

WATER PERMIT NO. 6587-3

Name of Applicant: Glendale Colony

Address: 17866 Glendale Dr, Frankfort SD

Phone: 605 472-0772

Amount of Water Claimed: 1.93

Total Acres: 6 additional

Source of Water Supply: James River

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 5 miles south of Frankfort

PRIORITY

Date Received: 2-4-05

Application/License Fee: \$200

Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: transfer 126 acres from Water Right No. 1943-3 and irrigate an additional 6 acres

Diversion Point: W ½ Sec 33-T116N-R62W

Land to be Irrigated: S ½ Sec 33-T117N-R62W

Depth of Well: NA

Well Driller:

Remarks:

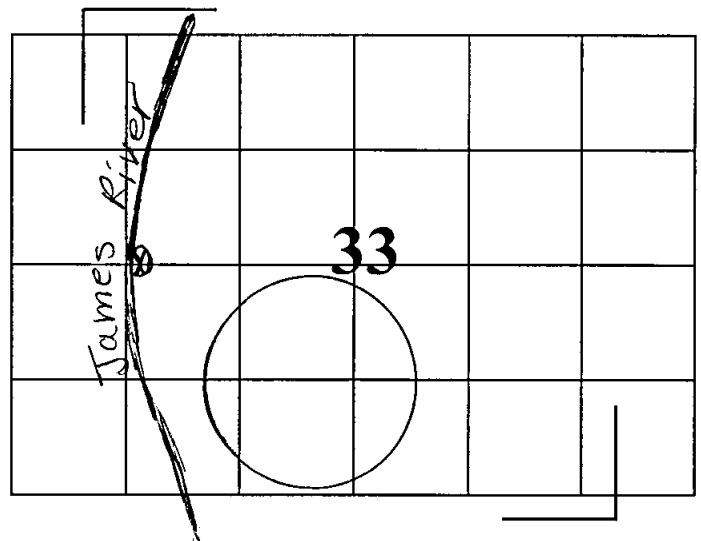
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 2-7-05

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6587-3</u>	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Redfield Press</u>	

RECEIVED

FEB - 4 2005

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.)

transfer 126 acres from Water Right No. 1943-3, additional diversion rate of 870 gpm and add 6 acres ~~Water~~

- Name of Applicant Glendale Colony Phone 472-0772
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 17866 Glendale Drive Frankfort State SD 57440
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 193 *CFS or 870 **GPM ***AF Total Acreage 6
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply James River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink
W 1/2 Section 33, T116N, R62W
- County or counties where water will be used Spink
- Annual period during which water is to be used April 1 - October 31
- 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
SW 1/4 Section 33, T116N, R62W	90		
SE 1/4 Section 33, T116N, R62W	42		

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

Transfer 126 acres from Water Right No. 1943-3. Water Right No. 1943-3 will now just irrigate one standard pivot located in the W 1/2 SE 1/4 and E 1/2 SW 1/4 Section 29, T116N, R62W. Colony is requesting an addition 6 acres to accommodate a standard 132 acre pivot. Additional 870 gpm diversion authority is requested.

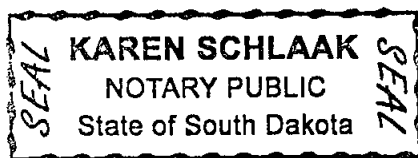
STATE OF SOUTH DAKOTA) SS
County of Hughes

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, Terry Kleinsasser, 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 Terry Kleinsasser

Subscribed and sworn to before me this 4th day of February 20 05



Karen Schlaak
Notary Public signature

My Commission Expires
April 1, 2007

SOUTH DAKOTA
WATER PERMIT NO. 6587-3

Date of first receipt of application February 4, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6587-3 to Glendale Colony, 17866 Glendale Drive, 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. 6587-3 authorizes the transfer of 126 acres covered by Water Right No. 1943-3 and 136 acres and diversion authority of 1.91 cubic feet of water per second (cfs) authorized by Water Right No. 1734-3. Water Right No.1943-3 appropriates 2.00 cfs from the James River in the NE ¼ SE ¼ of Section 29 to irrigate 258 acres in the S ½ of Section 29 all in T116N-R62W. This permit authorizes severing the diversion authority of 126 acres and relocate them in the NE ¼ of Section 3-T115N-R62W. The remaining 132 acres of irrigation authorized by No 1943-3 will remain in the S ½ of Section 29-T116N-R62W, and 1.89 cfs diversion rate will remain with these acres.

Water Right No. 1734-3 appropriates 5.66 cfs from the James River between the points in the NE ¼ SW ¼ and the SW ¼ NE ¼ of Section 9 to irrigate 404 acres in the W ½ of Section 10 and the NW ¼ of Section 15; all in T115N-R62W. This permit authorizes severing the diversion authority of 136 acres and relocate them to the SE ¼ Section 3. The associated diversion rate of 1.91 cfs will be moved and taken at a diversion point authorized by Water Right No. 1733-3 located in between the NE ¼ NW ¼ and the SE ¼ SW ¼ of Section 4; all in T115N-R62W. The remaining 268 acres of irrigation located in Section 10 covered by No. 1734-3 will retain 3.75 cfs of the diversion rate.

The relocation of the 262 acres to the E ½ Section 3 combined with 268 acres located in the W ½ Section 3 authorized by No. 1733-3, will allow for a total of 530 acres with a combined diversion rate of 5.68 cfs.

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: April 1 – October 31.
3. The date from which applicant may claim rights are May 30, 1972 (126 acres) and November 4, 1968 (136 acres).
4. The date of approval of Permit No. 6587-3 is June 6, 2005.
5. One-fifth of the construction is to be completed on or before December 6, 2007.
6. All construction is to be completed on or before June 6, 2010.
7. Water is to be put to beneficial use on or before June 6, 2014.
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. Diversion of water from the James River shall be in accordance with the following criteria:
 - Permit No. 6587-3 does not authorize the diversion of water from the James River after August 10th of each calendar year, or at any time when the river flow is obviously low, unless written orders have been issued by the Water Management Board or its legally appointed representative.
 - This permit does not authorize diversions when water is not by-passing the James River Diversion Dam north of Huron SD or when less than 20 cfs of water is bypassing the Third Street Dam in Huron SD.
 - 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.

