

WATER PERMIT NO. 7697A-3

Name of Applicant: **Rosedale Hutterian Brethren Inc.**

Address: **25986 Rosedale Rd, Mitchell SD 57301** Phone: **605 239-4526**

Amount of Water Claimed: **no add'l** Total Acres: **no add'l**

Source of Water Supply: **James River**

Water to be used for: **irrigation** County: **Hanson**

Type of Waste Disposal System:

Location: **5 miles southwest of Alexandria**

PRIORITY Date Received: **11-10-16** Application/License Fee: **\$ 300**

Corrected Application Received: Period of Annual Use: **April 1 – October 31**

Remarks: **Transfer acres under No. 7697-3 to different locations and clarify diversion location**

Diversion Point: **between pts in the S 1/2 SW 1/4**
Sec 14 and NW 1/4 NE 1/4 Sec 25; all in T102N-
R59W

Land to be Irrigated: **W 1/2, SW 1/4 NE 1/4, NW**
1/4 SE 1/4, S 1/2 SE 1/4 Sec 25 and SW 1/4 SW
1/4 Sec 30; all in T102N-R58W

		25			30

Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **11-15-16**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7976A-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Sioux Falls Herald</u> <u>605-239-4521</u>
	<u>Daily Republic - Mitchell</u> <u>605-996-5514</u>

RECEIVED

NOV 10 2016

WATER RIGHTS
PROGRAM**Application For Permit To Appropriate Water For Irrigation**

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7697-3
(Use predates Mar 2, 1955)

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

Transfer acres under No. 7697-3 as specified below to areas in the Section 25 and clarify diversion location1. Name to Appear on Irrigation Permit Rosedale Hutterian Brethren Inc

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 25986 Rosedale Rd Mitchell SD 57301
(Address) (City) (State) (Zip Code)

Phone 605 239-4526 Mobile _____ Email _____

2. Amount of water claimed no add' *CFS or _____ **GPM _____ ***AF Total Acreage 184
(*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 location of point of diversion between points in the S 1/2 SW 1/4 Section 14 and
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

NW 1/4 NE 1/4 Section 25, T102N, R59W County Hanson

5. County or counties where water will be used Hanson6. 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 acres breakdown with map	184		

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

transfer 80 acres from the W 1/2 SE 1/4 Section 27; transfer 72 acres from Section 26 (corners); transfer 22 acres from SW1/4 Section 22; and transfer 10 acres from S 1/2 Section 23. Intent to reflect acres from the existing pivot coverage in the SW 1/4 Section 25 and to install a small pivot located primarily in the NW 1/4 SW 1/4 Section 25 and a windshield wipe pivot that is in SE 1/4 SE1/4 Section 25 all in T102N, R59W and the SW 1/4 SW 1/4 Section 30, T102N, R58W.

I, Joshua Waldner Secretary/Treasurer, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

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1/4 Sec 30; all in T102N-R58W

		25			30

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Remarks:

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SOUTH DAKOTA
WATER PERMIT NO. 7697A-3

Date of first receipt of application November 1, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7697A-3 to Rosedale Hutterian Brethren Inc., c/o Joshua Waldner, 25986 Rosedale Rd, Mitchell SD 57301 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. 7697A-3 authorizes the transfer 184 acres of the 1,370 acres and diversion rate authority of 2.63 cubic feet of water per second (cfs) authorized by Water Permit No. 7697-3 and clarifies the location of the James River diversion point. Water Permit No. 7697-3 appropriates 19.57 cfs from the James River located in the SW 1/4 SW 1/4 Section 14 to irrigate 1,370 acres located in Section 26, E 1/2 Section 27, S 1/2, NW 1/4 Section 23 and SW 1/4 Section 22; all in T102N-R59W. This permit transfers 184 acres as follows: 80 acres from the W 1/2 SE 1/4 Section 27; transfers 72 acres from Section 26; transfers 22 acres from SW 1/4 Section 22; and transfers 10 acres from S 1/2 Section 23; all in T102N-R59W. The permit holder is authorized to reconfigure portions of the existing irrigation coverage authorized by Water Right No. 4656-3 and Permit No. 7696-3 resulting in irrigation of the transferred 184 additional acres in that area. The irrigation systems will apply water to a total of 444 acres in the W 1/2, SW 1/4 NE 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 25; all in T102N-R59W and the SW 1/4 SW 1/4 Section 30-T102N-R58W. Diversion from the James River will be located between points in the S 1/2 SW 1/4 Section 14 and the NW 1/4 NE 1/4 Section 25; all in T102N-R59W. This permit does not increase the authorized diversion rate or number of acres being irrigated.
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 February 8, 2013.
4. The date of approval of Permit No. 7697A-3 is January 2, 2017.
5. One-fifth of the construction is to be completed on or before July 2, 2019.
6. All construction is to be completed on or before January 2, 2022.
7. Water is to be put to beneficial use on or before January 2, 2026.
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.

(continued)

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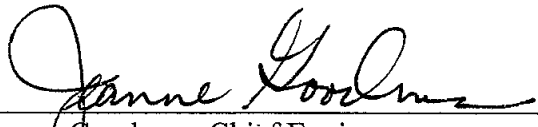
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(continued)

- b) This permit does not authorize diversions from James River when there is less than 20 cfs bypassing the USGS gaging station at Scotland 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, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 01 2017
date



Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Rosedale Hutterian Brethren , Application No. 7697A-3
ADDRESS: COUNTY: Hanson County
DATE: January 25, 2017 TELEPHONE:

RE: Acre breakdown

The following table breakdown of acres by quarter-quarter section associated with the three water rights/permits associated with irrigation primarily located in Section 25, T102N, R59W with a small parcel in Section 30, T102N, R58W.

The asterisk denotes that although 6 acres were authorized by No. 7696-3 in the NE ¼ SW ¼ Section 25; that Application No. 7697A-3 which authorized transfer of a portion of the acres under No. 7697-3 allowed for reconfiguration of the pivot which will result in 6 acres no longer being irrigated in the NE ¼ SW ¼ of Section 25 (see map). So effectively only 154 acres are authorized for irrigation in the SW ¼ of Section 25 where Nos. 4656-3 and 7696-3, combined, authorized a total of 160 acres. All total 444 acres are authorized under the applicable portion of Nos. 4656-3, 7696-3 and 7697A-3.

	No. 4656-3	No. 7696-3	7697A-3	Totals
Legal	Acres	Acres	Acres	
Section 25, T102N, R59W				
NW 1/4 NW 1/4			39(+1)*	40
NE 1/4 NW 1/4			10	10
SW 1/4 NW 1/4		31	8(+1) *	40
SE 1/4 NW 1/4		16	12	28
NW 1/4 SW 1/4	34	6		40
NE 1/4 SW 1/4	34	6 *	(6) *	34
SW 1/4 SW 1/4	34	6		40
SE 1/4 SW 1/4	34	6		40
SW 1/4 NE 1/4			31	31
NW 1/4 SE 1/4		20	20	40
SW 1/4 SE 1/4		33	7	40
SE 1/4 SE 1/4			38 (+1)*	39
Section 30, T102N,R58W				
SW 1/4 SW 1/4			22	22
Totals				444

Name: Eric Hutter

Breakdown of Acreage Transferred under Water Permit No. 7697A-3 and the Acreage that remains authorized by Water Permit No. 7697-3

Legal	No. 7697-3 Acres	Transferred Acres	Remaining Acres
Section 26, T102N, R59W			
NW 1/4 NW 1/4	40	18	22
NE 1/4 NW 1/4	40	0	40
SW 1/4 NW 1/4	40	0	40
SE 1/4 NW 1/4	40	0	40
NW 1/4 NE 1/4	40	0	40
NE 1/4 NE 1/4	40	18	22
SW 1/4 NE 1/4	40	0	40
SE 1/4 NE 1/4	40	0	40
Section 27, T102N, R59W			
NW 1/4 NE 1/4	40	0	40
NE 1/4 NE 1/4	40	0	40
SW 1/4 NE 1/4	40	0	40
SE 1/4 NE 1/4	40	0	40
Section 22, T102N, R59W			
NW 1/4 SW 1/4	25	3	22
NE 1/4 SW 1/4	40	2	38
SW 1/4 SW 1/4	15	2	13
SE 1/4 SW 1/4	40	15	25
Section 23, T102N, R59W			
NW 1/4 NW 1/4	10	0	10
NE 1/4 NW 1/4	2	0	2
SW 1/4 NW 1/4	40	0	40
SE 1/4 NW 1/4	15	7	8
NW 1/4 SW 1/4	40	0	40
NE 1/4 SW 1/4	25	0	25
SW 1/4 SW 1/4	40	0	40
SE 1/4 SW 1/4	40	0	40

