

WATER PERMIT NO. 7839-3

Name of Applicant: Arthur E Olsen

Address: 18524 398th Ave, Hitchcock SD 57348 Phone: 605 450-0501

Amount of Water Claimed: 0.51 cfs Total Acres: 36

Source of Water Supply: James River

Water to be used for: irrigation County: Spink

Type of Waste Disposal System:

Location: 5 miles northeast of Hitchcock

PRIORITY Date Received: 3-7-13

Application/License Fee: \$ 700

Corrected Application Received: 5-¹⁰7-13

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: E 1/2 NE 1/4 Sec 16-T114N-
R62W

Land to be Irrigated: E 1/2 NE 1/4 Sec 16-T114N-
R62W

Depth of Well: NA

Well Driller:

Remarks:

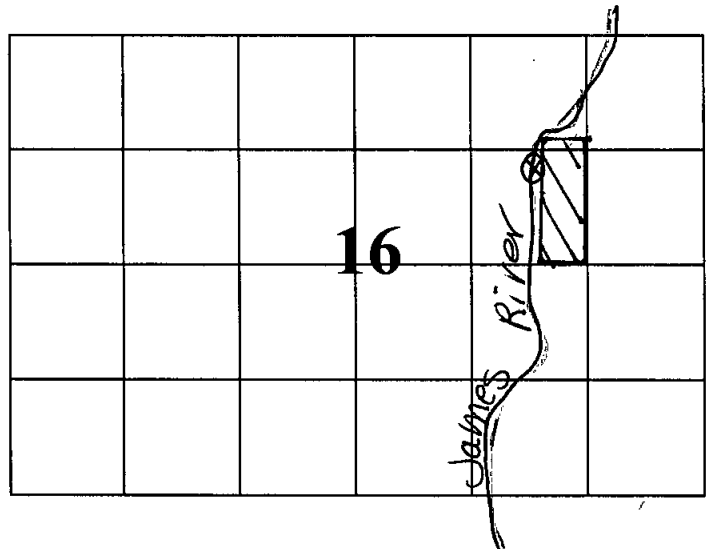
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 5-14-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 7839-3 (office use only) Hydrologic Unit 10160006
 Basin James River 605-472-
 Newspaper Redfield Press Box 440 0822
 605-352-
 6401
 57469
 Plainsman Box 1278 Huron 59350

Application For Permit To Appropriate Water For Irrigation

(Use predates Mar 2, 1955)

(name and complete address if different than above name)

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

SOUTH DAKOTA
WATER PERMIT NO. 7839-3

Date of first receipt of application March 7, 2013.

Date of return to applicant for corrections, amendments or changes March 15, 2013.

Date of receipt of corrected application May 10, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7839-3 to Arthur E Olsen, 18524 398th Ave, Hitchcock SD 57348 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. 7839-3 appropriates 0.51 cubic feet of water per second from the James River located in the E 1/2 NE 1/4 Section 16 to irrigate 36 acres located in the E 1/2 NE 1/4 Section 16; all in T114N-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: April 1 – October 31.
3. The date from which applicant may claim right is March 7, 2013.
4. The date of approval of Permit No. 7839-3 is July 22, 2013.
5. One-fifth of the construction is to be completed on or before January 22, 2016.
6. All construction is to be completed on or before July 22, 2018.
7. Water is to be put to beneficial use on or before July 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: *Jeanne Goodman*

Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

AUG 29 2013

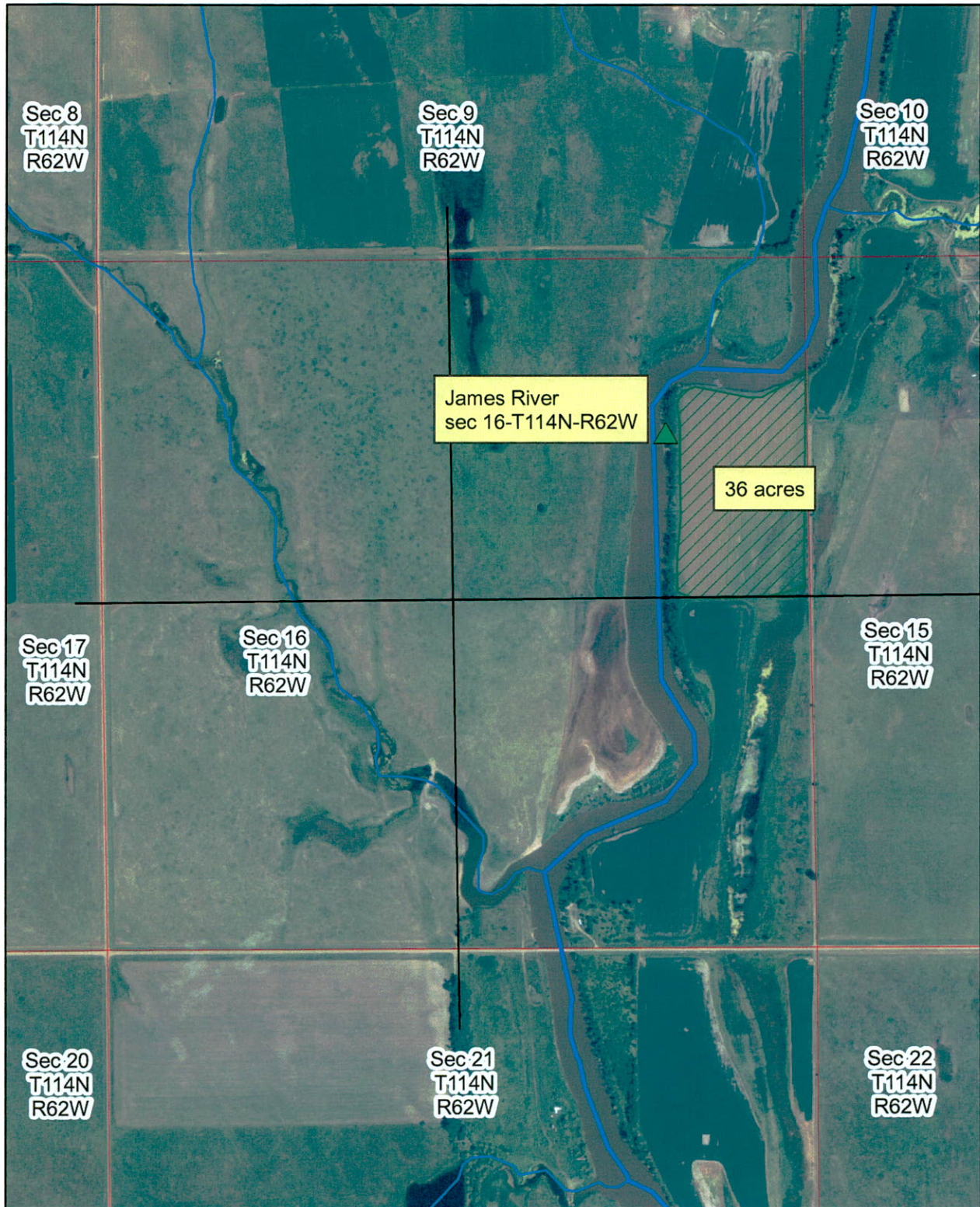
date



Scale: 1 inch = 1,122 feet

1,600

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:


Ron Duvall, Natural Resources Engineer
Water Rights Program

Date: March 7, 2013

Appl No.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/10, 2013

RECEIVED OF Arthur E Olsen 18524 398th Ave Hitchcock SD 57348

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

Fee for Application for Permit No. <u>7838-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>7838-3</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	700 00

No. **06332**

By Jeanne Helmer gg
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 15, 2013

Arthur E Olsen
18524 398th Ave
Hitchcock SD 57348

Dear Mr. Olsen:

Thank you for submitting the two *Applications for a Permit to Appropriate Water* for irrigation in Spink County on March 7th. In order to complete the applications, the following is required.

- Regarding the application to irrigate 36 acres located in the E 1/2 NE 1/4 Section 16-T114N-R62W, the application/license filing fee will be \$700.00.
- Regarding the application to irrigate 620 acres located in the SW 1/4 Section 2 and E 1/2, NW 1/4, N 1/2 SW 1/4 Section 11; all in T114N-R62W, the application/license filing fee will be \$1850.00.
- The amount of water claimed has not been completed on the applications. State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 0.51 cfs or 230 gpm to irrigate the 36 acres from the James River. On the application to irrigate 620 acres, you would be allowed 8.85 cfs or 3982 gpm. Please let us know if these amounts are what you would like to request.

In order to retain the March 7, 2013 priority date, the application/license filing fees need to be submitted within 60 days of the date of this letter.

