

WATER PERMIT NO. 7973-3

Name of Applicant: **Rockport Hutterian Brethren**

Address: **26209 Rockport Rd, Alexandria SD 57311** Phone: **605-770-6849**

Amount of Water Claimed: **1.23 cfs** Total Acres: **639 acres**

Source of Water Supply: **James River**

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

Type of Waste Disposal System:

Location: **7 miles southwest of Alexandria**

PRIORITY Date Received: **2-19-14** Application/License Fee: **\$ 1850.00**

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

Remarks: **Add'l diversion rate authority & acres to existing Water Right Nos. 4717A-3 and 7339-3 and transfer acres and diversion rate authority of Water Right No. 2411-3**

Diversion Point: **SW 1/4 NW 1/4 Sec 7-T101N-R58W**

Land to be Irrigated:

Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **2-24-14** By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7973-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u> <u>605-239-4521</u>
	Newspaper <u>Alexandria Herald Box 456</u> <u>57311</u>
	<u>Daily Republic Box 1288 Mitchell 57301</u> <u>605-996-5514</u>

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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. 2411-3
(Use predates Mar 2, 1955)

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

Intend to apply for additional diversion rate authority and acres to existing Water Rights Nos. 4717A-3 and 7339-3 and transfer acres and diversion rate of Water Right No. 2411-3 to new location

1. Name to Appear on Irrigation Permit Rockport Hutterian Brethren

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

(name and complete address if different than above name)

Mailing Address 26209 Rockport Road Alexandria SD 57311
(Address) (City) (State) (Zip Code)

Home Phone 239-4422 Cell 770-6849 -Donny Email Brian as Farm Manager - 770-1386

2. Amount of water claimed 1.23 *CFS or 552 **GPM ***AF Total Acreage 639
(*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 SW 1/4 NE 1/4 Section 7, T101N, R58W

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

County Hanson

5. County or counties where water will be used Hanson

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

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
see attached sheet which is a master listing			
of acres to be irrigated under Water Right Nos.			
4717A-3(remains unchanged), 7339-3 (remains			
unchanged), 2411-3 (is moved) and new acres			

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

See Attached sheet and map

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

SOUTH DAKOTA
WATER PERMIT NO. 7973-3

Date of first receipt of application February 19, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7973-3 to Rockport Hutterian Brethren, c/o Donny Wipf, 26209 Rockport Road, Alexandria SD 57311 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7973-3 authorizes the following: 1) amending Water Right No. 2411-3 to transfer the irrigated acreage to other land, 2) appropriates an additional 1.23 cubic feet of water per second (cfs) and 3) irrigation of an additional 639 acres. Water Right No. 2411-3 appropriates 2.0 cfs from the James River to irrigate 181 acres located in N 1/2 SW 1/4, N 1/2 SE 1/4 Section 18, S 1/2 SW 1/4 Section 8, N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 17; all in T101N-R58W. This permit authorizes moving the location of the acreage to the S 1/2 Section 12-T101N-R59W.

This permit also appropriates an additional 1.23 cfs from the James River diversion point to irrigate an additional 639 acres located in NE 1/4 Section 11, Section 12, NE 1/4, N 1/2 SE 1/4 Section 13, SE 1/4 Section 1; all in T101N-R59W and W 1/2 SW 1/4 Section 6 and NW 1/4, W 1/2 NE 1/4, N 1/2 SW 1/4 Section 18; all in T101N-R58W.

The James River diversion point is located in the SW 1/4 NE 1/4 Section 7-T101N-R58W. This permit and Water Right Nos. 2411-3, 4717A-3 and 7339-3 authorize a total diversion rate of 11.58 cfs to irrigate 1,422 acres.

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 19, 2014.
4. The date of approval of Permit No. 7973-3 is May 5, 2014.
5. One-fifth of the construction is to be completed on or before November 5, 2016.
6. All construction is to be completed on or before May 5, 2019.
7. Water is to be put to beneficial use on or before May 5, 2023.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

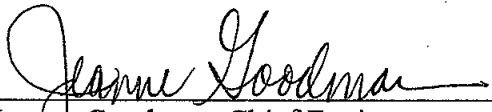
QUALIFICATIONS

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)

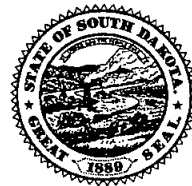
- b) This permit does not authorize diversions from James River when there is less than 20 cfs bypassing the USGS gaging station at Scotland SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUL 24 2014

date



ROCKPORT HUTTERIAN BRETHREN
ACRES OUTLINED ON MAP DATED 2-19-14

Sec 1-T101N-T59W

NW 1/4	134 ac
N 1/2 NE 1/4	40 ac
SW 1/4 NE 1/4	8 ac
N 1/2 SW 1/4	24 ac
NW 1/4 SE 1/4	13 ac
SW 1/4 SE 1/4	10 ac
SE 1/4 SE 1/4	35 ac
NE 1/4 SE 1/4	17 ac

Sec 6-T101N-R58W

NW 1/4 SW 1/4	2 ac
SW 1/4 SW 1/4	15 ac

Sec 11-T101N-R59W

NE 1/4	134 ac
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Sec 12-T101N-R59W

