN J WIPF, 18206 SPINK LN, FRANKFORT, SD 57440 7207

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 2276-3A & 5737-3, 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2276-3A & 5737-3 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 Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2276-3A & 5737-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before 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 (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.

5737-3

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SPINK COLONY
JOHN J WIPF
18206 SPINK LN
FRANKFORT SD 57440 7207

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PS Form 3811, July 1999

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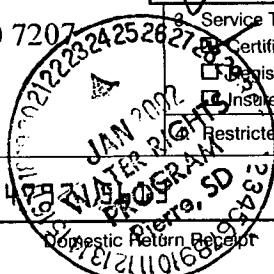
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John J Wipf

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5737-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 30, 2002

John J Wipf
Spink Colony
18206 Spink Lane
Frankfort, SD 57740-7207

RE: Water Permit or Right Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3, 4195-3 and 5737-3.

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3, 4195-3 and 5737-3.

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

5737-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: SPINK COLONY, JOHN J WIPF, 18206 SPINK LN, FRANKFORT, SD 57440 7207

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 2276-3A & 5737-3, 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2276-3A & 5737-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2276-3A & 5737-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 1979-3, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3 & 4195-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before **February 28, 2003**, 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 (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.



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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2003

John J Wipf
Spink Colony
18206 Spink Ln
Frankfort SD 57440-7207

RE: Water Permit or Right Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3, 3467-3,
3468-3, 4195-3 & 5737-3

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1538-3, 1979-3, 2276-3A, 2375-3, 2396-3, 3272-3, 3467-3, 3468-3, 4195-3 & 5737-3.

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: JOHN WIPF, SPINK HTTRN BRTH
18206 SPINK LN
FRANKFORT SD 57440

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

• Shutoff Order for Water Right No(s). 2396-3, 5737-3

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 11, 2007

TO: All James River Water Right Holders

FROM: Garland Erbele, Chief Engineer
Water Rights Program, DENR *Garland Erbele*

SUBJECT: Proposed Amendment to Conditions on James River Water Rights

As Chief Engineer of the Water Rights Program, I am proposing amending conditions placed on many James River water rights in order to provide consistency for the period when pumping is authorized from the river. Please find enclosed the Chief Engineer's recommendation and a notice being published in newspapers along the James River in South Dakota. The notice schedules a May 9th hearing before the Water Management Board regarding the amendment.

Water Rights on the James River contain a variety of shutoff dates and by-pass flow qualifications. To facilitate the administration of James River water rights, the Chief Engineer is recommending that the Water Management Board amend water rights to provide a standard August 10th shut-off date and bypass conditions relative to USGS gaging stations. Real time flows can easily be accessed via USGS's website at <http://waterdata.usgs.gov/sd/nwis/>. The proposed amendments will not impose any condition more restrictive than currently in place and all water rights will remain subject to senior water rights and any written orders issued by the Chief Engineer.

Please review the enclosed recommendation and public notice. If your water right is among those that will be amended the section in the recommendation dealing with your water right is highlighted. If there is no highlighted section in your enclosure, then there is no proposed change to your water right. If you have any questions about the proposed changes, I encourage you to contact Lynn Beck or Mark Rath at (605) 773-3352.

enclosure

Instruction to Newspaper - Publish first Notice on April 12, 2007 with the second publication 7 days later. The Water Rights Program is responsible for payment.

NOTICE OF CHIEF ENGINEER'S RECOMMENDATION FOR JAMES RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD proposes to amend conditions placed on many James River water rights in South Dakota. The objective is to bring consistency among water rights for the period when pumping is authorized from the river. This requires the modification to the conditions placed on a number of existing water rights. The amendments will not increase the authorized diversion rate or number of irrigated acres authorized under existing James River water rights. Water rights held by cities for municipal use will not be amended by this proposed action.

Currently, water rights differ in the date that pumping must cease and the amount of water that must bypass a United States Geological Survey's gaging station to pump. The Water Rights Program has reviewed all James River water rights and determined that they can be modified to a standard shut-off date of August 10th of each calendar year. In addition, it is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows.

North Dakota Border to the Ashton gage (northern segment)
Ashton gage to Huron gage (central segment)
Huron gage to gage near Scotland (southern segment)

Water rights that currently have a bypass condition within each segment will be conditioned with a 20 cfs bypass.

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. James River water rights holders will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing shut-off and bypass conditions on applicable water rights and add the following qualifications to those James River water rights as set forth above.

1. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been so issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
2. This permit does not authorize diversions from the James River when there is less than 20 cfs by-passing the USGS gaging station at Ashton SD (or Huron and Scotland).

Any person interested in opposing or supporting this proposed amendment change shall file a written petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or water right holder must be filed by April 30, 2007. The petition may be informal, but must include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board hearing to consider the amendment to delete and add the above qualifications will be held at 11:00 AM, May 9, 2007 in the Floyd Matthew Training Center, 523 E Capitol Avenue, Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) defer, or 3) deny the amendment changes based on the facts presented at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The May 9, 2007 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any interested person opposing the amendments. The request for an automatic delay must be filed by April 30, 2007.

Any hearing will be an adversary proceeding. Any person filing a petition has the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by April 30, 2007, at the above Water Rights Program address to request copies of information pertaining to this action. Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Water Rights Program if you have special needs for which special arrangements can be made.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

REPORT ON AMENDMENT OF JAMES RIVER WATER PERMITS/RIGHTS

April 24, 2007

Purpose of this Study

The James River historical appropriations show a variety of shut-off and by-pass qualifications adopted at different times. It is the purpose of this study to bring the shut-off and by-pass qualifications of active permits in line with the intentions of the Water Management Board as adopted at the April 1980 and May 1987 Board Meetings. In addition, the study shows that future appropriations of water from the James River can also be administered as stated above.

Historical Summary of James River Water Permits/Rights

During the 1960's the Water Resources Commission (predecessor to the Water Management Board) set a 300 cubic feet per second (cfs) limit and an August 10th cutoff date for appropriations from the James River. It was also determined that 20 cfs of water should by-pass Huron, SD to provide for downstream domestic use. The diversion limit was further defined as a combined 200 cfs of water above Huron and in addition permits having a combined 300 cfs of water could be approved above the SD Hutchinson-Yankton county line.

The Commission set limit was reached in 1968 and applications were deferred until 1975 when cancellations and underdeveloped appropriations allowed for deferred applications to be approved until the 300 cfs limit was reached. Applications were once again deferred until 1979 when a similar situation allowed James River diversions to be approved. In 1980 appropriations on the James River were once again opened and based on studies of actual irrigation development and use, it was projected that a maximum of 50-percent of permitted acres were irrigated at any one time. In 1987 a recommendation was made to the Water Management Board to change the qualifications on those active water permits upstream of Huron, SD requiring alignment with the August 10th cut-off date and the 20-cfs by-pass at the Third Street Dam, and for those water permits downstream of Huron, SD to the August 10th cut-off date.

Most recently, in 2003 Water Rights Program Staff completed on-site surveys of James River water rights that had reported non-use for periods greater than three (3) years. These surveys resulted in forfeiture for non-use of twenty-four (24) James River water rights. To date the Water Rights Program periodically reviews James River water rights for non-use status and possible cancellation. Currently there is unappropriated water in the James River.

See Attachment 1 for a detailed historical review of James River shut-off and by-pass qualifications.

Review of James River Water Permits/Rights

Past inspections of James River water permits/rights have resulted in updates to the number of permits and amounts of water appropriated from the river. See Attachment 2 for a map of the James River permits/rights and Attachment 3 for a list of James River Water Rights including their use and qualifications.

Presently there are eighty-six (86) water rights on the James River reach from the North Dakota (ND) border to the SD Hutchinson-Yankton county line with 231.81-cfs total diversions. These

water rights are for direct diversion of water from the James River during the normal irrigation season. The James River reach from Huron, SD to the ND border presently has fifty-one (51) water rights with 144.83-cfs total diversions. The majority of these water rights are in Spink (25) and Beadle (16) Counties with 124.94-cfs total diversions. At this time there are no water rights in effect for direct diversion of water from the James River upstream of the James River Columbia, SD U.S Geological Survey (USGS) gaging station. Currently 68.19-cfs is available for appropriation on the James River from the ND border to the Hutchinson/Yankton County line, of which, not more than 55.17-cfs is available for appropriation above the USGS gage at Huron due to the 200-cfs limit.

