

WATER PERMIT NO. 6506-3

Name of Applicant: Mark Rames

Address: 28618 Co Rd 11, Menno SD 57045

Phone: 605 387-2879

Amount of Water Claimed: no add'l

Total Acres: 92 acres

Source of Water Supply: James River

Water to be used for: irrigation

County: Hutchinson

Type of Waste Disposal System:

Location: ½ mile south of Olivet

PRIORITY

Date Received: 4-26-04

Application/License Fee: \$275

Corrected Application Received:

Period of Annual Use: May 1 – Sept 30

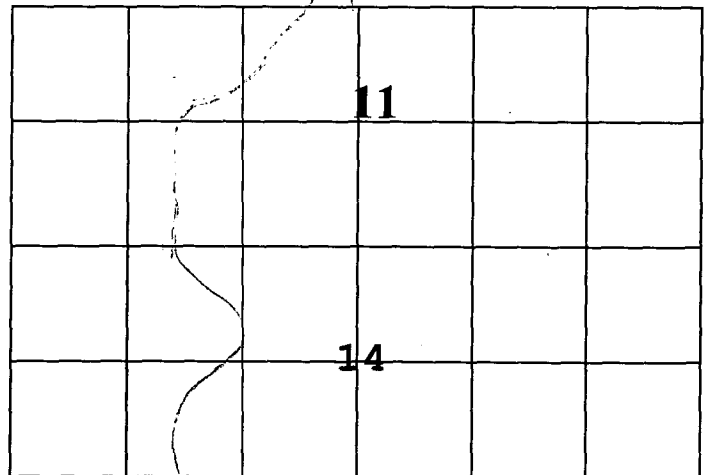
Remarks: Will allow the pivot authorized by No. 5392A-3, John Ulmer to make a full rotation

Diversion Point: on quarter line between SW ¼

Sec 11 and NW ¼ Sec 14; all in T97N-R58W

Land to be Irrigated: Lot 3 & 4, NW ¼ SE ¼ SW

¼ NE ¼ Sec 11-T97N-R58W



Depth of Well: XX

Well Driller: : XX

Remarks:

Type of Map: XX

Prepared by: XX

Reviewed and the Number Assigned on: XX

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6506-3</u> (office use only)
	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Hutchinson Herald, Menno</u>

RECEIVED
APR 26 2004
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

Irrigate additional 1/2 circle (70A) with John Ulmer's
pivot. Water Right No. 5392A-3

1. Name of Applicant Mark Rames Phone 605-387-2879
(check one) ☐ Owner ☒ Tenant/lessee

Mailing Address 28618 60 Rd 11 Menno State SD. 57045
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed NO Change *CFS or NO Change **GPM Requested ***AF Total Acreage 92
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply James River 1/4 Sec 9, T97N, R58W

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 4400 ft west of SE
James River Sec 11 97-58 Lot 4 Corner 11-97-58
on quarter line between SW1/4 Sec 11 and NW1/4 Sec 14, T97N, R58W County Hutchinson

5. County or counties where water will be used Hutchinson

6. Annual period during which water is to be used June 04 - Sept. 04 May 1 - Sept 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>11-97-58 Lot 3+4</u>	<u>79.3</u>	<u>Mariette Rames Rev Trust</u>	
<u>11-97-58 NW1/4 SE1/4</u>	<u>80</u>	<u>East Rames Trust Mariette Rames Trustee</u>	
<u>Lot 4</u>	<u>44</u>	<u>NW1/4 SE1/4</u>	<u>33</u>
<u>Lot 3</u>	<u>9</u>	<u>SW1/4 NE1/4 Sec 11-T97N-R58W</u>	<u>6</u>

8. Give a description of the project. (Attach sheet if more space is needed)

Use pivot that is in use to irrigate 1/2 circle to north. See Map.

STATE OF SOUTH DAKOTA) SS
County of Hutchinson

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

I, Mark Rames, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Mark Rames

Subscribed and sworn to before me this 19th day of April 2004

Barbara K. Ulrichbach
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6506-3**

Date of first receipt of application April 26, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6506-3 to Mark Rames, 28618 Co Rd 11, Menno SD 57045 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. 6506-3 authorizes irrigation of 92 acres. Water Right No. 5392A-3 held by John Ulmer authorizes 1.34 cubic feet of water per second from the James River to irrigate 148 acres located in Lots 5, 10 and SW ¼ SE ¼ Section 11 and Lot 1, NW ¼ NE ¼ Section 14; all in T97N-R58W. This permit authorizes irrigation of 92 acres located in Lot 3 and 4, NW ¼ SE ¼, SW ¼ NE ¼ Section 11-T97N-R58W. This will allow the center pivot authorized by Water Right No. 5392A-3 to make a complete rotation. No increase in the diversion rate is authorized by this permit.
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: May 1 – September 30.
3. The date from which applicant may claim right is April 26, 2004.
4. The date of approval of Permit No. 6506-3 is June 28, 2004.
5. One-fifth of the construction is to be completed on or before December 26, 2006.
6. All construction is to be completed on or before June 28, 2009.
7. Water is to be put to beneficial use on or before June 28, 2013.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, 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 shall be in accordance with any written orders issued by the Chief Engineer.
2. This permit is approved subject to the irrigation questionnaire being submitted each year.