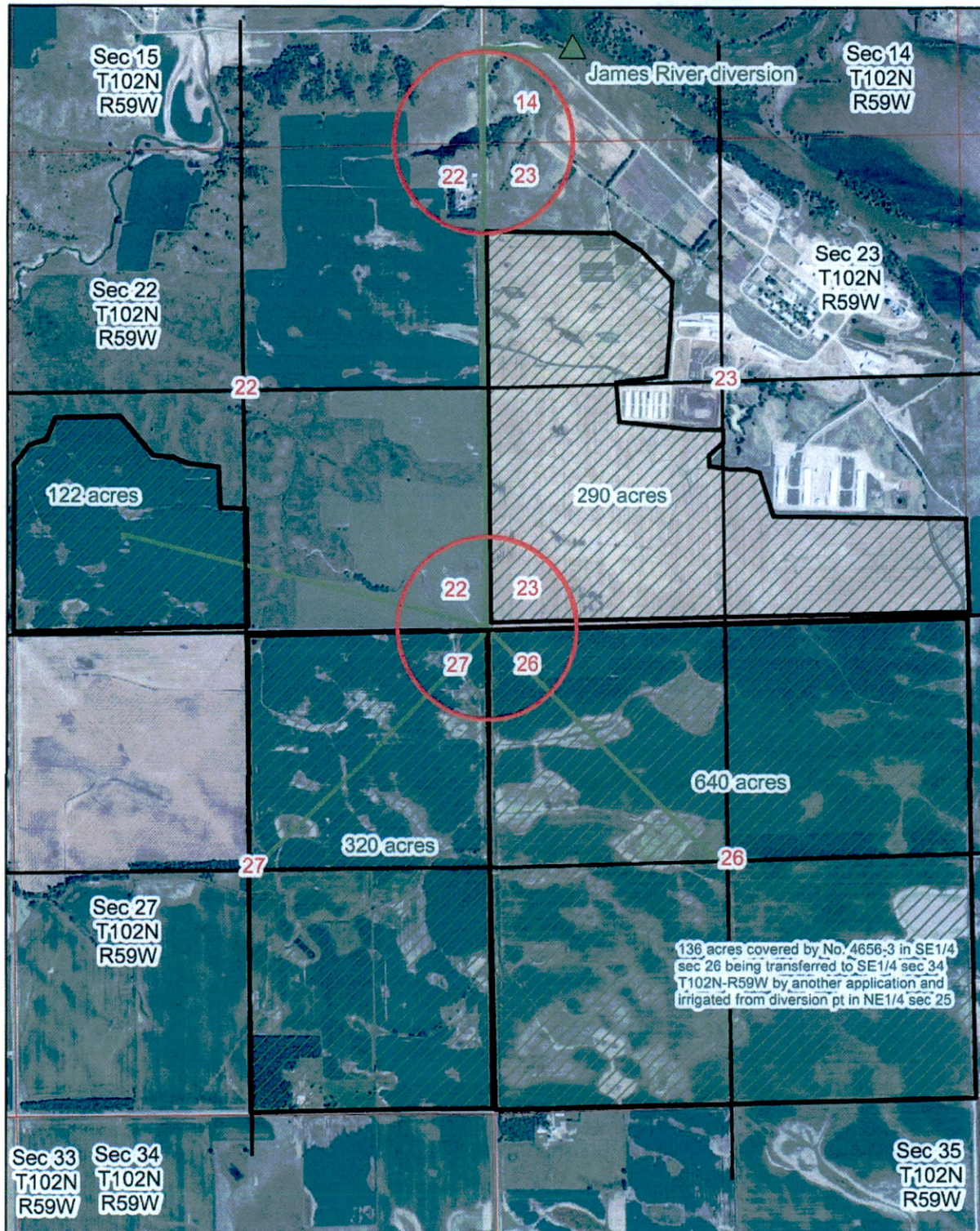
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NE 1/4 SW 1/4	40	0	40
SW 1/4 SW 1/4	40	18	22
SE 1/4 SW 1/4	40	0	40
NW 1/4 SE 1/4	40	0	40
NE 1/4 SE 1/4	40	0	40
SW 1/4 SE 1/4	40	0	40
SE 1/4 SE 1/4	40	18	22
Section 27, T102N, R59W			
NW 1/4 SE 1/4	40	40	0
NE 1/4 SE 1/4	40	0	40
SW 1/4 SE 1/4	40	40	0
SE 1/4 SE 1/4	40	0	40
Section 23, T102N, R59W			
NW 1/4 SE 1/4	6	0	6
NE 1/4 SE 1/4	0	0	0
SW 1/4 SE 1/4	37	0	37
SE 1/4 SE 1/4	35	3	32

Eric Brundage 1/27/17

Scale: 1 inch = 1,667 feet

2,400

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Date: Feb 8, 2013

Appl No.

Acreage Breakdown of Irrigated Acres Intended to be Irrigated in Section 25, T102N, R59W and SW ¼ SW ¼ Section 30, T102N, R58W to Reflect the Irrigation Systems Planned if Application is Approved to Transfer 184 Acres under Water Permit No. 7697-3 to the Existing Acres Authorized by Portions of Water Right No. 4656-3 and Water Permit No. 7696-3

Section 25, T102N, R59W

NW ¼ NW ¼	39 acres	- new	NW ¼ NE ¼	-
NE ¼ NW ¼	12 acres	- new	NE ¼ NE ¼	-
SW ¼ NW ¼	39 acres	(8) new	SW ¼ NE ¼	31 acres (22) new
SE ¼ NW ¼	16 28 acres	(7) new	SE ¼ NE ¼	-
NW ¼ SW ¼	40 acres	(0) new	NW ¼ SE ¼	40 acres (24) new
NE ¼ SW ¼	36 acres	(0) new	NE ¼ SE ¼	-
SW ¼ SW ¼	39 acres	(0) new	SW ¼ SE ¼	40 acres (8) new
SE ¼ SW ¼	40 acres	(0) new	SE ¼ SE ¼	38 acres (38) new

Section 30, T102N, R58W

SW ¼ SW ¼	11 22 acres	(11) new	
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new - 169
extra 15 ac.

Water Right No. 46556-3 provides for 136 acres

Water Permit No. 7696-3 provides for 124 acres

5

Application is to transfer 184 acres from Water Permit No. 7697-3

Total acres covered – 444 acres***

*** The 444 acres were arrived by using the pivot coverages on maps provided by Heine Electric and Irrigation. When plotted on the ArcMap, the acres appear to be less than 444 acres. However, the breakdown of acres were adjusted to arrive at a total of 444 acres. The rationale is that it is advisable to estimate on the high side and reduce at the time of licensing if that is deemed necessary (Eric Gronlund – 11/152016).

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/10, 20 16

RECEIVED OF Rosedale Hutterian Brethren 25986 Rosedale Rd Mitchell SD 57301

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

Fee for Application for Permit No. <u>7697A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>7697A-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	300 00

No. 07949

By

Jane Goodman
Chief Engineer

old moore

Sec 22 - S.W.



Prepared By: **Heine Electric and Irrigation, Inc.**

For: **Rosedale- Old Moore corner**

Questions or concerns? Please call us at 402-640-1999!

Pivot center at 43.618319, -97.902769

[N] Spray off at 325°, on at 35°.
 [S] Spray off at 145°, on at 215°.
 [E] Spray off at 55°, on at 125°.
 [W] Spray off at 235°, on at 305°.

- 1 183 ft. Total: 183 ft.
Acreage: 2.42. Total: 2.42 acres.
- 2 183 ft. Total: 366 ft.
Acreage: 7.26. Total: 9.68 acres.
- 3 160 ft. Total: 526 ft.
Acreage: 10.31. Total: 19.99 acres.
- 4 160 ft. Total: 686 ft.
Acreage: 14.01. Total: 34.01 acres.
- 5 164 ft. Total: 850 ft.
Acreage: 18.2. Total: 52.22 acres.
- Corner 205 ft. Total: 1051.88 ft.
(Corner at full extension will be ~201.88 ft.)
Acreage: 22.21. Total: 74.43 acres.
- Overhang 82 ft. Total: 1132.63 ft.
Acreage: 11.44. Total: 85.87 acres.
- Spray 120 ft. Total: 1252.63 ft.
Acreage: 12.3. Total: 98.18 acres.



Turkey Barn South

Sec. 23 - S. E.

<http://www.cpivot.com/>Prepared By: **Heine Electric and Irrigation, Inc.**For: **Rosedale- Turkey Barns**

Questions or concerns? Please call us at 402-640-1999!

Pivot center at 43.618731, -97.871434
 Arc Start Bearing: 91.61
 Arc Stop Bearing: 277.69
 [N] Spray off at 340°, on at 20°.
 [E] Spray off at 70°, on at 110°.