This leaves thirty-five water rights with 86.98-cfs direct diversion from the James River during the normal irrigation season on the stretch below Huron to the Hutchinson/Yankton County line. The majority of these water rights are in Davison (10) and Hutchinson (13) counties with 64.66-cfs total diversions. Currently up to 68.19-cfs is available for diversion below Huron.

Water Availability at Current Appropriation

Currently 231.81-cfs is appropriated on the James River from the ND border to the Hutchinson/Yankton County line, of which, **144.83-cfs** is appropriated above the USGS gage at Huron and **86.98-cfs** is appropriated below Huron to the Hutchinson/Yankton County line. A study was conducted, by water rights staff, to determine the probability that water would be available during the irrigation season until August 10 of each calendar year if existing water permits/rights are brought in line with a common August 10 shut-off date.

The James River was divided into three river reaches between USGS gaging stations, ND border to the USGS gage at Ashton, SD; USGS gage at Ashton, SD to the USGS gage at Huron, SD; and USGS gage at Huron, SD to USGS gage near Scotland, SD. The water appropriated for irrigation and other uses for each of the three river reaches was calculated, see table below.

RIVER REACH	IRR	OTH	TOTALS
ND border to Ashton	16.85	6.5	23.35
Ashton to Huron	95.2	26.28	121.48
TOTAL	112.05	32.78	144.83
Huron to HT/YA Co. ln.	54.2	32.78	86.98
TOTAL	54.2	32.78	86.98

Once these values were obtained, a formula for actual water use at current appropriation was developed.

Stated under, **Historical Summary of Shut-Off and By-Pass Qualifications, 1980 – 1984**, in Attachment 1, the actual irrigation development and use on the James River were found to be a maximum of 50-percent. This conclusion was reached after Water Rights Staff conducted detailed hydrographic surveys of the availability of water in the river and studies of the anticipated effects of approving water permits based on projected development and use by appropriators. A similar study was conducted with current irrigation diversions on the James River. Irrigation questionnaires from 1996 – 2006 were reviewed to estimate maximum

pumping at any one time during the irrigation season. The maximum found in each river reach is as follows:

ND border to the gage at Ashton, SD	52%
Gage at Ashton to gage at Huron, SD	42%
Gage at Huron, SD to HT/YA Co. line	29%

Therefore, the 50-percent value is still applicable today.

Since reporting for other uses is limited, 100-percent pumping is assumed. In addition 20-cfs for domestic use was added. The resulting formula for maximum use is as follows:

0.5(IRR cfs) + 1.0(OTH cfs) + 20 cfs IRR – irrigation use OTH – other uses

RIVER REACH	IRR	50% IRR	OTH	DOM	NEEDED	% CHANCE AVAIL. AUG 10
ND border to Ashton	16.85	8.42	6.5	20	34.92	65
Ashton to Huron	95.2	47.6	26.28	20	93.88	56
Huron to HT/YA Co. ln.	54.2	27.1	32.78	20	79.88	57

In order to bring existing water permits/rights in line with a common August 10 shut-off date the percent chance that water will still be available August 10 must be calculated. This was done using James River flows based on 50 or more years of USGS stream flow data for each of the three river reaches. There is a 65% chance, or better, of flow being available in the reach from the ND border to the Ashton gage; 56% chance, or better, in the reach from the Ashton gage to the gage at Huron; 57% chance, or better, in the reach from the gage at Huron to the Scotland gage. A bar graph representing the above percent chance of water being available August 10th can be found in Attachment 4.

There are factors of safety built into the computations. All of the percent probabilities that water will be available at current appropriations were calculated using flow data collected from the James River during years pumping occurred. Also, while using a 50% figure for simultaneous irrigation pumping it is assumed that 100% of all other uses will be pumping at the same time.

Water Availability at Full Appropriation

In addition, the study shows that future appropriations of water from the James River can also be administered as stated above. Using estimates for future appropriations calculations showed that there is a 63% chance, or better, of flow being available in the reach from the ND border to the Ashton gage; 50% chance, or better, in the reach from the Ashton gage to the gage at Huron; 56% chance, or better, in the reach from the gage at Huron to the Scotland gage. A bar graph representing the above percent chance of water being available August 10th can be found in Attachment 5.

The same factors of safety apply to the calculations at full appropriation as those for calculations at current appropriations.

Proposed Amendment of James River Water Rights

The present appropriations from the ND-SD border to the Hutchinson-Yankton County line total 231.81-cfs. The present total appropriations are less than the 300-cfs limit set by the Water Resources Commission in 1965 and below the June 1985 appropriation total of 254.07-cfs that brought about the Water Management Board's adoption of qualification changes during the May 1987 meeting.

To facilitate the judicious administration of the use of James River water, the protection of the in-stream beneficial uses of the river for recreational use and as a fishery, to maintain good quality water as well as sufficient quantity and velocity of water, and bring the shut-off and by-pass qualifications of active permits in line with the intentions of the Water Management Board as adopted at the April 1980 and May 1987 Board Meetings; it is proposed that appropriations of water from the James River be administered by similar qualifications adopted at the May 1987 meeting without the prior right qualification for Future Use Permit No. 1067-3. Diversions will still be subject to senior water rights and any written orders by the Chief Engineer.

Although the James River is involved in Future Use Permit No. 1067-3, Oahe Conservancy Sub-District, this permit is predicated or conditioned upon Missouri River water being delivered to the James River through the Oahe Project. Presently Future Use Permit No. 1067-3 is allotted 6500-cfs of such water from the James River, but the status of the permit is questionable since the Oahe Project has been terminated.

The Chief Engineer, Water Rights Program, proposes that the Water Management Board take action as stated in the Chief Engineer's Recommendation.



Lynn Beck
Natural Resources Engineer Specialist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**CHIEF ENGINEER'S RECOMMENDATIONS FOR WATER RIGHTS
ON THE JAMES RIVER IN SOUTH DAKOTA**

Chief Engineer's Recommendation for Water Rights Above Huron:

The Chief Engineer is recommending that the Water Management Board amend the following permits/rights located above Huron as described:

ND Border to the gage at Ashton, SD

Water Permit No. 6427-3:

Delete: Qualification No. 1

1. Diversion of water from the James River shall be in accordance with the following criteria:

- When pumping from the James River, low flows as needed for down stream domestic use, including livestock water and prior water rights must be by-passed.
- From March 1 to March 31, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 29 cfs while pumping under this Permit.
- From April 1 to June 30, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 63 cfs while pumping under this Permit.
- From July 1 - October 1, diversions from the James River are not authorized unless by written orders issued by the Chief Engineer.
- Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

The Chief Engineer is also recommending that the Water Management Board approve the following Qualifications as standard for existing James River permits issued from the ND border to the gage at Ashton, SD.

Add:

- This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Ashton, SD after pumping.
-

Gage at Ashton, SD to the gage at Huron, SD

Water Right No. 5027-3:

Delete: Qualification No. 1 "Low flows as needed for downstream domestic use and prior water rights must be bypassed. The minimum bypass at Huron for domestic use is 20 cfs. During the period of April 1 through June 30 of each calendar year, diversions are authorized only when 60 cfs or more are by-passed after diversion for domestic use or prior water rights, unless a lower flow by-pass based upon the need for water in Lake Byron verses the need for water downstream, is authorized by the Chief Engineer. This permit does not authorize diversion of water from the James River after June 30th of each calendar year unless written orders have been so issued by the Chief Engineer. In the management of the James River under this permit, flows will be monitored at all gaging stations, and cutoffs will be timed to insure water supplies for domestic use and prior water rights."