WATER MANAGEMENT BOARD

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

JUL 28 2005
date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date FEBRUARY 7, 2005

RECEIVED OF Glendale Hutterian Brethren, 17866 Glendale Dr., Frankfort SD 57440

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

Fee for Application for Permit No. <u>6587-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	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>6587-3</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	200.00

No.

001748

By

Darland Erbe

Chief Engineer

gm

Glendale Colony
17866 Glendale Drive
Frankfort, SD 57440

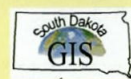
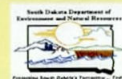
6587-3

T116N R62W

Diversion
Point

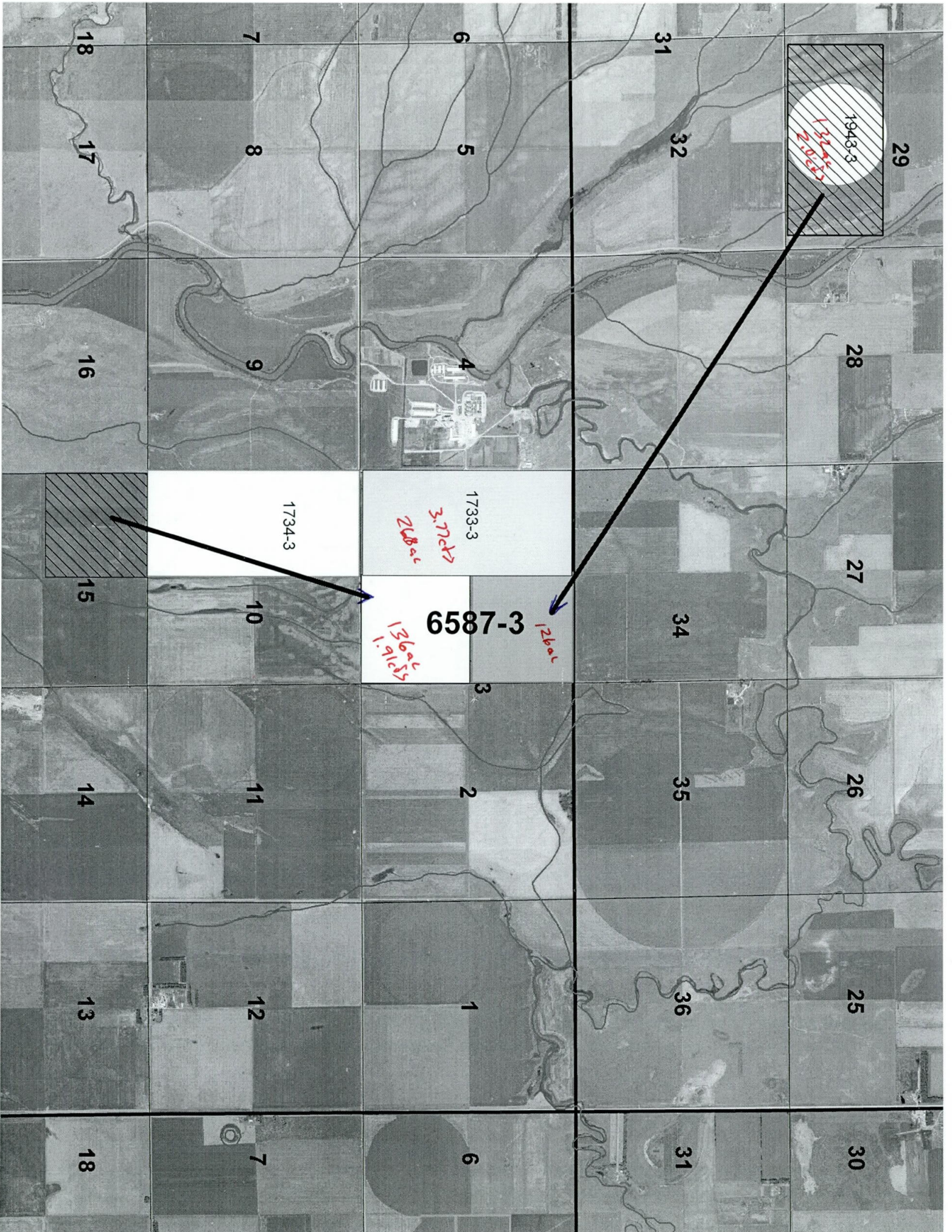
33

132 Acres



Donald E. Stroup

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



James River Water Rights

December 2004



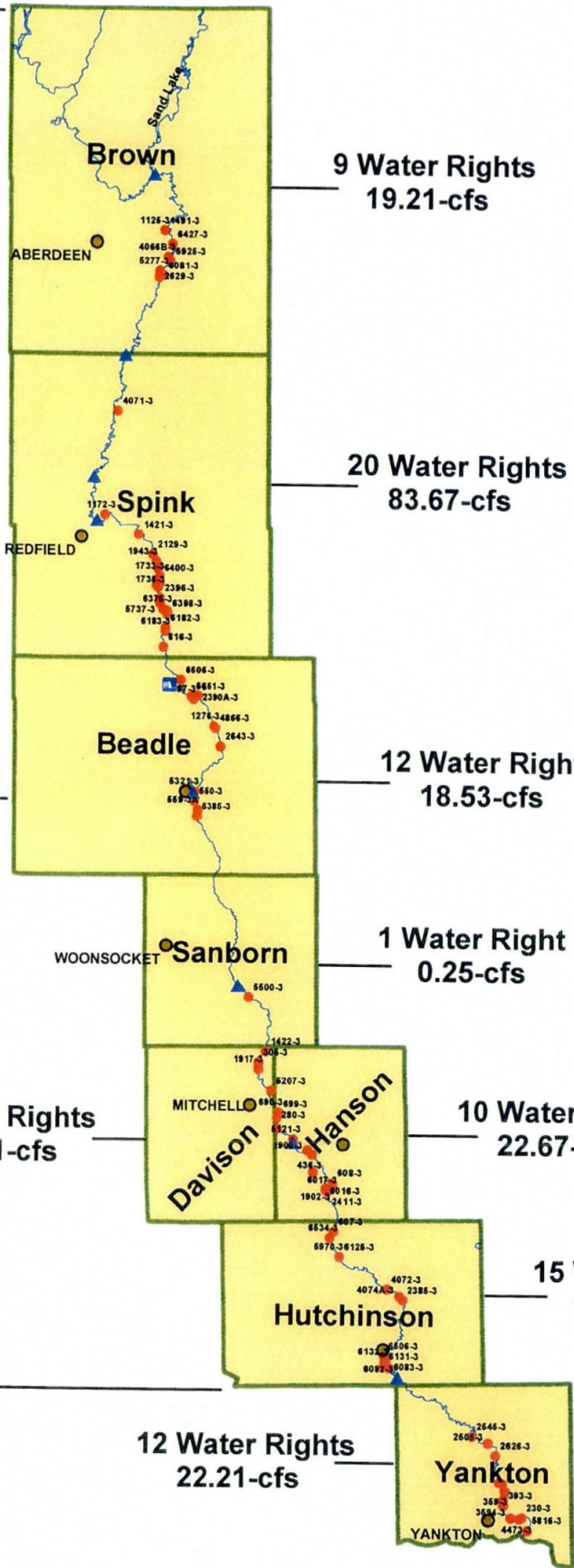
ND-SD State Line

ND-SD State Line to Yankton Co. Line
75 Water Rights 178.38-cfs
Diversion Limit 300-cfs

ND-SD State Line to Huron, SD
38 Water Rights 117.44-cfs
Diversion Limit 200-cfs

Huron

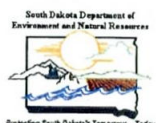
Yankton Co. Line



0 5 10 Miles



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



Water Rights Program - DENR
Conversation File Documentation

Glendale Colony
Jerry Kleinsasser
17866 Glendale Dr.
Frankfort, SD 57440
Spink County
(605) 472-0772

March 22, 2005

RE: Modifications to Water Permit Application Nos. 6587-3, 6588-3, 6589-3, and 6590-3.

On March 22, 2005, Eric Gronlund, Don Stroup, and Mike DeFea, met with Jerry Kleinsasser at the Glendale Colony in Spink County regarding Water Permit Applications Nos. 6587-3, 6588-3, 6589-3, and 6590-3. The reason for the meeting was to modify the applications in order to allow for more efficient irrigation of the land, and to provide consistency with priority dates in the event shut-off orders were given by the Chief Engineer by priority date. Adjustments were made to the applications so that parcels of land to be irrigated under the same pivot system would have priority dates similar to each other. These applications are being amended as requested by Jerry Kleinsasser of Glendale Colony as their representative. The following is a list of the modifications to the applications for Glendale Colony.

Application No. 6587-3, Glendale Colony proposes to transfer diversion authority for 126 acres with no diversion rate covered by Water Right No. 1943-3 and 136 acres and 1.91 cfs covered by Water Right No. 1734-3.

