

WATER PERMIT NO. 8044-3

Name of Applicant: Kevin Rossow

Address: 39917 142nd St, Stratford SD 57474 Phone: 605 228-6922

Amount of Water Claimed: 3.3 cfs Total Acres: 240 acres

Source of Water Supply: James River

Water to be used for: irrigation County: Brown

Type of Waste Disposal System:

Location: 1 mile north of Stratford

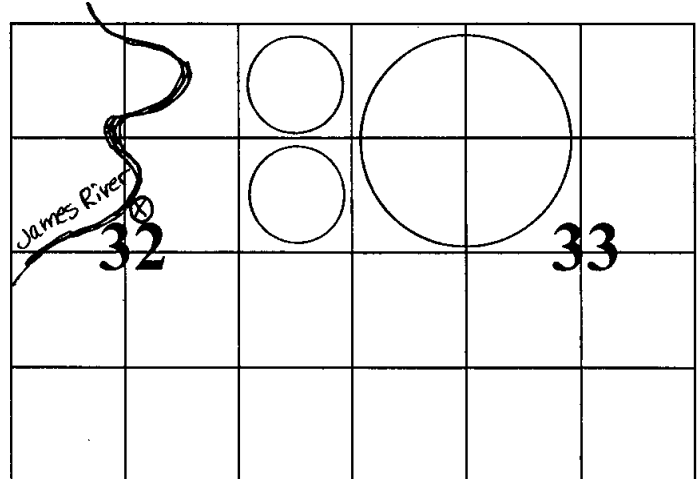
PRIORITY Date Received: 8-29-14 Application/License Fee: \$ 1150

Corrected Application Received: Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: SW 1/4 NE 1/4 Sec 32-T122N-R62W

Land to be Irrigated: NW 1/4 Sec 33 and E 1/2 NE 1/4 Sec 32; all in T122N-R62W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-2-14

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

RECEIVED

AUG 29 2014

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8044-3</u> (office use only) Hydrologic Unit <u>1060003</u>
	Basin <u>James River</u>
	Newspaper <u>American News</u>
	<u>PO Box 4430 Aberdeen 57402</u> <u>605-225-4100</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit KEVIN ROSSOW
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)Mailing Address 39917 142nd STREET STRATFORD SD 57474
(Address) (City) (State) (Zip Code)Home Phone 605-395-6922 Cell 605-228-1822 Email _____2. Amount of water claimed 3.3 *CFS or 1350 **GPM ***AF Total Acreage 240
(*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 RIVER4. Location of point of diversion SW 1/4 NE 1/4 Sec 32-122-62
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)County BROWN5. County or counties where water will be used BROWN6. Annual period during which water is to be used MAY 1 - September 307. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 NW 1/4 33-122-62	40	NE 1/4 NE 1/4 32-122-62	40
NW 1/4 NW 1/4 33-122-62	40	SE 1/4 NE 1/4 32-122-62	40
SE 1/4 NW 1/4 33-122-62	40		
SW 1/4 NW 1/4 33-122-62	40		

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

IRRIGATE WITH CENTER PIVOTS WITH pump + pipe deliveryI, Kevin Rossow, 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. 8044-3**

Date of first receipt of application August 29, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8044-3 to Kevin Rossow, 39917 142nd St, Stratford SD 57474 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. 8044-3 appropriates 3.3 cubic feet of water per second (cfs) from the James River located in the SW 1/4 NE 1/4 Section 32 for irrigation of 240 acres located in the E 1/2 NE 1/4 Section 32 and the NW 1/4 Section 33; all in T122N-R62W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is August 29, 2014.
4. The date of approval of Permit No. 8044-3 is February 2, 2015.
5. One-fifth of the construction is to be completed on or before August 2, 2017.
6. All construction is to be completed on or before February 2, 2020.
7. Water is to be put to beneficial use on or before February 2, 2024.
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 Ashton 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

FEB 17 2015

date



Supplemental Information

(type or print)

N/A

1. Well Information

(check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____

c) Well Depth ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest existing domestic well:

On applicant's property ____ On property owned by others ____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) ____

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

b) Depth to water (ground surface to water level) ____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

