

WATER PERMIT NO. 7339-3

Name of Applicant: Rockport Hutterian Brethren

Address: 26290 Rockport Rd, Alexandria SD 57311 Phone:

Amount of Water Claimed: 6.67 cfs Total Acres: 470

Source of Water Supply: James River

Water to be used for: irrigation County: Hanson

Type of Waste Disposal System:

Location: 7 miles southwest of Alexandria

PRIORITY Date Received: 3-20-12 Application/License Fee: \$ 1550

Corrected Application Received: 3-27-12 Period of Annual Use: April 1 – October 31

Remarks: Utilizing James River diversion point authorized by Water Right No. 4717A-3

Diversion Point: SW ¼ NE ¼ Sec 7-T101N-R58W

Land to be Irrigated: NW ¼, N ½ SW ¼, N ½ NE ¼, SW ¼ NE ¼ Sec 1 and N ½ Sec 12; all in T101N-R59W

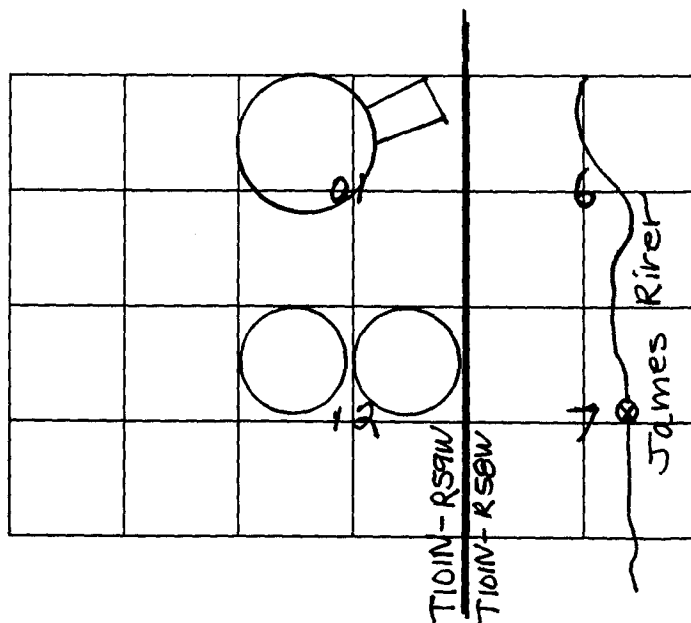
Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund



Reviewed and the Number Assigned on: 3-27-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7339-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Alexandria Herald</u> <u>P.O. Box 456</u>
	<u>605-239-4521</u> <u>Alexandria 57311</u>

RECEIVED
MAR 20 2012
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.)

1. Name of Applicant Rockport Hutterian Brethren Phone _____
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 26209 Rockport Road Alexandria SD 57311
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 6.68 *CFS or 3000 **GPM ***AF Total Acreage 470
(*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

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hanson
SW 1/4 NE 1/4 Section 7, T101N, R58W

5. County or counties where water will be used Hanson

6. Annual period during which water is to be used April 1 - October 31

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
see attached sheet			

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

Develop additional irrigation. Plan to use the diversion site authorized by Water Right No. 4717A-3.

STATE OF SOUTH DAKOTA)
County of Hughes) SS

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

I, Joseph Wipf, 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 Joseph Wipf