Water Right No. 1943-3, with a priority date of May 30, 1972, authorizes 2.00 cfs from the James River in the NE 1/4 SE 1/4 Section 29 to irrigate 258 acres in the S 1/2 of Section 29 all in T116N-R62W. The applicant proposes to sever diversion authority of 126 acres and relocate them in the NE 1/4 of Section 3 T115N-R62W. The remaining 132 acres of irrigation authorized by No 1943-3 will remain in the S 1/2 of Section 29 T116N-R62W, and the 2.00 cfs of diversion rate will remain with these acres.

Water Right No. 1734-3, with a priority date of November 4, 1968, authorizes 5.66 cfs from the James River between the points in the NE 1/4 SW 1/4 and the SW 1/4 NE 1/4 of Section 9 to irrigate 404 acres in the W 1/2 of Section 10 and the NW 1/4 of Section 15; all in T115N-R62W. The applicant proposes to sever diversion authority of 136 acres and relocate them to the E 1/2 of Section 3. The associated diversion rate of 1.91 cfs will be moved and taken at a diversion point authorized by Water Right No. 1733-3 located in between the NE 1/4 NW 1/4 and the SE 1/4 SW 1/4 of Section 4; all in T115N-R62W. The remaining 268 acres of irrigation located in Section 10 covered by No. 1734-3 will retain 3.75 cfs of the diversion rate.

The relocation of the 262 acres to the E 1/2 of Section 3 combined with 268 acres located in the W 1/2 of Section 3 authorized by No. 1733-3, priority of October 12, 1967, will allow for a total of 530 acres with a combined diversion rate of 5.68 cfs. The applicant is proposing to utilize a

full section pivot with all the acres maintaining the 1967, 1968, and 1972 priority dates. The annual period of use requested is from April 1 through October 1. The proposed project is in Spink County approximately 4 miles south of Frankfort, SD.

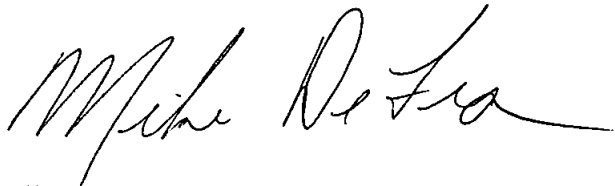
Water Permit Application No. 6588-3, Glendale Colony, proposes to irrigate an additional 130 acres located in the SE1/4 Sec. 8 T115N-R62W adjacent to irrigation authorized by Water Right No. 1450-3. Presently Water Right No. 1450-3 appropriates 4.44 cfs from the James River to irrigate 467 acres located in the W1/2 and NE1/4 Sec. 8; all in T115N-R62W. This application proposes to use the same James River diversion point located in the SE1/4 SE1/4 Sec. 8-T115N-R62W. The annual period of use requested is from April 1 through October 1. The proposed project is in Spink County approximately 6.5 miles south of Frankfort, SD. No increase in the diversion rate is requested by this application. There is no modification to this application based on our meeting.