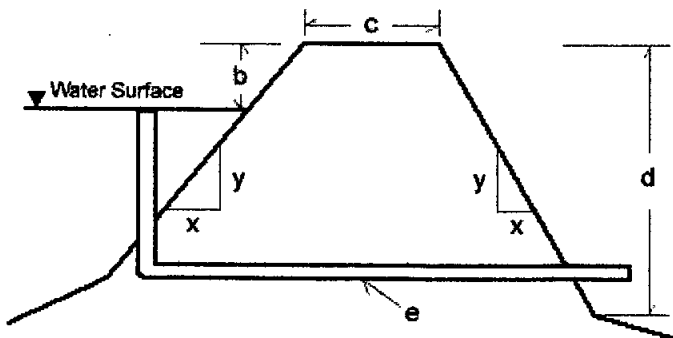
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

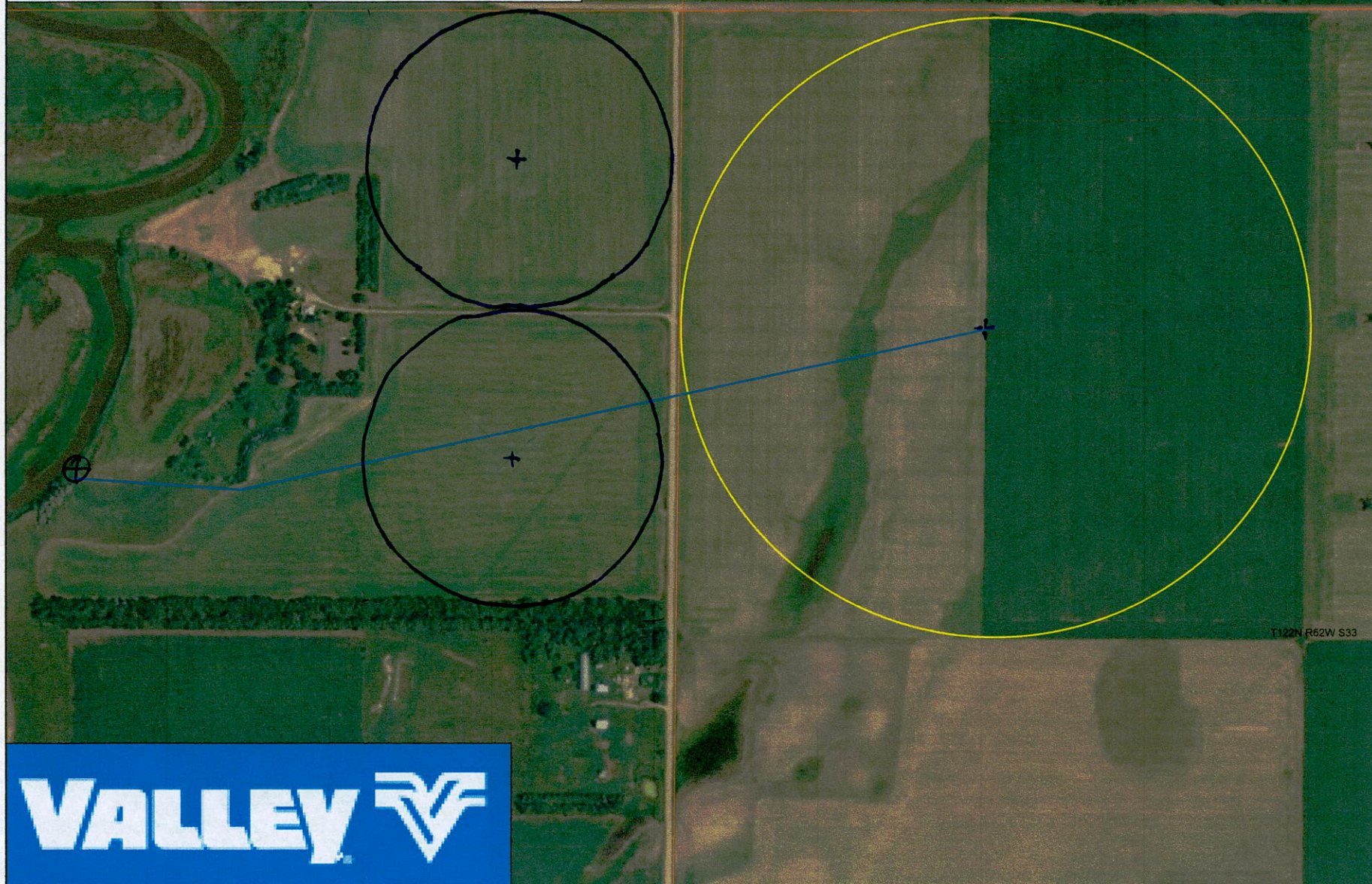
j) Drainage Area Above Dam ____ Acres





INMAN
IRRIGATION

AUG 29 2014
WATER RIGHTS
PROGRAM



VALLEY

Data use subject to license.