Subscribed and sworn to before me this 20th day of March 20 12

2010-01
NOTARY PUBLIC
State of South Dakota
SEAL

NOTARY PUBLIC
State of South Dakota
SEAL

Karen Schlaak
Notary Public signature

my commission expires 4/1/13

Rockport Hutterian Brethren's Water Permit Application

Acreage Breakdown

Section 1, T101N, R59W

NW ¼ NW ¼	24
NE ¼ NW ¼	32
SW ¼ NW ¼	38
SE ¼ NW ¼	40
NW ¼ SW ¼	10
NE ¼ SW ¼	14
NW ¼ NE ¼	26
NE ¼ NE ¼	14
SW ¼ NE ¼	8

Section 12, T101N, R59W

NW ¼ NW ¼	33
NE ¼ NW ¼	33
SW ¼ NW ¼	33
SE ¼ NW ¼	33
NW ¼ NE ¼	33
NE ¼ NE ¼	33
SW ¼ NE ¼	33
SE ¼ NE ¼	33

Total Acres 470 acres

**SOUTH DAKOTA
WATER PERMIT NO. 7339-3**

Date of first receipt of application March 20, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7339-3 to Rockport Hutterian Brethren, 26209 Rockport Road, Alexandria SD 57311 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. 7339-3 appropriates 6.68 cubic feet of water per second from an existing James River diversion point located in SW 1/4 NE 1/4 Section 7-T101N-R58W for irrigation of 470 acres located in the NW 1/4, N 1/2 SW 1/4, N 1/2 NE 1/4, SW 1/4 NE 1/4 Section 1 and N 1/2 Section 12; all in T101N-R59W.
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 right is March 20, 2012.
4. The date of approval of Permit No. 7339-3 is May 29, 2012.
5. One-fifth of the construction is to be completed on or before November 29, 2014.
6. All construction is to be completed on or before May 29, 2017.
7. Water is to be put to beneficial use on or before May 29, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

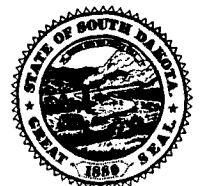
1. Permit No. 7339-3 is located in a reach of the James River considered to be federally endangered Topeka Shiner habitat. Please contact Natalie Gates at (605) 224-8693 ext. 234 with the US Fish and Wildlife concerning construction of the intake to minimize the risk of this federally endangered species.
2. Diversion of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b) This permit does not authorize diversions from the James River when there is less than 20-cfs bypassing the gage at Scotland SD after pumping.
3. 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

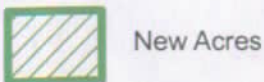
JUL 16 2012
date



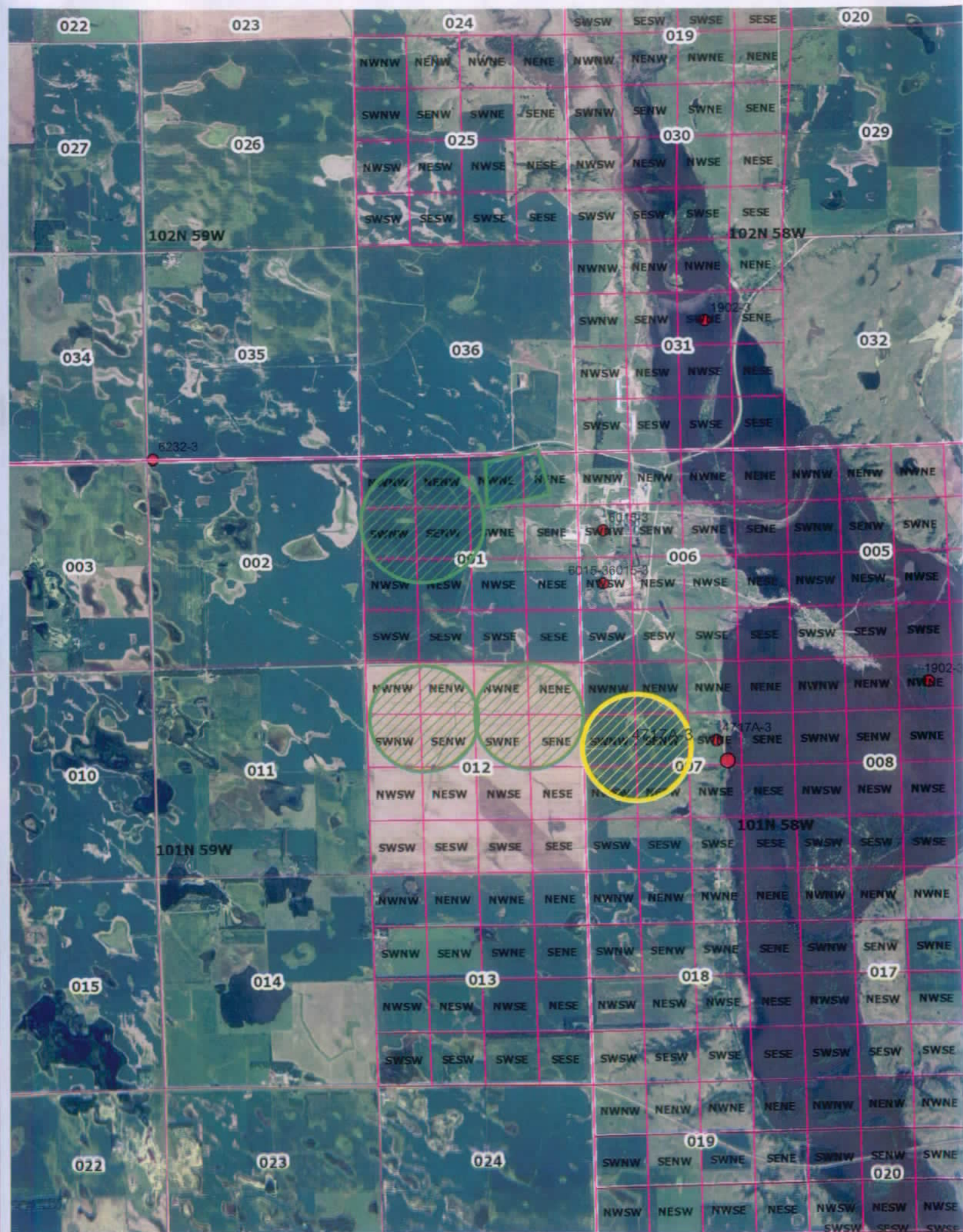
Rockport Hutterian Brethren Water Permit Application



0 650 1,300 2,600 3,900 5,200 Feet



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
based on representation made by
Joseph Wipf on March 20, 2012



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/27, 20 12

RECEIVED OF Rockport Colony 26209 Rockport Rd Alexandria SD 57311

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

Fee for Application for Permit No. <u>7339-3</u> to Appropriate Water, to construct and to put water to beneficial use	1350	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>7339-3</u>	200	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	1550 00

No. **05390**

By *L. E. Enche*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7339-3, Rockport Hutterian Brethren**

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. 7339-3, Rockport Hutterian Brethren, c/o Joseph Wipf, 26209 Rockport Road, Alexandria SD 57311.

The Chief Engineer is recommending APPROVAL of Application No. 7339-3 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. Permit No. 7339-3 is located in a reach of the James River considered to be federally endangered Topeka Shiner habitat. Please contact Natalie Gates at (605) 224-8693 ext. 234 with the US Fish and Wildlife concerning construction of the intake to minimize the risk of this federally endangered species.
2. Diversion of water from the James River shall be in accordance with the following criteria:
 - a) This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b) This permit does not authorize diversions from the James River when there is less than 20-cfs bypassing the gage at Scotland SD after pumping.
3. 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 3, 2012

REPORT ON WATER PERMIT APPLICATION NO. 7339-3

Rockport Hutterian Brethren

April 30, 2012

Rockport Hutterian Brethren, % Joseph Wipf, has filed a Water Permit Application to appropriate 6.68 cubic feet of water per second (cfs) from the James River to irrigate 470 acres of land located in the NW¼, N½ SW¼, N½ NE¼, SW¼ NE¼ Section 1 and N½ Section 12; all in T101N-R59W. The diversion point is an existing site authorized by Water Right No. 4717A-3 located in the SW¼ NE¼ Section 7-T101N-R58W. The annual period of use requested is from April 1 through October 31.

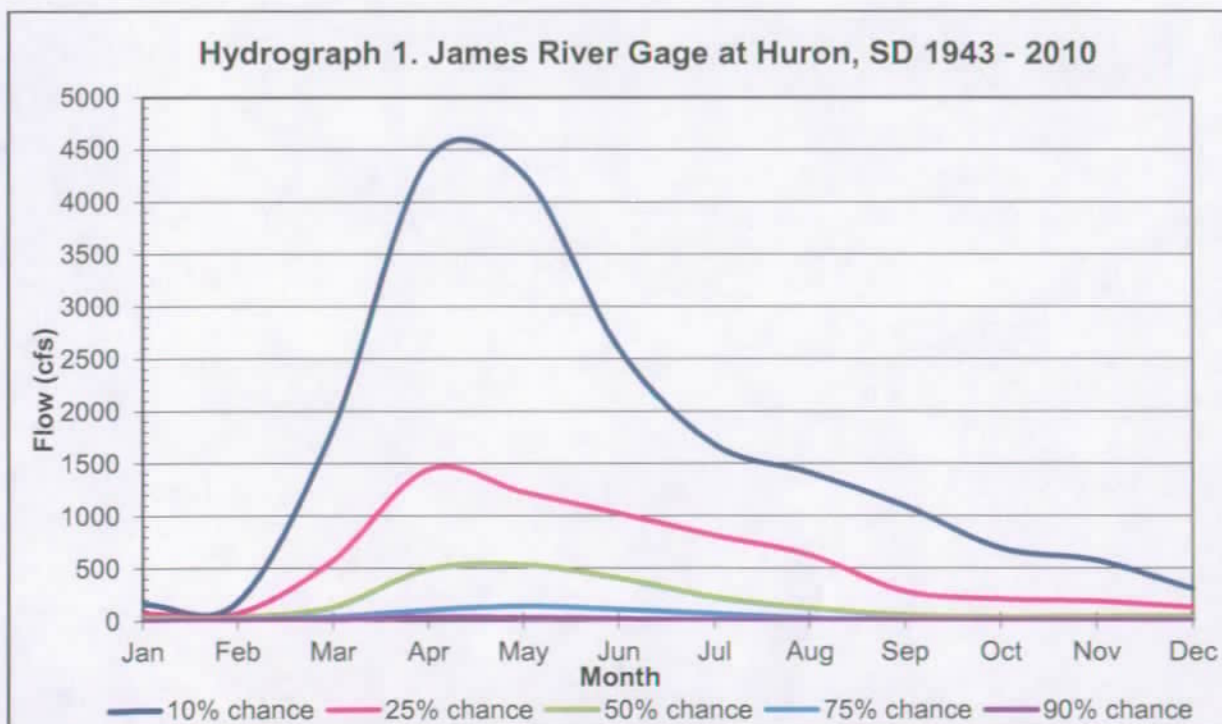
Review of Water Source

The water source for the proposed project is the James River in Hanson 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 Huron, SD, approximately 77 river miles upstream of the proposed project. The historical data from 1944 to 2010 for the Huron, SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 24 to 482-cfs April through October of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 0 to 131-cfs for the same time period.

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

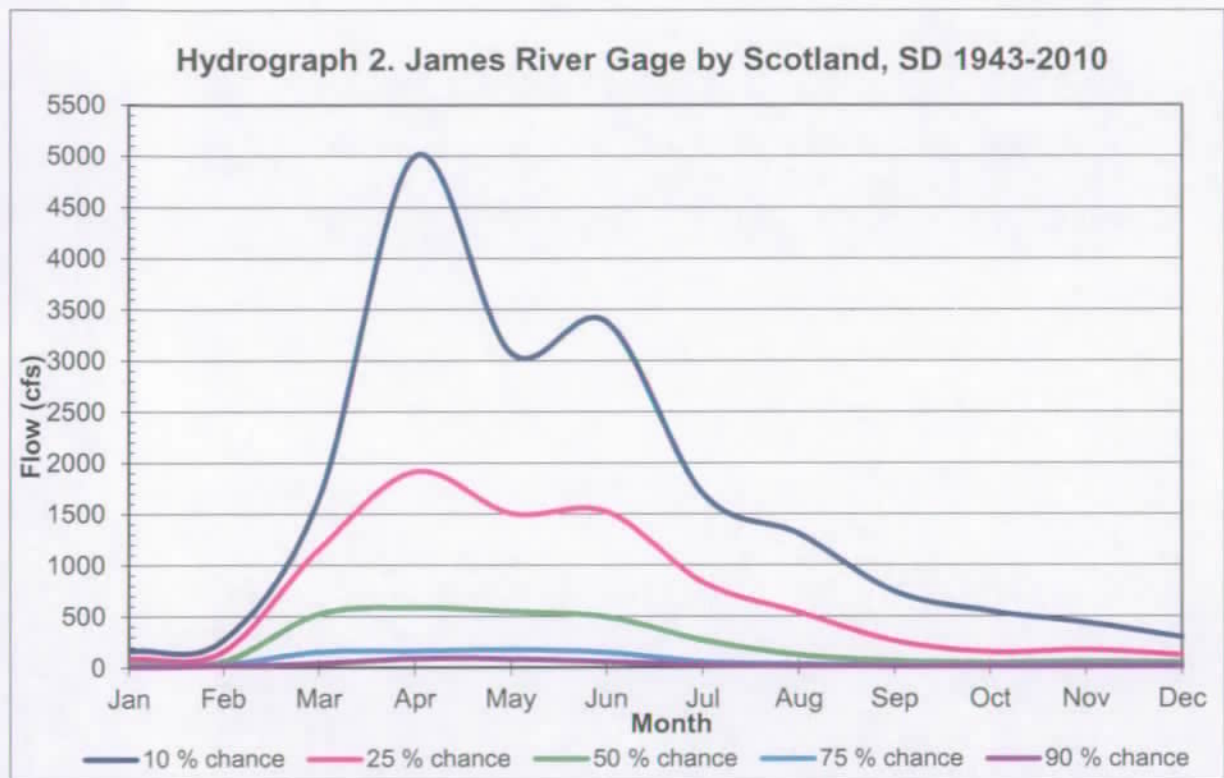
Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10% chance	155	172	1831	4404	4262	2597	1677	1407	1088	687	570	299
25% chance	68	64	574	1442	1224	1021	808	620	271	200	179	121
50% chance	24	23	120	482	525	397	212	107	40	24	30	33
75% chance	0	2	29	91	131	99	56	15	0	0	0	0
90% chance	0	0	5	27	19	12	0	0	0	0	0	0



The U.S. Geological Survey (USGS) also operates a stream flow gaging station on the James River at Scotland, SD, approximately 35 river miles downstream of the proposed project. The historical data from 1943 to 2010 for the Scotland, SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 42 to 581-cfs April through October of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 16 to 158-cfs for the same time period.

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

Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10 % chance	162	266	1648	4996	3074	3378	1695	1302	738	546	435	292
25 % chance	84	155	1150	1907	1500	1516	827	534	255	146	166	117
50 % chance	37	56	518	581	543	490	262	119	60	42	54	43
75 % chance	16	26	148	158	170	143	52	29	16	16	22	20
90 % chance	6	13	38	84	80	54	21	10	8	4	6	7



As noted at the July 1980 Water Rights Commission Meeting, Findings of Fact, Conclusion of Law, and Final Decision, the presumption can be made that the stream flow rates recorded at the gaging stations cited above are post withdrawal of no more than 50-percent of those water right allocations authorized upstream of the gage's location during the normal irrigation season. As an example, during normal climatic conditions, a July median flow at the Stratford gage of 262 cfs represents water bypassing the gage after 50% of the upstream appropriated irrigation withdrawals have taken place.

USGS historical data for the Huron, SD and Scotland, SD stream flow gages indicate that water is available in the James River during normal to wetter climatic conditions for the April through October annual period. During normal to dryer climatic conditions for the April through October annual period the James River cannot be considered a reliable source of water. To address low flow conditions the James River may be subject to shut-off orders.

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 diversion limit of 200-cfs from North Dakota border to Huron, SD. 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 96 Water Rights with diversions totaling 230-cfs from the North Dakota border to the Yankton-Hutchinson, SD County Line. This application is located below Huron. If Water Permit Application 7339-3 is approved, diversions from both the total river and the North Dakota border to Huron, SD river reach would still be below the established limits.

There are three water rights within one mile downstream of this project, Water Right 2411-3 and 2748-3 owned by Dave Tuttle licensed for 4.0 cfs and 4717-3 owned by Rockport Hutterian Brethren, the applicant, licensed for 1.67 cfs. Combined, these three water rights appropriate 5.67 cfs from the James River. There are no other water rights from the James River between this application and the Hutchinson/Yankton County line located just 5 miles downstream of this application.

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

Review of Qualifications

In 2007, Water Rights staff reviewed all of the shut-off and by-pass qualifications on the existing James River water rights/permits. Based on this review, the Chief Engineer recommended amending the existing qualifications in order to standardize them. The Water Management Board adopted the standardized qualifications and amended the existing water rights/permits. In addition, it was the intent that future appropriations of water from the James River be administered with the same amended qualifications.

Therefore, if approved, Application No. 7339-3 should contain the following qualifications.

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

Conclusions

Water Permit Application No. 7339-3, Rockport Hutterian Brethren, % Joseph Wipf, proposes to appropriate 6.68 cubic feet of water per second (cfs) from the James River to irrigate 470 acres of land located in the NW¹/₄, N¹/₂ SW¹/₄, N¹/₂ NE¹/₄, SW¹/₄ NE¹/₄ Section 1 and N¹/₂ Section 12; all in T101N-R59W. The diversion point is an existing site authorized by Water Right No. 4717A-3 located in the SW¹/₄ NE¹/₄ Section 7-T101N-R58W.

1. USGS historical data for the Huron and Scotland, SD stream flow gages indicate non-appropriated water is available in the James River during normal and wetter climatic conditions for the April through October annual period.
2. If Application No 7339-3 is approved, the total James River diversion of 237.00-cfs is below the 300-cfs limit set by the Water Rights Commission.

3. If Application No 7339-3 is approved, the following qualifications should be included:

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



Lynn Beck

Natural Resources Engineer III
DENR, Water Rights Program

RECEIVED

JUN 13 2012

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hanson) SS

I, King Jansen

certify that the attached printed Notice was taken

from the Alexandria Herald

printed and published in South Dakota

County of Hanson and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

10 May, 2012

17 May, 2012

Cost of Printing \$42.40

King Jansen
(Signature)

Managing Editor
(Title)

12 June, 12

(Date Signed)

NOTICE OF APPLICATION NO.
7339-3 to Appropriate Water

Notice is given that Rockport Hutterian Brethren, 26209 Rockport Road, Alexandria SD 57311 has filed an application for a water permit to appropriate 6.68 cubic feet of water per second from an existing James River diversion point located in SW 1/4 NE 1/4 Section 7-T101N-R58W for irrigation of 470 acres located in the NW 1/4, N 1/2 SW 1/4, N 1/2 NE 1/4, SW 1/4 NE 1/4 Section 1 and N 1/2 Section 12; all in T101N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7339-3 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 this 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 this application. Notice of the hearing will be given to the ap-

plicant 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 May 29, 2012.

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.

Published twice at the total approximate cost of \$42.90.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 3, 2012

Alexandria Herald
PO Box 456
Alexandria SD 57311

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7339-3 to Appropriate Water to be published twice. Please publish the first notice on May 10, 2012 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 Rockport Hutterian Brethren, c/o Joseph Wipf, 26209 Rockport Rd. Alexandria SD 57311 (Ph # 605-239-4214).

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. 7339-3

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

Date _____

We are in receipt of your letter of May 3, 2012 enclosing Notice to Appropriate Water by Application No. 7339-3 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
denr.sd.gov

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

May 3, 2012

Rockport Hutterian Brethren
Joseph Wipf
26209 Rockport Rd
Alexandria SD 57311

Dear Mr. Wipf:

Water Permit Application No. 7339-3 for irrigation use has 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 Alexandria Herald printed at Alexandria SD (Ph # 605-239-4521). 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 report 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 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.

Instruction to Newspaper - Publish first Notice on May 10, 2012 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7339-3 to Appropriate Water

Notice is given that Rockport Hutterian Brethren, 26209 Rockport Road, Alexandria SD 57311 has filed an application for a water permit to appropriate 6.68 cubic feet of water per second from an existing James River diversion point located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7-T101N-R58W for irrigation of 470 acres located in the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1 and N $\frac{1}{2}$ Section 12; all in T101N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7339-3 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 this 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 this 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 May 29, 2012

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.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 16 2012

Rockport Hutterian Brethren
Joseph Wipf
26209 Rockport Rd
Alexandria SD 57311

Dear Mr. Wipf:

Enclosed is Water Permit No. 7339-3 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

7339-3



**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). 1902-3, 4717A-3, 7339-3**

To: ROCKPORT HTTRN BRTH
26209 ROCKPORT RD
ALEXANDRIA SD 57311

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

Subject: James River Qualification Reminder for Permit No(s). 1902-3, 4717A-3, 7339-3

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 6, 2015

Nos. 1902-3, 2411-3, 4717A-3, 6015-3, 6232-3
7339-3, 7973-3, 8045-3, & 8046-3

Rockport Colony
Attn: Donny Wipf
26209 Rockport Road
Alexandria SD 57311

Dear Mr. Wipf:

This letter is in reference to your August 6, 2015 call regarding water availability and requesting permission to continue irrigation for Water Permit Nos. 1902-3, 2411-3, 4717A-3, 6015-3, 6232-3, 7339-3, 7973-3, 8045-3, and 8046-3 from the James River after the August 10 shutoff date. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River to the end of the 2015 irrigation season.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 08, 2016

2411-3, 4717A-3, 7339-3, 7973-3
8045-3, 8046-3, 8047-3, 8048-3

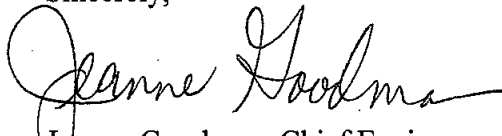
Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

This letter is in reference to your August 8, 2016 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River through September 1, 2016.

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 08, 2017

1902-3, 1902A-3, 2411-3, 4717A-3, 7339-3
7973-3, 8045-3, 8046-3, 8047-3, 8048-3

Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

This letter is in reference to your August 8, 2017 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River through September 10, 2017.

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 12, 2017

1902-3, 1902A-3, 2411-3, 4717A-3, 7339-3
7973-3, 8045-3, 8046-3, 8047-3, 8048-3

Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

This letter is in reference to your September 12, 2017 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River through September 30, 2017.

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 28, 2018

1902A-3, 2411-3, 4717A-3, 7339-3, 7973-3, 8045-3
8046-3, 8047-3, 8048-3, 8350A-3, 8350B-3, 8350C-3

Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

This letter is in reference to your August 27, 2018 telephone call regarding water availability for irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River through September 15, 2018.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 15, 2022

1902A-3, 2411-3, 4717A-3, 7339-3, 7973-3, 8045-3
8046-3, 8047-3, 8048-3, 8048A-3, 8048B-3
8305A-3, 8035B-3, 8305C-3, 8448-3, 8449-3

Rockport Hutterian Brethren Inc.
26209 Rockport Road
Alexandria SD 57311

Dear Mr. Wipf:

This letter is in reference to your August 13, 2022, request for an extension to pump water from the James River beyond the August 10 shutoff date. Flows in the James River in the reach between the confluence with the North Dakota Border and the Huron are sufficient at this time to allow an extension. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permits out of the James River and allow you to divert through the end of the 2022 irrigation season.

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 17, 2026

1902A-3, 2411-3, 4717A-3, 7339-3
7973-3, 8045-3, 8046-3, 8047-3, 8048-3
8048A-3, 8048B-3, 8305A-3, 8305B-3
8305C-3, 8448-3, 8449-3

Rockport Hutterian Brethren
c/o Donny Wipf
26209 Rockport Rd
Alexandria SD 57311

Dear Mr. Wipf,

This letter is in reference to your request for an extension to pump water from the James River, beyond the annual August 10th shutoff date.

Flows in the James River, in the reach between North Dakota and the USGS stream gaging stations along the James River are sufficient, at this time, to allow an extension. Since there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your Water Permits and Rights appropriating water from the James River, allowing diversions through August 24, 2026.

If continued use is needed beyond August 24, 2026, please contact the Water Rights Program for an additional extension. At this time, we are only granting extensions for the James River in two-week increments, since the forecast is for continued hot and dry conditions throughout August.

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

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

If you have any questions, please contact Whitney Kilts with the Water Rights Program at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE
Chief Engineer, Water Rights Program
SD - DANR



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2026

1902A-3, 2411-3, 4717A-3, 7339-3
7973-3, 8045-3, 8046-3, 8047-3, 8048-3
8048A-3, 8048B-3, 8305A-3, 8305B-3
8305C-3, 8448-3, 8449-3

Rockport Hutterian Brethren
c/o Donny Wipf
26209 Rockport Rd
Alexandria SD 57311

Dear Mr. Wipf,

This letter is in reference to your request for an extension to pump water from the James River, beyond the annual August 10th shutoff date.

Flows in the James River, in the reach between North Dakota and the USGS stream gaging stations along the James River are sufficient, at this time, to allow an extension. Since there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your Water Permits and Rights appropriating water from the James River, allowing diversions through September 9th, 2026.

If continued use is needed beyond September 9th, 2026, please contact the Water Rights Program for an additional extension. At this time, we are only granting extensions for the James River in two-week increments, since the forecast is for continued hot and dry conditions throughout August.

In the event that dry climactic conditions in the river basin cause river flows to significantly decrease, and flow measured at the USGS stream gaging station near Scotland drops below 20 cfs, you will be contacted and provided orders to cease pumping. Realtime flows in and James River can be monitored by going to the following website:
<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

If you have any questions, please contact Whitney Kilts with the Water Rights Program at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE
Chief Engineer, Water Rights Program
SD - DANR