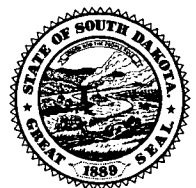
WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 17 2004

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 28, 2004

RECEIVED OF Mark James, 28618 County Road 11, Menno SD 57045

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

Fee for Application for Permit No. <u>6506-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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. <u>6506-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	275.00

No. _____

By

Darland Erbe

Chief Engineer

gm

Olivet

HH-9L

T-3782

$\frac{26.1}{2 \text{ NHSL}}$

$\frac{7.0}{2 \text{ NHSL}}$

$\frac{14.1}{1 \text{ NHSL}}$

$\frac{255.3}{1 \text{ NHSL}}$

97-58

T-40342

NC

← Diverution Point (Robert G. Lemmon) (DC)

NRC

62 - at 1300

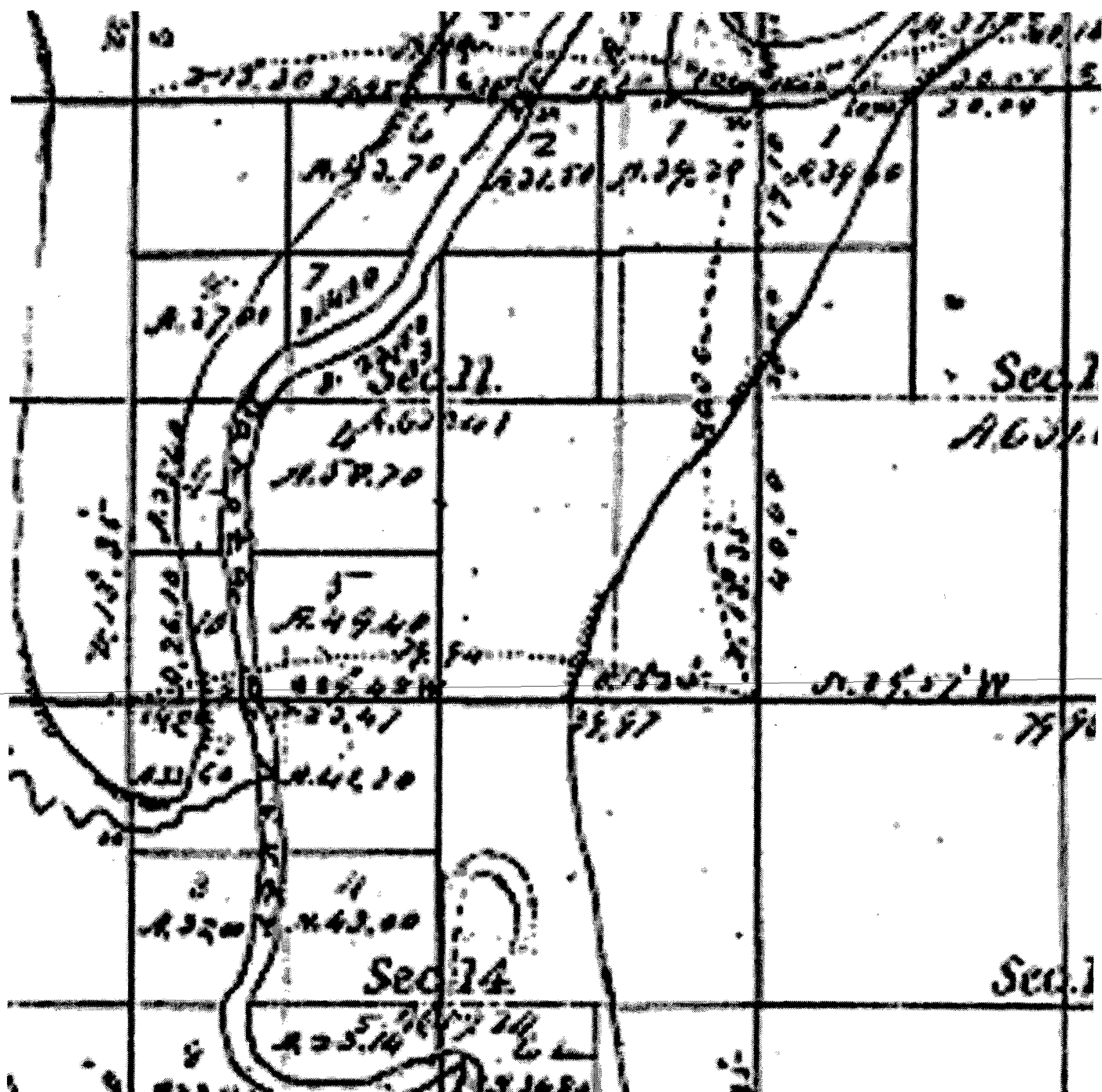
70 - at 1400

T-3749

NC

Mapped on Photo
206 R

6506-3



Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Mark Rames' water permit application

ADDRESS: COUNTY: Hutchinson

DATE: April 27, 2004 TELEPHONE: 387-2879

RE: Discussion on the number of additional acres

COMMENTS:

Mr. Rames returned my phone call. I questioned the number of additional acres to be irrigated since his application states 70 acres is one spot and then indicates 157.3 acres under the land descriptions. Mr. Rames indicated he spoke with John Ulmer whose pivot will now run full circle to include Rames' land. Mr. Ulmer told him the pivot has a cornering system. Based on this information, Mr. Rames determined that he may be able to irrigate a total of 92 acres. The acres are as follows.