© DeLorme. XMap® 7.

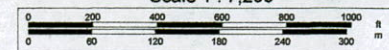
www.delorme.com

Sec 32



Sec 33

Scale 1 : 7,200



1" = 600.0 ft

Data Zoom 14-7

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/2, 20 14

RECEIVED OF Kevin Rossow 39917 142nd St Stratford SD 57474

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

Fee for Application for Permit No. <u>8044-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	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>8044-3</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	1150 00

No. **06935**

By J. Anne Goodman
Chief Engineer

No. 8044-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 8044-3, Kevin Rossow

ADDRESS: COUNTY: Brown County

DATE: November 5, 2014 TELEPHONE: cell – 605 228-6922

RE: processing of application

I called Mr. Rossow to inform him that the 60 days was past for DENR's review of his application. The delay is due to the James River being near its diversion limit of 300 cfs. Right now his application would put the appropriative rights issued from the river above this limit. However, there are some water rights being cancelled but the water right holders have until November 26th to appeal the decision of cancellation to the courts. I do not anticipate that to happen but we have to wait until after that date prior to proceeding with a formal recommendation and go to public notice. The cancellation of those water rights will mean that water is available for his application.

He was agreeable to holding the application until that time.

NAME: Eric Thumler



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. 8044-3, Kevin Rossow**

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. 8044-3, Kevin Rossow, 39917 142nd Street, Stratford SD 57474.

The Chief Engineer is recommending APPROVAL of Application No. 8044-3 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 Ashton 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
January 13, 2015

REPORT ON WATER PERMIT APPLICATION NO. 8044-3

Kevin Rossow
October 10, 2014

Kevin Rossow, has filed Water Permit Application No. 8044-3, to appropriate 3.3 cubic feet of water per second (cfs) from the James River to irrigate 240 acres of land located in the NW¼ Section 33 and E½ NE¼ Section 32; all in T122N-R62W. The diversion point is to be located in the SW¼ NE¼ Section 32 in T122N-R62W. The annual period during which water is to be used is May through September.

Review of Water Source

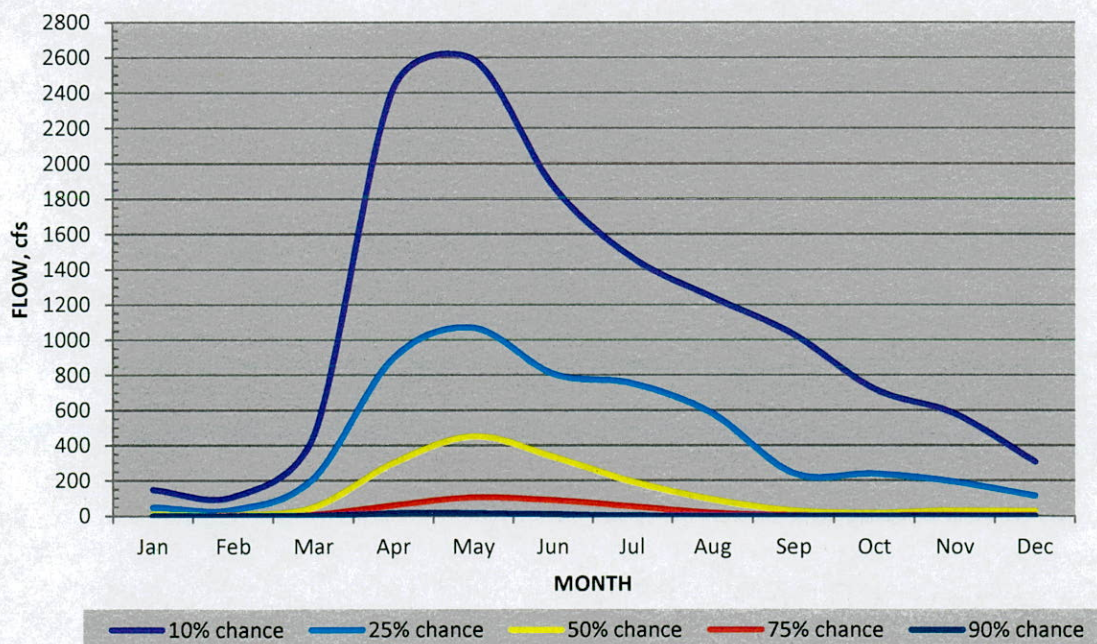
The water source for the proposed project is the James River in Brown County. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are in South Dakota. During extended periods of low precipitation the James River 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 70 river miles downstream of the proposed project. The historical data from 1945 to 2012 for the Ashton SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 27 to 449-cfs May through September of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 0.6 to 102-cfs for the same time period. (Table 1 and Hydrograph 1)