If you have any questions, please contact Ron Duvall or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

*5-8-13
talked w/ Dave Olsen
(son)
wants to go with
statutory limits*



**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. 7839-3, Arthur E Olsen**

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. 7839-3, Arthur E Olsen, 18524 398th Avenue, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 7839-3 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.

for 
Jeanne Goodman, Chief Engineer
July 1, 2013

REPORT ON WATER PERMIT APPLICATION NO. 7839-3

Arthur E. Olsen

June 13, 2013

Arthur E. Olsen, has filed Water Permit Application No. 7839-3, to appropriate 0.51 cubic feet of water per second (cfs) from the James River to irrigate 36 acres of land located in E½ NE¼ Section 16, T114N-R62W. The diversion point is also located in the E½ NE¼ Section 16, T114N-R62W. The annual period during which water is to be used is April through October.

Review of Water Source

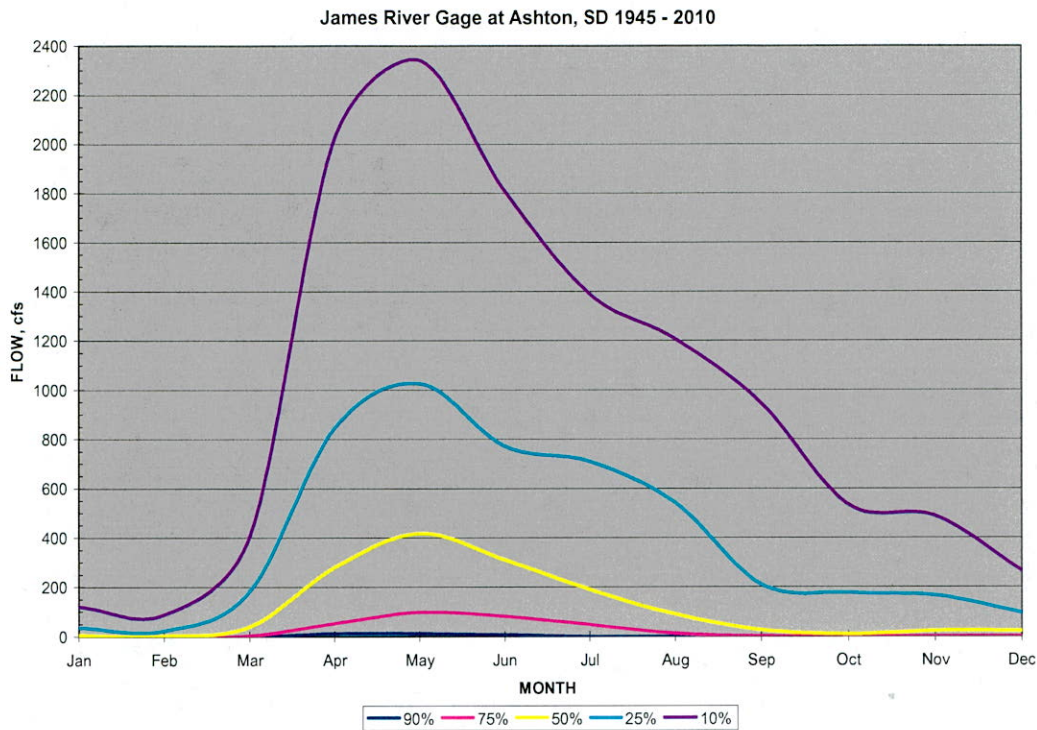
The water source for the proposed project is the James River in Spink County. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are in South Dakota. During extended periods of low precipitation the James River 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 42 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

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

Hydrograph 1



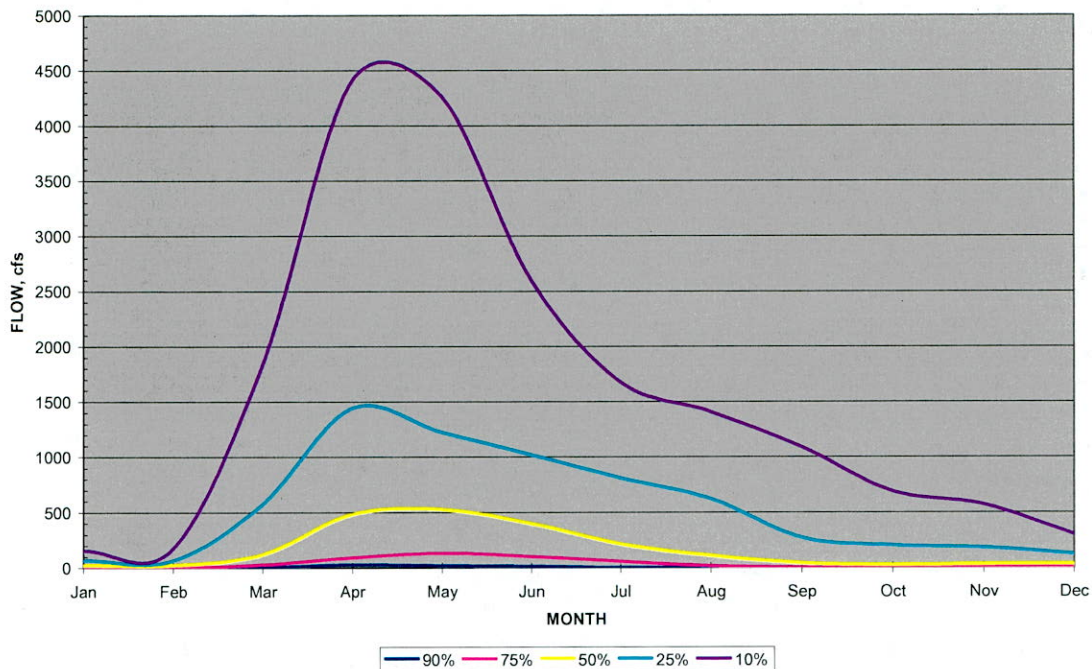
The U.S. Geological Survey (USGS) also operates a stream flow gaging station on the James River at Huron, SD, approximately 35 river miles downstream of the proposed project. The historical data from 1943 to 2010 for the Huron, SD stream flow gage indicates there is a 50-percent probability that monthly 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

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

Hydrograph 2

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 108 Water Rights with diversions from the James River totaling 294.90-cfs from the North Dakota border to the Yankton-Hutchinson, SD County Line. From the North Dakota border to Huron, SD there are 72 Water Rights with diversions from the James River

totaling 183.53-cfs. There is one pending water permit application located downstream of Huron, SD. Water Permit Application No. 7834-3 proposes to appropriate 1.78-cfs from the James River. If Water Permit Application No. 7834-3 is approved diversions from the total river would increase to 296.68-cfs, and the North Dakota border to Huron, SD river reach would remain at 183.53-cfs.

If approved, Water Permit Application 7839-3 would bring the total diversion from the James River from the North Dakota border to the Yankton-Hutchinson County Line to 297.19-cfs and the North Dakota border to Huron, SD river reach to 184.04-cfs. This leaves 2.81-cfs to be appropriated anywhere from the North Dakota border to the Yankton-Hutchinson County Line.

There are seven water rights diverting water from the James River approximately two miles downstream of this project. Combined, these seven water rights appropriate 18.58 cfs. The next water right is located 8.75 miles downstream of this application. Water Right No. 1027-3 is owned by the Bureau of Reclamation and authorizes 4,875 acre-feet of storage for the James River Diversion Dam. See Table 3 for more details of these water rights/permits.

Table 3. Downstream James River Water Rights

WR No.	Appx. Distance Downstream From Application (miles)	Diversion (cfs)	WR Holder
616-3	2.25	1.14	Oscar, Inc
6183-3	2.25	7.83	Oscar, Inc
7183-3	2.25	0.75	Oscar, Inc
7376-3	2.25	4.57	Oscar, Inc
7619-3	2.25	0.00	Oscar, Inc
7234-3	2.25	2.28	Peterson Farms
7444-3	2.25	1.93	Jeb, Shane, Mitch Peterson
1027-3	8.75	4,875 ac ft	US BOR

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. 7839-3 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

Water Permit Application No. 7839-3, Arthur E. Olsen, proposes to appropriate 0.51 cubic feet of water per second (cfs) from the James River to irrigate 36 acres of land located in E½ NE¼ Section 16, T114N-R62W. The diversion point is also located in the E½ NE¼ Section 16, T114N-R62W.

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.

If Application No 7839-3 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.

If Application No 7839-3 is approved, the total James River diversion of 297.19-cfs is below the 300-cfs limit. The total diversion from the North Dakota state line to Huron, SD, is 184.04-cfs, within the 200-cfs limit set by the Water Rights Commission. This leaves 2.81-cfs to be appropriated anywhere from the North Dakota border to the Yankton-Hutchinson County Line.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program

RECEIVED

JUL 25 2013

PRINTER'S AFFIDAVIT

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, ELDON JACOBS, 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 DEPT ENVIRONMENTAL – WATER RIGHTS
– ARTHUR OLSEN

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 10TH day JULY 2013 That the full THIRTY-ONE & 68/000 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 whomsoever.



Subscribed and sworn to before me this 30TH day of JULY 2013.


Notary Public, South Dakota

My term expires 10/25/2017

Legal # 850

F.P. 07-10-13

**NOTICE OF
APPLICATION
NO. 7839-3**

to Appropriate Water

Notice is given that Arthur E Olsen, 18524 398th Ave, Hitchcock SD 57348 has filed an application to appropriate 0.51 cubic feet of water per second from the James River located in the E 1/2 NE 1/4 Section 16 to irrigate 36 acres located in the E 1/2 NE 1/4 Section 16; all in T114N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7839-3 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 July 22, 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.

No. 850 (adv.)

Published once at the total approximate cost of \$30.46.

RECEIVED

JUL 12 2013

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

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:

#422 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 July 10th, that Twenty-two and .05/100 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 10th day of July, 2013.


Notary Public, South Dakota

My commission expires 04/06/2016.

Notice

#422

NOTICE OF APPLICATION NO. 7839-3 TO APPROPRIATE WATER

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Steven M. Pirner, Secretary
Department of Environment and
Natural Resources.
Published at an approximate cost of
\$22.05. (July 10)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 1, 2013

Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7839-3 to Appropriate Water. Please publish the notice once on July 10, 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 Arthur E Olsen, 18524 398th Ave, Hitchcock SD 57348 (Ph # 605-266-2560).

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

July 1, 2013

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

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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 DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

July 1, 2013

Arthur E Olsen
18524 398th Ave
Hitchcock SD 57348

Dear Mr. Olsen:

Water Permit Application No. 7839-3 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 July 10, 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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Notice is given that Arthur E Olsen, 18524 398th Ave, Hitchcock SD 57348 has filed an application to appropriate 0.51 cubic feet of water per second from the James River located in the E 1/2 NE 1/4 Section 16 to irrigate 36 acres located in the E 1/2 NE 1/4 Section 16; all in T114N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7839-3 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 July 22, 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

AUG 29 2013

Arthur E Olsen
18524 398th Ave
Hitchcock SD 57348

Dear Mr. Olsen:

Enclosed is Water Permit No. 7839-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

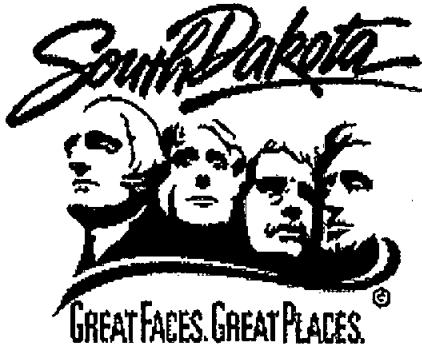
Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the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

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 28, 2018

7839-3

Annette Olsen
18524 398th Ave
Hitchcock SD 57348

Dear Ms. Olsen:

The 2018 irrigation questionnaire has been received for Water Permit No. 7839-3. In reference to the notation about Arthur, the permit should be transferred to your name to reflect current ownership.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

7839-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 2, 2019

7839-3

Annette Olsen
18524 398th Ave
Hitchcock SD 57348

Dear Ms. Olsen:

I am writing in follow up to my letter of November 28, 2018 to you concerning ownership of land described in Water Permit No. 7839-3. The permit is currently listed under Arthur Olsen. You indicated when returning the 2018 irrigation questionnaire that you now own the land. To date, we have not received anything back from you.

In the event you do not have the original form, I have enclosed an additional partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

PAID

MAY 15 2019

Ck# 1008

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

MAY 15 2019

WATER RIGHTS
PROGRAM

No. 7839-3

Date: 5/10/19

I/We request that Water Permit No. 7839-3

formerly owned by: Arthur E Olsen

be transferred to: (name & address)

Annette Olsen
18524-398 Ave
Archcock SD 57348 Telephone No. 605 266 2848

Title to the following described land(s)/property has been transferred as described above:

36 acres in the E 1/2 NE 1/4 Section 16, T114N, R62W

I/We understand that the validity of Water Permit No. 7839-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Annette Olsen, the new owner, certify that the above information is true and correct.

Annette Olsen
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 15, 20 19

RECEIVED OF Annette K Olsen 18524 398th Ave Hitchcock SD 57348

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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. _____		
Fee for Filing Transfer Form <u>7839-3</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **09143**

By Jeanne Goodman
Chief Engineer Jm

7839-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2019

7839-3

Annette Olsen
18524 398th Ave
Hitchcock SD 57348

Dear Ms. Olsen:

Thank you for sending in the transfer of ownership form and filing fee for Water Permit No. 7839-3.

The ownership change has been completed. Water Permit No. 7839-3, formerly held by Arthur E Olsen is now listed in your name.

Enclosed for your records is Receipt No. 09143 in the amount of \$50. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352

enclosure



**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