Water Permit Application No. 6589-3, Glendale Colony, proposes to appropriate 4.58 cubic feet per second (cfs) of water from the James River to irrigate 320 acres.

The applicant proposes to irrigate 160 acres located in the S1/2 Sec. 33-T116N-R62W utilizing the diversion point authorized by Water Right No. 1735-3 located in the NW 1/4 SW1/4 Sec.33-T116N-R62W. The associated diversion rate increase at this diversion point is 2.29 cfs.

This application also proposes to irrigate 160 acres located in the NW 1/4 of Sec. 15-T115N-R62W utilizing the diversion point for Water Right No. 1734-3 located between points in the NE 1/4 SW 1/4 and SW1/4 NE1/4 Sec. 9-T115N-R62W. The associated diversion rate increase at this diversion point is 2.29 cfs. The annual period of use requested is from April 1 through October 1. The proposed project is in Spink County approximately 5 miles south of Frankfort, SD.

Water Permit Application No. 6590-3, Glendale Colony, proposes to appropriate an additional 1.56 cfs of water from the James River to irrigate 320 acres located in the E1/2 Sec. 9-T115N-R62W. Water Right No. 1734-3 currently appropriates 5.66 cfs from the James River to irrigate 404 acres in the W1/2 Sec. 10 and NW1/4 Sec.15; all in T115N-R62W. This application proposes to utilize the same James River diversion point located in the SW1/4 NE1/4 Sec. 9-T115N-R62W. The annual period of use requested is from April 1 through October 1. The proposed project is in Spink County approximately 7 miles south of Frankfort, SD. There is no modification to this application based on our meeting.



Mike DeFea
Natural Resources Engineer
DENR Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6587-3. Glendale Colony**

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. 6587-3, Glendale Colony, c/o Jerry Kleinsasser, 17866 Glendale Drive, Frankfort SD 57440.

The Chief Engineer is recommending APPROVAL of Application No. 6587-3 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. Diversion of water from the James River shall be in accordance with the following criteria:
 - Permit No. 6587-3 does not authorize the diversion of water from the James River after August 10th of each calendar year, or at any time when the river flow is obviously low, unless written order have been issued by the Water Management Board or its legally appointed representative.
 - This permit does not authorize diversions when water is not by-passing the James River Diversion Dam north of Huron SD or when less than 20 cfs of water is bypassing the Third Street Dam in Huron SD.
 - 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
May 11, 2005

REPORT ON WATER PERMIT APPLICATION 6587-3

**Glendale Colony
17866 Glendale Dr.
Frankfort, SD 57440
May 8, 2005**

Application No. 6587-3, Glendale Colony proposes to transfer diversion authority for 126 acres with no diversion rate covered by Water Right No. 1943-3 and 136 acres and 1.91 cfs covered by Water Right No. 1734-3.

Water Right No. 1943-3, with a priority date of May 30 1972, authorizes 2.00 cfs from the James River in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29 to irrigate 258 acres in the S $\frac{1}{2}$ of Section 29 all in T116N-R62W. The applicant proposes to sever diversion authority of 126 acres and relocate them in the NE $\frac{1}{4}$ of Section 3 T115N-R62W. The remaining 132 acres of irrigation authorized by No 1943-3 will remain in the S $\frac{1}{2}$ of Section 29 T116N-R62W, and the 2.00 cfs of diversion rate will remain with these acres.

Water Right No. 1734-3, with a priority date of November 4 1968, authorizes 5.66 cfs from the James River between the points in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9 to irrigate 404 acres in the W $\frac{1}{2}$ of Section 10 and the NW $\frac{1}{4}$ of Section 15; all in T115N-R62W. The applicant proposes to sever diversion authority of 136 acres and relocate them to the E $\frac{1}{2}$ of Section 3. The associated diversion rate of 1.91 cfs will be moved and taken at a diversion point authorized by Water Right No. 1733-3 located in between the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4; all in T115N-R62W. The remaining 268 acres of irrigation located in Section 10 covered by No. 1734-3 will retain 3.75 cfs of the diversion rate.

The relocation of the 262 acres to the E $\frac{1}{2}$ of Section 3 combined with 268 acres located in the W $\frac{1}{2}$ of Section 3 authorized by No. 1733-3, priority of October 12, 1967, will allow for a total of 530 acres with a combined diversion rate of 5.68 cfs. The applicant is proposing to utilize a full section pivot with all the acres maintaining the 1967, 1968, and 1972 priority dates.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Kleinsasser indicates this change is to allow for more efficient irrigation of the land for irrigation.

The annual period of use requested is from April 1 through October 1. The proposed project is in Spink County approximately 4 miles south of Frankfort, SD.

Review of the Water Source

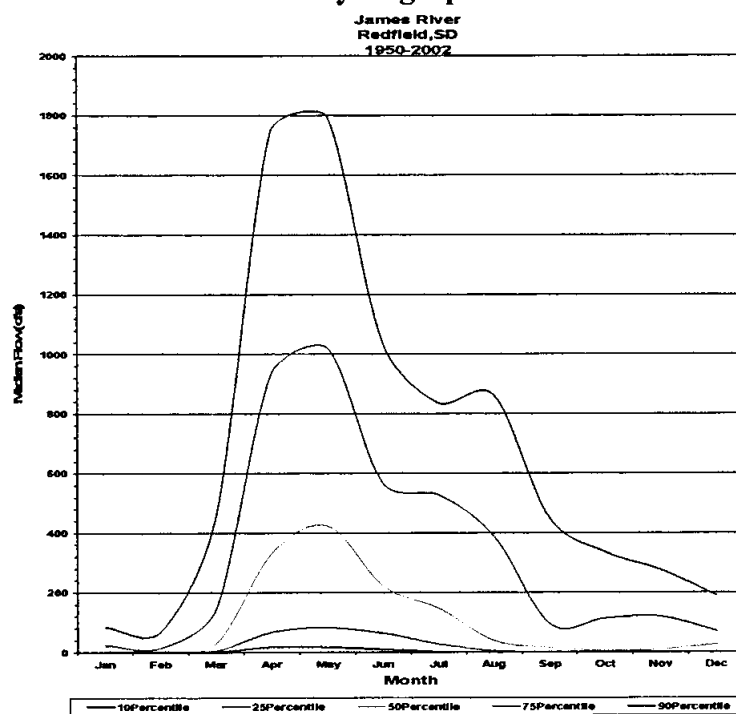
The water source for the proposed project is the James River in Spink County. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are in South Dakota. During extended periods of low precipitation the James River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