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

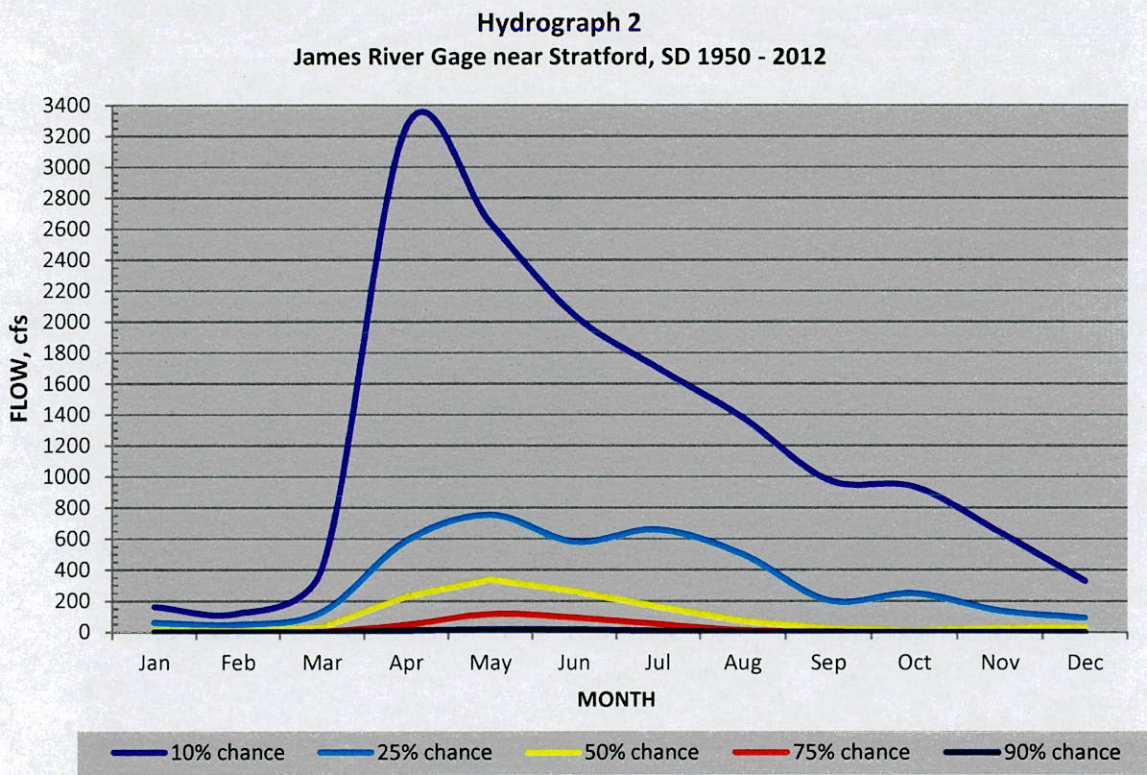
Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10% chance	146	106	451	2422	2587	1870	1465	1239	1029	719	578	304
25% chance	47	33	211	893	1065	805	750	579	240	237	191	112
50% chance	7	4	44	297	449	333	191	90	27	13	27	24
75% chance	0.0	0.0	4.2	57	102	86	50	13.3	0.6	0.0	0.0	0.0
90% chance	0.0	0.0	0.1	13.6	13.3	7.6	0.3	0.0	0.0	0.0	0.0	0.0