- 1 160 ft. Total: 160 ft.
Acreage: 0.94. Total: 0.94 acres.
 - 2 160 ft. Total: 320 ft.
Acreage: 2.83. Total: 3.78 acres.
 - 3 160 ft. Total: 480 ft.
Acreage: 4.72. Total: 8.5 acres.
 - 4 160 ft. Total: 640 ft.
Acreage: 6.61. Total: 15.12 acres.
 - 5 160 ft. Total: 800 ft.
Acreage: 8.5. Total: 23.62 acres.
 - 6 160 ft. Total: 960 ft.
Acreage: 10.39. Total: 34.02 acres.
 - 7 147 ft. Total: 1107 ft.
Acreage: 11.21. Total: 45.23 acres.
- Overhang** 32 ft. Total: 1139 ft.
Acreage: 2.65. Total: 47.88 acres.
- Spray** 120 ft. Total: 1259 ft.
Acreage: 9.57. Total: 57.46 acres.



garden

Sec 23 - N.W.

~~Butter~~

~~Sec 25 - N.W.~~

cPivot

<http://www.cpivot.com/>



Prepared By: **Heine Electric and Irrigation, Inc.**

For: **Rosedale- garden**

Questions or concerns? Please call us at 402-640-1999!

Pivot center at 43.625373, -97.884091

- 1 146 ft. Total: 146 ft.
Acreage: 1.53. Total: 1.53 acres.
- 2 183 ft. Total: 329 ft.
Acreage: 6.27. Total: 7.81 acres.
- 3 183 ft. Total: 512 ft.
Acreage: 11.11. Total: 18.93 acres.
- 4 183 ft. Total: 695 ft.
Acreage: 15.95. Total: 34.88 acres.
- Overhang 18 ft. Total: 713 ft.
Acreage: 1.83. Total: 36.71 acres.
- Spray 120 ft. Total: 833 ft.
Acreage: 13.39. Total: 50.11 acres.



hog Barn

Sec. 23 - S.W

Prepared By: **Heine Electric and Irrigation, Inc.**For: **Rosedale- Hog Barns Corner**

Questions or concerns? Please call us at 402-640-1999!

Pivot center at 43.61552, -97.886704
 Arc Start Bearing: 359.31
 Arc Stop Bearing: 89.52

- 1 205 ft. Total: 205 ft.
Acreage: 0.74. Total: 0.74 acres.
 - 2 185 ft. Total: 390 ft.
Acreage: 1.94. Total: 2.68 acres.
 - 3 185 ft. Total: 575 ft.
Acreage: 3.15. Total: 5.83 acres.
 - 4 185 ft. Total: 760 ft.
Acreage: 4.36. Total: 10.19 acres.
 - 5 185 ft. Total: 945 ft.
Acreage: 5.56. Total: 15.76 acres.
 - 6 185 ft. Total: 1130 ft.
Acreage: 6.77. Total: 22.54 acres.
 - 7 185 ft. Total: 1315 ft.
Acreage: 7.98. Total: 30.52 acres.
 - 8 185 ft. Total: 1500 ft.
Acreage: 9.19. Total: 39.72 acres.
 - 9 185 ft. Total: 1685 ft.
Acreage: 10.4. Total: 50.12 acres.
 - 10 140 ft. Total: 1825 ft.
Acreage: 8.67. Total: 58.8 acres.
 - 11 140 ft. Total: 1965 ft.
Acreage: 9.36. Total: 68.16 acres.
 - 12 140 ft. Total: 2105 ft.
Acreage: 10.05. Total: 78.22 acres.
 - 13 140 ft. Total: 2245 ft.
Acreage: 10.75. Total: 88.98 acres.
 - 14 140 ft. Total: 2385 ft.
Acreage: 11.44. Total: 100.42 acres.
 - 15 115 ft. Total: 2500 ft.
Acreage: 9.91. Total: 110.34 acres.
 - 16 140 ft. Total: 2640 ft.
Acreage: 12.7. Total: 123.04 acres.
- Corner** 205 ft. Total: 2841.88 ft.
 (Corner at full extension will be ~201.88 ft.)
 Acreage: -62.01. Total: 61.03 acres.
- Overhang** 82 ft. Total: 2922.63 ft.
 Acreage: 6.95. Total: 67.99 acres.
- Spray** 120 ft. Total: 3042.63 ft.
 Acreage: 5.57. Total: 73.56 acres.





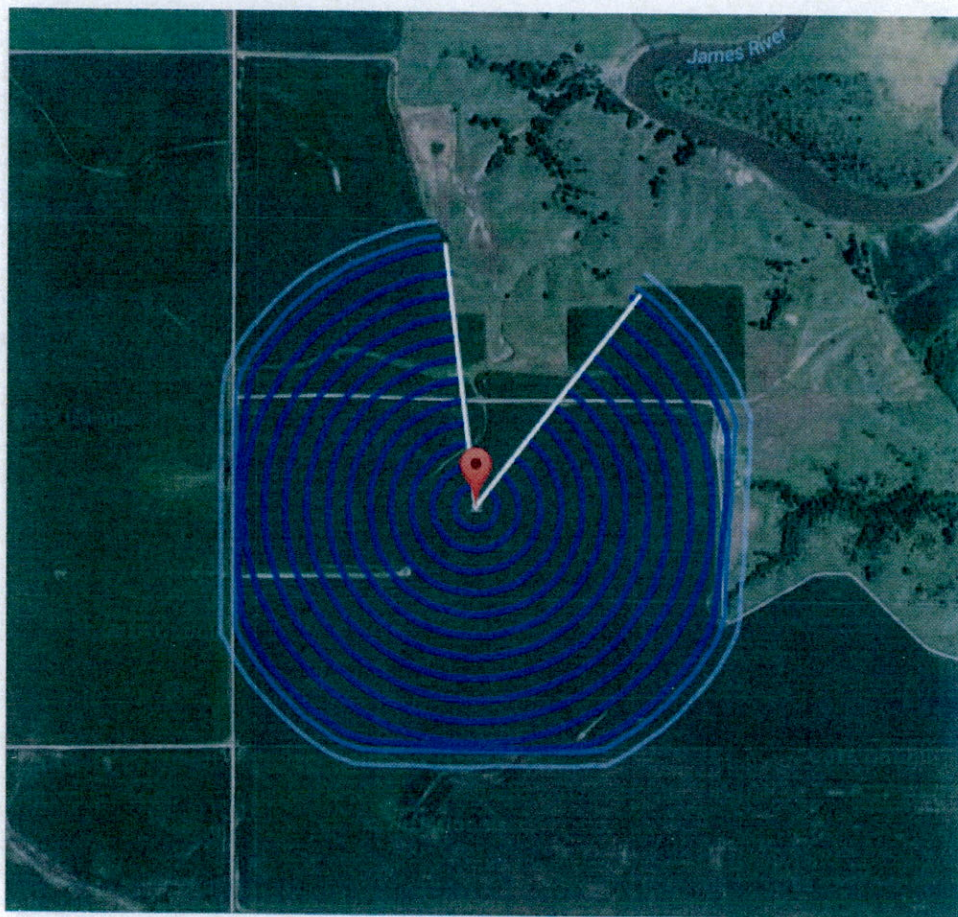
Prepared By: **Heine Electric and Irrigation, Inc.**

For:

Questions or concerns? Please call us at 402-640-1999!

Pivot center at 43.606208, -97.859765
Arc Start Bearing: 37.27
Arc Stop Bearing: 353.27

- 1 164 ft. Total: 164 ft.
Acreage: 1.7. Total: 1.7 acres.
 - 2 164 ft. Total: 328 ft.
Acreage: 5.11. Total: 6.82 acres.
 - 3 164 ft. Total: 492 ft.
Acreage: 8.53. Total: 15.35 acres.
 - 4 164 ft. Total: 656 ft.
Acreage: 11.94. Total: 27.3 acres.
 - 5 164 ft. Total: 820 ft.
Acreage: 15.35. Total: 42.66 acres.
 - 6 164 ft. Total: 984 ft.
Acreage: 18.77. Total: 61.43 acres.
 - 7 164 ft. Total: 1148 ft.
Acreage: 22.18. Total: 83.61 acres.
 - 8 164 ft. Total: 1312 ft.
Acreage: 25.59. Total: 109.21 acres.
 - 9 164 ft. Total: 1476 ft.
Acreage: 29. Total: 138.21 acres.
 - 10 164 ft. Total: 1640 ft.
Acreage: 32.42. Total: 170.64 acres.
 - 11 164 ft. Total: 1804 ft.
Acreage: 35.83. Total: 206.47 acres.
- Corner** 205 ft. Total: 2005.88 ft.
(Corner at full extension will be ~201.88 ft.)
Acreage: 68.88. Total: 275.35 acres.
- Overhang** 82 ft. Total: 2086.63 ft.
Acreage: 18.82. Total: 294.18 acres.
- Spray** 120 ft. Total: 2206.63 ft.
Acreage: 35.79. Total: 329.97 acres.



cPivot

Fuller

Sec. 25 - N. W.

<http://www.cpivot.com/>



Prepared By: **Heine Electric and Irrigation, Inc.**

For: **Rosedale- Fuller**

Questions or concerns? Please call us at 402-640-1999!

Pivot center at 43.613423, -97.863824
[N] Spray off at 340°, on at 20°.
[W] Spray off at 250°, on at 290°.