Lot 4	Section 11, T97N, R58W	- 44 acres
Lot 3	" " " "	- 9 acres
NW ¼ SE1/4	" " " "	- 33 acres
SW ¼ NE ¼	" " " "	- 6 acres
TOTAL		92 acres

Mr. Rames asked that I amend his application accordingly.

He understands that if the system is developed to a lesser extent, the water license will only be issued for the amount developed based on an on-site inspection.

NAME: Eric Hunsaker



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 4, 2004

John Ulmer
42963 Maxwell Rd
Menno SD 57045

Dear Mr. ^{John}Ulmer:

Mark Rames has applied for a water permit to irrigate his property by allowing the pivot authorized by your Water Right No. 5392-3 to make a full circle. Enclosed is a copy of the report, recommendation and public notice prepared on the application.

The notice of hearing will be published in the Hutchinson Herald on June 9 and 16, 2004. If you desire to cause hearing before the Water Management Board, a petition to intervene must be submitted by June 28, 2004.

If you have any questions, please feel free to me.

Sincerely,

Eric
Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosures

WATER PERMIT APPLICATION No. 6506-3

Mark Rames
28618 Co. Road 11
Menno, SD 57045
(605)387-2879

Water Permit Application No. 6506-3, Mark Rames, proposes to irrigate 92 acres in Lots 3 and 4; and the NW¼ SE¼ and the SW¼ NE¼ Section 11, all T97N R58W. The water used to irrigate this property is to come from Water Right No. 5392A-3, John Ulmer, which authorizes the diversion of 1.34 cubic feet per second (cfs) of James River water for the irrigation of 148 acres in the same area. No additional water is requested by this application. (Attachment 1) Annual period of use requested is from May 1 to September 30.

Review of Proposed Project

The land proposed for irrigation by this application is adjacent to the property irrigated by Water Right No. 5392A-3. Irrigation of the additional 92 acres will allow full rotation of the center pivot in use by John Ulmer.

Water Source and Existing Water Rights

The water source for the proposed project is the James River in Hutchinson County, near Olivet, SD. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are within South Dakota. (Attachment 2) During extended periods of low precipitation the James River experiences extremely low flows and cannot be considered a reliable source of water.

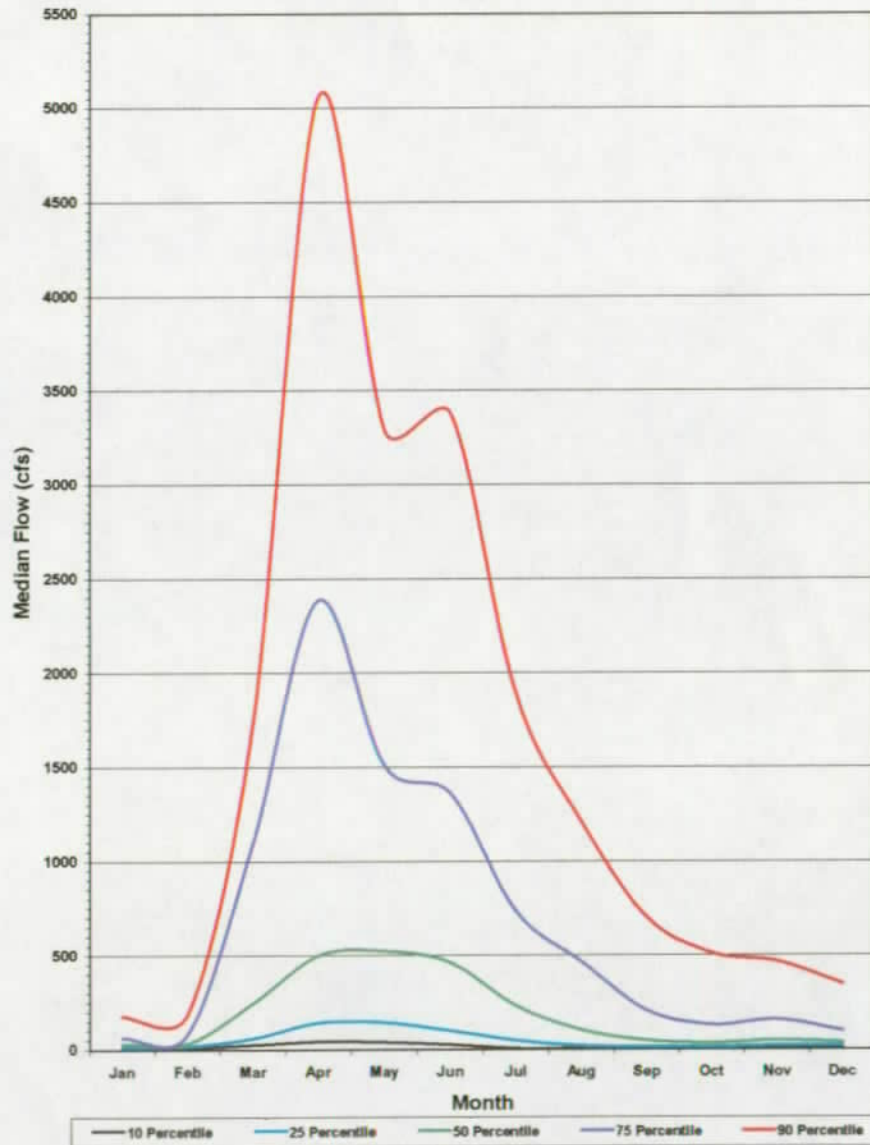
USGS historical data for the Scotland, SD stream flow gage downstream of the proposed project indicate there is a 50-percent probability monthly median flows could range from 48 to 524-cfs or greater for any given May 1 to September 30 annual period. There is a 75-percent probability monthly median flows at this same location could be in the 13 to 143-cfs range or greater for the same period. (Table 2 and Hydrograph 2)