The U.S. Geological Survey (USGS) operates a stream flow gaging station on the James River near Redfield, SD. The historical data from 1950 through 2002 for the stream flow gage located approximately 12 miles upstream from the proposed project indicate that there is a 50-percent probability monthly median flow could range from 5 to 422-cfs or greater during the April through October interval of any given year. There is a 75-percent probability monthly median flows at this same location could range from 0 to 81-cfs or greater for the same period. (Table 1 and Hydrograph 1)

Table 1. James River Monthly Median Flow (cfs) Redfield, SD

Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10 Percentile	0	0	1	17	15	9	0	0	0	0	0	0
25 Percentile	0	0	5	67	81	63	26	4	0	0	0	0
50 Percentile	4	3	30	332	422	221	146	38	15	5	9	26
75 Percentile	22	14	145	933	1020	566	527	386	93	112	118	70
90 Percentile	83	70	456	1747	1796	1035	835	861	447	334	274	189

Hydrograph 1

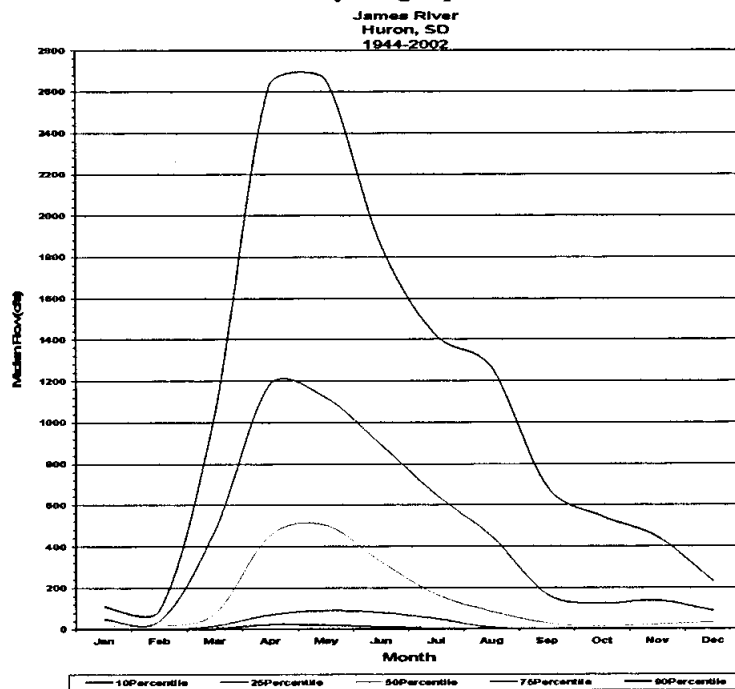


The USGS also operates a stream flow gaging station approximately 30 miles downstream from the proposed project near Huron, SD. The historical data from 1944 to 2002 for the Huron, SD stream flow gage indicate there is a 50-percent probability monthly median flows could range from 13 to 502-cfs for any given April through October annual period. There is a 75-percent probability monthly median flows could be 0 to 89-cfs or greater during the same period. (Table 2 and Hydrograph 2)

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

Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10 Percentile	0	0	2	21	18	10	0	0	0	0	0	0
25 Percentile	0	0	15	70	89	80	48	6	0	0	0	0
50 Percentile	16	16	78	455	502	325	168	85	27	13	21	29
75 Percentile	47	42	474	1183	1120	893	648	447	167	123	137	87
90 Percentile	109	94	1039	2627	2664	1866	1421	1266	688	543	445	231

Hydrograph 2



USGS historical data for the Redfield and Huron, SD stream flow gages indicate non-appropriated water is available in the James River during normal to wetter climatic conditions for the April through July annual period. During late summer and early fall months, the James River cannot be considered a reliable source of water.

Review of Existing Water Rights

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 in South Dakota with a maximum combined diversion limit of 200-cfs from Huron, SD to the North Dakota border. Due to the 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 75 Water Rights with diversions totaling 178.38-cfs from the North Dakota border to the Yankton-Hutchinson, SD County Line. From the North Dakota border to Huron, SD there is 38 Water Rights with diversions totaling 117.44-cfs. These figures are for actual

diversions for irrigation from the James River and do not include water storage rights, SD Game Fish and Parks rights, or U.S. Fish and Wildlife Service rights. (Attachment 1) If this application and the three other pending applications for Glendale Colony are approved, diversions from both the total river and the Huron, SD to North Dakota river reach would still be below the established limits.

Although there will be three separate priority dates for this project, the qualifications placed on the three separate water rights associated with project are the same. If this application is approved, the same qualifications, listed below, should remain with this project.

- Diversion of water from the James River after August 10th of each calendar year, or at any time when the river flow is obviously low, unless written orders have been so issued by the Water Management Board or its legally appointed representative.
- This right does not authorize diversions when water is not by-passing the James River Dam North of Huron, SD or when less than 20-cfs of water is by-passing the Third Street Dam in Huron, SD.
- Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.

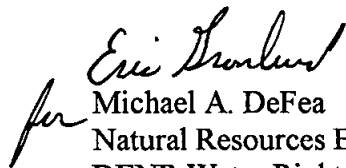
If approved with qualifications, applicant's diversion of water would not be expected to adversely impact existing senior water rights or domestic water use on the James River.