Hydrograph 1
James River gage at Ashton, SD 1945 - 2012



The USGS operates a stream flow gaging station on the James River located closer to the proposed project. The gage is near Stratford, SD, approximately 23 river miles downstream of the proposed project. The historical data from 1950 to 2012 for the Stratford SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 22 to 336-cfs May through September of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 0.2 to 113-cfs for the same time period. (Table 2 and Hydrograph 2)

	Table 2. James River Monthly Mean Flow (cfs) Stratford, SD											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10% chance	158	117	410	3258	2630	2037	1698	1377	975	931	637	324
25% chance	56	44	125	583	751	578	656	497	200	245	134	87
50% chance	11	4	30	228	336	261	163	69	22	7	26	28
75% chance	0.0	0.0	1.6	45	113	89	48	8.6	0.2	0.0	0.0	0.0
90% chance	0.0	0.0	0.0	7.2	15.7	14.4	5.8	0.0	0.0	0.0	0.0	0.0



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 location during the normal irrigation season. As an example, during normal climatic conditions, a July median flow at the Stratford gage of 163-cfs represents water bypassing the gage after 50% of the upstream appropriated irrigation withdrawals have taken place.

USGS historical data for the Stratford SD stream flow gage indicate non-appropriated water is available in the James River during normal to wetter climatic conditions for the May through September annual period. During late summer and early fall months, the James River cannot be considered a reliable source of water. To address low flow conditions the James River may be subject to shut-off orders.

Review of 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 the North Dakota border to Huron, SD. Due to the Missouri River backwater into the James River, the 300-cfs restriction has been applied from the North Dakota border to the Yankton-Hutchinson County Line.

Presently there are 98 Water Rights with diversions from the James River totaling 289.15-cfs from the North Dakota border to the Yankton-Hutchinson County Line. From the North Dakota border to Huron, SD, there are 65 Water Rights with diversions from the James River totaling 181.03-cfs. There are no pending applications upstream of Huron, SD other than this one. There are four pending water permit applications located downstream of Huron, SD. Water Permit Application Nos. 8045-3, 8046-3, 8047-3, and 8048-3 were submitted by Rockport Hutterian Brethren and combined are proposing to appropriate 15.93-cfs from the James River. The Rockport applications are junior to this application based on the date of filing.

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 this past summer. As a result seven water rights were scheduled for cancellation at the October 22, 2014 Board meeting, totaling 9.56 cfs. This is already reflected in the total river diversion of 289.15-cfs from 98 water rights.

With the approval of 8044-3, the total James River appropriation would be 292.45-cfs, and the North Dakota border to Huron SD river reach would be 184.33-cfs. This leaves 7.55-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	-289.15
This application	-3.3
Total	-292.45
WMB Appropriation Limit	300
Available appropriation	7.55

The closest upstream water right diverting water from the James River is approximately 2.7 river miles upstream of this project, and the closest downstream water right is approximately 1.7 river miles. See Table 4. The next closest water right downstream of this project is over 60 river miles.

Table 4. James River Water Rights

WR No.	Appx. Distance From Application (miles)	Diversion (cfs)	WR Holder
7892-3	2.7 upstream	1.91	Arne Svarstad
7890-3	1.7 downstream	1.91	Arne Svarstad

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. 8044-3 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 Ashton SD after pumping.

Conclusions

1. Water Permit Application No. 8044-3, proposes to appropriate 3.3 cubic feet of water per second (cfs) from the James River to irrigate 240 acres of land located in the NW¼ Section 33 and E½ NE¼ Section 32; all in T122N-R62W. The diversion point is to be located in the SW¼ NE¼ Section 32 in T122N-R62W. The annual period during which water is to be used is May through September.
2. USGS historical data for the Stratford SD and Ashton SD stream flow gages indicate non-appropriated water is available in the James River during normal and wetter climatic conditions for the May through September annual period.
3. If Application No 8044-3 is approved, the following qualifications should be included:
 - a. 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.
 - b. This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Ashton SD after pumping.
4. If Application No 8044-3 is approved, the total James River diversion of 292.45-cfs is below the 300-cfs limit. The total diversion from the North Dakota state line to Huron, SD, is 184.33-cfs, within the 200-cfs limit set by the Water Rights Commission. This leaves 7.55-cfs to be appropriated anywhere from the North Dakota border to the Yankton-Hutchinson County Line.