Table 2. James River Monthly Median Flow (cfs) Scotland, SD

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	5	10	26	44	40	26	5	5	5	3	5	7
25	14	20	61	143	143	100	48	20	13	13	19	20
50	32	35	248	501	524	461	232	104	48	34	48	39
75	66	85	1101	2386	1505	1361	734	466	206	131	159	99
90	180	192	1741	5062	3284	3379	1889	1211	701	513	468	349

Hydrograph 2

James River
Scotland



USGS historical data for the Scotland, SD stream flow gages indicate non-appropriated water is available in the James River during normal and greater stream flow conditions for the May through July annual period. During late summer and early fall months, the James River cannot be considered a reliable source of water. There is no additional water diverted by this application and there should not be an adverse impact on present Water Rights or domestic water use on the James River during normal and greater stream flow conditions for the May through September annual period.

In 1965 the SD Water Rights Commission, a predecessor to the SD Water Management Board, placed a 300-cfs diversion limit on the James River with a maximum combined 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 Yankton-Hutchinson County Line. Presently there are 72 Water Rights with diversions totaling 174.04-cfs from the North Dakota border to the Yankton-Hutchinson, SD County Line. From the North Dakota border to Huron, SD there are 37 Water Rights with diversions totaling 115.88-cfs. (Attachment 2) Diversions from Huron, SD to the Yankton-Hutchinson, SD County Line total 58.16-cfs. These figures are for actual diversions from the river and do not include water storage rights, SD Game, Fish and Parks rights, or U.S. Fish and Wildlife Service rights

Because the number and location of James River Water Rights change, the Water Management Board at some time in the future may want to review bypass qualifications for all James River Water Rights. These qualifications may need to be adjusted to reflect the most current status of diversions from the river.

Conclusions

1. Water Permit Application No. 6506-3, Mark Rames, proposes to irrigate 92 acres in Lots 3 and 4; and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, all T97N R58W. The water used to irrigate this property is to come from Water Right No. 5392A-3, John Ulmer, which authorizes the diversion of 1.34 cubic feet per second (cfs) of James River water for the irrigation of 148 acres in the same area. No additional water is requested by this application.
2. Irrigation of the additional adjacent 92 acres will allow full rotation of the center pivot in use by John Ulmer.
3. Water Right No. 5392-3 has the following qualification:
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 shall be in accordance with any written orders issued by the Chief Engineer.
This qualification should also pertain to this application.


Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

Reviewed by:

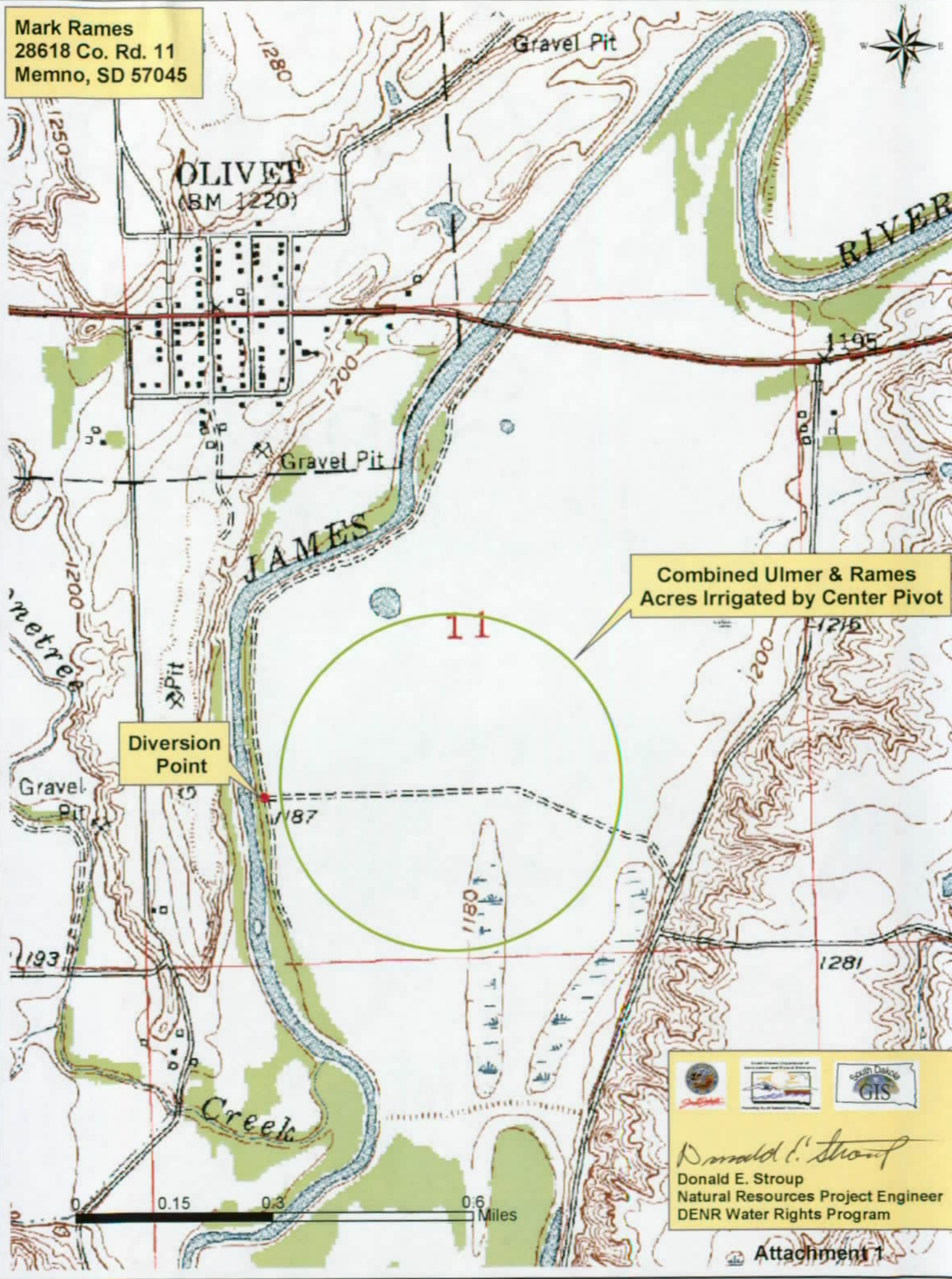

Mark D. Rath
Natural Resources Engineering Specialist
DENR Water Rights Program

References

South Dakota Department of Environment and Natural Resources, Water Rights Program Records

USGS National NWISWeb Water Information System, Historical Stream Flow for South Dakota

Mark Rames
28618 Co. Rd. 11
Memno, SD 57045



Combined Ulmer & Rames
Acres Irrigated by Center Pivot

Diversion
Point



Donald E. Stroup
Donald E. Stroup
Natural Resources Project Engineer
DNR Water Rights Program