- 1 160 ft. Total: 160 ft.
Acreage: 1.84, Total: 1.84 acres.
- 2 160 ft. Total: 320 ft.
Acreage: 5.54, Total: 7.39 acres.
- 3 140 ft. Total: 460 ft.
Acreage: 7.88, Total: 15.28 acres.
- 4 140 ft. Total: 600 ft.
Acreage: 10.71, Total: 26 acres.
- 5 140 ft. Total: 740 ft.
Acreage: 13.54, Total: 39.54 acres.
- Overhang 36 ft. Total: 776 ft.
Acreage: 3.94, Total: 43.49 acres.
- Spray 120 ft. Total: 896 ft.
Acreage: 11.08, Total: 54.57 acres.



Rosedale Big Sec. 25 - ~~S. E~~ ^{S. E}

cPivot

<http://www.cpivot.com/>



Prepared By: **Heine Electric and Irrigation, Inc.**

For: **Rosedale- Big**

Questions or concerns? Please call us at 402-640-1999!

Pivot center at 43.601242, -97.849599
Arc Start Bearing: 269.07
Arc Stop Bearing: 90.64

- 1 160 ft. Total: 160 ft.
Acreage: 0.92, Total: 0.92 acres.
- 2 160 ft. Total: 320 ft.
Acreage: 2.77, Total: 3.69 acres.
- 3 160 ft. Total: 480 ft.
Acreage: 4.62, Total: 8.32 acres.
- 4 160 ft. Total: 640 ft.
Acreage: 6.47, Total: 14.79 acres.
- 5 160 ft. Total: 800 ft.
Acreage: 8.32, Total: 23.11 acres.
- 6 160 ft. Total: 960 ft.
Acreage: 10.16, Total: 33.28 acres.
- 7 160 ft. Total: 1120 ft.
Acreage: 12.01, Total: 45.29 acres.
- Overhang** 36 ft. Total: 1156 ft.
Acreage: 2.95, Total: 48.25 acres.
- Spray** 120 ft. Total: 1276 ft.
Acreage: 10.53, Total: **58.79 acres.**





Prepared By: **Heine Electric and Irrigation, Inc.**

For: **Rosedale section**

Questions or concerns? Please call us at 402-640-1999!

Pivot center at 43.608248, -97.876901

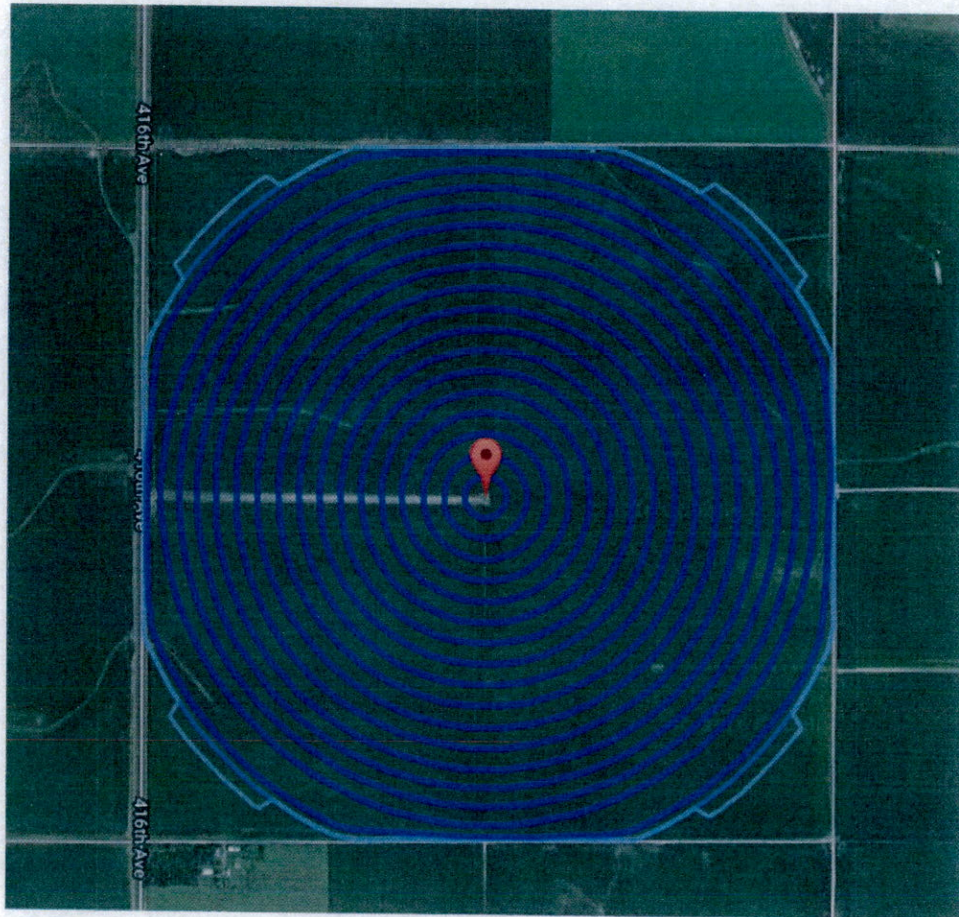
[N] Spray off at 325°, on at 35°.

[S] Spray off at 145°, on at 215°.

[E] Spray off at 55°, on at 125°.

[W] Spray off at 235°, on at 305°.

- 1 160 ft. Total: 160 ft.
Acreage: 1.84. Total: 1.84 acres.
- 2 160 ft. Total: 320 ft.
Acreage: 5.54. Total: 7.39 acres.
- 3 160 ft. Total: 480 ft.
Acreage: 9.24. Total: 16.64 acres.
- 4 160 ft. Total: 640 ft.
Acreage: 12.94. Total: 29.58 acres.
- 5 160 ft. Total: 800 ft.
Acreage: 16.64. Total: 46.22 acres.
- 6 160 ft. Total: 960 ft.
Acreage: 20.33. Total: 66.56 acres.
- 7 160 ft. Total: 1120 ft.
Acreage: 24.03. Total: 90.59 acres.
- 8 160 ft. Total: 1280 ft.
Acreage: 27.73. Total: 118.33 acres.
- 9 160 ft. Total: 1440 ft.
Acreage: 31.43. Total: 149.76 acres.
- 10 160 ft. Total: 1600 ft.
Acreage: 35.12. Total: 184.89 acres.
- 11 160 ft. Total: 1760 ft.
Acreage: 38.82. Total: 223.72 acres.
- 12 160 ft. Total: 1920 ft.
Acreage: 42.52. Total: 266.24 acres.
- 13 160 ft. Total: 2080 ft.
Acreage: 46.22. Total: 312.46 acres.
- 14 140 ft. Total: 2220 ft.
Acreage: 43.47. Total: 355.94 acres.
- 15 140 ft. Total: 2360 ft.
Acreage: 46.31. Total: 402.25 acres.
- 16 140 ft. Total: 2500 ft.
Acreage: 49.14. Total: 451.39 acres.
- Corner 205 ft. Total: 2701.88 ft.
(Corner at full extension will be ~201.88 ft.)
Acreage: 80.09. Total: 531.49 acres.
- Overhang 82 ft. Total: 2782.63 ft.
Acreage: 24.82. Total: 556.31 acres.
- Spray 120 ft. Total: 2902.63 ft.
Acreage: 11.17. Total: 567.49 acres.



cPivot

Hanson

Sec. 27. S. E

<http://www.cpivot.com/>



Pivot center at 43.60468, -97.887118
Arc Start Bearing: 179.03
Arc Stop Bearing: 359.79
[W] Spray off at 250°, on at 290°.

- 1 185 ft. Total: 185 ft.
Acreage: 1.23. Total: 1.23 acres.
- 2 185 ft. Total: 370 ft.
Acreage: 3.7. Total: 4.94 acres.
- 3 185 ft. Total: 555 ft.
Acreage: 6.17. Total: 11.12 acres.
- 4 185 ft. Total: 740 ft.
Acreage: 8.65. Total: 19.77 acres.
- 5 185 ft. Total: 925 ft.
Acreage: 11.12. Total: 30.89 acres.
- 6 168 ft. Total: 1093 ft.
Acreage: 12.24. Total: 43.14 acres.
- 7 168 ft. Total: 1261 ft.
Acreage: 14.28. Total: 57.42 acres.
- Overhang** 36 ft. Total: 1297 ft.
Acreage: 3.32. Total: 60.74 acres.
- Spray** 120 ft. Total: 1417 ft.
Acreage: 9.13. Total: 69.88 acres.

Prepared By: **Heine Electric and Irrigation, Inc.**

For: **Rosedale- Middle North**

Questions or concerns? Please call us at 402-640-1999!



cPivot

new moore Sec 27 - IV: E.