Water Permit No. 5737-3:

Delete: Qualification No. 1 "When pumping from the James River into the storage pond, low flows as needed for downstream domestic use, including livestock water, and prior water rights/permits must be by-passed. From March 1 – March 31, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 29 cfs while pumping under this Permit. From April 1 – June 30, diversions from the James River are authorized only when the flow at the Huron Third Street Dam exceeds 63 cfs while pumping under this Permit. From June 30 until November 30, diversions from the James River are not authorized unless allowed by written orders issued by the Chief Engineer. Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer."

Water Right Nos. 6182-3 & 6183-3; Water Permit Nos. 6398-3, 6400-3, & 6505-3:

Delete: Qualification No. 1

1. Diversion of water from the James River shall be in accordance with the following criteria:

- When pumping from the James River, low flows as needed for down stream domestic use, including livestock water and prior water rights must be by-passed.

- From March 1 to March 31, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 29 cfs while pumping under this Permit.
- From April 1 to June 30, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 63 cfs while pumping under this Permit
- From July 1 - October 1, diversions from the James River are not authorized unless by written orders issued by the Chief Engineer.
- Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

Water Permit Nos. 6375-3, 6588-3, 6589A-3, 6589B-3, 6590-3, 6613-3, 6614-3, 6614A-3, & 6738-3:
Delete: Qualification No. 1

1. Diversion of water from the James River shall be in accordance with the following criteria:

- When pumping from the James River, low flows as needed for down stream domestic use, including livestock water and prior water rights must be by-passed.
- From April 1 to June 30, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 63 cfs while pumping under this Permit
- From July 1 - October 31, diversions from the James River are not authorized unless by written orders issued by the Chief Engineer.
- Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

The Chief Engineer is also recommending that the Water Management Board approve the following Qualifications as standard for existing James River permits issued below the gage at Ashton, SD to the gage at Huron, SD.

Add:

- This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
- This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Huron, SD after pumping.

Water Right Nos. 1734-3, 1735-3, 1943-3, 1979-3, 2129-3, 2386-3, 2629-3, 4066A-3, 4066B-3, 4071-3, 5651-3, 5925-3, & Water Permit No. 6081-3.

Delete: "flowing over James River Dam" from Qualification No. 2.

Chief Engineer's Recommendation for Water Rights Below Huron:

Gage at Huron, SD to the gage near Scotland, SD

The Chief Engineer is recommending that the Water Management Board amend the following permits/rights located below the gage at Huron, SD as described:

Water Right Nos. 607-3 & 608-3:

Delete: "This permit is granted allowing withdrawal of water whenever 25 cfs or more is flowing past your diversion point."

Add: "This permit does not authorize diversions from the James River when less than 20 cfs is by-passing the gage near Scotland, SD after pumping."

Water Right Nos. 690-3 & 699B-3:

Delete: "Use of water under this water right is subject to flows in the James River of 15 cfs or more past your diversion point."

Add: "This permit does not authorize diversions from the James River when less than 20 cfs is by-passing the gage near Scotland, SD after pumping."

Water Permit No. 6534-3:

Delete: "July 15th" from Qualification No. 1.

Add: "August 10th" to Qualification No. 1.

Contact Lynn Beck, Water Rights Program staff engineer at (605) 773-3352 if you have questions regarding this recommendation.



Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

April 25, 2007

Attachment 1

HISTORY OF JAMES RIVER WATER PERMITS/RIGHTS QUALIFICATIONS

April 9, 2007

Historical Summary of Shut-Off and By-Pass Qualifications:

1965 - 1979

In 1965 the South Dakota (SD) Water Resources Commission, a predecessor to the SD Water Management Board, placed a 300 cubic feet per second (cfs) total diversion limit on the James River with a maximum combined total diversion limit of 200-cfs from Huron, SD to the North Dakota border. Due to Missouri River backwater into the James River, the 300-cfs restriction has been applied from the North Dakota border to the SD Yankton-Hutchinson County Line. The Water Resources Commission also set an automatic August 10th diversion shutoff date unless a written order from them or their legal representative was issued to the holder of a James River water right.

In May of 1968 the 300-cfs limit was reached and the SD Water Rights Commission, also a predecessor to the SD Water Management Board, adopted the policy of automatically deferring without advertising further water permit applications until it was determined that non-appropriated water was available in the James River.

It was determined at the November 1975 Water Rights Commission Meeting that water permits could again be issued for James River water within the 300-cfs limit because of prior permit cancellations. Permits were issued at that time to bring the total appropriations back to the 300-cfs limit.

Applications for James River water received after November 1975 were advertised and officially deferred at the January and March 1979 Water Rights Commission Meetings. The James River was withdrawn from further appropriations for one year at the March 1979 Water Rights Commission Meeting until further studies could be made to determine if there was non-appropriated James River water available.

1980- 1984

The James River was again opened for appropriation of water at the January 1980 Water Rights Commission Meeting. The following items pertaining to James River water use were noted in the July 1980 Findings of Fact, Conclusions of Law, and Final Decision resulting from this meeting:

- The Water Rights Staff had conducted detailed hydrographic surveys of the availability of water in the river and studies of the anticipated effects of approving water permits based on projected development and use by appropriators,
- Based on such studies of actual irrigation development and use, it is projected that a maximum of 50-percent of permitted acres will be irrigated at any one time,
- Based on such surveys and studies, there is non-appropriated water available during the spring and through July 15th of normal years,
- The determination of non-appropriated water availability was based strictly on naturally occurring flows and not on anticipated flows diverted into the river from the proposed Garrison Project,
- The Water Quality Staff conducted a detailed study of the river as a fishery,

- Citizens of South Dakota, as well as other states, make substantial use of the river for recreational fishing as well as other in stream beneficial uses,
- Those portions of the river below Huron, SD support a variety of fish and aquatic life as well as acting as a spawning ground for fish in the Missouri River,
- Protection of the in stream beneficial uses of the river requires good quality of water as well as sufficient quantity and velocity of water, and
- Protection of the in stream beneficial uses of the river could be accomplished while still approving additional permits for appropriation by imposing certain by-pass requirements on those issued for use downstream of Huron, SD.

1985 - 1987

In the spring of 1985 examinations were completed by Water Rights Program personnel to update the status of appropriations from the James River. As a result of the examinations, twenty-five (25) water permits were cancelled for non-development or forfeited for non-use. The actual appropriation amount of several other water permits were also reduced to the actual amount of water being used by the appropriator. As of June 1985 there were total appropriations of 254.07-cfs from the James River.

A recommendation was made to the Water Management Board at the May 1987 meeting to change the qualifications on those active water permits upstream of Huron, SD requiring alignment with the August 10th cut-off date and the 20-cfs by-pass at the Third Street Dam, and for those water permits downstream of Huron, SD to the August 10th cut-off date.

At the May 1987 Water Management Board Meeting it was proposed that for those James River permits downstream of Huron, SD the following qualifications be deleted:

- No diversions after July 15th of each year, or in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the board or its representative.
- To maintain instream flows for instream and domestic purposes, the permit does not authorize diversions when there is less than the following cubic-feet-per-second bypassing the Scotland Gaging Station:
 - (a) less than 80-cfs during any month of April,
 - (b) less than 70-cfs during any month of May,
 - (c) less than 50-cfs during any month of June, and
 - (d) less than 20-cfs during the remainder of the year.

and replaced with the following:

- 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's 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.

For those permits upstream of Huron, SD it was also proposed that the following qualifications be deleted:

- No diversions after July 15th of each year, nor in periods of obvious low flow without a written order of the Water Management Board or its legally appointed representative. Diversions shall be in accordance with written orders, if any, of the Board or its representative.
- Prior water rights on the James River contain an August 10th cut-off date, and the additional requirement that diversions cannot be made when 20-cfs are not by-passing the Third Street Dam in Huron, to provide for downstream domestic use. In the management of the James River under these permits, flows will be monitored at all gauging stations, and cut-offs will be timed to insure water supplies to fulfill the prior water rights and domestic qualification.
- The Oahe Subdistrict has priority rights to portions of this water to the limited extent they may exist under Future Use Withdrawal Permit No. 1067-3. This application is approved subject to these prior rights if or when the Oahe Subdistrict develops the reserve supply.

and replaced with the following:

- 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.
- This permit does not authorize diversions from the James River when water is not by-passing the James River Dam north of Huron or when less than 20-cfs of water is by-passing the Third Street Dam in Huron.
- Prior rights may exist for portions of this water to a limited extent under Future Use Withdrawal Permit No. 1067-3. This permit is subject to these prior water rights if or when the reserved water supply is developed.