Conclusion

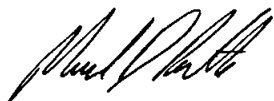
- 1) Application No. 6587-3 proposes to transfer diversion authority for 126 acres with no diversion rate covered by Water Right No. 1943-3 and 136 acres and 1.91 cfs covered by Water Right No. 1734-3
- 2) South Dakota Codified Law (SDLC) 46-5-34 allows that all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land without losing priority of right previously established, subject to existing rights, upon approval of an application for an amended permit. No increase in total acres irrigated is allowed. The applicant proposes this change to allow for more efficient irrigation of the land for irrigation.
- 3) USGS historical data for the Redfield and Huron, SD stream flow gages indicate non-appropriated water is available in the James River during normal and greater stream flow conditions for the April through July annual period.
- 4) Although there will be three separate priority dates for this project, the qualifications in place on the three separate water rights associated with project are the same. If this application is approved, the same qualifications, listed below, should remain with this project.:
 - No Diversion of water from the James River after August 10th of each calendar year, or at any time when the river flow is obviously low, unless written orders have

been so issued by the Water Management Board or its legally appointed representative.

- This right does not authorize diversions when water is not by-passing the James River Dam North of Huron, SD or when less than 20-cfs of water is by-passing the Third Street Dam in Huron, SD.
 - Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- 5) The proposed relocation of the 262 acres combined with 268 acres authorized by No. 1733-3 will allow for a total of 530 acres with a combined diversion rate of 5.68 cfs. The applicant is proposing to utilize a full section pivot with all the acres.
- 6) Water Right Nos. 1734-3 and 1943-3 should reissued to reflect the remaining acres and diversion rates remaining.


for Michael A. DeFea
Natural Resources Engineer
DENR Water Rights Program

Reviewed by:


Mark Rath
Natural Resources Engineering Specialist
DENR Water Rights Program

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Spink)

I, Janet Johnson

certify that the attached printed Notice was
taken

from the _____

Dept of Envir. & Nat Resources

printed and published in Redford Press

County of Spink and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 18th

May 25th

Cost of Printing May 18th - 55.13

May 25th - 44.10 total 99.23

Janet Johnson
(Signature)

Office Assistant
(Title)

May 25th, 2005
(Date Signed)

RECEIVED

MAY 31 2005

WATER RIGHTS
PROGRAM

Notice to Appropriate Water

#216

NOTICE OF APPLICATION NOS. 6587-3, 6588-3, 6589-3 and 6590-3 to Appropriate Water

Notice is given that Glendale Colony, c/o Jerry Kleinsasser, 17866 Glendale Drive, Frankfort SD 57440 has filed the following four applications for water permits.

Application No. 6587-3

Application No. 6587-3 proposes to transfer 126 acres covered by Water Right No. 1943-3 and 136 acres and diversion authority of 1.91 cubic feet of water per second (cfs) authorized by Water Right No. 1734-3.

Water Right No. 1943-3 appropriates 2.00 cfs from the James River in these NE 1/4 SE 1/4 of Section 29 to irrigate 258 acres in the S 1/2 of Section 29 all in T116N-R62W. The applicant proposes to sever diversion

authority of 126 acres and relocate them in the NE 1/4 of Section 3-T115N-R62W. The remaining 132 acres of irrigation authorized by No. 1943-3 will remain in the S 1/2 of Section 29-T116N-R62W, and the 2.00 cfs of diversion rate will remain with these acres.

Water Right No. 1734-3, appropriates 5.66 cfs from the James River between the points in the NE 1/4 SW 1/4 and the SW 1/4 NE 1/4 of Section 9 to irrigate 404 acres in the W 1/2 of Section 10 and the NW 1/4 of Section 15; all in T115N-R62W. The applicant proposes to sever diversion authority of 136 acres and relocate them to the SE 1/4 of Section 3. The associated diversion rate of 1.91 cfs will be moved and taken at a diversion point authorized by Water Right No. 1733-3 located in between the NE 1/4 NW 1/4 and the SE 1/4 SW 1/4 of Section 4; all in T115N-R62W. The remaining 268 acres of irrigation located in Section 10 covered by No. 1734-3 will retain 3.75 cfs of the diversion rate.

The relocation of the 262 acres to the E 1/2 of Section 3 combined with 268 acres located in the W 1/2 of Section 3 authorized by No. 1733-3, will allow for a total of 530 acres with a combined diversion rate of 5.68 cfs. The applicant is proposing to utilize a full section pivot.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impractical to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Kleinsasser indicates this change is to allow for more efficient irrigation of the land for irrigation.

Application No. 6588-3

Application No. 6588-3 proposes to irrigate 130 acres located in the SE 1/4 Section 8-T115N-R62W. Water Right No. 1450-3 appropriates 4.44 cfs from the James River located in the SE 1/4 SE 1/4 Section 8 to irrigate 467 acres located in the W 1/2, NE 1/4 Sec 8; all in T115N-R62W. This application will accommodate a full section pivot in Section 8. No increase in the diversion rate with authorized by this application.

Application No. 6589-3

Water Permit Application No. 6589-3 proposes to appropriate 4.58 cfs from the James River to irrigate 320 acres.

The applicant proposes to irrigate 160 acres located in the S 1/2 Section 33-T116N-R62W utilizing the diversion point authorized by Water Right No. 1735-3 located in the NW 1/4 SW 1/4 Section 33-T116N-R62W. The associated diversion rate increase at this diversion point is 2.29 cfs.

This application also proposes to irrigate 160 acres located in the NW 1/4 of Section 15-T115N-R62W utilizing the diversion point for Water Right No. 1734-3 located between points in the NE 1/4 SW 1/4 and SW 1/4 NE 1/4 Section 9-T115N-R62W. The associated diversion rate increase at this diversion point is 2.29 cfs.