<http://www.epivot.com/>



Prepared By: **Heine Electric and Irrigation, Inc.**

For: **Rosedale- Moore**

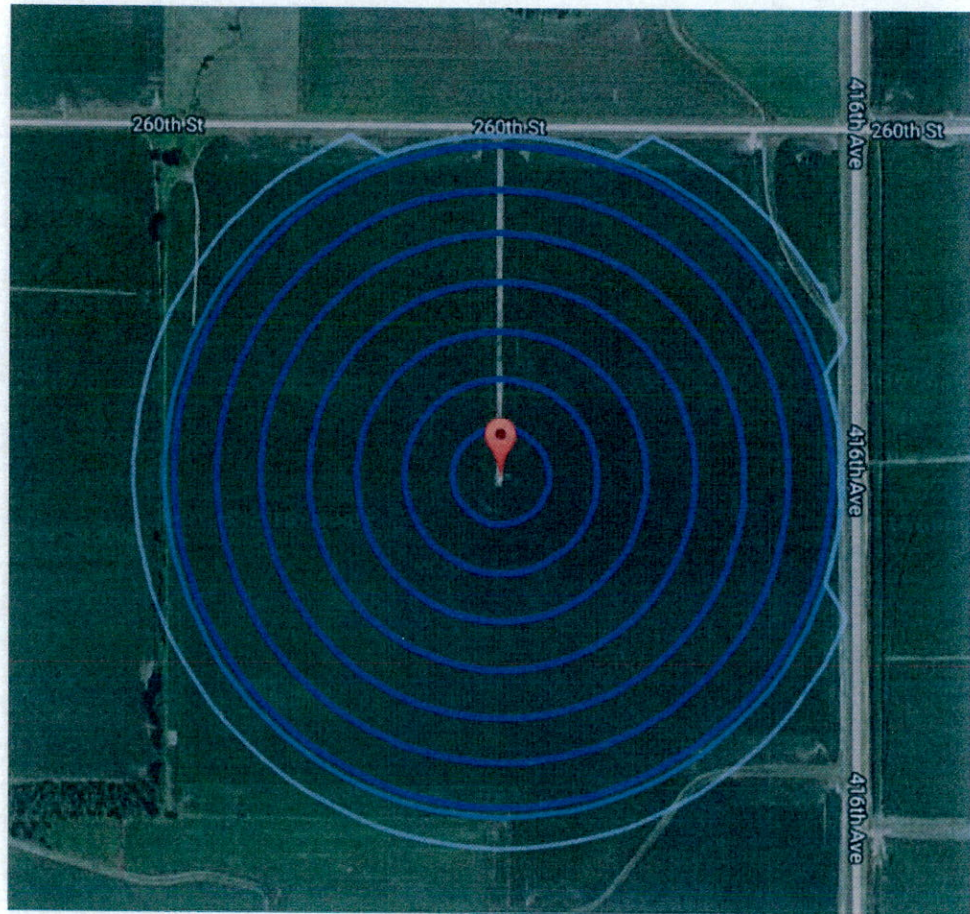
Questions or concerns? Please call us at 402-640-1999!

Pivot center at 43.611817, -97.892041

[N] Spray off at 340°, on at 20°.

[E] Spray off at 70°, on at 110°.

- 1 185 ft. Total: 185 ft.
Acreage: 2.47. Total: 2.47 acres.
- 2 185 ft. Total: 370 ft.
Acreage: 7.41. Total: 9.88 acres.
- 3 185 ft. Total: 555 ft.
Acreage: 12.35. Total: 22.24 acres.
- 4 185 ft. Total: 740 ft.
Acreage: 17.3. Total: 39.54 acres.
- 5 185 ft. Total: 925 ft.
Acreage: 22.24. Total: 61.79 acres.
- 6 168 ft. Total: 1093 ft.
Acreage: 24.48. Total: 86.28 acres.
- 7 168 ft. Total: 1261 ft.
Acreage: 28.56. Total: 114.84 acres.
- Overhang 36 ft. Total: 1297 ft.
Acreage: 6.65. Total: 121.49 acres.
- Spray 120 ft. Total: 1417 ft.
Acreage: 18.01. Total: 139.5 acres.



2016

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 Pierre, SD 57501
 (605)773-4845

ANNUAL REPORT

DOMESTIC NONPROFIT CORPORATIONS

SDCL 47-24-6; 59-11-24

Please Type or Print Clearly In Ink

FILING FEE: \$10.00 Make check payable to SECRETARY OF STATE

FILE DATE 6/30/2016

RECEIPT NO 431598

1. Corporate ID and Name:

NS001679

Enter Corporate ID

ROSEDALE HUTTERIAN BRETHERN INC.

Enter Corporate Name

2. The jurisdiction under whose law it is formed SOUTH DAKOTA

3. The address of the principal executive office (business address).

25986 ROSEDALE ROAD

MITCHELL

SD

57301-7515

Actual Street Address or Rural Route Box Number

City

State

ZIP+4

Mailing Address, if Different from Street Address

City

State

ZIP+4

4. The name of the South Dakota Registered Agent

Agent Name:

JEFFREY T SVEEN

415 S MAIN ST 400 CAPITOL BLDG

ABERDEEN

SD

57402

Actual Street Address or Rural Route Box Number in This State

City

State

ZIP+4

PO BOX 490

ABERDEEN

SD

57402-0490

Mailing Address in This State, if Different from Street Address

City

State

ZIP+4

5. The names and addresses of its principal officers and directors (governors). South Dakota Law requires at least three directors.

☒	DAVEY WALDNER	25986 ROSEDALE ROAD	MITCHELL	SD	57301
	President	Actual Street Address	City	State	ZIP+4

☒	JOSHUA WALDNER	25986 ROSEDALE ROAD	MITCHELL	SD	57301
	Vice President	Actual Street Address	City	State	ZIP+4

☒	JOSHUA J WALDNER	25986 ROSEDALE ROAD	MITCHELL	SD	57301
	Secretary	Actual Street Address	City	State	ZIP+4

☐	JOSHUA J WALDNER	25986 ROSEDALE ROAD	MITCHELL	SD	57301
	Treasurer	Actual Street Address	City	State	ZIP+4

☐	JACOB WALDNER	25986 ROSEDALE ROAD	MITCHELL	SD	57301
	Director	Actual Street Address	City	State	ZIP+4

☐	GEORGE WALDNER	25986 ROSEDALE ROAD	MITCHELL	SD	57301
	Director	Actual Street Address	City	State	ZIP+4
☐	MARK WALDNER	25986 ROSEDALE ROAD	MITCHELL	SD	57301
	Director	Actual Street Address	City	State	ZIP+4

No person may execute this report knowing it is false in any material aspect. Any violation is subject to a civil penalty (SDCL 47-1A-129).

Dated 06/30/2016

Signature Accepted Electronically

(Signature of an Authorized Person)

JOSHUA J WALDNER

(Printed Name)

*By signing this form you agree to have both the fee and the form processed electronically.
A fee of up to \$40 will be assessed for returned payments.

6/30/2016 2:12:55 PM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

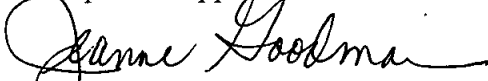
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7697A-3, Rosedale Hutterian Brethren**

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. 7697A-3, Rosedale Hutterian Brethren, c/o Joshua Waldner, 25986 Rosedale Road, Mitchell SD 57301.

The Chief Engineer is recommending APPROVAL of Application No. 7697A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) 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 Scotland 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.


Jeanne Goodman, Chief Engineer
December 13, 2016

NOTE: If approved, DENR will reissue Water Permit No. 7697-3 for 16.94 cfs and irrigation of 1,186 acres to reflect the acres and diversion rate that remain upon the transfer authorized by this application. Water Permit No. 7697A-3 will then be issued for an appropriation of 2.63 cfs to irrigate 184 acres. Upon completion of construction and a licensing investigation by a Water Rights staff person it is likely that Water Right No. 4656-3 and Water Permit Nos. 7696-3 & 7697A-3 will be incorporated to reflect one water use system. Until that time, Rosedale will receive irrigation questionnaires each fall for each permit/right. It is acceptable to submit one irrigation questionnaire that represents water use from the irrigation systems authorized by multiple permits/rights as long as the comment section on the questionnaire states the permits/rights affiliated with the reported water use.

REPORT ON WATER PERMIT APPLICATION NO. 7697A-3
Rosedale Hutterian Brethren, % Joshua Waldner
December 5, 2016

Rosedale Hutterian Brethren, c/o Joshua Waldner, has filed Water Permit Application No. 7697A-3 to transfer the irrigation of 184 acres of the 1,370 acres authorized by Water Right No. 7697-3 to portions of existing irrigation coverage authorized by Water Right No. 4656-3 and Water Permit No. 7696-3. The application, if approved would also transfer 2.63-cfs diversion authority from the 19.57-cfs authorized by Water Right No. 7697-3. The application also clarifies the location of the James River diversion point. If approved, Water Permit Application No. 7697A-3 does not increase the authorized diversion rate or number of acres being irrigated.

Water Permit No. 7697-3 appropriates 19.57 cubic feet of water per second (cfs) from the James River to irrigate 1,370 acres of land located in Section 26, E½ Section 27, S½, NW¼ Section 23, and SW¼ Section 22; all in T102N-R59W. The diversion point is located in the SW¼ SW¼ Section 14, T102N-R59W.