Attachment 1

James River Water Rights

January 2004

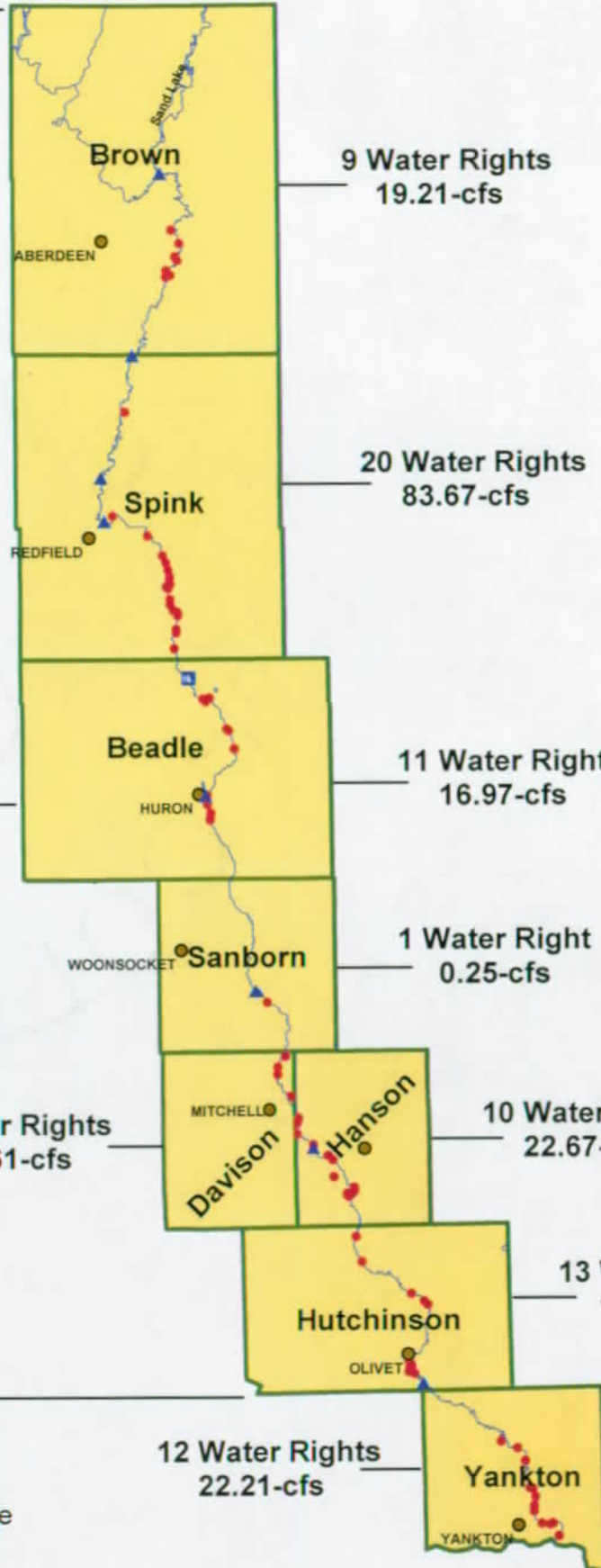
ND-SD State Line

ND-SD State Line to Yankton Co. Line
72 Water Rights 174.04-cfs
Diversion Limit 300-cfs

ND-SD State Line to Huron, SD
37 Water Rights 115.88-cfs
Diversion Limit 200-cfs

Huron

Yankton Co. Line



- ▲ USGS Gage
- City
- James River WR
- James Diversion Dam

0 10 20 Miles

Attachment 2





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6506-3, Mark Rames**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6506-3, Mark Rames, 28618 County Road 11, Menno SD 57045.

The Chief Engineer is recommending APPROVAL of Application No. 6506-3 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) it is in the public interest with the following qualifications:

1. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, 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 shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 4, 2004

NOTE: Obtaining a water permit does not authorize access or easements to the Mr. John Ulmer's land, pump site or equipment. An agreement will need to be reached with Mr. Ulmer to allow the center pivot to irrigate your land.

RECEIVED

JUN 25 2004

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SSCounty of Hutchinson)I, Jim Waldnercertify that the attached printed Notice was
takenfrom the Hutchinson Heraldprinted and published in Menno, S.D.County of Hutchinson and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

June 9, 2004June 16, 2004Cost of Printing \$47.52P. & W. Waldner
(Signature)Publisher
(Title)6-23-04

(Date Signed)

NOTICE OF APPLICATION NO. 6506-3
TO APPROPRIATE WATER

Notice is given that Mark Rames, 28618 County Road 11, Menno SD 57045 has filed an application for a water permit to irrigate 92 acres. Water Right No. 5392A-3 held by John Ulmer authorizes 1.34 cubic feet of water per second from the James River to irrigate 148 acres located in Lots 5, 10 and SW1/4SE1/4Section 11 and Lot 1, NW1/4NE1/4Section 14; all in T97N-R58W. This application proposes to irrigate 92 acres located in Lots 3 and 4, NW1/4SE1/4, SW1/4NE1/4Section 11-T97N-R58W. This will allow the center pivot authorized by Water Right No. 5392A-3 to make a complete rotation. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6506-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be sched-

uled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 June 28, 2004.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(Publish June 9 and 16, 2004)

Instruction to Newspaper - Publish first Notice on June 9, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6506-3 to Appropriate Water

Notice is given that Mark Rames, 28618 County Road 11, Menno SD 57045 has filed an application for a water permit to irrigate 92 acres. Water Right No. 5392A-3 held by John Ulmer authorizes 1.34 cubic feet of water per second from the James River to irrigate 148 acres located in Lots 5, 10 and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11 and Lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14; all in T97N-R58W. This application proposes to irrigate 92 acres located in Lots 3 and 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11-T97N-R58W. This will allow the center pivot authorized by Water Right No. 5392A-3 to make a complete rotation. No increase in the diversion rate is authorized by this application.

in

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6506-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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*paper - called 6/17/04
making change listed above*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 4, 2004

Mark Rames
28618 Co Rd 11
Menno SD 57045

Dear Mr. Rames:

Water Permit Application No. 6506-3 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 Hutchinson Herald printed at Menno, SD (Ph # 605-387-5158). ~~You will need to contact the newspaper and authorize publication of this notice.~~ 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. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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

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 57501-3182
www.state.sd.us/denr

June 4, 2004

Hutchinson Herald
PO Box 506
Menno SD 57045-0506

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6506-3 to Appropriate Water to be published twice. Please publish the first notice on June 9, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Mark Rames, 28618 Co Rd 11, Menno SD (Ph # 605-387-2879).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

No. 6506-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of June 4, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 6506-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name _____

Newspaper _____



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 17 2004

Mark Rames
28618 Co Rd 11
Menno SD 57045

Dear Mr. Rames:

Enclosed is Water Permit No. 6506-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 17, 2004

6506-3

Mark Rames
28618 County Road 11
Menno SD 57045

Dear Mr Rames:

This letter is in reference to your August 16, 2004 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permits out of the James River to the end of 2004 irrigation season.

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

Sincerely,

For Garland Erbele, Chief Engineer
Water Rights Program

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 8-23-04

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

AUG 26 2004

WATER RIGHTS
PROGRAM

FROM:

Mark Rames
(name)28618 6 Rd 11-
(address)Menno, SD 57045
(city, state, zip)605-387-2879
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6506-3 states that the water use system is to be constructed by

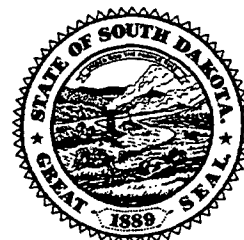
June 28 - 2009, and water is to be put to beneficial use by June 28, 2013.
(date) (date)

The water use system was completed on Aug 18, 2004.
(date)

Applying the water to beneficial use was completed on Aug 18, 2004.
(date)

You may schedule an investigation so that the water license may be issued.

Mark Rames
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: MARK RAMES
PO BOX 134
OLIVET SD 57052

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). (6506-3)

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

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

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

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

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

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

Permit No. 6506-3
James River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, **31 July 2007**, made a thorough examination of the water use system constructed by **Mark Rames** of **28618 Co. Rd 11, Menno, SD. 57045** holder of Permit No. **6506-3**, bearing the priority of **26 April 2004** authorizing the diversion of **no additional** cu. ft. per second of the waters of **the James River** for **irrigation** purposes, in **Hutchinson** County.

A. Works used to apply water to beneficial use:

Center pivot:

- 1) Make **Valley**
- 2) Number of towers **8**
- 3) End gun **Y**
- 4) High or low pressure **Low**

Gun:

- 1) Make **Unknown**

Chemigation Equipment:

- 1) Does chemigate **N**

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **Y**
- 3) Exceptions to compliance are: **None**

The system is in **good** condition with the point of diversion as follows: **NW ¼ SW ¼ Sec 11-T97N-R58W, approximately 1,376 feet north and 886 feet east of the southwest corner of section 11 T97N-R58W.** Water has been put to beneficial use to the maximum extent as follows:

All in Sec 11- T97N-R58W:

NW ¼ SE ¼	30.0 Acres
SW ¼ NE ¼	5.8 acres
Lot 3	9.2 acres
Lot 4	47.0 acres

comprising a total of **92.0** acres of land and the license should be issued for **0.00** cfs

All structures, wells and lands on map **Y**

Report of Examination of Works

Permit No. 6506-3

Comments or other permit(s) associated with the project: **Permit No. 6506-3 uses the equipment and water appropriated under water right No. 5392A-3. This permit cannot be incorporated into water right No. 5392A-3 because these are two different land owners. Ninety-two and one-half additional acres are being irrigated but an additional water diversion is not being appropriated for this license. The equipment to irrigate the land described in this report is different from the equipment that was in place at the time that water right No. 5392A-3 was issued. The equipment that is currently in use is as described above. The pivot does have a cornering system installed and is thus able to irrigate the area shown on the map that is included with this report.**



Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **16 August 2007**

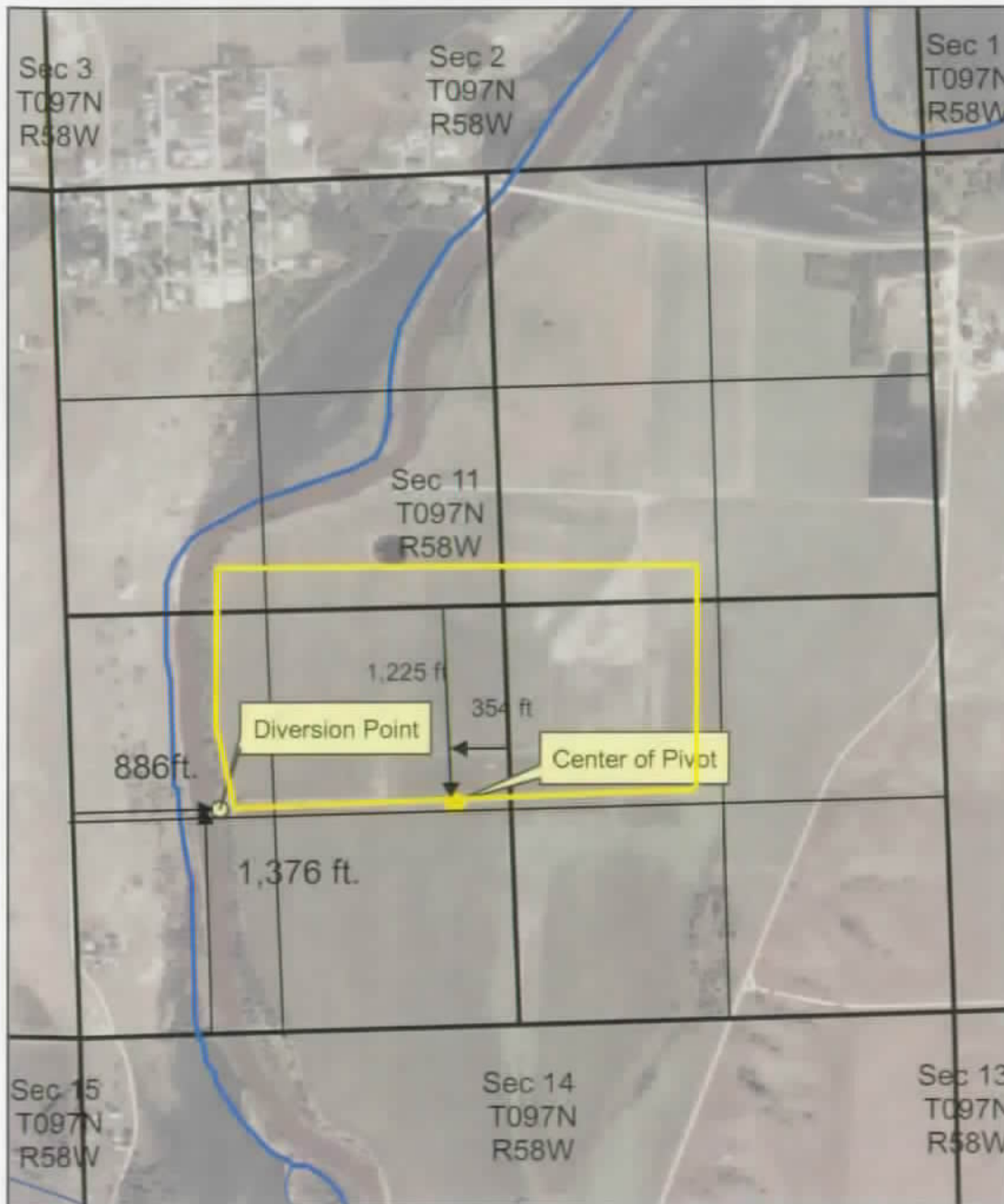


South Dakota

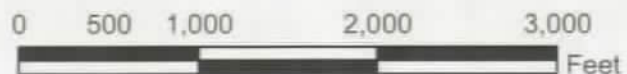
6506-3

Mark Rames
28618 Co. Rd. 11
Menno, SD.57045

South Dakota Department of
Environment and Natural Resources



Mark Costello
Mark Costello
Natural Resources Engineer
DENR, Water Rights Program
15 August 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 24 2008

6506-3

Mark Rames
PO Box 134
Olivet SD 57052

Dear Mr. Rames:

Enclosed is Water License No. 6506-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6506-3

(1) Mark Rames, PO Box 134, Olivet SD 57052 made Application No. 6506-3, April 26, 2004 for a water permit from the James River, Hutchinson County, South Dakota for irrigation purposes. Permit No. 6506-3, with a priority date of April 26, 2004 was approved June 28, 2004 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 28, 2009 and for the application to beneficial use of water on or before June 28, 2013.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on August 26, 2004. The *Notice* stated the diversion system was completed on August 18, 2004 and the water placed to beneficial use on August 18, 2004.

Water Right No. 5392A-3 for John Ulmer authorizes 1.34 cubic feet of water per second from the James River to irrigate 148 acres. No. 6506-3 did not allow for an additional diversion rate and was obtained to allow the center pivot authorized under No. 5392A-3 to make a full rotation.

Since there is separate land ownership, the two water rights cannot be incorporated. Water Right No. 6506-3 does not authorize a diversion rate.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6506-3 is issued a license, bearing a priority date of April 26, 2004 to irrigate 92.5 acres.

The diversion point is located: approximately 1,376 feet north and 886 feet east of the southwest corner of Section 11-T97N-R58W (NW ¼ SW ¼). The acres authorized for irrigation are as follows:

Section 11-T97N-R58W	NW ¼ SE ¼	30 acres
	SW ¼ NE ¼	5.8 acres
	Lot 3	9.2 acres
	Lot 4	47 acres
Total 92 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6506-3 including the following now applicable 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 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 is approved subject to the irrigation questionnaire being submitted each year.

Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 24 2008
date





August 6, 2012

6506-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 6506-3**

To: MARK RAMES
PO BOX 134
OLIVET SD 57052

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

Subject: James River Qualification Reminder for Permit No(s). 6506-3

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 12th, 2026

6506-3

Mark Rames
160 N 4th St
Olivet, SD 57052

Dear Mr. Rames:

The Water Rights Program is in receipt of the 2025 Irrigation Questionnaire you submitted for Water Right No. 6506-3.

Water Right No. 6506-3 authorizes the diversion of 1.34 cfs (450 gpm) from the James River for irrigation of 92 acres located in NW1/4 SE1/4, SW1/4 NE1/4, Lots 3&4 all in Section 11-T97N-R58W.

On this year's questionnaire, you reported that the Irrigation System was on Pause, with irrigation last being reported in 2006.

Pursuant to SDCL 46-5-37, if water appropriated under a permit/water right, is not placed to beneficial use for a period of three or more years (without legal excuse), the unused position of the permit/water right may be subject to cancellation due to abandonment or forfeiture.

Please contact me via email or by calling my direct line (605) 773-8204 to discuss potential cancellation of Water Right No. 6506-3.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us