Application No. 6590-3

Application No. 6590-3 proposes to appropriate an additional 1.56 cfs from the James River to irrigate 320 acres located in the E 1/2 Section 9-T115N-R62W utilizing the same pump station authorized by Water Right No. 1734-3. Water Right No. 1734-3 appropriates 5.66 cfs from the James River located in the SW 1/4 NE 1/4 Section 9-T115N-R62W to irrigate 404 acres in the W 1/2 Section 10 and NW 1/4 Section 15-T115N-R62W. The James River pump station may be moved within the E 1/2 Section 9-T115N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6587-3, 6588-3, 6589-3 and 6590-3 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 applications, as recommended, unless a petition is filed opposing the applications or

the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 6, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

(May 18, 25)

Instruction to Newspaper - Publish first Notice on May 18, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6587-3, 6588-3, 6589-3 and 6590-3 to Appropriate Water

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(continued)

This application also proposes to irrigate 160 acres located in the NW ¼ of Section 15-T115N-R62W utilizing the diversion point for Water Right No. 1734-3 located between points in the NE ¼ SW ¼ and SW¼ NE¼ Section 9-T115N-R62W. The associated diversion rate increase at this diversion point is 2.29 cfs.

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Application No. 6590-3 proposes to appropriate an additional 1.56 cfs from the James River to irrigate 320 acres located in the E ½ Section 9-T115N-R62W utilizing the same pump station authorized by Water Right No. 1734-3. Water Right No. 1734-3 appropriates 5.66 cfs from the James River located in the SW ¼ NE ¼ Section 9-T115N-R62W to irrigate 404 acres in the W ½ Section 10 and NW ¼ Section 15-T115N-R62W. The James River pump station may be moved within the E ½ Section 9-T115N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6587-3, 6588-3, 6589-3 and 6590-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 6, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



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 12, 2005

Redfield Press
PO Box 440
Redfield SD 57469-0440

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6587-3, 6588-3, 6589-3, and 6590-3 to Appropriate Water to be published twice. Please publish the first notice on May 18, 2005 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 Glendale Colony, % Jerry Kleinsasser, 1786 Glendale Dr., Frankfort SD (Ph # 605-472-0772).

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-----

Nos. 6587-3, 6588-3, 6589-3 & 6590-3

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

Date _____

We are in receipt of your letter of May 12, 2005 enclosing Notice to Appropriate Water by Application Nos. 6587-3, 6588-3, 6589-3 & 6590-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.

May 12, 2005

Glendale Colony
% Jerry Kleinsasser
17866 Glendale Dr
Frankfort SD 57440

Dear Mr. Kleinsasser:

Water Permit Application Nos. 6587-3, 6588-3, 5689-3 and 6590-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Redfield Press printed at Redfield, SD (Ph # 605-472-0822). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 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 applications.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 28 2005

Glendale Colony
c/o Jerry Kleinsasser
17866 Glendale Dr
Frankfort SD 57440

Dear Mr. Kleinsasser:

Enclosed are the following: Reissued Water License Nos. 1734-3 and 1943-3 and Water Permit Nos. 6587-3, 6588-3, 6589A-3, 6589B-3 and 6590-3.

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

As long as the colony uses the water beneficially, as stated in the Water Licenses, State Water Laws provides that the colony has a continuing right to use the water.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: GLENDALE HTRN BRTH attn JERRY KLEINSASSER
17866 GLENDALE DR
FRANKFORT SD 57440

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 1450-3 1733-3 1734-3 1735-3 1943-3 **6587-3**

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.



6587-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 2012

JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 1450-3, 1733-3, 1734-3, 1735-3, 1943-3, 6587-3, 6588-3, 6589A-3,
6589B-3, 6590-3

To: GLENDALE HTRN BRTH
17866 GLENDALE DR
FRANKFORT SD 57440

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

Subject: James River Qualification Reminder for Permit No(s). 1450-3, 1733-3, 1734-3,
1735-3, 1943-3, 6587-3, 6588-3, 6589A-3, 6589B-3, 6590-3

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. 6587-3 & 1733-3
James River - Water District

Contact Person & Address: **Clarence Waldner, 17866 Glendale Drive, Frankfort SD**

Report Of Examination Of Works

On, **August 26, 2013**, I made a thorough examination of the water use system constructed by **Glendale Colony** holder of Water Right No. **1733-3**, bearing the priority of **October 12, 1967** and **February 21, 1968**, authorizing the diversion of **3.77** cu. ft. per second and of Permit No. **6587-3**, bearing the priority of **November 4, 1968** and **May 30, 1972** authorizing the diversion of **1.91** cu. ft. per second of the waters of **the James River** for **irrigation** purposes, in **Spink** County.

The system is in the following condition **good**. The point of diversion is located between a point in the **along the south section line in the SE ¼ SW ¼ of Sec 4 T115N-R62W; from the SE corner 3550 ft W**, with latitude of **44.791827** and a longitude of **-98.295267** and **a point located at the center of Sec 4 T115N-R62W**, with latitude of **44.794827** and a longitude of **-98.291878** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **5.68** 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:

Land is located in **Sec 3 T115N-R62W**:

<u>NW ¼ NW ¼ - #16 ac</u>	<u>NE ¼ NW ¼ - 36 ac</u>	<u>SE ¼ NW ¼ - 40 ac</u>	<u>SW ¼ NW ¼ - 36 ac</u>
<u>NW ¼ NE ¼ - 36 ac</u>	<u>NE ¼ NE ¼ - 16 ac</u>	<u>SE ¼ NE ¼ - 36 ac</u>	<u>SW ¼ NE ¼ - 40 ac</u>
<u>NW ¼ SE ¼ - 40 ac</u>	<u>NE ¼ SE ¼ - 36 ac</u>	<u>SE ¼ SE ¼ - 16 ac</u>	<u>SW ¼ SE ¼ - 36 ac</u>
<u>NW ¼ SW ¼ - 36 ac</u>	<u>NE ¼ SW ¼ - 40 ac</u>	<u>SE ¼ SW ¼ - 36 ac</u>	<u>SW ¼ SW ¼ - 16 ac</u>

comprising a total of **512** acres of land and the license should be issued for **5.68** 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

Pump:

- 1) Make Oregon 2) Model 6HH-CC125-4 3) Size 6 4) Capacity 2550 GPM

Motor:

- 1) Make Baldor 2) Model No. 44F019W136H2 3) Horsepower rating 125 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size 12 inches 3) Length 6000 feet

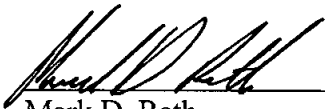
SYSTEM TYPE:

- 1) Make T-L 2) Overall length 2600 feet
3) Number of towers 19 4) End gun yes
5) High or low pressure low 6) Capacity 2550 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes 2) Main line check valve yes
3) Inspection port/air relief yes 4) Low pressure drain yes
5) Discharge is 20' from source yes 6) Interlock type electric
7) Injection pump type positive displacement 8) Injection check valve yes
9) Injection line check valve or positive displacement pump yes
10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes

Comments : 1733-3 and 6587-3 should be incorporated and licensed.