Water Permit No. 7696-3 appropriates 4.40 cubic feet of water per second (cfs) from the James River to irrigate 308 acres of land located in the E½ Section 34 and S½ NW¼, SW¼, W½ SE¼ Section 25; all in T102N-R59W. The diversion point is located in the NE¼ Section 25, T102N-R59W. Water Permit No. 7696-3 also authorizes the transfer of the irrigation of 136 acres located in the SE¼ Section 26 authorized by Water Right No. 4656-3 to the SE¼ Section 34; all in T102N-R59W.

Water Right No. 4656-3 appropriates 3.88 cubic feet of water per second (cfs) from the James River to irrigate 272 acres of land located in the SW¼ Section 25 and NE¼ Section 35; all in T102N-R59W. The diversion point is located in the NE¼ Section 25, T102N-R59W.

Review of Project

The project will add 184 acres to acres already covered by Water Right No. 4656-3 and Water Permit No. 7696-3 to accommodate reconfiguration of existing irrigation coverage. While irrigation of the original acreage under Water Right No. 4656-3 maintains a priority date of September 16, 1971, the priority date for 2.63-cfs to irrigate the transferred 184 acres is February 8, 2013.

This application proposes to transfer 184 acres from 7697-3 as follows:

Acres to be transferred from 7697-3

AREA all in T102N-R59W	ACRES	PRIORITY DATE
SW¼ Section 22	22	February 8, 2013
S½ Section 23	10	February 8, 2013
Section 26	72	February 8, 2013
W½ SE¼ Section 27	80	February 8, 2013

Acres to be transferred to 7697A-3

	AREA	ACRES	PRIORITY DATE
Acres transferred to 7697A-3	Section 25-T102N-R59W	162	February 8, 2013
	Section 30-T102N-R58W	22	February 8, 2013

Acres currently authorized by 7696-3 and 4656-3

	AREA all in T102N-R59W	ACRES	PRIORITY DATE
Acres authorized by 7696-3	Section 25	124	February 8, 2013
Acres authorized by 4656-3	Section 25	136	September 16, 1971

The project will apply water to a total of 444 acres located in the W½, SW¼ NE¼, W½ SE¼, SE¼ SE¼ Section 25-T102N-R59W and the SW¼ SW¼ Section 30-T102N-R58W. Diversion from the James River will be located between points in the S½ SW¼ Section 14 and the NW¼ NE¼ Section 25; all in T102N-R59W. This application, if approved, does not increase the authorized diversion rate or number of acres being irrigated.

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 67 river miles upstream of the proposed project. The historical data from 1944 to 2015 for the Huron, SD stream flow gage indicates 50-percent of monthly mean flow values fall at or below 30-cfs to 586-cfs April through October of any given year. (Table 1 and Hydrograph 1)

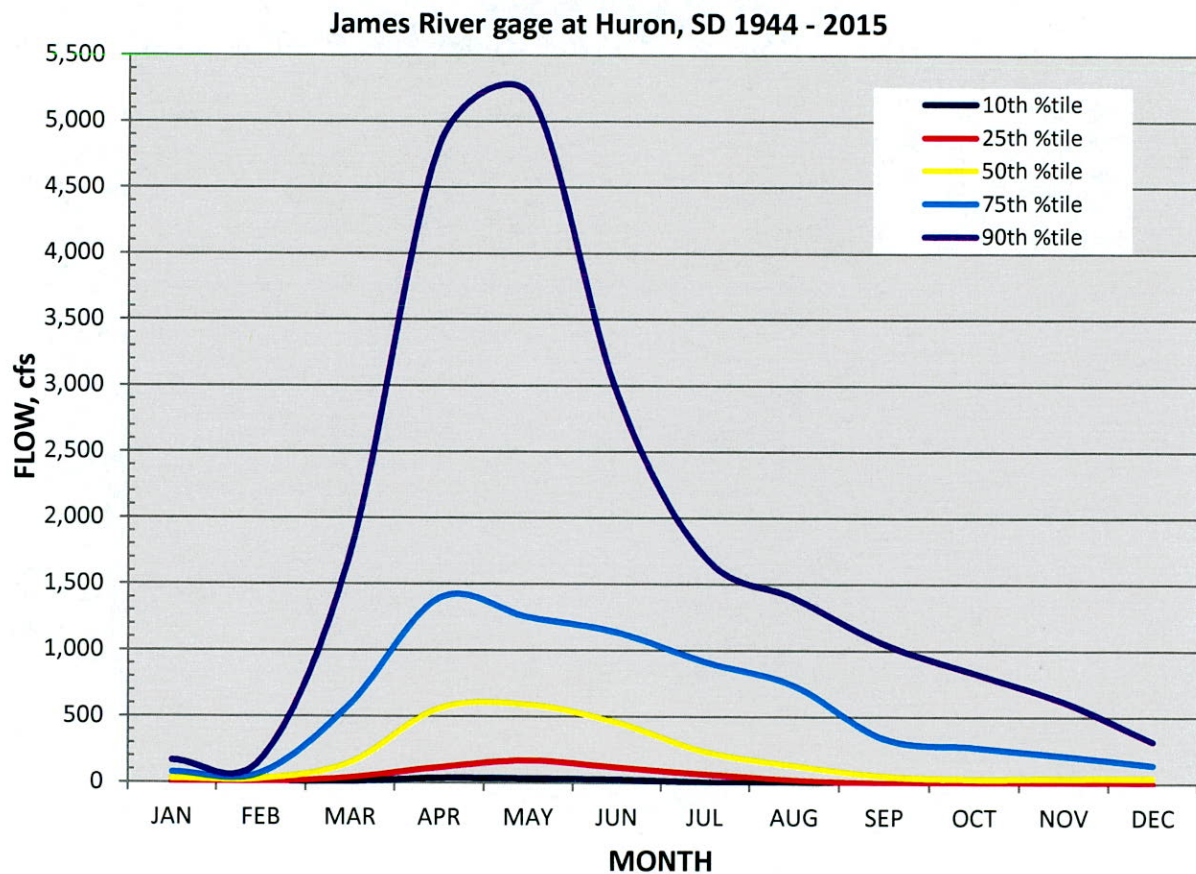
For a dataset of flow observations a percentile value denotes the percent of observations that fall at or below the percentile value. For example, Table 1 indicates that for the 25th percentile, 25% of the flow observations in August fall at or below 22-cfs.

To calculate the values in Table 1 and Table 2, the percentiles of the daily flow for each month were calculated for the period of record. The daily percentiles were averaged to get a percentile value for the month. See pages 3 and 4 for tables and hydrographs.

Table 1. James River Percentile of Monthly Mean Flow (cfs) Huron, SD

Percentile	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10%tile	0	0	8	34	30	23	5	0	0	0	0	0
25%tile	1	3	35	114	167	115	66	22	1	0	0	1
50%tile	26	25	144	556	586	452	232	127	50	30	36	37
75%tile	76	70	590	1393	1250	1135	913	733	335	269	205	135
90%tile	165	173	1734	4840	5206	2938	1707	1398	1051	830	615	315