These proposals were adopted by the Water Management Board at the May 1987 meeting.

2003 - Present

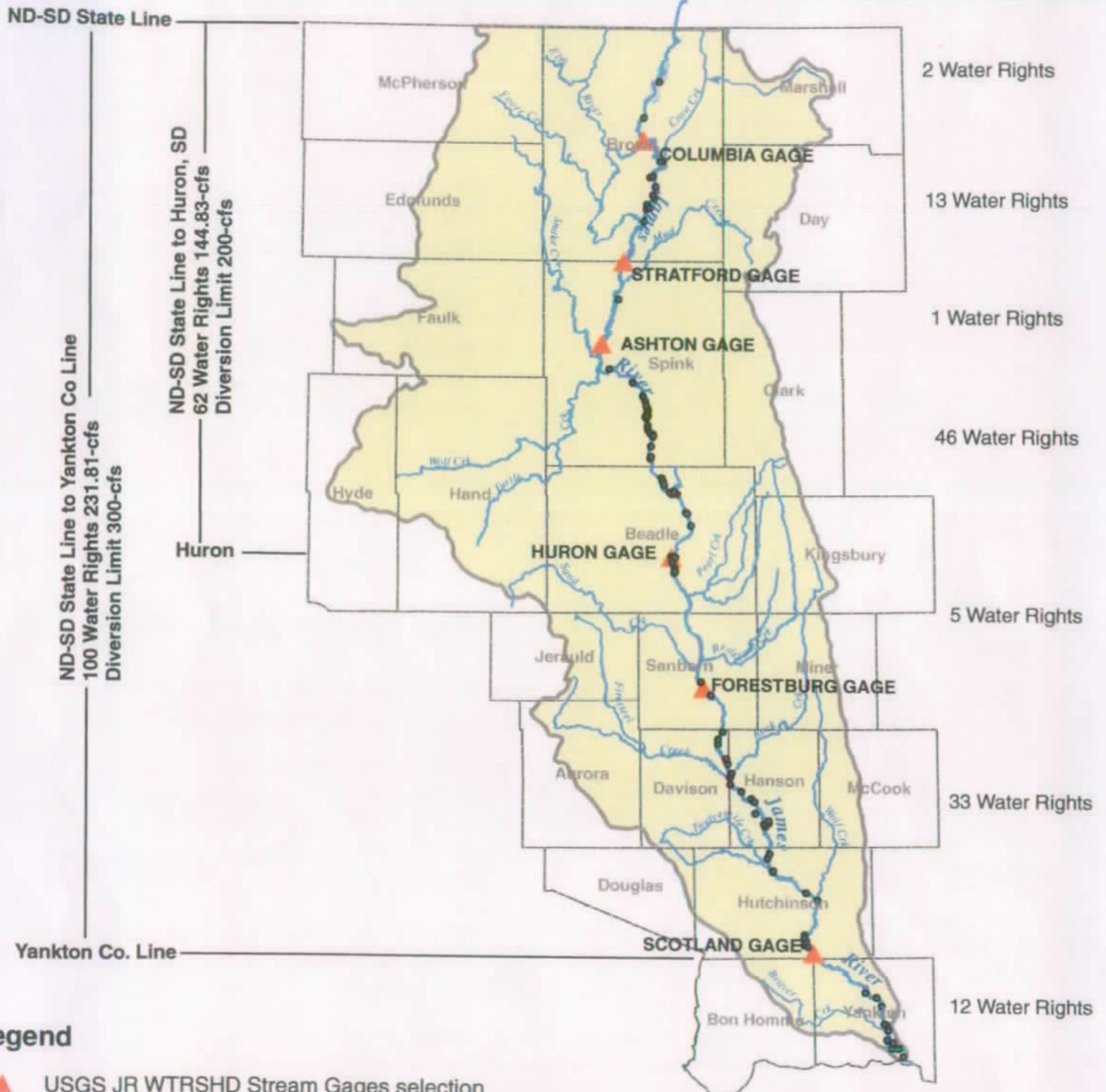
In 2003 Water Rights Program Staff completed on-site surveys of James River water rights that had reported non-use for periods greater than three (3) years. These surveys resulted in forfeiture for non-use of twenty-four (24) James River water rights. To date the Water Rights Program periodically reviews James River water rights for non use status and possible cancellation.

Presently there are eighty-six (86) water rights on the James River reach from the North Dakota (ND) border to the SD Hutchinson-Yankton county line with 231.81-cfs total diversions. These water rights are for direct diversion of water from the James River during the normal irrigation season. The James River reach from Huron, SD to the ND border presently has fifty-one (51) water rights with 144.83-cfs total diversions. The majority of these water rights are in Spink (25) and Beadle (16) Counties with 124.94-cfs total diversions. At this time there are no water rights in effect for direct diversion of water from the James River upstream of the James River Columbia, SD U.S Geological Survey (USGS) gaging station.

This leaves thirty-five water rights with 86.98-cfs direct diversion from the James River during the normal irrigation season on the stretch below Huron to the Hutchinson/Yankton County line. The majority of these water rights are in Davison (10) and Hutchinson (13) counties with 64.66-cfs total diversions.

Attachment 2 JAMES RIVER BASIN, SOUTH DAKOTA

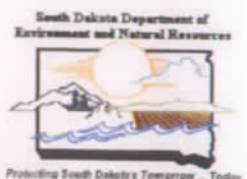
Map showing James River Basin and water rights located between streamflow-gaging stations in South Dakota.
April 24, 2007



Legend

- ▲ USGS JR WTRSHD Stream Gages selection
- James River Water Rights
- ▲ USGS James River Stream Gages
- James River Watershed in SD

Prepared by:
Department of Environment and Natural Resources, Water Rights Program, lb.



JAMES RIVER WATER RIGHTS BY GAGING STATION

WRTN ORD – Can't pump after the date without a "Written Order" from the Chief Engineer.

ABOVE HURON:

WR's above Columbia Gage: 2

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1	USE 2	USE 3
US1-3	BN	1	10/16/1934	LC	0.000			FWP	DOM	REC
5516-3	BN	1	03/08/1991	LC	0.000	110 CFS AT DIV		FWP		
total					0.000					

WR's above Stratford Gage: 13

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1	USE 2
27-3	BN	2	03/31/1941	LC	0.500			FWP	REC
1817-3	BN	2	01/01/1935	LC	0.000	VR		REC	
5924-3	BN	2	04/03/1996	PE	0.000	FLOOD FLOWS		FWP	
1125-3	BN	2	08/19/1964	LC	1.980	20 CFS		IRR	
1491-3	BN	2	01/15/1968	LC	1.940	20 CFS		IRR	
6427-3	BN	2	06/26/2003	PE	6.000	23 CFS	WRTN ORD 7/1	FWP	
4066A-3	BN	2	09/03/1976	LC	0.680	20 CFS	WRTN ORD 8/10	IRR	
4066B-3	BN	2	09/03/1976	LC	0.650	20 CFS	WRTN ORD 8/10	IRR	
5925-3	BN	2	04/09/1996	LC	2.000	20 CFS	WRTN ORD 8/10	IRR	
5277-3	BN	2	01/25/1989	LC	2.300	20 CFS	WRTN ORD 8/10	IRR	
6081-3	BN	2	05/27/1998	PE	2.220	20 CFS	WRTN ORD 8/10	IRR	
2629-3	BN	2	11/17/1975	LC	1.440	20 CFS	WRTN ORD 8/10	IRR	
1841-3	BN	2	01/01/1935	LC	0.000	VR		IRR	
total					19.710			REC	

WR's above Ashton Gage: 1

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1
4071-3	SP	3	01/20/1977	LC	3.640	20 CFS	WRTN ORD 8/10	IRR
total					3.640			

ND to Ashton appropriated cfs = 23.35, 50% irrigation pumping plus 100% other use pumping and 20 cfs for domestic use, current needed cfs = 34.92.