Mark D. Rath

Natural Resources Engineer III
DENR, Water Rights Program

9-6-13

Date



NO.6587-3



Mark D Rath
Mark D Rath, Natural Resources Engineer

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Glendale Colony

ADDRESS: 17866 Glendale Drive, Frankfort SD

DATE: 09-05-13 COUNTY: Spink TELEPHONE: 605-472-0772

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to change diversion points allowing for diversion to occur from the James River within the SW ¼ of Sec 4 T115N-R62W.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The source of water is the James River at rate of diversion authorized by Nos. 1733-3 and 6587-3.

- **If irrigation, no new land is irrigated**

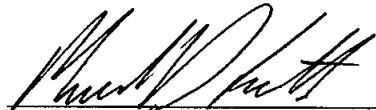
The land irrigated is the same as authorized by Nos. 1733-3 and 6587-3.

- **Review of Existing Diversions**

This change will not adversely affect other existing James River water permits.

RECOMMENDED ACTION

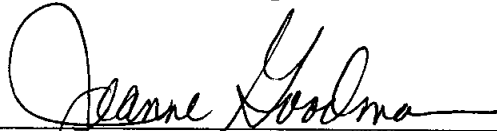
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6587-3

(1) Glendale Colony, 17866 Glendale Dr., Frankfort SD 57440 made Application No. 6587-3, February 4, 2005 for a water permit to divert 1.91 cubic feet of water per second from the James River, Spink County, South Dakota for irrigation purposes. Permit No. 6587-3, with priority dates of May 30, 1972 (established under No. 1943-3) and November 4, 1968 (established under No. 1734-3) was approved June 6, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 6, 2010 and for the application to beneficial use of water on or before June 6, 2014.

Water Permit No. 6587-3 authorized the transfer of a portion of the acreage and diversion authority from Water Right Nos. 1734-3 and 1943-3 to the E ½ Section 3, T115N, R62W. The relocation of the 262 acres to the E ½ Section 3 combined with the 268 acres located in the W ½ Section 3 authorized under Water Right No. 1733-3 accommodated a full section pivot totaling 530 acres with a combined diversion rate of 5.68 cfs.

The applicable portions of Water Right No. 1733-3 are incorporated into Water License No. 6587-3. Priority dates as they pertain to the acres irrigated are described below.

The water right holder is authorized to change diversion points allowing the diversion of water between points in the SW ¼ Section 4, T115N, R62W. The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that the change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.

(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 5.68 cubic feet of water per second for beneficial use. The location of the diversion points are between points 3500 feet W of the SE corner of Section 4 (SE ¼ SW ¼) and the center of Section 4, T115N, R62W.

(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 all in Section 3, T115N, R62W:

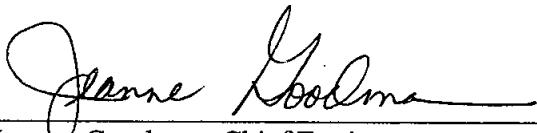
Priority date February 21, 1968 (1733-3)		Priority date October 12, 1967 (1733-3)		Priority date May 30, 1972 (1943-3, 6587-3)		Priority date November 4, 1968 (1734-3, 6587-3)	
NW ¼ NW ¼	16 acres	NW ¼ SW ¼	36 acres	NW ¼ NE ¼	36 acres	NW ¼ SE ¼	40 acres
NE ¼ NW ¼	36 acres	NE ¼ SW ¼	40 acres	NE ¼ NE ¼	16 acres	NE ¼ SE ¼	36 acres
SE ¼ NW ¼	40 acres	SE ¼ SW ¼	36 acres	SE ¼ NE ¼	36 acres	SE ¼ SE ¼	16 acres
SW ¼ NW ¼	36 acres	SW ¼ SW ¼	16 acres	SW ¼ NE ¼	40 acres	SW ¼ SE ¼	36 acres
Total 512 acres							

(4) Pursuant to South Dakota Water Law 46-5-30.1 Glendale Colony, 17866 Glendale Dr., Frankfort SD 57440 the holder and/or owner of Incorporated Water Right No. 6587-3 is issued a license to appropriate water, the right to use 5.68 cubic feet of water per second from the James River with priority dates of October 12, 1967, February 21, 1968, November 4, 1968 and May 30, 1972 from the locations specified in (2) of this license for irrigation purposes.

continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 6587-3 and subject to the following qualifications:

1. Diversion of water from the James River shall be in accordance with the following criteria.
 - Permit No. 6587-3 does not authorize the diversion of water from the James River after August 10th of each calendar year or at any time when the river flow is obviously low unless written orders have been issued by the Water Management Board or its legally appointed representative.
 - This permit does not authorize diversions when water is not by-passing the James River Diversion Dam north of Huron SD or when less than 20 cfs of water is by-passing the Third Street Dam in Huron SD.
 - 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.



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

SEP 11 2013

date



6587-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

SEP 11 2013

1733-3
6587-3

Jerry Kleinsasser
Glendale Colony
17866 Glendale Dr
Frankfort SD 57440

Dear Mr. Kleinsasser:

Enclosed is Water License No. 6587-3. 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.

The applicable portions of Water Right No. 1733-3 were incorporated into Water License No. 6587-3. 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

July 10. 2015

Chief Engineer
Water Rights Program, DENR
523 E Capitol Avenue
Pierre SD 57501

Dear Chief Engineer

I am now the President of Glendale Hutterian Brethren. Please put my name down as the contact person for all of Glendale's water rights/permits.

A handwritten signature in cursive script, appearing to read "John Kleinsasser".

John Kleinsasser
Glendale Colony



**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