Hydrograph 1

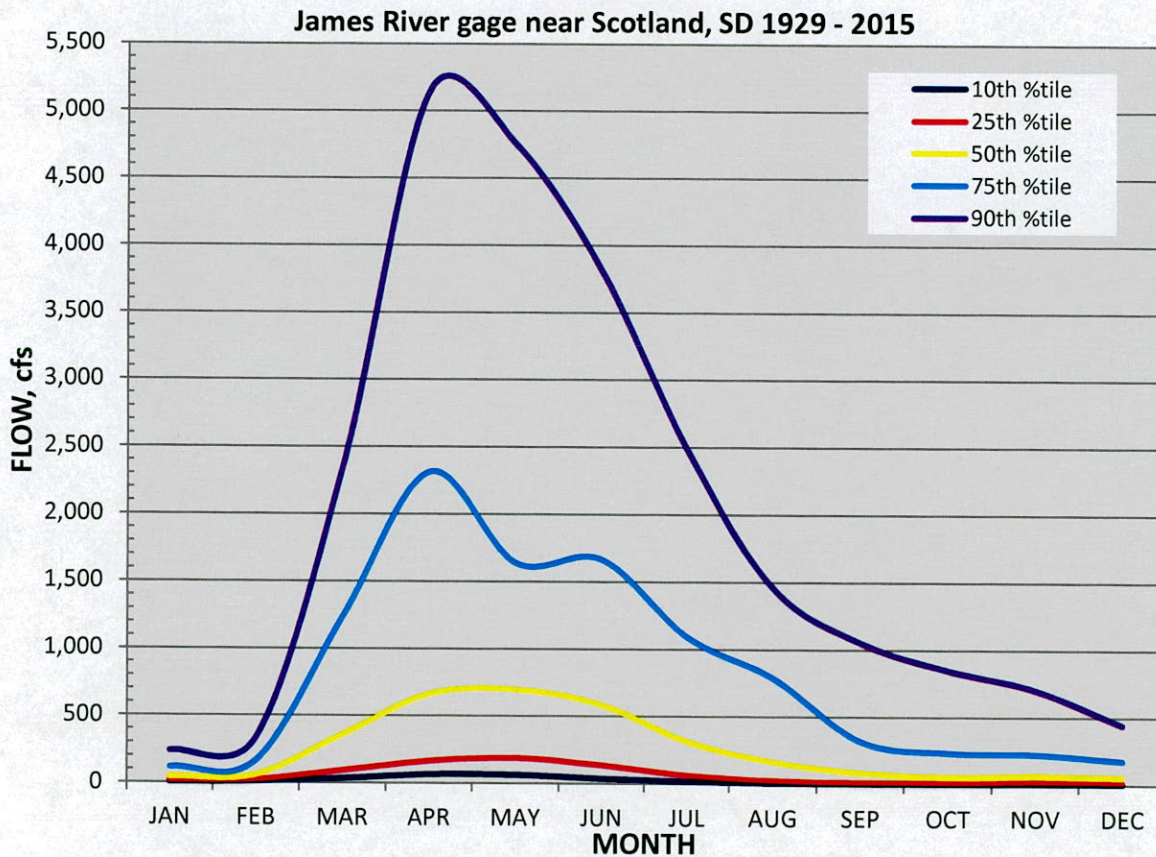


The U.S. Geological Survey (USGS) also operates a stream flow gaging station on the James River at Scotland, SD, approximately 45 river miles downstream of the proposed project. The historical data from 1929 to 2015 for the Scotland, SD stream flow gage indicates 50-percent of monthly mean flow values fall at or below 58-cfs to 693-cfs April through October of any given year. (Table 2 and Hydrograph 2)

Table 2. James River Percentile of Monthly Mean Flow (cfs) Scotland, SD

Percentile	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
10%tile	6	12	34	64	62	37	18	8	7	4	6	8
25%tile	16	23	93	165	188	137	65	28	18	16	23	22
50%tile	44	58	355	657	693	582	313	163	85	58	66	58
75%tile	115	166	1235	2313	1639	1666	1090	786	319	235	223	176
90%tile	237	335	2344	5154	4751	3814	2488	1459	1052	848	703	444

Hydrograph 2



As noted in 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 313-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 late summer and early fall months, 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 Current Appropriation

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 the 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 97 Water Rights with diversions from the James River totaling 295.94-cfs from the North Dakota border to the Yankton-Hutchinson County Line. From the North Dakota border to Huron, SD, there are 63 Water Rights with diversions from the James River totaling 175.45-cfs.

Water Permit Nos. 7891-3 and 7892-3 combined, authorize appropriation of 3.82-cfs from the James River, upstream of Huron, SD. With the cancellation of these two permits at the December 1, 2016 Water Management Board meeting, diversions from the total river decrease to 295.94-cfs, and diversions from the North Dakota border to Huron, SD, river reach decrease to 175.45-cfs. This leaves 4.06-cfs to be appropriated anywhere from the North Dakota border to the Yankton-Hutchinson County Line.

There are two water permit applications requesting diversion authority from the James River currently advertised. Water Permit Application No. 8240-3 and Water Permit Application No. 8241-3, combined, are requesting diversion authority of 3.82-cfs from the James River.

Table 3. Appropriation and Available Water for Appropriation from the James River

	CFS
Appropriated	-299.76
Cancellation of 7891-3	1.91
Cancellation of 7892-3	1.91
Current Appropriation	-295.94
Pending approval 8240-3	-1.91
Pending approval 8241-3	-1.91
Total	-299.76
WMB Appropriation Limit	300
Available appropriation	0.24

With the cancellation of Water Permit Nos. 7891-3 and 7892-3 and approval of Water Permit Application No. 8240-3 and 8241-3, the total diversion from the James River from the North Dakota border to the Yankton-Hutchinson County Line would be 299.76-cfs and the North Dakota border to Huron, SD, river reach would be 179.27-cfs. This leaves 0.24-cfs to be appropriated anywhere from the North Dakota border to the Yankton-Hutchinson County Line.

Review of Existing Water Rights

There are four water rights/permits diverting water from the James River from approximately the same location as this project, they are all owned by the applicant and authorize a total of 30.84-cfs. The next water right is located 2.3 miles downstream of this application, Water Right No. 1902-3, owned by Rockport Hutterian Brethren, which authorizes 4.75-cfs.

Downstream James River Water Rights

WR No.	Appx. Distance Downstream From Application (miles)	Diversion (cfs)	WR Holder
436-3	appx. same location	1.05	Rosedale Hutterian Brethren
4656-3	appx. same location	3.88	Rosedale Hutterian Brethren
7696-3	appx. same location	6.34	Rosedale Hutterian Brethren
7697-3	appx. same location	19.57	Rosedale Hutterian Brethren
1902-3	2.3	4.75	Rockport Hutterian Brethren

This application does not increase the developed diversion rate or number of acres irrigated. 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.

If Water Permit Application No. 7697A-3 is approved, Water Right No. 7697-3 will need to be re-issued for diversion of 16.94-cfs from the James River to irrigate 1,186 acres.

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.

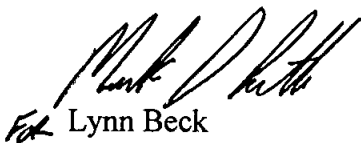
Therefore, if approved, Application No. 7697A-3-3 should contain the following qualifications.

- 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

1. Water Permit Application No. 7697A-3, Rosedale Hutterian Brethren, c/o Joshua Waldner, proposes to transfer 184 acres of the 1,370 acres authorized by Water Permit No. 7697-3 to irrigate land located in the W½, SW¼ NE¼, W½ SE¼, SE¼ SE¼ Section 25-T102N-R59W and the SW¼ SW¼ Section 30-T102N-R58W. The diversion point is located between points in the S½ SW¼ Section 14 and the NW¼ NE¼ Section 25; all in T102N-R59W.
2. USGS historical data for the Huron and Scotland, SD stream flow gages indicate water is available in the James River during normal and wetter climatic conditions for the April through October annual period.
3. If Application No 7697A-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.
4. If Application No 7697A-3 is approved, the total James River diversion from the North Dakota state line to the Hutchinson-Yankton County line would remain at 299.76-cfs, below the 300-cfs limit set by the Water Rights Commission.
5. If Application No. 7697A-3 is 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.
6. If Water Permit Application No. 7697A-3 is approved, Water Right No. 7697-3 will need to be re-issued for diversion of 16.94-cfs from the James River to irrigate 1,186 acres.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program

Affidavit of Publication

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HANSON)

The undersigned, being first duly sworn, on his oath says THE ALEXANDRIA HERALD is a weekly newspaper of general circulation, printed and published in the City of Emery Hanson County, South Dakota, by MATTHEW ANDERSON and has been such newspaper during the times hereinafter mentioned: that it has bona fide circulation of more than 200 copies weekly; that it has been published within said County of Hanson in the English language and admitted to the United States mail under the second class mailing privilege for more than one year next prior to the publication of the notice hereinafter mentioned and has been printed during such period and at the present time in part in an office maintained at the said place of an publication that I, the undersigned, am either the publisher or an employee of the said publisher of said newspaper and have personal knowledge of all the facts stated in the affidavit: that the advertisement headed

Notice of Application 7697A-3

a printed copy of which is hereto attached, was printed and published in the said newspaper for one successive weeks; that said notice was published in the issues of said paper on the dates as follows, to wit:

The first publication be made on 12-22-16

The second publication on _____

The third publication on _____

The fourth publication on _____

that 37.52 Being the full amount of the fee for publication of the annexed notice, insured solely to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof have been made with any other person, whosoever, and that said newspaper is a legal newspaper under the law of the state of South Dakota.

Subscribed and sworn to before me this _____

day of _____ 2017

Notary Public, South Dakota

NOTICE OF APPLICATION

NO. 7697A-3 To Amend Permit No. 7697-3

Notice is given that Rosedale Hutterian Brethren, c/o Joshua Waldner, 25986 Rosedale Rd, Mitchell SD 57301 has filed an application for a water permit to transfer 184 acres of the 1,370 acres authorized by Water Permit No. 7697-3 and clarify the location of the James River diversion point. Water Permit No. 7697-3 appropriates 19.57 cubic feet of water per second from the James River located in the SW 1/4 SW 1/4 Section 14 to irrigate 1,370 acres located in Section 26, E 1/2 Section 27, S 1/2, NW 1/4 Section 23 and SW 1/4 Section 22; all in T102N-R59W. This application proposes to transfer 184 acres as follows: 80 acres from the W 1/2 SE 1/4 Section 27; transfer 72 acres from Section 26; transfer 22 acres from SW 1/4 Section 22; and transfer 10 acres from S 1/2 Section 23; all in T102N-R59W. The applicant's intent is to reconfigure portions of the existing irrigation coverage authorized by Water Right No. 4656-3 and Permit No. 7696-3 resulting in irrigation of the transferred 184 additional acres in that area. The irrigation systems will apply water to a total of 444 acres in the W 1/2, SW 1/4 NE 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 25; all in T102N-R59W and the SW 1/4 SW 1/4 Section 30-T102N-R58W. Diversion from the James River will be located between points in the S 1/2 SW 1/4 Section 14 and the NW 1/4 NE 1/4 Section 25; all in T102N-R59W. This application, if approved, does not increase the authorized diversion rate or number of acres being irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7697A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the

application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 2, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$37.52.