585 ac

Sec 7-T101N-R58W

NW 1/4 NW 1/4	9 ac
NE 1/4 NW 1/4	9.3 ac
SW 1/4 NW 1/4	37.7 ac
SE 1/4 NW 1/4	38.2 ac
NW 1/4 NE 1/4	18.1 ac
SW 1/4 NE 1/4	19.7 ac
Total	132 ac

Sec 13-T101N-R59W

NW 1/4 NE 1/4	2 ac
NE 1/4 NE 1/4	2 ac
SW 1/4 NE 1/4	36 ac
SE 1/4 NE 1/4	36 ac
NW 1/4 SE 1/4	29 ac
NE 1/4 SE 1/4	29 ac
Total	134 ac

Sec 18-T101N-R58W

NW 1/4 NW 1/4	15 ac
SW 1/4 NW 1/4	30 ac
SE 1/4 NW 1/4	40 ac
NE 1/4 NW 1/4	27 ac
NW 1/4 NE 1/4	2 ac
SW 1/4 NE 1/4	9 ac
NW 1/4 SW 1/4	5 ac
NE 1/4 SW 1/4	11 ac
Total	139 ac

Total 1422 ac

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Rockport Hutterian Brethren water permit application

Rockport Hutterian Brethren intends to reconfigure their irrigation systems in order to irrigate additional acres, take advantage of existing diversion rate authority, transfer acres under Water Right No. 2411-3 held by Dave Tuttle who is agreeable to the transfer (see attached sheet). This will require requesting additional diversion rate authority from the river of 555 gpm and irrigation of an additional 639 acres. Below is an explanation of what is intended.

There will be one pump station located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T101N, R58W.

Water Right No. 4717A-3 appropriates 1.67 cfs (750 gpm) to irrigate 132 acres. A new pivot will be put at that location that can operate at 1.23 cfs (550 gpm). The acres will remain the same and at the same location. Rockport will take advantage of the 200 gpm diversion rate authority to a new location.

Water Right No. 2411-3 held by Dave Tuttle to appropriate 2.00 cfs (900 gpm) for irrigation of 181.4 acres. This land has been in CRP and not irrigated for a number of years. Mr. Tuttle is agreeable to allowing Rockport to transfer the diversion rate authority to its pump site in the NE $\frac{1}{4}$ Section 7, T101N, R58W and the acres to land to be developed for irrigation.

Water Permit No. 7339-3 appropriates 6.68 cfs (3,000 gpm) from the river to irrigate 470 acres. It is Rockport's intention to irrigate the existing land in Section 1 and the N $\frac{1}{2}$ Section 12, T101N, R59W. It is our intention to install a full section pivot in Section 12 necessitating a request for 321 additional acres.

Rockport also intend to develop center pivot irrigation in the following locations.

- 134 acres in NE $\frac{1}{4}$ Section 11, T101N, R59W
- S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13, T101N, R59W
- NW $\frac{1}{4}$ Section 18, T101N, R58W
- SE $\frac{1}{4}$ Section 1, T101N, R59W & SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T101N, R58W

Current water rights (4717A-3, 7339-3 and 2411-3) authorize total diversion rate authority of 10.35 cfs (4,645 gpm) for irrigation of 783.4 acres.

Total diversion rate needed is 11.58 cfs (5,200 gpm)

- 3.12 cfs (1,400 gpm) for full section pivot
- 6 pivot needed 550 gpm and one 40 acre parcel at 500 gpm for a total of 8.46 cfs (3,800 gpm)

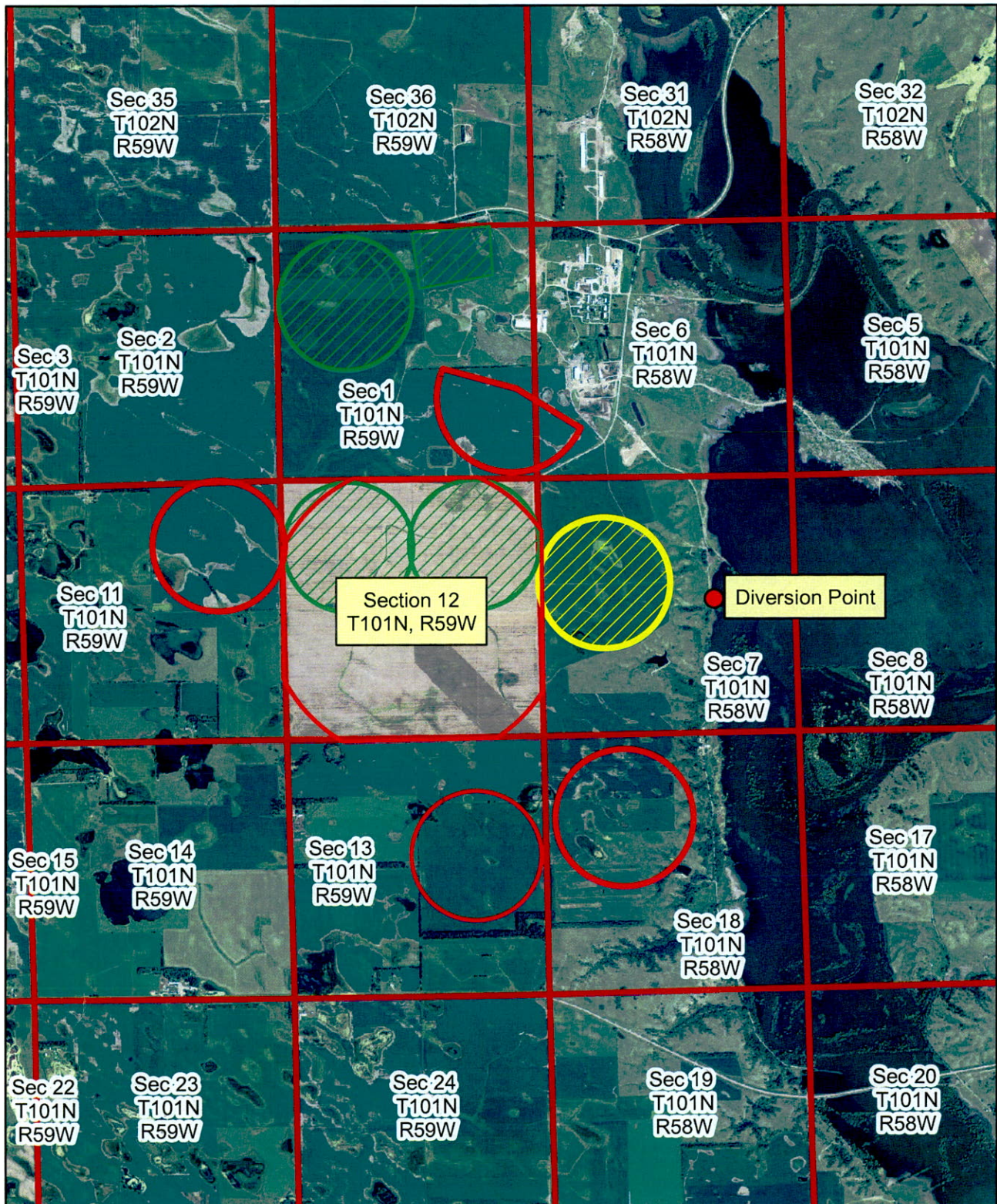
New diversion rate authority requested is 11.58 cfs minus 10.35 cfs (existing authority) for 1.23 cfs.

Total planned acres is 1,422 acres as represented on map. **Total request of new acres is 639 acres.**

LOCATION	NEW ACRES	EXISTING ACRES	ACRES TO BE TRANSFERRED	TRANSFERRED ACRES FR 2411-3
Section 6-T101N-R58W:	NW SW 2 acres SW SW 15 acres			
Section 7-T101N-R58W:		132 acres under 4717A-3 NW¼, N½ SW¼		
Section 8-T101N-R58W:			70 acres under 2411-3 S½ SW¼	
Section 17-T101N-R58W:			44.8 acres under 2411-3 N½ NW¼, SW¼ NW¼	
Section 18-T101N-R58W:			50.6 acres under 2411-3 N½ SW¼, NW¼ SE¼	NW NE 2 acres SW NE 9 acres NE NW 27 acres NW NW 15 acres SW NW 30 acres SE NW 40 acres
		11 acres under 2411-3 NE¼ SW¼ 5 acres under 2411-3 NW¼ SW¼		
Section 1-T101N-R59W:	NE SE 17 acres NW SE 13 acres SW SE 10 acres SE SE 35 acres	206 acres under 7339-3 NE¼, NW¼, N½ SW¼		

LOCATION	NEW ACRES	EXISTING ACRES	ACRES TO BE TRANSFERRED	TRANSFERRED ACRES FR 2411-3
Section 11-T101N-R59W:	NE NE 33.5 acres NW NE 33.5 acres SW NE 33.5 acres SE NE 33.5 acres			
Section 12-T101N-R59W:	NE NE 0 acres NW NE 0 acres SW NE 7 acres SE NE 7 acres NE NW 0 acres NW NW 0 acres SW NW 7 acres SE NW 7 acres NE SW 40 acres NW SW 40 acres SW SW 26.5 acres SE SW 40 acres NE SE 40 acres NW SE 40 acres SW SE 40 acres SE SE 26.5 acres	26 acres under 7339-3 40 acres under 7339-3 33 acres under 7339-3 33 acres under 7339-3 40 acres under 7339-3 26 acres under 7339-3 33 acres under 7339-3 33 acres under 7339-3		
Section 13-T101N-R59W:	NE NE 2 acres NW NE 2 acres SW NE 36 acres SE NE 36 acres NE SE 0 acres NW SE <u>15.6</u> acres			29 acres <u>13.4</u> acres
	638.6	618	165.4	165.4
TOTAL ACRES 1422				

Rockport Hutterian Brethren Water Permit Application



0 1,125 2,250 4,500 6,750 9,000 Feet



Water Right No. 4717A-3



Water Permit No. 7339-3



proposed configuration

Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
based on representation made by
Donny Wipf on February 19, 2014



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/19, 2014

RECEIVED OF Rockport Hutterian Brethren 26209 Rockport Rd Alexandria SD 57311

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	1650	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. _____	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	1850 00

No. **06753**

By *Jeanne Anderson*
Chief Engineer

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Dear Commission:

Feb. 17, 2014

Please transfer all interest in Water Right Permit No. 2411-3, which was issued to Dave Tuttle, to Robert Colman. Dave Tuttle will not have use for this permit in the future and would like Robert to have the Permit. Thank you and if more information is needed please call Dave Tuttle 605-239-4586 or write 4804 Tuttle Dr, Alexandria, S.D. 57311. Thanks again.

Dave Tuttle



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



February 28, 2014

Donny Wipf
Rockport Hutterian Brethren
26209 Rockport Road
Alexandria SD 57311

Dear Donny:

When Brian and you were in the office, I forgot to have you file out a notice of transfer of ownership to transfer the Tuttle water right to Rockport's name. Please find enclosed a partially completed form for you to sign and submit the \$50 transfer fee. I have also included a self-addressed stamped envelope.

Sincerely,

COPY

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure



**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. 7973-3, Rockport Hutterian Brethren**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7973-3, Rockport Hutterian Brethren, c/o Donny Wipf, 26209 Rockport Road, Alexandria SD 57311.

The Chief Engineer is recommending APPROVAL of Application No. 7973-3 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 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
April 15, 2014

REPORT ON WATER PERMIT APPLICATION NO. 7973-3
Rockport Hutterian Brethren, % Donny Wipf
March 10, 2014

Rockport Hutterian Brethren, % Donny Wipf, has filed Water Permit Application No. 7973-3 to: 1) amend Water Right No. 2411-3 to transfer the irrigated acreage to other lands, 2) appropriate an additional 1.23 cubic feet of water per second (cfs), and 3) irrigate an additional 638.6 acres.

Water Right No. 2411-3 appropriates 2.0-cfs to irrigate 181.4 acres located in the S½ SW¼ Section 8, N½ NW¼, SW¼ NW¼ Section 17, N½ SW¼, NW¼ SE¼ Section 18; all in T101N-R58W. This application proposes to transfer 165.4 acres to W½ NE¼, NW¼ Section 18-T101N-R58W and N½ SE¼ Section 13-T101N-R59W. The remaining 16 acres will remain in place in the N½ SW¼ Section 18-T101N-R58W.

This application also proposes to appropriate 1.23-cfs of additional diversion rate authority from the James River and to irrigate an additional 638.6 acres located in the W½ SW¼ Section 6-T101N-R58W, SE¼ Section 1, NE¼ Section 11, Section 12, NE¼, N½ SE¼ Section 13; all in T101N-R59W.

This application utilizes the James River diversion point authorized by 4717A-3 located in the SW¼ NE¼ Section 7-T101N-R58W. This application, if approved, and Water Right Nos. 2411-3, 4717A-3, and 7339-3, will authorize a total of 11.58 cfs to irrigate a total of 1422 acres of land.

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.

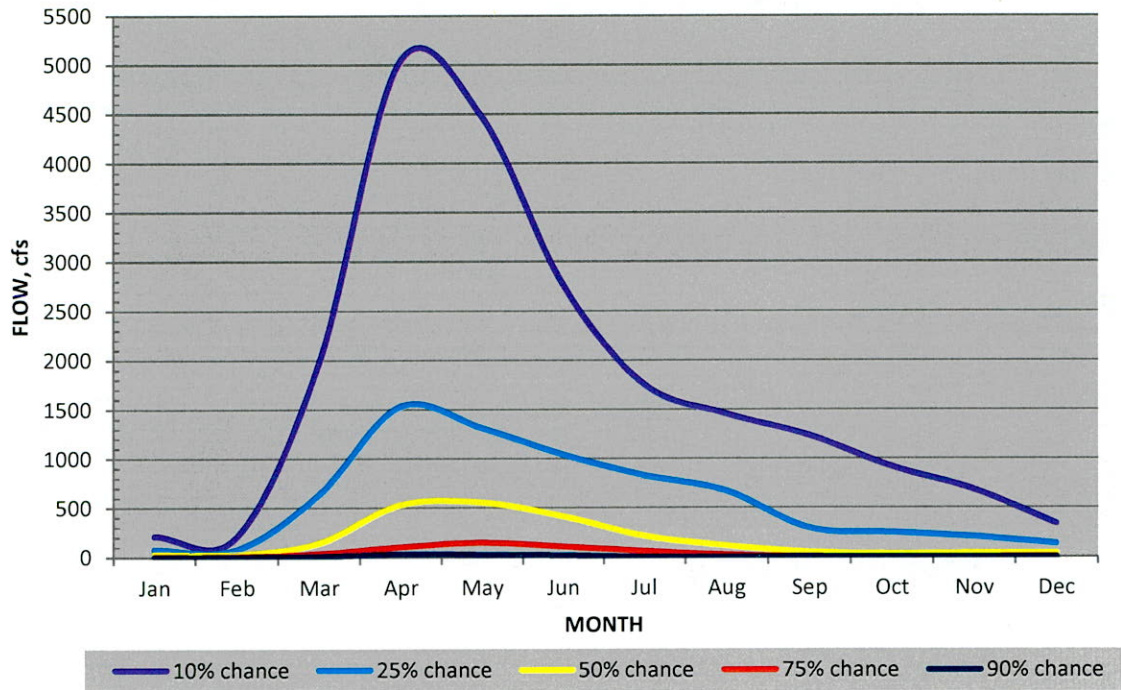
The U.S. Geological Survey (USGS) operates a stream flow gaging station on the James River near Huron, SD, approximately, 75+ river miles upstream of the proposed project. The historical data from 1943 to 2012 for the Huron SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 29 to 551-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 143-cfs for the same time period. (Table 1 and Hydrograph 1)

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

Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10% chance	210	203	1951	5025	4466	2762	1752	1449	1231	913	681	336
25% chance	74	72	627	1524	1307	1039	827	667	291	244	201	131
50% chance	25	25	138	527	551	411	212	110	44	29	33	35
75% chance	0	3	31	98	143	104	58	17	0	0	0	0
90% chance	0	0	6	28	21	13	0	0	0	0	0	0

Hydrograph 1

James River gage at Huron, SD 1943 - 2012



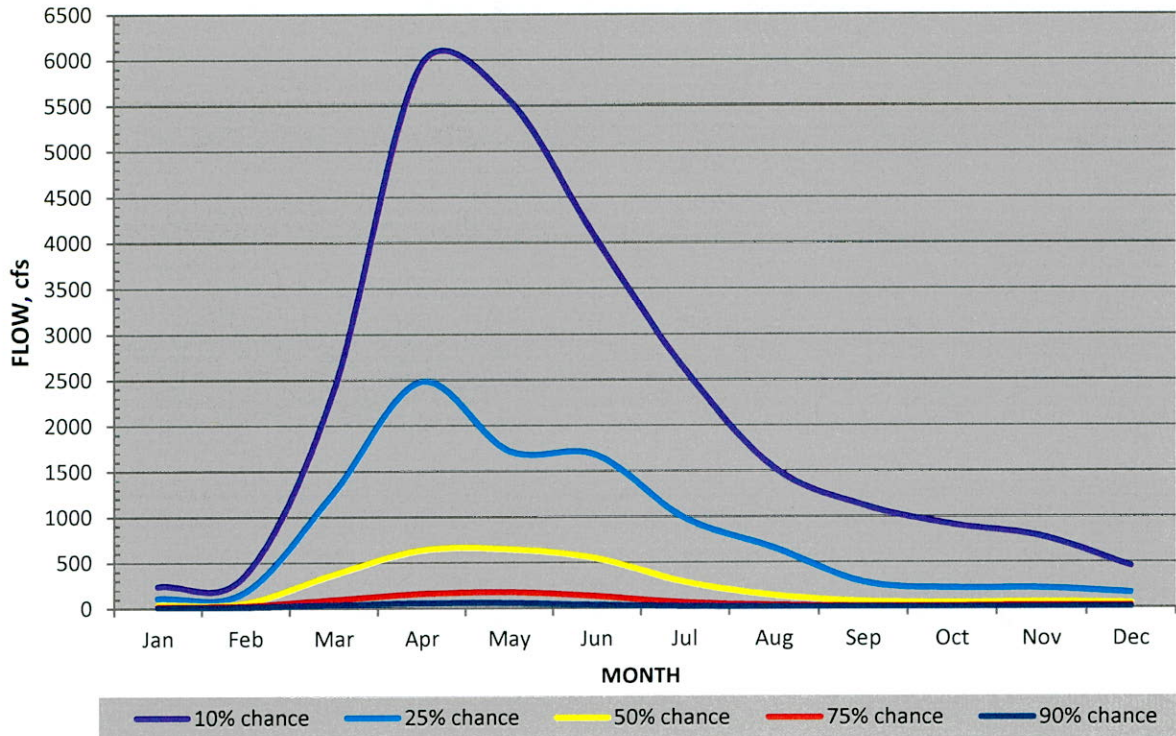
The U.S. Geological Survey (USGS) also operates a stream flow gaging station on the James River at Scotland, SD, approximately 50+ river miles downstream of the proposed project. The historical data from 1943 to 2012 for the Scotland, SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 51 to 644-cfs April through October of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 15 to 172-cfs for the same time period. (Table 2 and Hydrograph 2)

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

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10% chance	236	360	2357	5929	5563	4035	2618	1532	1119	908	776	451
25% chance	105	174	1252	2473	1718	1671	983	652	278	212	212	162
50% chance	39	57	367	631	644	541	282	133	68	51	60	50
75% chance	15	23	89	153	172	125	56	25	15	15	21	21
90% chance	5	11	31	53	53	31	16	6	6	4	6	7

Hydrograph 2

James River gage near Scotland, SD 1928 - 2012



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 Stratford gage of 282-cfs represents water bypassing the gage after 50% of the upstream appropriated irrigation withdrawals have taken place.

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

Review of Existing Water Rights

In 1965 the SD Water Rights Commission, a predecessor to the SD Water Management Board, placed a 300-cfs diversion limit on the James River in South Dakota with a maximum 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 103 Water Rights with diversions from the James River totaling 295.7-cfs from the North Dakota border to the Yankton-Hutchinson County Line. From the North Dakota border to Huron, SD, there are 67 Water Rights with diversions from the James River totaling 185.32-cfs. There are no pending applications other than this one.

Due to the fact that appropriations from the James River are approaching the 300-cfs limit, Water Rights staff conducted an examination of current appropriations from the river. As a result some permits were reduced to the actual amount of water being used by the appropriator. This is already reflected in the total river diversion of 295.7-cfs from 103 water rights.

With the approval of No. 7973-3, the total James River appropriation would be 296.93-cfs, and the North Dakota border to Huron SD river reach would remain 185.32-cfs. This leaves 3.07-cfs available for appropriation anywhere from the North Dakota boarder to the Yankton-Hutchinson County Line. See Table 3.

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

	CFS
Appropriated	-295.7
This application	-1.23
Total	-296.93
WMB Appropriation Limit	300
Available appropriation	3.07

There are three water rights diverting water from the same diversion point location as this application. Water License No. 2411-3 authorizes the diversion of 2.0-cfs, 4717A-3 authorizes 1.67-cfs, and Water Permit No. 7339-3 authorizes 6.68-cfs; all from the James River and are held by this applicant. The next closest water right diverting water from the James River is 3.2 river miles upstream of this application, also held by this applicant, and the closest downstream water right is 10 river miles. For details see Table 4.

Table 4. James River Water Rights

WR No.	Appx. Distance From Application (miles)	Diversion (cfs)	WR Holder
1027-3	3.2 upstream	4.75	Rockport Hutterian Brethren
2411-3	Same location	2.0	Rockport Hutterian Brethren
4717A-3	Same location	1.67	Rockport Hutterian Brethren
7339-3	Same location	6.68	Rockport Hutterian Brethren
607-3	10 downstream	0.66	Erik Roth

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.

There is an extended period of time since irrigation authorized by Water Right No. 2411-3 was last reported. The land authorized by this water right was reported to be enrolled in the Conservation Reserve Program until 2011. SDCL 46-5-37.2 provides an exception to forfeiture for nonuse if land authorized for irrigation is placed under an acreage reserve or production

quota program or otherwise withdrawn from use as required for participation in any federal program, if the water source is not fully appropriated, if the withdrawal from use does not prevent approval of new permits from the source, and if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program. The Rockport Hurterian Brethren reported in 2011 that the land authorized for irrigation was flooded. Based on this, there is no basis to pursue cancellation for forfeiture for nonuse.

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. 7973-3 should contain the following qualifications.

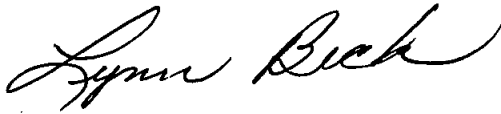
1. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
2. 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. 7973-3, proposes to appropriate 1.23 cubic feet of water per second (cfs) from the James River to irrigate an additional 638.6 acres located in W½ SW¼ Section 6-T101N-R58W, SE¼ Section 1, NE¼ Section 11, Section 12, NE¼, NW¼ SE¼ Section 13; all in T101N-R59W. This application also proposes to transfer 165.4 acres from Water Right 2411-3 to irrigate lands located in the W½ NE¼, NW¼ Section 18-T101N-R58W and N½ SE¼ Section 13-T101N-R59W. This application utilizes the diversion point authorized by Water Right No. 4717A-3 located in the SW¼ NE¼ Section 7-T101N-R58W.
2. USGS historical data for the Huron SD and Scotland SD stream flow gages indicate non-appropriated water is available in the James River during normal and wetter climatic conditions for the April through October annual period.
3. If Application No 7973-3 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

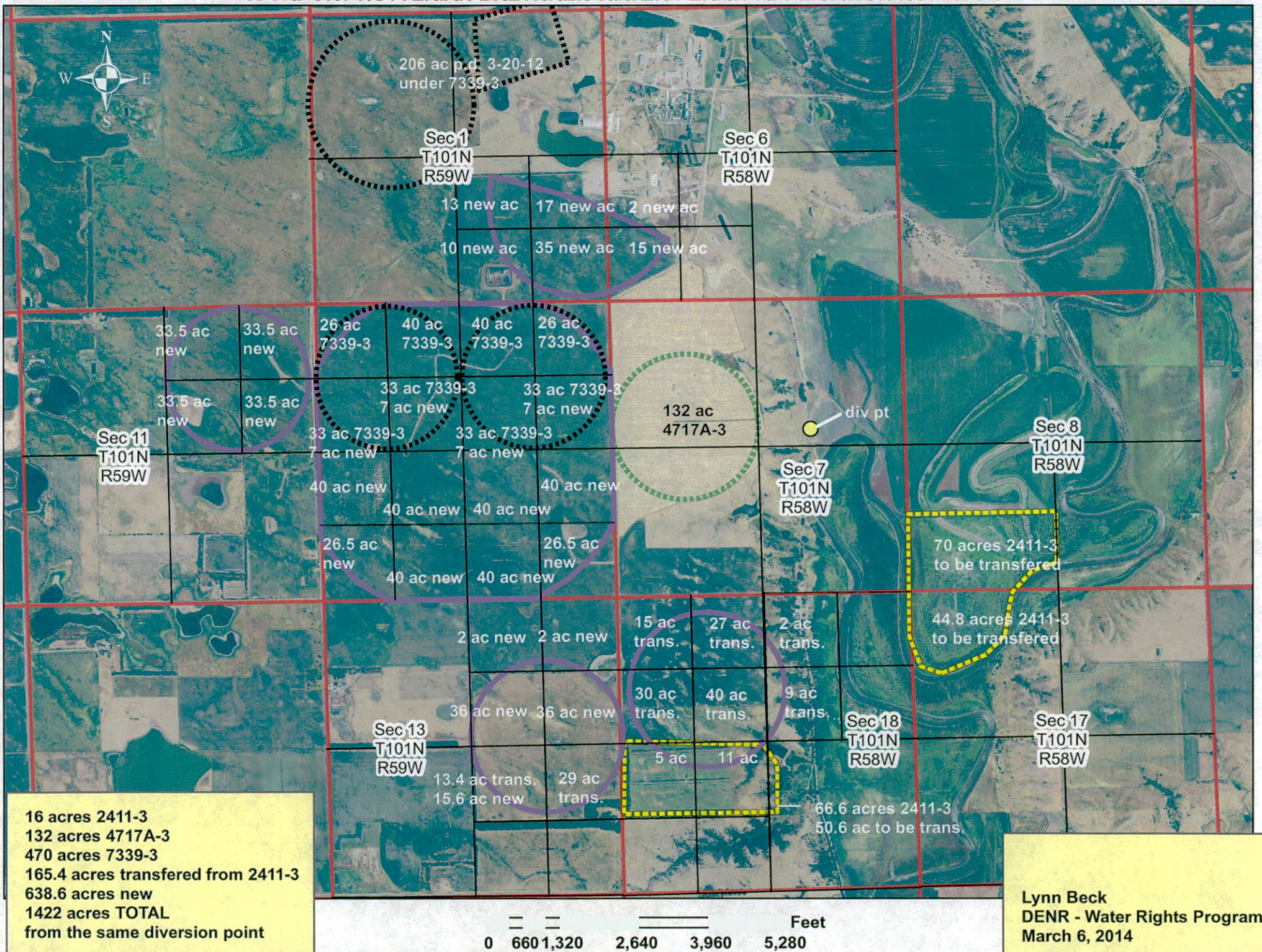
this permit are subject to senior water rights and any written orders issued by the Chief Engineer.

- 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 7973-3 is approved, the total James River diversion of 296.93-cfs is below the 300-cfs limit. The total diversion from the North Dakota state line to Huron, SD, is 185.32-cfs, within the 200-cfs limit set by the Water Rights Commission. This leaves 3.07-cfs to be appropriated anywhere from the North Dakota border to the Yankton-Hutchinson County Line.

A handwritten signature in black ink, reading "Lynn Beck". The signature is written in a cursive, flowing style.

Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program

ROCKPORT HUTTERIAN BRETHREN WATER PERMIT APPLICATION NO. 7973-3



Lynn Beck
DENR - Water Rights Program
March 6, 2014

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 No. 7973-3

a printed copy of which is hereto attached, was printed and published in the said newspaper for 0 ne(1) 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 4-24-14

The second publication on _____

The third publication on _____

The fourth publication on _____

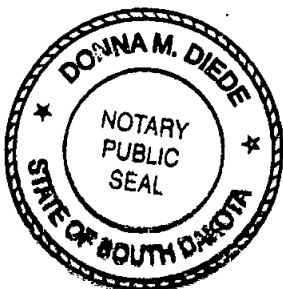
that \$33.43 Being the full amount of the fee for publication of the annexed notice, insured solely to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof have been made with any other person whosoever, and that said newspaper is a legal newspaper under the law of the state of South Dakota.

Matthew Anderson

Subscribed and sworn to before me this 28

day of April 2014

Donna M. Diede
Notary Public, South Dakota



My commission expires 2-2-2016

RECEIVED

MAY - 7 2014

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 7973-3 to Appropriate Wa

Notice is given that Rockport Hutterian Brethren, c/o Donny Wipf, 26209 Rockport Road, Alexandria SD 57311 has filed an application for a water permit to: 1) amend Water Right No. 2411-3 to transfer the irrigated acreage to other land, 2) appropriate an additional 1.23 cubic feet of water per second (cfs) and 3) irrigation of an additional 639 acres. Water Right No. 2411-3 appropriates 2.0 cfs from the James River to irrigate 181 acres located in N 1/2 SW 1/4, N 1/2 SE 1/4 Section 18, S 1/2 SW 1/4 Section 8, N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 17; all in T101N-R58W. This application proposes to move the location of the acreage to the S 1/2 Section 12-T101N-R59W

This application also proposes to appropriate an additional 1.23 cfs from the James River diversion point to irrigate an additional 639 acres located in NE 1/4 Section 11, Section 12, NE 1/4, N 1/2 SE 1/4 Section 13, SE 1/4 Section 1; all in T101N-R59W and W 1/2 SW 1/4 Section 6 and NW 1/4, W 1/2 NE 1/4, N 1/2 SW 1/4 Section 18; all in T101N-R58W.

The James River diversion point is located in the SW 1/4 NE 1/4 Section 7-T101N-R58W. This application and Water Right Nos. 2411-3, 4717A-3 and 7339-3, if approved, will authorize a total diversion rate of 11.58 cfs to irrigate 1,422 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7973-3 because 1) unappropriated water is available, 2) existing rights will not

be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the

Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 5, 2014.

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 \$33.43.

04-24 1tc

RECEIVED

APR 29 2014

WATER RIGHTS
PROGRAM

**NOTICE OF
APPLICATION
NO. 7973-3
to Appropriate Water**

Notice is given that Rockport Hutterian Brethren, c/o Donny Wipf, 26209 Rockport Road, Alexandria SD 57311 has filed an application for a water permit to: 1) amend Water Right No. 2411-3 to transfer the irrigated acreage to other land, 2) appropriate an additional 1.23 cubic feet of water per second (cfs) and 3) irrigation of an additional 639 acres. Water Right No. 2411-3 appropriates 2.0 cfs from the James River to irrigate 181 acres located in N 1/2 SW 1/4, N 1/2 SE 1/4 Section 18, S 1/2 SW 1/4 Section 8, N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 17; all in T101N-R58W. This application proposes to move the location of the acreage to the S 1/2 Section 12-T101N-R59W.

This application also proposes to appropriate an additional 1.23 cfs from the James River diversion point to irrigate an additional 639 acres located in NE 1/4 Section 11, Section 12, NE 1/4, N 1/2 SE 1/4 Section 13, SE 1/4 Section 1; all in T101N-R59W and W 1/2 SW 1/4 Section 6 and NW 1/4, W 1/2 NE 1/4, N 1/2 SW 1/4 Section 18; all in T101N-R58W.

The James River diversion point is located in the SW 1/4 NE 1/4 Section 7-T101N-R58W. This application and Water Right Nos. 2411-3, 4717A-3 and 7339-3, if approved, will authorize a total diversion rate of 11.58 cfs to irrigate 1,422 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7973-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 5, 2014.

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Published once at the total approximate cost of \$79.89

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 issues(s), to wit:

Thursday, April 24, 2014

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: \$79.89

Signed: Penny Hohbach

Subscribed and sworn to before me this 25th day of April, 2014.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 9-21-18

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

DEB TOWNSEND
Notary Public
SEAL
South Dakota



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



April 15, 2014

Alexandria Herald
PO Box 456
Alexandria SD 57311

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7973-3 to Appropriate Water. Please publish the notice once on April 24, 2014. 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 Rockport Hutterian Brethren, c/o Donny Wipf, 26209 Rockport Rd, Alexandria SD 57311 (Ph # 605-239-4422).

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

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



April 15, 2014

Daily Republic
PO Box 1288
Mitchell SD 57301

ATTENTION: Legal Public Notice

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



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

April 15, 2014

Rockport Hutterian Brethren
Donny Wipf
26209 Rockport Rd
Alexandria SD 57311

Dear Mr. Wipf:

Water Permit Application No. 7973-3 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

cc: Dave Tuttle, 41804 Tuttle Rd, Alexandria SD 57311

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 April 24, 2014. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7973-3 to Appropriate Water

Notice is given that Rockport Hutterian Brethren, c/o Donny Wipf, 26209 Rockport Road, Alexandria SD 57311 has filed an application for a water permit to: 1) amend Water Right No. 2411-3 to transfer the irrigated acreage to other land, 2) appropriate an additional 1.23 cubic feet of water per second (cfs) and 3) irrigation of an additional 639 acres. Water Right No. 2411-3 appropriates 2.0 cfs from the James River to irrigate 181 acres located in N 1/2 SW 1/4, N 1/2 SE 1/4 Section 18, S 1/2 SW 1/4 Section 8, N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 17; all in T101N-R58W. This application proposes to move the location of the acreage to the S 1/2 Section 12-T101N-R59W

This application also proposes to appropriate an additional 1.23 cfs from the James River diversion point to irrigate an additional 639 acres located in NE 1/4 Section 11, Section 12, NE 1/4, N 1/2 SE 1/4 Section 13, SE 1/4 Section 1; all in T101N-R59W and W 1/2 SW 1/4 Section 6 and NW 1/4, W 1/2 NE 1/4, N 1/2 SW 1/4 Section 18; all in T101N-R58W.

The James River diversion point is located in the SW 1/4 NE 1/4 Section 7-T101N-R58W. This application and Water Right Nos. 2411-3, 4717A-3 and 7339-3, if approved, will authorize a total diversion rate of 11.58 cfs to irrigate 1,422 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7973-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 5, 2014.

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

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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



JUL 24 2014

Rockport Hutterian Brethren
Donny Wipf
26209 Rockport Rd
Alexandria SD 57311

Dear Mr. Wipf:

Enclosed is Water Permit No. 7973-3 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

denr.sd.gov

August 6, 2015

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

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

Dear Mr. Wipf:

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

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 08, 2016

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

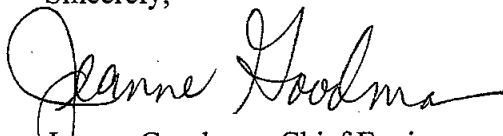
Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

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

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182

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August 08, 2017

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

Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

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

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 12, 2017

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

Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

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

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 28, 2018

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

Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

Dear Mr Wipf:

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

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 15, 2022

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

Rockport Hutterian Brethren Inc.
26209 Rockport Road
Alexandria SD 57311

Dear Mr. Wipf:

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 17, 2026

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

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

Dear Mr. Wipf,

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

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

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

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

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

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

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2026

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

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

Dear Mr. Wipf,

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

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

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

In the event that dry climactic conditions in the river basin cause river flows to significantly decrease, and flow measured at the USGS stream gaging station near Scotland drops below 20 cfs, you will be contacted and provided orders to cease pumping. Realtime flows in and James River can be monitored by going to the following website:
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If you have any questions, please contact Whitney Kilts with the Water Rights Program at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE
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SD - DANR