WR's above Huron Gage: 46

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1	USE 2
1172-3	SP	4	03/08/1965	LC	1.500	20 CFS	WRTN ORD 8/10	IRR	
1421-3	SP	4	06/15/1967	LC	0.670	20 CFS	WRTN ORD 8/10	IRR	
2129-3	SP	4	10/10/1974	LC	1.690	20 CFS	WRTN ORD 8/10	IRR	
1943-3	SP	4	05/30/1972	LC	1.890	20 CFS	WRTN ORD 8/10	IRR	

PERMIT NO	CO	GAGE NO	PRIOR DATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1	USE 2
1735-3	SP	4	02/16/1970	LC	1.940	20 CFS	WRTN ORD 8/10	IRR	
6589A-3	SP	4	02/04/2005	PE	2.290	63 CFS	WRTN ORD 7/1	IRR	
6587-3	SP	4	11/04/1968	PE	1.910	20 CFS	WRTN ORD 8/10	IRR	
1733-3	SP	4	10/12/1967	LC	3.770	20 CFS	WRTN ORD 8/10	IRR	
6400-3	SP	4	02/10/2003	PE	6.860	63 CFS	WRTN ORD 7/1	IRR	
6590-3	SP	4	02/04/2005	PE	1.560	63 CFS	WRTN ORD 7/1	IRR	
1734-3	SP	4	11/04/1968	LC	3.750	20 CFS	WRTN ORD 8/10	IRR	
6589B-3	SP	4	02/04/2005	PE	2.290	63 CFS	WRTN ORD 7/1	IRR	
1450-3	SP	4	10/12/1967	LC	4.440	20 CFS	WRTN ORD 8/10	IRR	
6588-3	SP	4	02/04/2005	PE	0.000	63 CFS	WRTN ORD 7/1	IRR	
1538-3	SP	4	03/19/1968	LC	4.000	20 CFS	WRTN ORD 8/10	IRR	
2396-3	SP	4	10/10/1975	LC	1.880	20 CFS	WRTN ORD 8/10	IRR	
5737-3	SP	4	12/17/1992	PE	1.880	63 CFS	WRTN ORD 6/30	IRR	
6375-3	SP	4	01/02/2003	PE	5.350	63 CFS	WRTN ORD 7/1	IRR	
6738-3	SP	4	07/05/2006	PE	2.890	63 CFS	WRTN ORD 7/1	IRR	
2386-3	SP	4	09/24/1975	LC	1.280	20 CFS	WRTN ORD 8/10	IRR	
6398-3	SP	4	02/24/2003	PE	0.610	63 CFS	WRTN ORD 7/1	IRR	
1979-3	SP	4	03/27/1973	LC	3.760	20 CFS	WRTN ORD 8/10	IRR	
6182-3	SP	4	02/22/2000	LC	7.030	63 CFS	WRTN ORD 6/30	IRR	
6183-3	SP	4	02/22/2000	LC	7.830	63 CFS	WRTN ORD 6/30	IRR	
616-3	SP	4	06/06/1959	LC	1.140			IRR	
1027-3	BD	4	01/01/1936	LC	0.000	20 CFS		MUN	
6505-3	BD	4	04/26/2004	PE	1.560	63 CFS	WRTN ORD 7/1	IRR	
6613-3	BD	4	03/31/2005	PE	6.680	63 CFS	WRTN ORD 7/1	IRR	
6614-3	BD	4	03/31/2005	PE	1.890	63 CFS	WRTN ORD 7/1	IRR	
6614A-3	BD	4	03/31/2005	PE	0.000	63 CFS	WRTN ORD 7/1	IRR	
5651-3	BD	4	04/01/1947	LC	0.180	20 CFS	WRTN ORD 8/10	IRR	
2387-3	BD	4	12/12/1966	LC	3.500	20 CFS	WRTN ORD 8/10	IRR	
2390A-3	BD	4	09/26/1975	PE	1.890	20 CFS	WRTN ORD 8/10	IRR	
2390-3	BD	4	09/26/1975	LC	1.890	20 CFS	WRTN ORD 8/10	IRR	
5027-3	BD	4	06/14/1984	LC	12.000	60 CFS	WRTN ORD 6/30	REC	MUN
1276-3	BD	4	01/01/1949	LC	2.220	VR		IRR	
4866-3	BD	4	01/01/1949	LC	1.560	20 CFS	WRTN ORD 8/10	IRR	
2643-3	BD	4	02/06/1976	LC	1.620	20 CFS	WRTN ORD 8/10	IRR	
5321-3	BD	4	04/27/1989	LC	0.030	20 CFS	WRTN ORD 8/10	COM	
2049-3	BD	4	02/13/1974	LC	2.000	20 CFS	APRIL MAY JUNE	MUN	REC
9-3A	BD	4	03/31/1950	LC	5.000			MUN	
9-3	BD	4	04/22/1914	LC	5.000			MUN	

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1	USE 2
37A-3	BD	4	11/04/1942	PE	0.000	20 CFS		MUN	
37-3	BD	4	11/04/1942	LC	2.250			IND	
755-3	BD	4	12/23/1960	LC	0.000	2-15 CFS		MUN	
1022-3	BD	4	01/01/1936	LC	0.000	VR		MUN	
total					121.480				

Ashton to Huron appropriated cfs = 121.48. 50% irrigation pumping plus 100% other use pumping and 20 cfs for domestic use, current needed cfs = 93.88.

BELOW HURON:

WR's above Forestburg Gage: 5

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL WRTN ORD	USE 1
550-3	BD	5	09/10/1958	LC	0.600	20 CFS		IRR
559-3A	BD	5	12/03/1958	LC	2.010	15 CFS		IRR
US552-3	BD	5	04/25/1946	LC	0.000			IRR
5385-3	BD	5	01/01/1955	LC	1.360		WRTN ORD 8/10	IRR
5357-3	SA	5	01/01/1936	LC	0.000			REC
total					3.97			

WR's above Scotland Gage: 33

PERMIT NO	CO	GAGE NO	PRIORDATE	STATUS	CUR CFS	FL QUAL1	FL QUAL2	FL QUAL WRTN ORD	USE 1
5500-3	SA	6	03/06/1991	LC	0.250			WRTN ORD 8/10	IRR
1422-3	DN	6	01/02/1968	LC	2.000			WRTN ORD 8/10	IRR
305-3	DN	6	09/22/1956	LC	0.890				IRR
1917-3	DN	6	12/22/1971	LC	1.740			WRTN ORD 8/10	IRR
5207-3	DN	6	04/20/1957	LC	5.580				IRR
5022-3	DN	6	06/19/1984	LC	2.900	20 CFS PST DIV			IRR
4354-3	DN	6	04/06/1978	LC	29.000	20 CFS PST DIV			RWS
690-3	DN	6	03/02/1960	LC	0.860	15 CFS PST DIV			MUN
699B-3	DN	6	03/02/1960	LC	1.630	15 CFS PST DIV			IRR
280-3	DN	6	01/01/1955	LC	0.890				IRR
1693A-3	DN	7	08/04/1969	PE	1.330			WRTN ORD 8/10	IRR
5121-3	HS	7	01/28/1987	LC	0.880			WRTN ORD 8/10	IRR
1900-3	HS	7	09/16/1971	LC	1.550			WRTN ORD 8/10	IND
436-3	HS	7	04/05/1945	LC	1.050			WRTN ORD 8/10	IRR
4656-3	HS	7	09/16/1971	LC	5.820			WRTN ORD 8/10	IRR
608-3	HS	7	05/05/1959	LC	0.380	25 CFS PST DIV			IRR
1902-3	HS	7	09/16/1971	LC	4.750			WRTN ORD 8/10	IRR
4717A-3	HS	7	09/16/1971	LC	1.670			WRTN ORD 8/10	IRR
2411-3	HS	7	10/20/1975	LC	2.000			WRTN ORD 8/10	IRR
607-3	HT	7	05/05/1959	LC	0.660	25 CFS PST DIV			IRR
6534-3	HT	7	08/17/2004	PE	2.780			WRTN ORD 7/15	IRR
6125-3	HT	7	02/01/1999	PE	1.560			WRTN ORD 8/10	IRR

PERMIT NO	CO	GAGE NO	PRIOR DATE	STATUS	CUR CFS	FL QUAL1	FL QUAL2	FL QUAL WRTN ORD	USE 1
5970-3	HT	7	12/13/1996	LC	1.440			WRTN ORD 8/10	IRR
4072-3	HT	7	01/24/1977	LC	0.480			WRTN ORD 8/10	IRR
2385-3	HT	7	09/23/1975	LC	1.300			WRTN ORD 8/10	IRR
6131-3	HT	7	03/22/1999	LC	0.770			WRTN ORD 8/10	IRR
5392A-3	HT	7	03/01/1990	LC	1.340			WRTN ORD 8/10	IRR
6506-3	HT	7	04/26/2004	PE	0.000			WRTN ORD 8/10	IRR
5391-3	HT	7	03/01/1990	LC	2.610			WRTN ORD 8/10	IRR
6132-3	HT	7	03/22/1999	LC	0.850			WRTN ORD 8/10	IRR
6082-3	HT	7	06/02/1998	PE	0.570			WRTN ORD 8/10	IRR
2631A-3	HT	7	11/25/1975	LC	1.700			WRTN ORD 8/10	IRR
6083-3	HT	7	06/02/1998	PE	1.780			WRTN ORD 8/10	IRR
total					83.01				

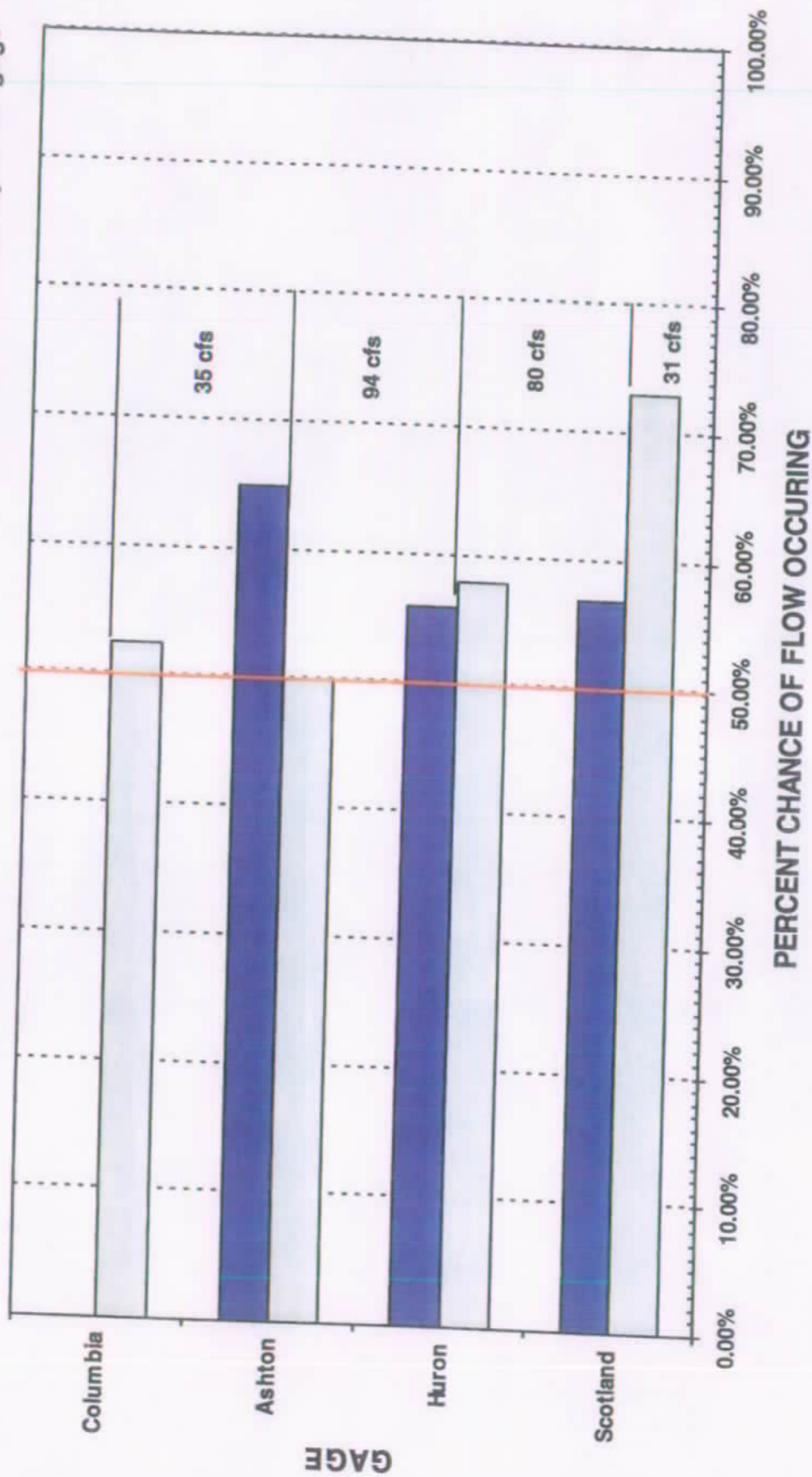
Huron to Scotland appropriated cfs = 86.98, 50% irrigation pumping plus 100% other use pumping and 20 cfs for domestic use, current needed cfs = 79.88.

% CHANCE OF FLOW BEING AVAILABLE FOR DIVERSION THRU AUGUST 10TH

Cfs values are at 50% irrigation pumping and 100% other use diversion at current appropriation plus 20 cfs domestic.