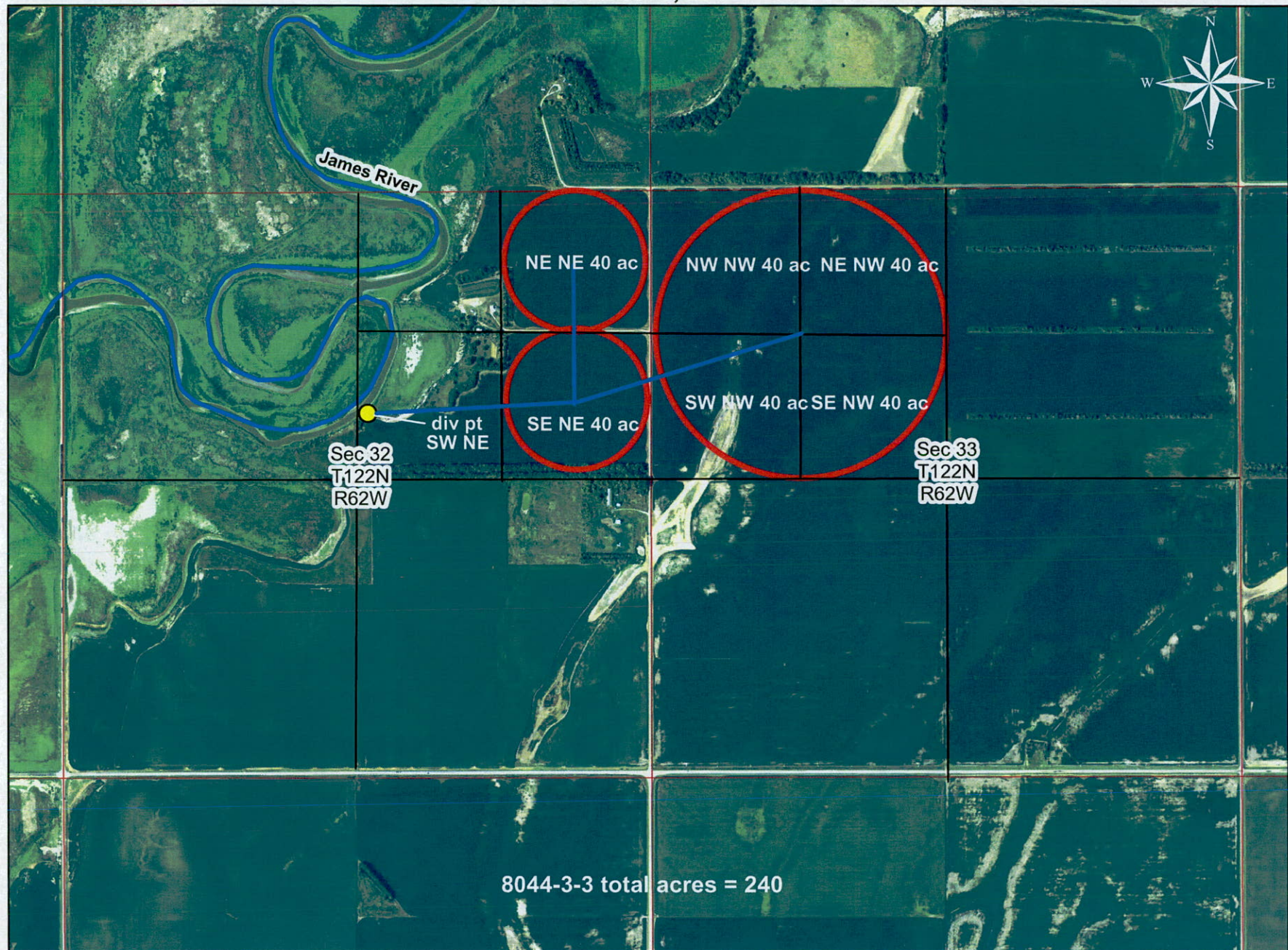


Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program

WATER PERMIT APPLICATION NO. 8044-3

KEVIN ROSSOW

October 9, 2014



Lynn Beck
Natural Resources Engineer III
SD-DENR, Water Rights Program

RECEIVED

JAN 27 2015

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brown) SS

I, Mary Best

certify that the attached printed Notice was
taken

from the Aberdeen News

printed and published in Aberdeen

County of Brown and

state of South Dakota. The notice was
published

in the newspaper on the following date:

Jan 22, 2015

Cost of Printing \$ 41.78

Mary Best
(Signature)

Adv. Billing Specialist
(Title)

1/23/2015
(Date Signed)

(No. 1902748)
(January 22, 2015)

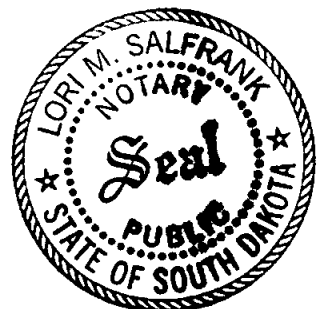
NOTICE OF APPLICATION NO. 8044-3
to Appropriate Water

Notice is given that Kevin Rossow, 39917 142nd Street, Stratford, SD 57474 has filed an application for a water permit to appropriate 3.3 cubic feet of water per second from the James River located in the SW 1/4 NE 1/4 Section 32 for irrigation of 240 acres located in the E 1/2 NE 1/4 Section 32 and the NW 1/4 Section 33; all in T122N-R62W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8044-3 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 (605 773-3353)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 2, 2015.

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. Information concerning this application is available at <http://denr.sd.gov/publhc>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to his application. Steven M. Pierner, Secretary, Department of Environment and Natural Resources. Published once at a total approximate cost of \$41.78.





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 13, 2015

American News
PO Box 4430
Aberdeen SD 57402

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8044-3 to Appropriate Water. Please publish the notice once on January 22, 2015. 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 Kevin Rossow, 39917 142nd St, Stratford SD 57474 (Ph # 605-395-6922).

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

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

January 13, 2015

Kevin Rossow
39917 142nd St
Stratford SD 57474

Dear Mr. Rossow:

Water Permit Application No. 8044-3 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 American News printed at Aberdeen SD (Ph # 605-225-4100). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
enclosures

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

Instruction to Newspaper - Publish the Notice on January 22, 2015. 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. 8044-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8044-3 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 February 2, 2015.

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. Information concerning this application is available at <http://denr.sd.gov/public>. 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

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

denr.sd.gov

FEB 17 2015

Kevin Rossow
39917 142nd St.
Stratford SD 57474

Dear Mr. Rossow:

Enclosed is Water Permit No. 8044-3 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

RECEIVED

AUG - 5 2015

WATER RIGHTS
PROGRAM

8044-3

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate July 11, 2015TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Kevin Rossow
(name)
39917 142nd St
(address)
Stratford, S. Dak. 57474 605-228-6922
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

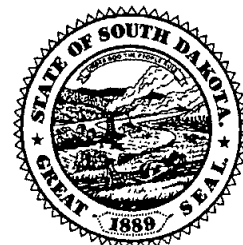
Water Permit No. 8044-3 states that the water use system is to be constructed by February 2, 2020, and water is to be put to beneficial use by February 2, 2024
(date) (date)

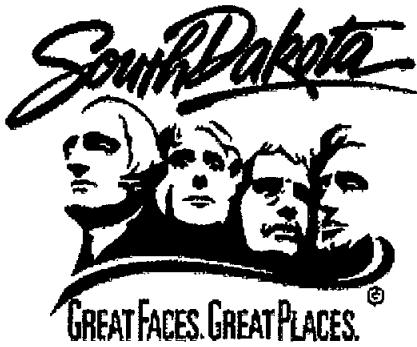
The water use system was completed on July 7th, 2015
(date)

Applying the water to beneficial use was completed on July 8th, 2015
(date)

You may schedule an investigation so that the water license may be issued.

Ki Rossow
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

August 5, 2015

8044-3

Kevin Rossow
39917 142nd St
Stratford SD 57474

Dear Mr. Rossow:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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