12-22-16 1tc

RECEIVED

JAN 23 2017

WATER RIGHTS
PROGRAM

RECEIVED

JAN - 3 2017

WATER RIGHTS
PROGRAM

NOTICE OF
APPLICATION NO.
7697A-3 to Amend
Permit No. 7697-3

Notice is given that Rosedale Hutterian Brethren, c/o Joshua Waldner, 25986 Rosedale Rd, Mitchell SD 57301 has filed an application for a water permit to transfer 184 acres of the 1,370 acres authorized by Water Permit No. 7697-3 and clarify the location of the James River diversion point. Water Permit No. 7697-3 appropriates 19.57 cubic feet of water per second from the James River located in the SW 1/4 SW 1/4 Section 14 to irrigate 1,370 acres located in Section 26, E 1/2 Section 27, S 1/2, NW 1/4 Section 23 and SW 1/4 Section 22; all in T102N-R59W. This application proposes to transfer 184 acres as follows: 80 acres from the W 1/2 SE 1/4 Section 27; transfer 72 acres from Section 26; transfer 22 acres from SW 1/4 Section 22; and transfer 10 acres from S 1/2 Section 23; all in T102N-R59W. The applicant's intent is to reconfigure portions of the existing irrigation coverage authorized by Water Right No. 4656-3 and Permit No. 7696-3 resulting in irrigation of the transferred 184 additional acres in that area. The irrigation systems will apply water to a total of 444 acres in the W 1/2, SW 1/4 NE 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 25; all in T102N-R59W and the SW 1/4 SW 1/4 Section 30-T102N-R58W. Diversion from the James River will be located between points in the S 1/2 SW 1/4 Section 14 and the NW 1/4 NE 1/4 Section 25; all in T102N-R59W. This application, if approved, does not increase the authorized diversion rate or number of acres being irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7697A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner,
Secretary,
Department of
Environment and
Natural Resources.
Published once at the total approximate cost of \$90.43

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issue(s), to wit:

Thursday, December 22, 2016

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; 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, that the fees charged for the publication thereof are: \$90.43

Signed: Penny Hohbach

Subscribed and sworn to before me this 28th day of December, 2016.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 09-21-18

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515

DEB TOWNSEND
Notary Public
SEAL
South Dakota

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, December 13, 2016 9:36 AM
To: ementerprise@triotel.net
Subject: 7697A-3, Rosedale Htttn Brethren
Attachments: 7697A-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on December 22, 2016.

Rosedale Hutterian Brethren, c/o Joshua Waldner, 25986 Rosedale Rd, Mitchell SD 57301 (605 239-4526) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, December 13, 2016 9:37 AM
To: 'phohbach@mitchellrepublic.com'
Subject: 7697A-3, Rosedale Httm Brethren
Attachments: 7697A-3public.short.docx; FORM8.FRM.doc

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Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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(S) RIGHT AWAY.**

December 13, 2016

Rosedale Hutterian Brethren
Joshua Waldner
25986 Rosedale Rd
Mitchell SD 57301

Dear Mr. Waldner:

Water Permit Application No. 7697A-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 Alexandria Herald printed at Alexandria SD (Ph # 605-239-4521) and the Daily Republic printed at Mitchell SD (Ph # 605-996-5514). 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 December 22, 2016. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 7697A-3 to Amend Permit No. 7697-3

Notice is given that Rosedale Hutterian Brethren, c/o Joshua Waldner, 25986 Rosedale Rd, Mitchell SD 57301 has filed an application for a water permit to transfer 184 acres of the 1,370 acres authorized by Water Permit No. 7697-3 and clarify the location of the James River diversion point. Water Permit No. 7697-3 appropriates 19.57 cubic feet of water per second from the James River located in the SW 1/4 SW 1/4 Section 14 to irrigate 1,370 acres located in Section 26, E 1/2 Section 27, S 1/2, NW 1/4 Section 23 and SW 1/4 Section 22; all in T102N-R59W. This application proposes to transfer 184 acres as follows: 80 acres from the W 1/2 SE 1/4 Section 27; transfer 72 acres from Section 26; transfer 22 acres from SW 1/4 Section 22; and transfer 10 acres from S 1/2 Section 23; all in T102N-R59W. The applicant's intent is to reconfigure portions of the existing irrigation coverage authorized by Water Right No. 4656-3 and Permit No. 7696-3 resulting in irrigation of the transferred 184 additional acres in that area. The irrigation systems will apply water to a total of 444 acres in the W 1/2, SW 1/4 NE 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 25; all in T102N-R59W and the SW 1/4 SW 1/4 Section 30-T102N-R58W. Diversion from the James River will be located between points in the S 1/2 SW 1/4 Section 14 and the NW 1/4 NE 1/4 Section 25; all in T102N-R59W. This application, if approved, does not increase the authorized diversion rate or number of acres being irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7697A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 2, 2017.

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

MAY 01 2017

7697-3
7697A-3

Rosedale Hutterian Brethren
c/o Joshua Waldner
25986 Rosedale Rd
Mitchell SD 57301

Dear Mr. Waldner:

Enclosed is Water Permit No. 7697A-3 authorizing the transfer of acres, diversion rate authority and clarifies the location of the James River diversion point. Water Permit No. 7697-3 is being reissued for the remaining acreage and diversion authority.

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,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

MAY 01 2017

7697-3
7697A-3

Rosedale Hutterian Brethren
c/o Joshua Waldner
25986 Rosedale Rd
Mitchell SD 57301

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Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182

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August 8, 2017

436-3, 4656-3, 7656-3, 7696-3, 7697A-3

Rosedale Hutterian Brethern Inc
c/o Joshua Waldner
25986 Rosedale Rd
Mitchell SD 57301

Dear Mr Waldner:

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

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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 11, 2017

436-3, 4656-3, 7656-3, 7696-3, 7697A-3

Rosedale Hutterian Brethern Inc
c/o Joshua Waldner
25986 Rosedale Rd
Mitchell SD 57301

Dear Mr Waldner:

This letter is in reference to your September 11, 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 21, 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 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 23, 2022

436-3, 4656-3, 7696-3, 7697-3, 7697A-3

Rosedale Hutterian Brethren Inc.
25986 Rosedale Rd,
Mitchell SD 57301

Dear Mr. Waldner:

This letter is in reference to your August 22, 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 Yankton 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 permit 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

January 20, 2023

NOTICE

TO: ROSEDALE HUTTERIAN BRETHERN, MARK WALDNER, 25986 ROSEDALE RD,
MITCHELL, SD 57301 7515

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 436-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4656-3, 7696-3, 7697-3 & 7697A-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4656-3, 7696-3, 7697-3 & 7697A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 436-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: ERULHN**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2023

Mark Waldner
Rosedale Hutterian Brethren
25986 Rosedale Rd
Mitchell SD 57301-7515

RE: Water Permit/Right Nos. 436-3, 4656-3, 7696-3, 7697-3 & 7697A-3

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit/Right Nos. 436-3, 4656-3, 7696-3, 7697-3 & 7697A-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 21, 2023

436-3, 4656-3, 7696-3, 7697-3, 7697A-3

Rosedale Hutterian Brethren Inc.
25986 Rosedale Rd,
Mitchell SD 57301

Dear Mr. Waldner:

This letter is in reference to your August 21, 2023, 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 Yankton 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 permit out of the James River and allow you to divert through the end of the 2023 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 or Brittan Hullinger 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

436-3, 4656-3, 7696-3
7697-3, 7697A-3

Rosedale Hutterian Brethren
c/o Mark Waldner
25986 Rosedale Rd
Mitchell SD 57301

Dear Mr. Waldner,

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 26, 2026

436-3, 4656-3, 7696-3, 7697-3, 7697A-3

Rosedale Hutterian Brethren
c/o Mark Waldner
25986 Rosedale Rd
Mitchell SD 57301

Dear Mr. Waldner,

This letter is in reference to your August 26, 2026, 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 North Dakota Border and the USGS stream gaging station James River at near Scotland are sufficient at this time to allow an additional extension. Since 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, allowing diversions through September 9, 2026.

If continued use is needed beyond September 9, 2026, please contact the Water Rights Program for further extension of time. We are only giving extensions for the James River in two week increments at this time, since the forecast is for continued hot and dry conditions throughout August and September.

In the event that dry climatic conditions in the river basin cause river flow to significantly decrease, and flow measured at the USGS stream gaging station 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 Whitney Kilts or myself at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE
Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources