

WATER PERMIT NO. 7479-3

Name of Applicant: Glendale Hutterian Brethren

Address: 17866 Glendale Drive, Frankfort SD 57440

Phone: 605 460-0010

Amount of Water Claimed: 3.56 cfs

Total Acres: 320

Source of Water Supply: James River

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 6 miles south of Frankfort

PRIORITY

Date Received: 10-25-2012

Application/License Fee: \$ 1350

Corrected Application Received:

Period of Annual Use: May 1 – October 15

Remarks:

Diversion Point: between NE 1/4 SW 1/4 Sec 4 and
NW 1/4 SE 1/4 Sec 9; all in T115N-R62W

Land to be Irrigated: E 1/2 Sec 10-T115N-R62W

Depth of Well: NA

Well Driller:

Remarks:

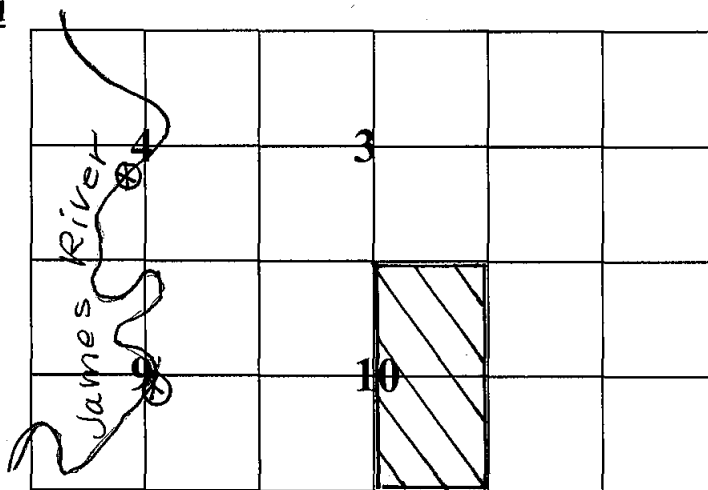
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 10-29-2012

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>7479-3</u> (office use only)	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	<u>605-472-0822</u>
	Newspaper <u>Redfield Press PO Box 440</u>	<u>57469</u>
	<u>Rainwater Box 1278 Huron</u>	<u>57350 605-352-6401</u>

RECEIVED
OCT 25 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 to Appear on Irrigation Permit Glendale Hutterian Brethren

(check one) ☐ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 17866 Glendale Drive Frankfort SD 57440

(Address)

(City)

(State)

(Zip Code)

Home Phone _____ Cell 460-0010 Email jerry@nrctv.com

2. Amount of water claimed 3.56*CFS or 1600**GPM _____***AF Total Acreage 320

(*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 between the NE 1/4 SW 1/4 Section 4 and NW 1/4 SE 1/4 Section 9, T115N

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

R62WCounty Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used May 1 - October 15

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
NE 1/4 Section 10, T115N, R62W	160		
SE 1/4 Section 10, T115N, R62W	160		

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

Develop additional center pivot irrigation on the E 1/2 Section 10, T115N, R62W

I, Jerry Klunsmann, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7479-3**

Date of first receipt of application October 25, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7479-3 to Glendale Hutterian Brethren, c/o Jerry Kleinsasser, 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. 7479-3 appropriates 3.56 cubic feet of water per second (cfs) from the James River located at a point between the NE 1/4 SW 1/4 Section 4 and NW 1/4 SE 1/4 Section 9 for irrigation of 320 acres located in the E 1/2 Section 10; all in T115N-R62W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 15.
3. The date from which applicant may claim right is October 25, 2012.
4. The date of approval of Permit No. 7479-3 is January 22, 2013.
5. One-fifth of the construction is to be completed on or before July 22, 2015.
6. All construction is to be completed on or before January 22, 2018.
7. Water is to be put to beneficial use on or before January 22, 2022.
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. 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 James River when there is less than 20-cfs bypassing the USGS gaging station at Huron SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

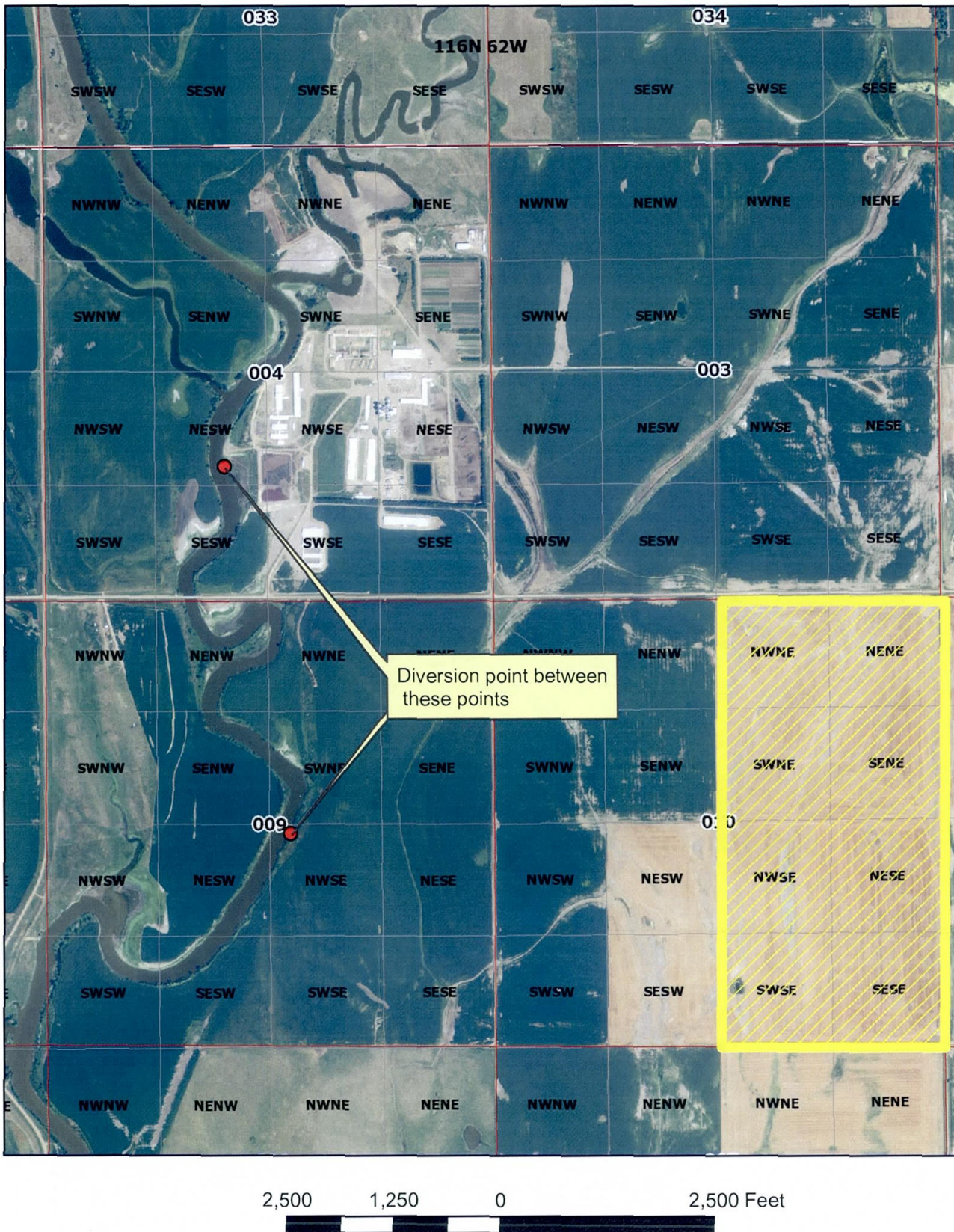
By: Garland Erbele

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

FEB 19 2013
date



New Water Permit Application for Glendale Hutterian Brethren



diversion point - between NE 1/4 SW 1/4 Section 4
and NW 1/4 SE 1/4 Section 9, T115N, R62W

Acres to be irrigation E 1/2 Section 10, T115N, R62W



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/25, 20 12

RECEIVED OF Glendale Hutterian Brethren 17866 Glendale DN Frankfort SD 57440

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

Fee for Application for Permit No. <u>7479-3</u> to Appropriate Water, to construct and to put water to beneficial use	1150	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>7479-3</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	1350 00

No. 05651

By

Garth Erbe
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. 7479-3, Glendale 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. 7479-3, Glendale Hutterian Brethren, c/o Jerry Kleinsasser, 17866 Glendale Drive, Frankfort SD 57440.

The Chief Engineer is recommending APPROVAL of Application No. 7479-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) as conditioned 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:
 - 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 James River when there is less than 20-cfs bypassing the USGS gaging station at Huron SD after pumping.
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
December 20, 2012

REPORT ON WATER PERMIT APPLICATION NO. 7479-3
Glendale Hutterian Brethren
December 19, 2012

Water Permit Application No. 7479-3, Glendale Hutterian Brethren, proposes to appropriate 3.56 cubic feet of water per second (cfs) from the James River located at a point between the NE 1/4 SW 1/4 Section 4 and NW 1/4 SE 1/4 Section 9 for irrigation of 320 acres located in the E 1/2 Section 10; all in T115N-R62W. The proposed project is located approximately 13 miles southeast of Redfield in southern Spink County.

Review of Water Source

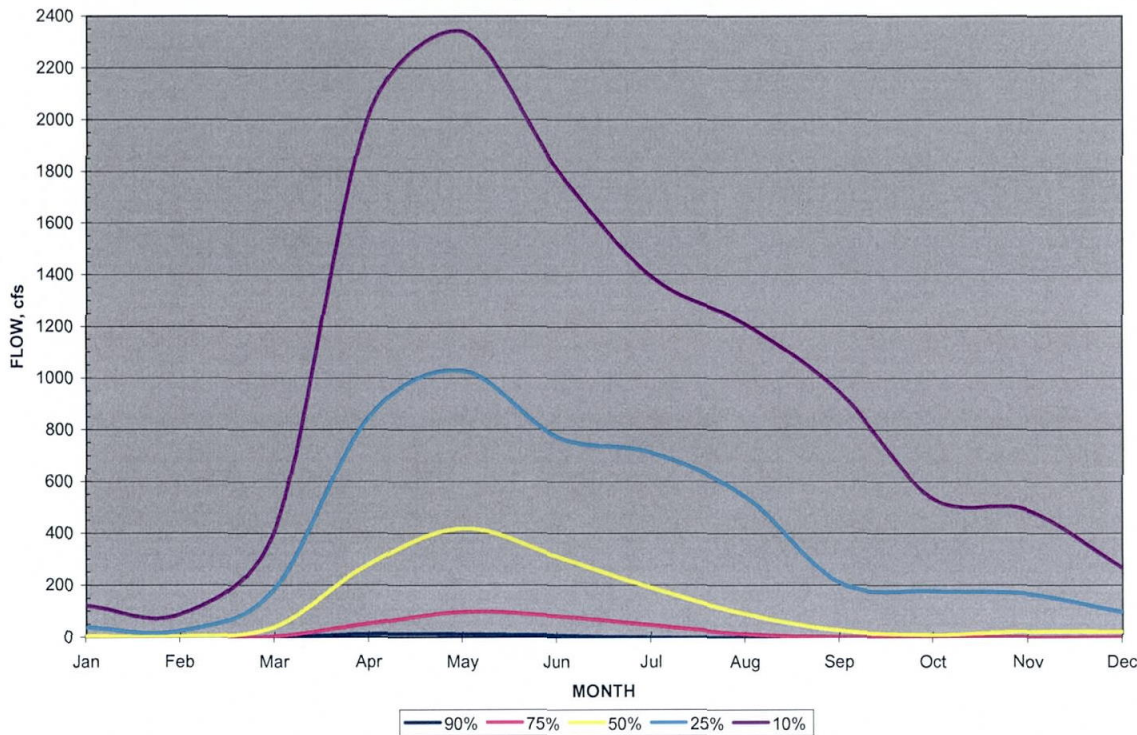
The water source for the proposed project is the James River in Spink County. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are in South Dakota. During extended periods of low precipitation the James River 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 Ashton, SD, approximately 38 river miles upstream of the proposed project. The historical data from 1945 to 2010 for the Ashton, SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 9 to 418 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 98 cfs for the same time period. (Table 1 and Hydrograph 1)

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

Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90%	0	0	0	13	12	7	0	0	0	0	0	0
75%	0	0	4	53	98	81	47	12	1	0	0	0
50%	6	3	40	280	418	310	190	90	26	9	22	22
25%	38	25	186	848	1027	773	711	543	211	178	167	96
10%	122	89	407	2021	2340	1810	1391	1208	945	534	488	265

James River Gage at Ashton, SD 1945 - 2010

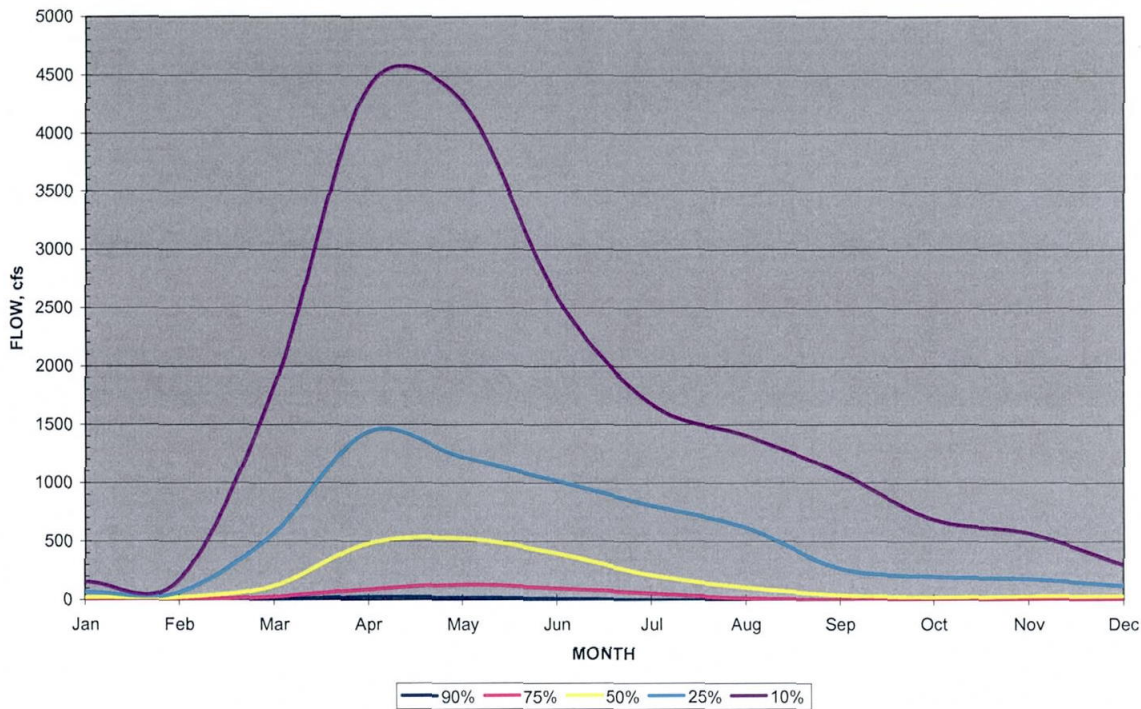


The U.S. Geological Survey (USGS) also operates a stream flow gaging station on the James River at Huron, SD, approximately 39 river miles downstream of the proposed project. The historical data from 1943 to 2010 for the Huron, SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 24 to 525 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 2 and Hydrograph 2)

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

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

James River Gage at Huron, SD 1943 - 2010



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 Huron gage of 212 cfs represents water bypassing the gage after 50% of the upstream appropriated irrigation withdrawals have taken place.

USGS historical data for the Ashton 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 October 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 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 106 water rights/permits with diversions totaling 276.84 cfs from the North Dakota border to the Yankton-Hutchinson, SD County Line. From the North Dakota border to Huron, SD there are 71 existing rights/ permits with diversions totaling 186.83 cfs. If Water Permit Applications 7479-3 is approved, diversions for the total river would be 280.40 cfs and the North Dakota border to Huron, SD river reach would be 190.39 cfs, below the established limits for each reach.

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. 7479-3 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 Huron, SD after pumping.

Conclusions

1. No. 7479-3 proposes to appropriate 3.56 cubic feet of water per second from the James River for irrigation of 320 acres located in the E ½ Section 10; all in T115N-R62W
2. USGS historical data for the Ashton and Huron, 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.
3. If Application No 7479-3 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 Huron, SD after pumping.
4. If Application No 7479-3 is approved, the total James River diversion of 280.40 cfs is below the 300 cfs limit. The total diversion from the North Dakota state line to Huron, SD, will be 190.39 cfs, within the 200 cfs limit set by the Water Rights Commission in 1965.



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

Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA,
County of Spink: ss.

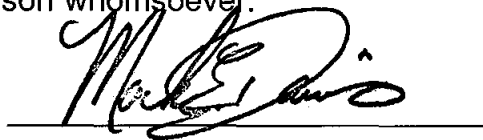
JAN - 7, 2013

WATER RIGHTS
PROGRAM

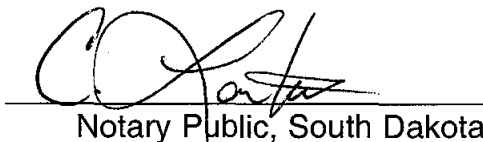
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

#101 Notice

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on January 2nd, that Twenty-three and 10/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 2nd day of January, 2013.


Notary Public, South Dakota

My commission expires 04/06/2016.

Notice

#101

NOTICE OF APPLICATION NOS. 7479-3 TO APPROPRIATE WATER

Notice is given that Glendale Hutterian Brethren, c/o Jerry Kleinsasser, 17866 Glendale Drive, Frankfort SD 57440 has filed Water Permit Application No. 7479-3 to appropriate 3.56 cubic feet of water per second (cfs) from the James River located at a point between the NE 1/4 SW 1/4 Section 4 and NW 1/4 SE 1/4 Section 9 for irrigation of 320 acres located in the E 1/2 Section 10; all in T115N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7479-3 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 January 14, 2013.

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 at an approximate cost of \$23.10. (Jan 2)

RECEIVED

PRINTER'S AFFIDAVIT

JAN 17 2013

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, TRISHA NELSON, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD ENVIRONMENTAL & NATURAL - WATER
RIGHTS - KLEINSASSER**

was published for one day, in said newspaper, and not in any supplement of the said newspaper; the publication was of the 9TH day JAN 2013 That the full THIRTY-FOUR & 12/000 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.

Trisha Nelson

Subscribed and sworn to before me this 15TH day of JAN. 2013.

Shirley K. Barth
Notary Public, South Dakota

My term expires 10/25/17

Legal # 541

FP 01-09-13

**NOTICE OF
APPLICATION
NOS. 7479-3 to
Appropriate Water**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7479-3 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.

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No. 541 (adv.)
Published once at the total approximate cost of \$32.90.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 21, 2012

Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7479-3 to Appropriate Water. Please publish the notice once on January 2, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Glendale Hutterian Brethren, c/o Jerry Kleinsasser, 17866 Glendale Dr., Frankfort SD 57440 (Ph # 605-460-0010).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 21, 2012

Redfield Press
PO Box 440
Redfield SD 57469

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

December 21, 2012

Glendale Hutterian Brethren
Jerry Kleinsasser
17866 Glendale Dr
Frankfort SD 57440

Dear Mr. Kleinsasser:

Water Permit Application No. 7479-3 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 Plainsman printed at Huron SD (Ph # 605-352-6401) and the Redfield Press printed at Redfield SD (Ph # 605-472-0822). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on January 2, 2013. 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.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7479-3 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 January 14, 2013.

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 once 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

FEB 19 2013

Glendale Hutterian Brethren
Jerry Kleinsasser
17866 Glendale Dr
Frankfort SD 57440

Dear Mr. Kleinsasser:

Enclosed is Water Permit No. 7479-3 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

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

**REISSUED
SOUTH DAKOTA
WATER PERMIT NO. 7479-3**

To reflect Chief Engineer action taken on behalf of the Water Management Board on August 21, 2017 authorizing the transfer of 18 acres to Water Permit No. 8292E-3, Water Permit No. 7479-3 is being reissued as follows:

The Chief Engineer, on behalf of the Water Management Board approved Water Permit No. 7479-3 on January 13, 2013 to Glendale Hutterian Brethren, c/o Jerry Kleinsasser, 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. 7479-3 appropriates 3.56 cubic feet of water per second (cfs) from the James River located at a point between the NE 1/4 SW 1/4 Section 4 and NW 1/4 SE 1/4 Section 9 for irrigation of 302 acres located in the E 1/2 Section 10; all in T115N-R62W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 15.
3. The date from which applicant may claim right is October 25, 2012.
4. One-fifth of the construction is to be completed on or before July 22, 2015.
5. All construction is to be completed on or before January 22, 2018.
6. Water is to be put to beneficial use on or before January 22, 2022.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. 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 James River when there is less than 20-cfs bypassing the USGS gaging station at Huron SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JAN 09 2018
date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JAN 09 2018

Glendale Hutterian Brethren
c/o John Kleinsasser
17866 Glendale Dr
Frankfort SD 57440

Dear Mr. Kleinsasser:

Enclosed are Water Permit Nos. 8292A-3 through 8292E-3 authorizing the transfer of acreages and changes in the James River diversion point locations. Also enclosed is reissued Water Permit No. 7479-3 as it relates to Permit No. 8292E-3.

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

An information 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,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 27, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who use water from the James River that river flow is much lower this year and to let them know that shutoff orders are possible this summer.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses will begin to interfere with domestic use. If river levels become critically low, the department may be forced to issue shutoff orders to protect domestic use, including livestock watering and those water rights that are most senior.

We are only cautioning that shutoff orders may become necessary. **This not a shutoff order.** This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shutoff orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and avoid wasting water.

If you are interested, the US Geological Survey has an Internet site showing river flows at 164 stream gauging stations across the state. To view the latest realtime stream flow, go to:

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program