■ % chance to satisfy above gage

□ % chance to satisfy below gage

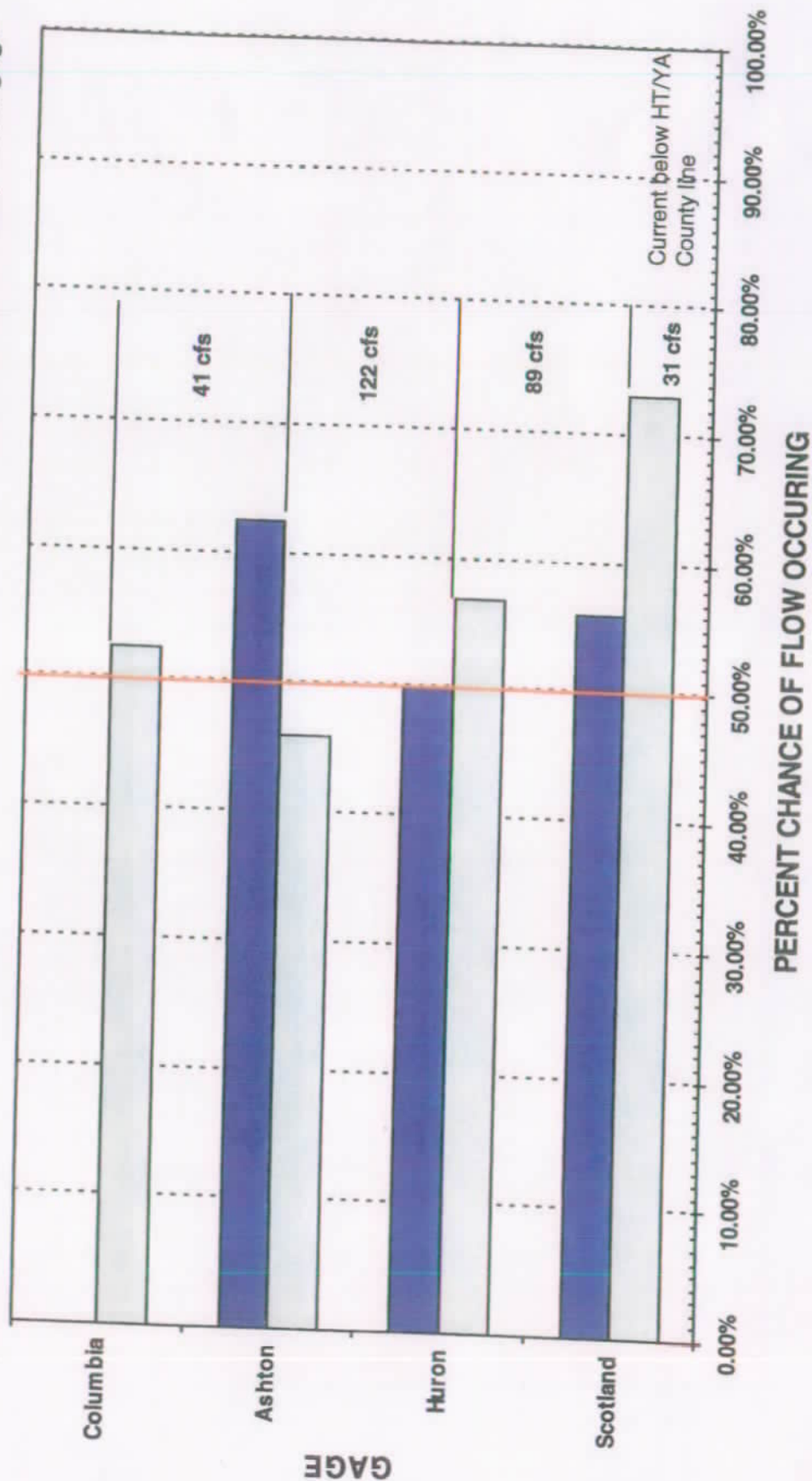


% CHANCE OF FLOW BEING AVAILABLE FOR DIVERSION THRU AUGUST 10TH

Cfs values are at 50% irrigation pumping and 100% other use diversion when fully appropriated plus 20 cfs domestic.

■ % chance to satisfy above gage

□ % chance to satisfy below gage





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 21, 2007

NOTICE

TO: JOHN WIPF
SPINK COLONY
18206 SPINK LN
FRANKFORT SD 57440

FROM: Garland Erbele, Chief Engineer
Water Rights Program, DENR

SUBJECT: Amendment to Qualifications on Water Right No. 1979-3 and Water Permit No. 5737-3

On May 9th, the Water Management Board amended qualifications to Water Right No. 1979-3 and Water Permit No. 5737-3. This action was taken as set forth in notice sent to you on April 11, 2007 and published in James River basin newspapers and the staff report mailed to you on April 25, 2007.

Attached is a listing of the qualifications as amended and the portion deleted from the qualifications to reflect the Board's action to your water permit. Please file this with your water right records. All other qualifications listed on your water rightst were not changed by the Board's action and remain in effect. For example, submittal of the annual irrigation questionnaire continues to be a qualification of your water permit.

If you have any questions about the Board's action or the amendment, please contact Lynn Beck at 605 773-3352.

Enclosure

Attachment to Water Permit No. 5737-3

Amended Qualifications set by the Water Management Board on May 9, 2007

Qualifications as amended to Water Permit No. 5737-3

- This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
- This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Huron, SD after pumping.

Delete of qualification on Water Permit No. 5737-3

When pumping from the James River into the storage pond, low flows as needed for downstream domestic use, including livestock water, and prior water rights/permits must be by-passed. From March 1 – March 31, diversions from the James River are authorized only when the flow at the Huron Third Street Dam is at least 29 cfs while pumping under this Permit. From April 1 – June 30, diversions from the James River are authorized only when the flow at the Huron Third Street Dam exceeds 63 cfs while pumping under this Permit. From June 30 until November 30, diversions from the James River are not authorized unless allowed by written orders issued by the Chief Engineer. Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

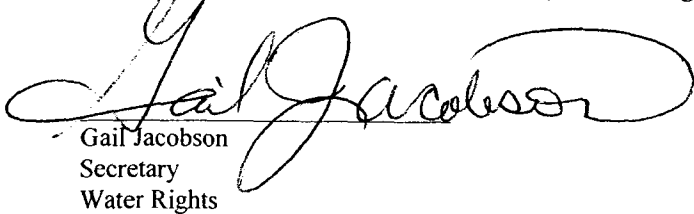
CERTIFICATION

I hereby certify that on May 21, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 21, 2007 regarding Amendment to James River Qualifications addressed as stated below:

Marke Grasse, 38313 131st St, Aberdeen SD 57401
Ron Wheeler, Lake Byron Watershed, PO Box 1363, Huron SD 57350
Floyd Peterson, 18892 390th Ave Hitchcock SD 57348
Reed Bixler, Bixler Farms, 39477 184th St, Hitchcock SD 57348
Ruben Endander, 18239 398th Ave, Frankfort SD 57440
Lyle Arden Bendenagel, 39586 176th St, Frankfort SD 57440
Arne Svarstad, 13797 392nd Ave, Aberdeen SD 57401
Alfred Locken, 39643 137th St, Bath SD 57427
Jon & Loren Locken, 13755 396th Ave, Bath SD 57427
Keith Kettering, 39064 156th St, Mellette, SD 57461
Roger Locken, Locken Ag, 39643 137th St, bath SD 57427
Orrin Roth, 26752 421st Ave, Parkston SD 57366
Loren Roth, 42051 262nd St, Alexandria SD 57311
Don Barber, 41321 Hwy 38, Mitchell SD 57301
Mary K Puetz, 910 Firesteel Dr, Mitchell SD 57301
Russ Werning, 1543 Parkview Dr, Watertown SD 57201
Harvey Wollman, 40004 184th St, Frankfort SD 57440
John Wipf, Spink Colony, 18206 Spink Ln, Frankfort SD 57440
Jerry Kleinsasser, Glendale Colony, 17866 Glendale Dr, Frankfort SD 57440
Sam Waldner, Huron Colony, 40068 Huron Colony Ln, Huron SD 57350

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building

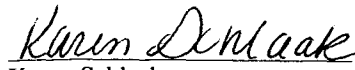

Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 21st day of May, 2007.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



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). 1538-3, 1979-3, 2396-3, 5737-3

To: SPINK HTRN BRTH
18206 SPINK LN
FRANKFORT SD 57440

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

Subject: James River Qualification Reminder for Permit No(s). 1538-3, 1979-3, 2396-3,
5737-3

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.

Permit No. 5737-3
James River - Water District

Contact Person & Address: **Paul Wipf , 18206 Spink Lane, Frankfort SD 57440**

Report Of Examination Of Works

On, **August 26, 2013**, I made a thorough examination of the water use system constructed by **Spink Hutterian Bretheren, Inc** holder of Permit No. **5737-3**, bearing the priority of **December 1, 1992** authorizing the diversion of **1.88** cu. ft. per second of the waters of **James River** for **irrigation** purposes, in **Spink** County.

The system is in the following condition **good**. The points of diversion **James River** is located **in Sec28 T115N-R62W; from the NW corner 1920 ft E and 1720 ft S** with latitude of **44.743576** and a longitude of **-98.294360** and **holding pond** is located **in Sec28 T115N-R62W; from the NW corner 3290 ft E and 2610 ft S** with latitude of **44.741294** and a longitude of **-98.2890500** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **1.78** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All land is located in **Sec 21 T115N-R62W**

NW ¼ SE ¼ - 33 ac NE ¼ SE ¼ - 33 ac SE ¼ SE ¼ - 33 ac SW ¼ SE ¼ - 33 ac

comprising a total of **132** acres of land and the license should be issued for **1.78** 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:

- 1) Make **Cornell** 2) Model **15 RB-F16=PKG** 3) Size **#4** 4) Capacity **800** GPM

Motor:

- 1) Make **International** 2) Model No. **?** 3) Horsepower rating **?** hp

DISTRIBUTION LINES OR CANALS:

- 1) Type **PVC** 2) Size **10** inches 3) Length **#** feet

SYSTEM TYPE:

Center pivot:

- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>T-L</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>8</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>Low</u> | 6) Capacity <u>800</u> GPM |

POND INFORMATION:

- | | |
|-------------------------------|-------------------------|
| 1) Surface Area <u>7.9</u> ac | 2) Depth <u>20</u> feet |
| 3) Storage <u>144</u> ac-ft | |

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

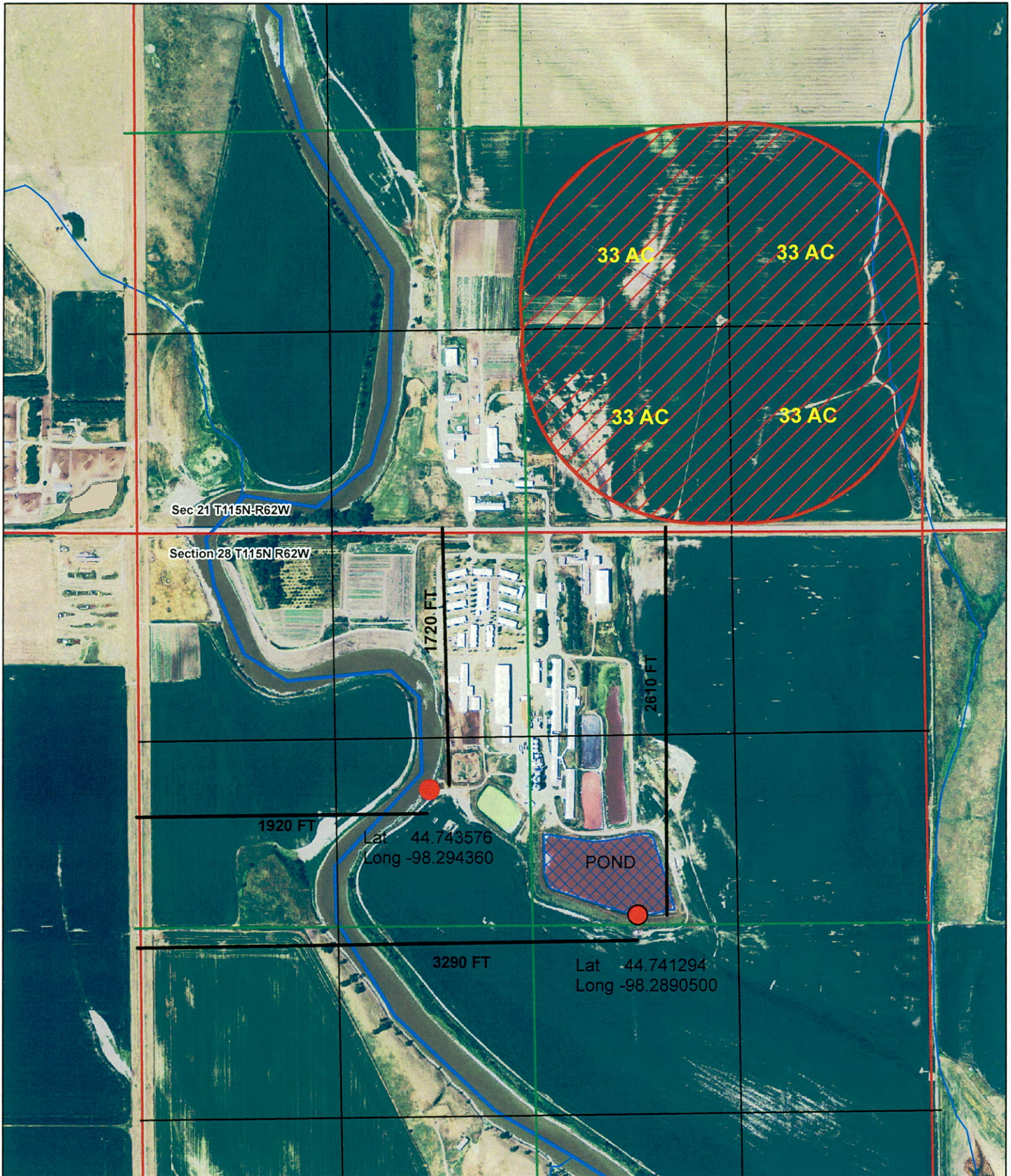
Comments : A section of this permit authorizes pumping authority under No 1538-3 to be utilized to fill the pond.



Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

9-4-2013

Date



NO. 5737-3



1,000 500 0 1,000 Feet


Mark D Rath, Natural Resources Engineer
09-04-2013

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5737-3

(1) Spink Hutterian Brethren Inc., 18206 Spink Lane, Frankfort SD 57440 made Application No. 5737-3, December 17, 1992 for a water permit to divert 1.88 cubic feet of water per second (cfs) from the James River, Spink County, South Dakota for irrigation purposes. Permit No. 5737-3, with a priority date of December 17, 1992 was approved March 23, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 23, 1998 and for the application to beneficial use of said water on or before March 23, 2002.

Water Permit No. 5737-3 also authorizes an off stream storage pond with storage capacity of 144 acre feet. Water Right No. 1538-3 authorizes diversion of water from the James River at a rate 4.00 cfs for irrigation of 343.4 acres. The Colony is authorized to fill the storage pond during periods of high spring runoff or high flows in the James River at a combined diversion rate of 5.78 cfs (4.00 cfs from 1538-3 and the developed diversion rate of 1.78 cfs from 5737-3). The pond may also receive effluent from the Colony's livestock confinement unit. Water from the pond will be diverted for irrigation of the SE ¼ Section 21, T115N, R62W (described below) when James River shut-off orders have been issued.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion points are:

- James River is 1,920 feet east and 1,720 feet south of the NW corner of Section 28, T115N, R62W (SE ¼ NW ¼).
- Holding pond (144 acre feet capacity) is located 3,290 feet east and 2,610 feet south of the NW corner of Section 28, T115N, 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:

T115N, R62W Section 21	NW ¼ SE ¼	33 acres
	NE ¼ SE ¼	33 acres
	SE ¼ SE ¼	33 acres
	SW ¼ SE ¼	33 acres
	Total	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Spink Hutterian Brethren Inc., 18206 Spink Lane, Frankfort SD 57440 the holder and/or owner of Water Right No. 5737-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from the James River with a priority date of December 17, 1992 from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 5737-3 and subject to the following qualifications:

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

continued

- Water can be diverted from the storage pond during the time period of March 1 through November 30 at a diversion rate not to exceed 1.78 cfs to irrigate the SE ¼ Section 21, T115N, R62W (*originally permitted for 1.88 cfs and actually developed 1.78 cfs*)

Amended by the Water Management Board on May 9, 2007 to include the following qualifications:

- This Permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
- This permit does not authorize diversions from the James River when there is less than 20 cfs by-passing the gage at Huron, SD after pumping.



Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

SEP 18 2013

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

SEP 18 2013

5737-3

Paul Wipf
Spink Hutterian Brethren Inc
18206 Spink Lane
Frankfort SD 57440

Dear Mr. Wipf:

Enclosed is Water License No. 5737-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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,

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

enclosures



**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

5737-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: SPINK COLONY, JOHN J WIPF, 18206 SPINK LN, FRANKFORT, SD 57440 7207

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1538-3, 2396-3 & 3468-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2276-3A , 4195A-3, 5737-3, 7424-3, 7425-3 & 7427-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2276-3A , 4195A-3, 5737-3, 7424-3, 7425-3 & 7427-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 2396-3 & 3468-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KTKGUJ**

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.

5737-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2022

John J Wipf
Spink Colony
18206 Spink Ln
Frankfort SD 57440

RE: Water Right or Permit Nos. 1538-3, 2276-3A, 2396-3, 3468-3, 4195A-3, 5737-3, 7424-3,
7425-3 & 7427-3

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1538-3, 2276-3A, 2396-3, 3468-3, 4195A-3, 5737-3, 7424-3, 7425-3 & 7427-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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