

WATER PERMIT NO. 8046-3

Name of Applicant: **Rockport Httm Brethren**

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

Amount of Water Claimed: **5.17 cfs** Total Acres: **374 additional acres**

Source of Water Supply: **James River**

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

Type of Waste Disposal System:

Location: **6 miles southwest of Alexandria**

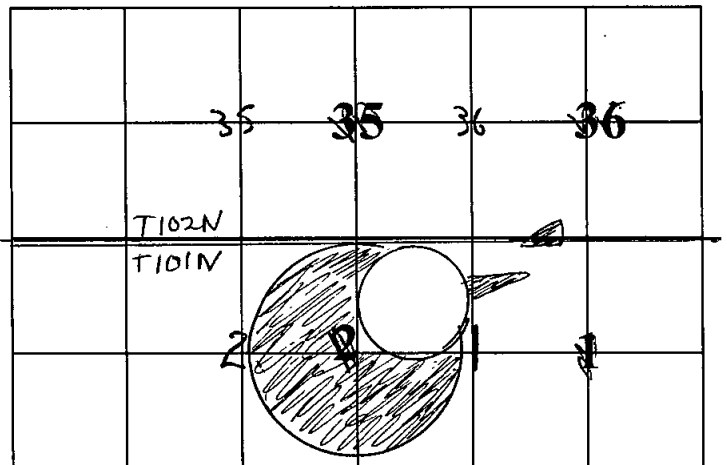
PRIORITY Date Received: **9-4-14** Application/License Fee: **\$1450**

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

Remarks: **Reconfigure pivot authorized by Permit No. 7339-3, request add'l acres and statutory limit diversion rate**

Diversion Point: **NW 1/4 NE 1/4 Sec 6-T101N-R58W**

Land to be Irrigated: **W 1/2 , N 1/2 NE 1/4, SW 1/4 NE 1/4 Sec 1 and E 1/2 Sec 2-T101-R59W and SE 1/4 SE 1/4 Sec 36-T102N-R59W**



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **9-10-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8046-3</u> (office use only)	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Alexandria Herald</u>	
	<u>Daily Republic - Mitchell</u>	

RECEIVED
SEP 04 2014
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit 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 5.17 *CFS or 2320 **GPM ***AF Total Acreage 374 add'l
(*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 NW 1/4 NE 1/4 Section 6, 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			

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

Currently have 206 acres authorized in the N 1/2 Section 1, T101N, R59W under Water Permit No. 7339-3. Intend to re-configure irrigation system to a full size pivot and a smaller pivot that will make a windshield wipe rotation. This will result in a total of 374 more acres being irrigated for a total of 580 acres. Requesting the statutory limit for 580 acres. The basis for that is the other James River water rights (Nos. 7339-3, 7973-3 and 4717A-3) are under the statutory limit based on the number of acres.

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

Water Permit Application for Rockport Colony
Acreage Breakdown of Additional Acres

Section 1, T101N, R59W	ACRES	Section 2, T101N, R59W	ACRES
NW 1/4 NW 1/4	15	NW 1/4 NE 1/4	10
NE 1/4 NW 1/4	7	NE 1/4 NE 1/4	33
SW 1/4 NW 1/4	3	SW 1/4 NE 1/4	30
SE 1/4 NW 1/4	1	SE 1/4 NE 1/4	40
NW 1/4 NE 1/4	6	NW 1/4 SE 1/4	30
NE 1/4 NE 1/4	1	NE 1/4 SE 1/4	40
SW 1/4 NE 1/4	6	SW 1/4 SE 1/4	10
NW 1/4 SW 1/4	32	SE 1/4 SE 1/4	33
NE 1/4 SW 1/4	28		
SW 1/4 SW 1/4	32	Section 36, T102N, R59W	
SE 1/4 SW 1/4	14	SE 1/4 SE 1/4	3
		TOTAL	374 acres additional

SOUTH DAKOTA
WATER PERMIT NO. 8046-3

Date of first receipt of application September 4, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8046-3 to Rockport Hutterian Brethren, c/o Donny Wipf, 26209 Rockport Rd, 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. 8046-3 appropriates an additional 5.17 cubic feet of water per second (cfs) and to irrigate 374 additional acres to what is authorized by Water Permit No. 7339-3. Water Permit No. 7339-3 authorizes 6.68 cfs from the James River located in the SW 1/4 NE 1/4 Section 7-T101N-R58W to irrigate 470 acres located in the NW 1/4, N 1/2 SW 1/4, N 1/2 NE 1/4, SW 1/4 NE 1/4 Section 1 and the N 1/2 Section 12; all in T101N-R59W. The permit holder is authorized to reconfigure the existing irrigation system which will include appropriating an additional 5.17 cfs from the James River diversion point located in the NW 1/4 NE 1/4 Section 6-T101N-R58W and the irrigation of 374 additional acres located in the W 1/2, N 1/2 NE 1/4, SW 1/4 NE 1/4 Section 1-T101N-R59W; E 1/2 Section 2-T101N-R59W and SE 1/4 SE 1/4 Section 36-T102N-R59W in addition to what is currently authorized for irrigation.
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 September 4, 2014.
4. The date of approval of Permit No. 8046-3 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 Scotland SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

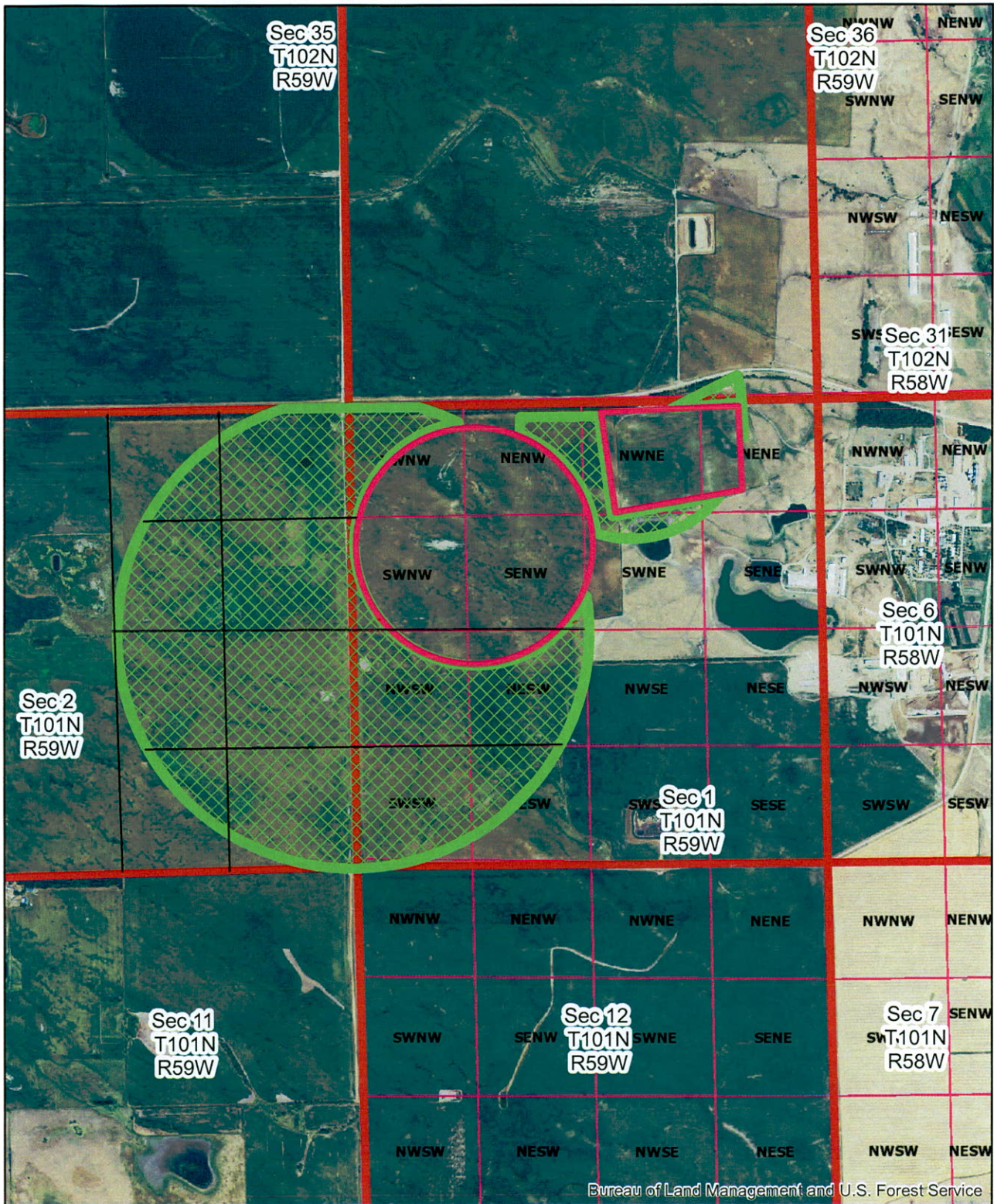
By: *Jeanne Goodman*
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 17 2015

date



Rockport Hutterian Brethren Water Permit Application
No. 2



0 600 1,200 2,400 3,600 4,800
Feet



206 acres that is authorized by Wate Permit No. 7339-3



Additional 374 acres



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
based on representation made by
Donny Wipf on September 4, 2014

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/4, 20 14

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. <u>8046-3</u> to Appropriate Water, to construct and to put water to beneficial use	1250	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>8046-3</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	1450 00

No. **06937**

By Jane Loadman
Chief Engineer

JAMES RIVER APPROPRIATIONS AS OF NOV 20, 2014

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 105 Water Rights with diversions from the James River totaling 298.71-cfs from the North Dakota border to the Yankton-Hutchinson County Line. From the North Dakota border to Huron, SD, there are 68 Water Rights with diversions from the James River totaling 187.10-cfs. This leaves 1.29-cfs available for appropriation anywhere from the North Dakota boarder to the Yankton-Hutchinson County line.

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 cancelled at the October 22, 2012 Board meeting, totaling 9.56 cfs. The total amount of appropriation available anywhere from the ND boarder to the Yankton – Hutchinson County line is 10.85 cfs.

There are currently five new applications for appropriation from the James River asking for a total of 19.23 cfs. Water will not be available for all five applications. The applications will be looked at as first come first serve. Once the 300 cfs limit is reached applications will be deferred in the order they were received pending further study.

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

	CFS
Appropriated	-298.71
Cancelled permits	9.56
Total Appropriated	-289.15
Appropriation limit	300.00
Available appropriation	10.85
Application 8044-3	-3.30
Application 8045-3	-2.45
Application 8046-3	-5.17
Available appropriation	-0.07
Deferred Application 8047-3	2.96
Deferred Application 8048-3	5.35

Lynn Beck
Natural Resources Engineer III
DENR – Water Rights Program

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Rockport Hutterian Brethren Water Rights/Permits and Water
Permit Applications

ADDRESS: COUNTY: Hanson County

DATE: December 17, 2014 TELEPHONE:

RE:

Rockport Hutterian Brethren filed four water permit applications for irrigation from the James River. The applications were for additional acres and additional diversion rate authority for irrigation at new systems to be constructed and to accommodate reconfiguring existing systems. Lynn Beck prepared the report on each new application.

In the past, there have been breakdown of acres for the various existing rights/permits held by the colony. I conducted another breakdown and the attachment is a print-out of my findings based on the existing water rights/permits and the four new applications. Attached is a breakdown based on the recent review.

There may be a little variation in acreage by an acre or two in various quarter-quarter sections but they are minor.

When acres were transferred under No. 2411-3, the report stated the acres were transferred to systems to be completed in Section 13 and 18 of T101N, R58W. However, the public notice clearly stated the acres were to be transferred to the S ½ Section 12, T101N, R59W. Therefore, Permit No. 7973-3 which included the transfer was issued based on the public notice. On the attached matrix, 165 acres were assigned to quarter-quarter sections accordingly. I believe the reason for the acres going to the S ½ Section 12 was the Colony's desire to take advantage of the priority date established by No. 2411-3.

NAME: Eric Humber

ROCKPORT HUTTERIAN BRETHREN'S WATER RIGHTS/PERMITS AND APPLICATIONS BASED ON REVIEW CONDUCTED DECEMBER 2014

Water Right		WP 7973-3	WR 2411-3	WR 4717A-3	WP 7339-3	App 8045-3	App 8046-3	App 8047-3	App 8048-3
Diversion Rate (cfs)		1.23	2	1.67	6.68	2.45	5.17	2.96	5.35
Sec 12-T101N-R59W	NW¼ NW¼				26	14			
	NE¼ NW¼				40				
	SW¼ NW¼	7			33				
	SE¼ NW¼	7			33				
	NW¼ NE¼				40				
	NE¼ NE¼				26	14			
	SW¼ NE¼	7			33				
	SE¼ NE¼	7			33				
	NW¼ SW¼	40							
	NE¼ SW¼	40							
	SW¼ SW¼	26.5				13.5			
	SE¼ SW¼	40							
	NW¼ SE¼	40							
	NE¼ SE¼	40							
	SW¼ SE¼	40							
	SE¼ SE¼	26.5				13.5			
Sec 6-T101N-R58W	NW¼ SW¼	2							
	SW¼ SW¼	15							
Sec 1-T101N-R59W	NW¼ NW¼				24	15			
	NE¼ NW¼				32	7			
	SW¼ NW¼				38	2			
	SE¼ NW¼				40	0			
	NW¼ NE¼				26	6			
	NE¼ NE¼				14	1			
	SW¼ NE¼				8	6			
	SE¼ NE¼								
	NW¼ SW¼				10	30			
	NE¼ SW¼				14	26			
	SW¼ SW¼					35			
	SE¼ SW¼					17			

ROCKPORT HUTTERIAN BRETHREN'S WATER RIGHTS/PERMITS AND APPLICATIONS BASED ON REVIEW CONDUCTED DECEMBER 2014

	NW¼ SE¼	13							
	NE¼ SE¼	17							
	SW¼ SE¼	10							
	SE¼ SE¼	35							
Sec 2, T101N, R59W	NW 1/4 NE1/4						10		
	NE 1/4 NE 1/4						33		
	SW 1/4 NE 1/4						30		
	SE 1/4 NE 1/4						40		
	NW 1/4 SE1/4						30		
	NE 1/4 SE 1/4						40		
	SW 1/4 SE 1/4						10		
	SE 1/4 SE 1/4						33		
Sec 36, T102N, R59W	NW 1/4 NW1/4								36.5
	NE 1/4 NW 1/4								40
	SW 1/4 NW 1/4							16	14
	SE 1/4 NW 1/4							26	14
	NW 1/4 NE1/4								40
	NE 1/4 NE 1/4								36.5
	SW 1/4 NE 1/4							18	22
	SE 1/4 NE 1/4							8	14
	NW 1/4 SW1/4							39	
	NE 1/4 SW 1/4							40	
	SW 1/4 SW 1/4							23	
	SE 1/4 SW 1/4							33	
	NW 1/4 SE1/4							36	
	NE 1/4 SE 1/4							34	
	SW 1/4 SE 1/4							21	
	SE 1/4 SE 1/4						3	26	
Sec 35, T102N, R59W	NW 1/4 SW1/4								36.5
	NE 1/4 SW 1/4								40
	SW 1/4 SW 1/4								13
	SE 1/4 SW 1/4								36.5
	NW 1/4 SE1/4								40
	NE 1/4 SE 1/4								36.5

ROCKPORT HUTTERIAN BRETHREN'S WATER RIGHTS/PERMITS AND APPLICATIONS BASED ON REVIEW CONDUCTED DECEMBER 2014

	SW 1/4 SE 1/4								36.5
	SE 1/4 SE 1/4								13
Sec 31, T102N, R58W	SW1/4 NW 1/4							2	
	NW 1/4 SW 1/4							8	
	SW 1/4 SW 1/4							2	
Sec 7-T101N-R58W	NW¼ NW¼			9					
	NE¼ NW¼			9.3					
	SW¼ NW¼			37.7					
	SE¼ NW¼			38.2					
	NW¼ SW¼			18.1					
	NE¼ SW¼			19.7					
Sec 11-T101-R59W	NW¼ NE¼	33.5							
	NE¼ NE¼	33.5							
	SW¼ NE¼	33.5							
	SE¼ NE¼	33.5							
Sec 13-T101-R59W	NW¼ NE¼	2							
	NE¼ NE¼	2			30				
	SW¼ NE¼	36							
	SE¼ NE¼	36							
	NW¼ SE¼	15.6	13.4						
	NE¼ SE¼		29						
Sec 18-T101-R58W	NW¼ NW¼		15						
	NE¼ NW¼		27						
	SW¼ NW¼		30						
	SE¼ NW¼		40						
	NW¼ NE¼		2						
	SW¼ NE¼		9						
	NW¼ SW¼		5						
	NE¼ SW¼		11						
TOTALS ACRES		638.6	181.4	132	470	85	374	332	469
			TOTAL					TOTAL	
			CFS	27.51				ACRES	2682



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. 8046-3, 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. 8046-3, Rockport Hutterian Brethren, c/o Donny Wipf, 26209 Rockport Road, Alexandria SD 57311.

The Chief Engineer is recommending APPROVAL of Application No. 8046-3 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
January 15, 2015

REPORT ON WATER PERMIT APPLICATION NO. 8046-3
Rockport Hutterian Brethren, % Donny Wipf
October 16, 2014

Rockport Hutterian Brethren, % Donny Wipf, has filed Water Permit Application No. 8046-3 to appropriate an additional 5.17 cubic feet of water per second (cfs) from the James River to irrigate an additional 374 acres of land to what is authorized by Water Permit No. 7339-3.

Water Permit No. 7339-3 appropriates 6.68 cfs from the James River located in the SW¼ NE¼ Section 7-T101N-R58W to irrigate 470 acres located in the NW¼, N½ SW¼, N½ NE¼, SW¼ NE¼ Section 1, and N½ Section 12; all in T101N-R59W.

Water Permit Application No. 8046-3 proposes to re-configure the existing irrigation system to a larger center pivot that will make a full rotation and a small center pivot that will make a windshield wipe rotation and change the diversion point. The applicant is proposing to appropriate 5.17 cfs of additional diversion rate authority from a James River diversion point located in the NW¼ NE¼ Section 6-T101N-R58W to irrigate an additional 374 acres located in the W½, N½ NE¼, SW¼ NE¼ Section 1, E½ Section 2, all in T101N-R59W, and SE¼ SE¼ Section 36-T102N-R59W.

This application utilizes the James River diversion point authorized by Water Right No. 1902-3.

This application, if approved, and a portion of Water Right No. 7339-3, will authorize a total of 8.11 cfs to irrigate a total of 580 acres of land from the same diversion point.

Review of Water Source

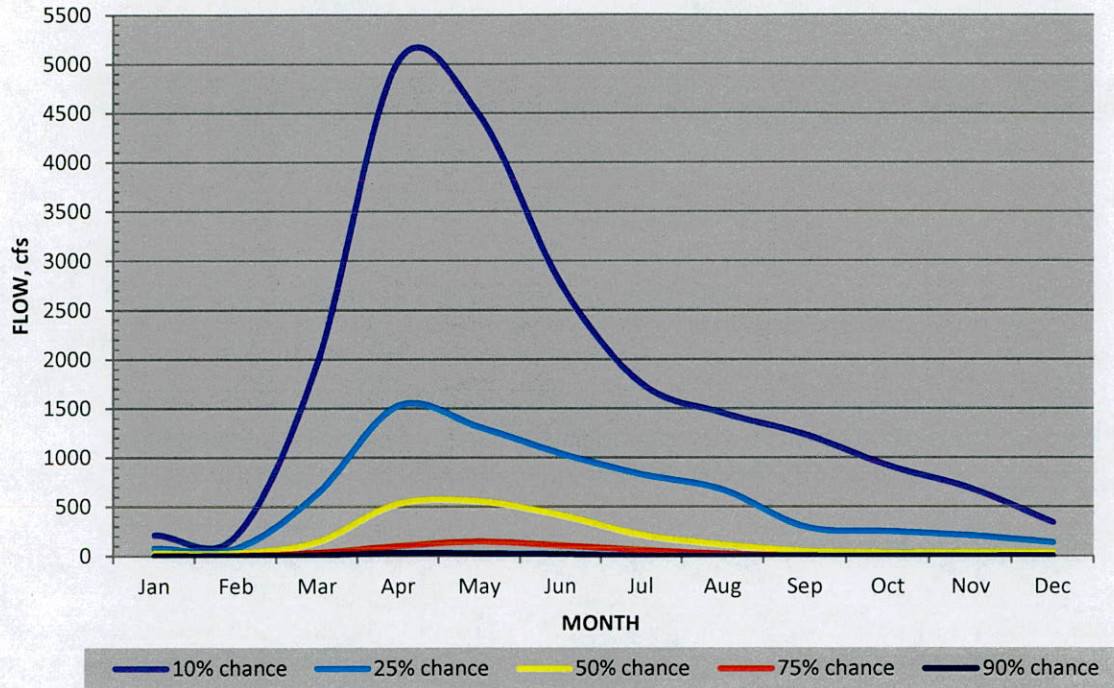
The water source for the proposed project is the James River in Hanson County. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are in South Dakota. During extended periods of low precipitation the James River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

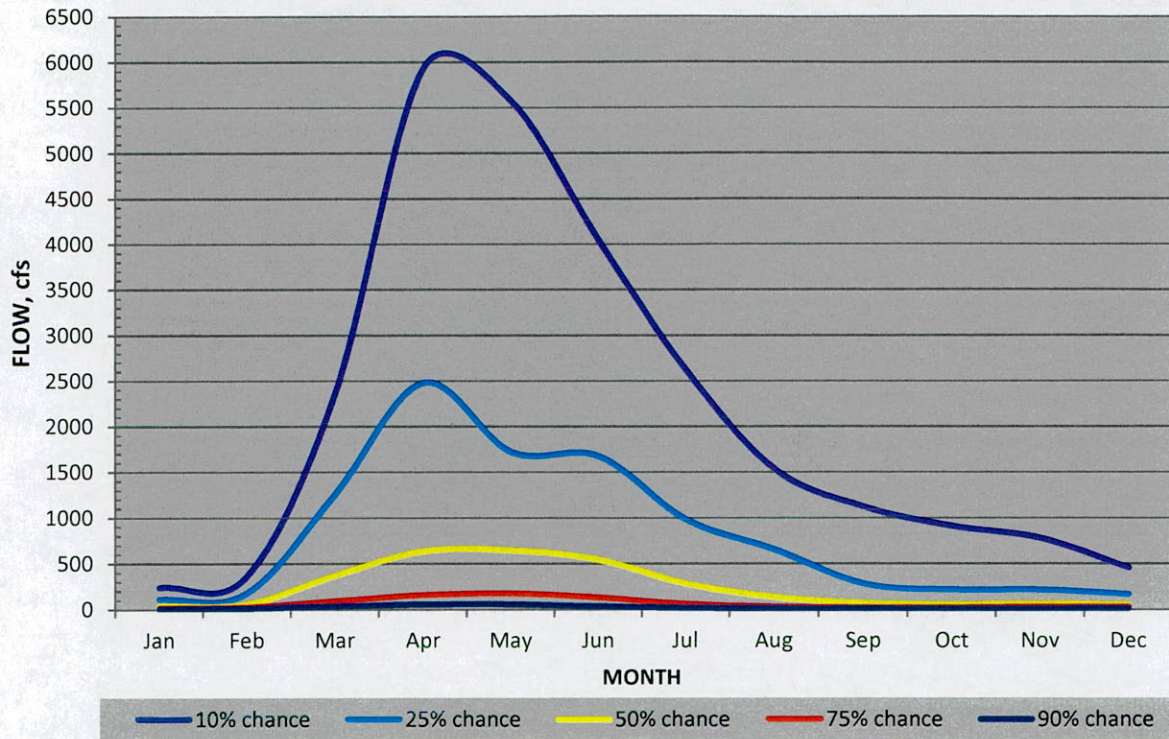


The U.S. Geological Survey (USGS) also operates a stream flow gaging station on the James River at Scotland, SD, approximately 50+ river miles downstream of the proposed project. The historical data from 1943 to 2012 for the Scotland, SD stream flow gage indicates there is a 50-percent probability that 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 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 is one pending application upstream of Huron, SD. There are three pending water permit applications located downstream of Huron, SD, other than this one. Water Permit Application Nos., 8045-3, 8047-3, and 8048-3 were also submitted by Rockport Hutterian Brethren and combined with this application, are proposing to appropriate 15.93-cfs from the James River.

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, 8045-3, and 8046-3, the total James River appropriation would be 300.07 cfs, and the North Dakota border to Huron SD river reach would be 184.33 cfs. This leaves no water 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
Pending application 8044-3	-3.3
Pending application 8045-3	-2.45
This application 8046-3	-5.17
Total	-300.07
WMB Appropriation Limit	300
Available appropriation	-0.07

There is one water right diverting water from the same diversion point as this application. Water Right No. 1902-3 authorizes 4.75 cfs. The next closest water right diverting water from the James River is 3.2 river miles upstream of this application. There are four water rights diverting water from the same diversion point location 7 miles downstream of this application. Water License No. 2411-3 authorizes the diversion of 2.0 cfs, 4717A-3 authorizes 1.67 cfs, Water Permit No. 7339-3 authorizes 6.68-cfs, and Water Permit No. 7973-3 authorizes 1.23 cfs. All of the above mentioned water rights are held by this applicant. The closest downstream water right held by someone other than this applicant, 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
1902-3	Same diversion point	4.75	Rockport Hutterian Brethren
1027-3	3.2 upstream	4.75	Rockport Hutterian Brethren
2411-3	7 downstream	2.0	Rockport Hutterian Brethren
4717A-3	7 downstream	1.67	Rockport Hutterian Brethren
7339-3	7 downstream	6.68	Rockport Hutterian Brethren
7973-3	7 downstream	1.23	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.

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. 8046-3 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

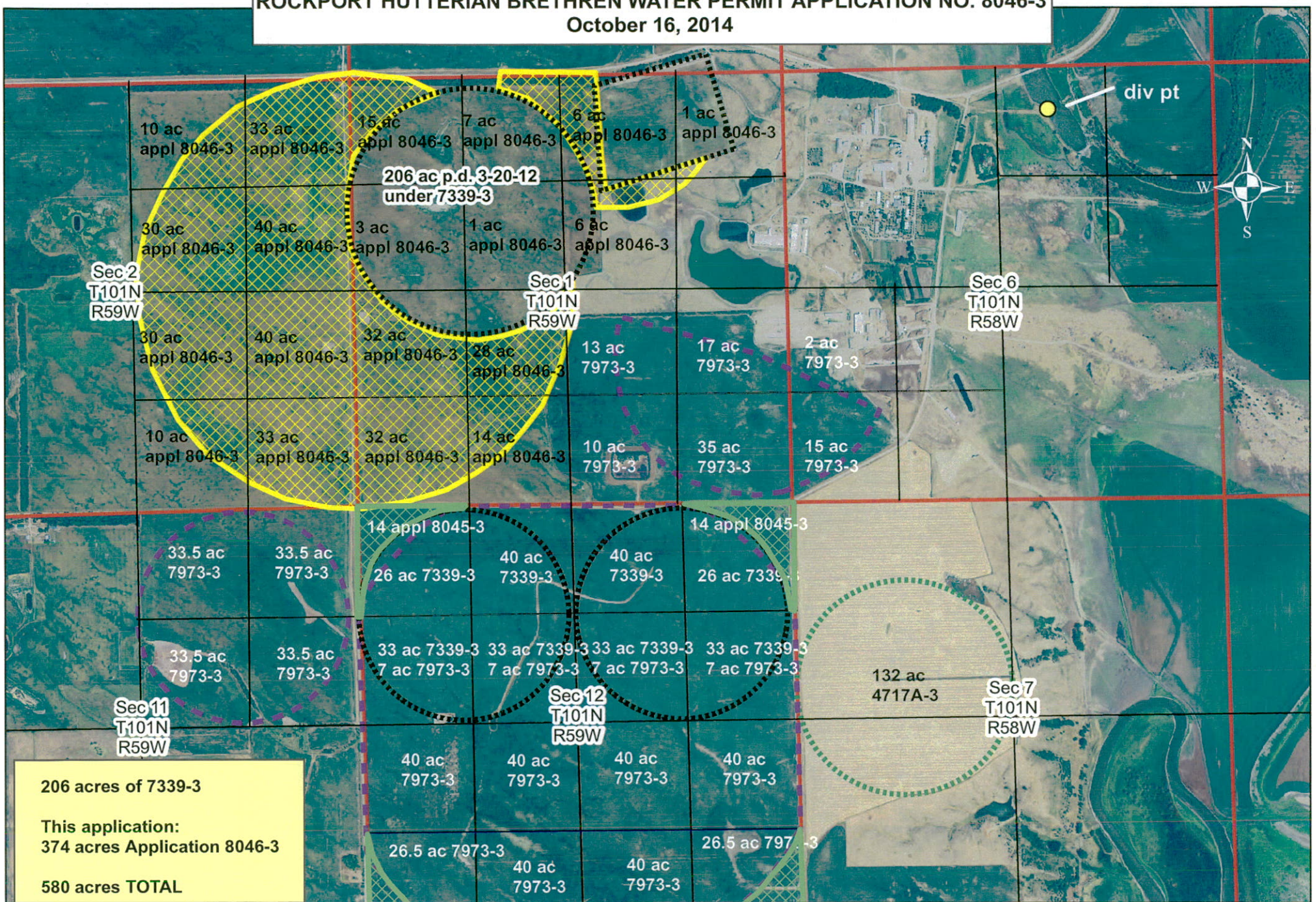
1. Water Permit Application No. 8046-3 proposes to appropriate 5.17 cfs of additional diversion rate authority from the James River to irrigate an additional 374 acres located in the W½, N½ NE¼, SW¼ NE¼ Section 1, E½ Section 2, all in T101N-R59W, and SE¼ SE¼ Section 36-T102N-R59W. The diversion point is located in the NW¼ NE¼ Section 6-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 8046-3 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 8046-3 is approved, the total James River diversion of 300.07 cfs is at 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 no water available to

be appropriated anywhere from the North Dakota border to the Yankton-Hutchinson County Line.

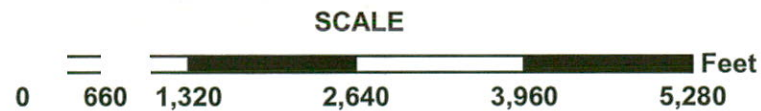
A handwritten signature in cursive script that reads "Lynn Beck". The signature is fluid and elegant, with the first name "Lynn" and last name "Beck" clearly distinguishable.

Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program

ROCKPORT HUTTERIAN BRETHREN WATER PERMIT APPLICATION NO. 8046-3
October 16, 2014



Lynn Beck
 Natural Resources Engineer III
 DENR - Water Rights Program



Affidavit of Publication

STATE OF SOUTH DAKOTA)

COUNTY OF HANSON)

RECEIVED
FEB 05 2015

WATER RIGHTS
PROGRAM

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 #8045-3

a printed copy of which is hereto attached, was printed and published in the said newspaper for one (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 1-22-15

The second publication on _____

The third publication on _____

The fourth publication on _____

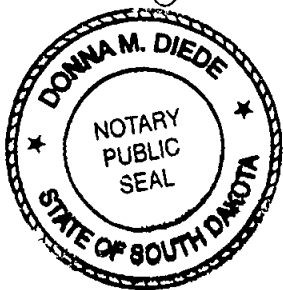
that \$40.71 Being the full amount of the fee for publication of the annexed notice, insured solely to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof have been made with any other person whosoever, and that said newspaper is a legal newspaper under the law of the state of South Dakota.

Matthew Anderson

Subscribed and sworn to before me this 28

day of January 2015

Donna M. Diede
Notary Public, South Dakota



My commission expires 2-2-2016

NOTICE OF APPLICATION NOS.

8045-3 and 8046-3 to Appropriate Water

Notice is given that Rockport Hutterian Brethren, c/o Donny Wipf, 26209 Rockport Rd, Alexandria SD 57311 has filed the following applications for a water permit.

Application No. 8045-3 proposes to appropriate an additional 2.45 cubic feet of water per second (cfs) and to irrigate 85 additional acres to what is authorized by Water Permit No. 7973-3. Water Permit Nos. 7339-3 and 7973-3 and Water Right Nos. 2411A-3 and 4717A-3, combined, appropriates 11.58 cfs from the James River located in the SW 1/4 NE 1/4 Section 7-T101N-R58W to irrigate 1,422 acres located in NE 1/4 Section 11, Section 12, NE 1/4, N 1/2 SE 1/4 Section 13, N 1/2, SE 1/4 Section 1; all in T101N-R59W and W 1/2 SW 1/4 Section 6, NW 1/4, N 1/2 SW 1/4 Section 7 and NW 1/4, W 1/2 NE 1/4, N 1/2 SW 1/4 Section 18; all in T101N-R58W. This application proposes to appropriate an additional 2.45 cfs from the existing James River diversion point to irrigate 85 new acres located in the NW 1/4 NW 1/4, SW 1/4 SW 1/4, NE 1/4 NE 1/4, SE 1/4 SE 1/4 Section 12 and the NE 1/4 NE 1/4 Section 13; all in T101N-R59W.

Application No. 8046-3 proposes to appropriate an additional 5.17 cfs and to irrigate 374 additional acres to what is authorized by Water Permit No. 7339-3. Water Permit No. 7339-3 authorizes 6.68 cfs from the James River located in the SW 1/4 NE 1/4 Section 7-T101N-R58W to irrigate 470 acres located in the NW 1/4, N 1/2 SW 1/4, N 1/2 NE 1/4, SW 1/4 NE 1/4 Section 1 and the N 1/2 Section 12; all in T101N-R59W. The applicant is proposing to reconfigure the existing irrigation system which will include appropriating an additional 5.17 cfs from the James River diversion point located in the NW 1/4 NE 1/4 Section 6-T101N-R58W and the irrigation of 374 additional acres located in the W 1/2, N 1/2 NE 1/4, SW 1/4 NE 1/4 Section 1-T101N-R59W; E 1/2 Section 2-T101N-R59W and SE 1/4 SE 1/4 Section 36-T102N-R59W in addition to what is currently authorized for irrigation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8045-3 and 8046-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in op-

posing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Right Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 77: 3352)" and the applicant's mailin 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 applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Er Grönlund at the above Water Right Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$40.71.

01-22-15 1

RECEIVED

JAN 29 2015

WATER RIGHTS
PROGRAM

**NOTICE OF
APPLICATION NOS.
8045-3 and 8046-3
to Appropriate Water**

Notice is given that Rockport Hutterian Brethren, c/o Donny Wipf, 26209 Rockport Rd, Alexandria SD 57311 has filed the following applications for a water permit.

Application No. 8045-3 proposes to appropriate an additional 2.45 cubic feet of water per second (cfs) and to irrigate 85 additional acres to what is authorized by Water Permit No. 7973-3. Water Permit Nos. 7339-3 and 7973-3 and Water Right Nos. 2411A-3 and 4717A-3, combined, appropriates 11.58 cfs from the James River located in the SW 1/4 NE 1/4 Section 7-T101N-R58W to irrigate 1,422 acres located in NE 1/4 Section 11, Section 12, NE 1/4, N 1/2 SE 1/4 Section 13, N 1/2 SE 1/4 Section 1; all in T101N-R59W and W 1/2 SW 1/4 Section 6, NW 1/4, N 1/2 SW 1/4 Section 7 and NW 1/4, W 1/2 NE 1/4, N 1/2 SW 1/4 Section 18; all in T101N-R58W. This application proposes to appropriate an additional 2.45 cfs from the existing James River diversion point to irrigate 85 new acres located in the NW 1/4 NW 1/4, SW 1/4 SW 1/4, NE 1/4 NE 1/4, SE 1/4 SE 1/4 Section 12 and the NE 1/4 NE 1/4 Section 13; all in T101N-R59W.

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"Pursuant to" SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8045-3 and 8046-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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Published once at the total approximate cost of \$95.87

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, January 22, 2015

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: \$164.13

Signed: Penny Hohbach

Subscribed and sworn to before me this 26th day of January, 2015.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 09-21-18

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

DEB TOWNSEND
Notary Public
SEAL
South Dakota



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 15, 2015

Alexandria Herald
PO Box 456
Alexandria SD 57311

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 8045-3 and 8046-3 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 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

January 15, 2015

Daily Republic
PO Box 1288
Mitchell SD 57301

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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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

January 15, 2015

Rockport Hutterian Brethren
Donny Wipf
26209 Rockport Rd
Alexandria SD 57311

Dear Mr. Wipf:

Water Permit Application Nos. 8045-3 and 8046-3 for irrigation use have 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 recommendations of the Chief Engineer and reports on the applications 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(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

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 applications.

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 NOS. 8045-3 and 8046-3 to Appropriate Water

Notice is given that Rockport Hutterian Brethren, c/o Donny Wipf, 26209 Rockport Rd, Alexandria SD 57311 has filed the following applications for a water permit.

Application No. 8045-3 proposes to appropriate an additional 2.45 cubic feet of water per second (cfs) and to irrigate 85 additional acres to what is authorized by Water Permit No. 7973-3. Water Permit Nos. 7339-3 and 7973-3 and Water Right Nos. 2411A-3 and 4717A-3, combined, appropriates 11.58 cfs from the James River located in the SW 1/4 NE 1/4 Section 7-T101N-R58W to irrigate 1,422 acres located in NE 1/4 Section 11, Section 12, NE 1/4, N 1/2 SE 1/4 Section 13, N 1/2, SE 1/4 Section 1; all in T101N-R59W and W 1/2 SW 1/4 Section 6, NW 1/4, N 1/2 SW 1/4 Section 7 and NW 1/4, W 1/2 NE 1/4, N 1/2 SW 1/4 Section 18; all in T101N-R58W. This application proposes to appropriate an additional 2.45 cfs from the existing James River diversion point to irrigate 85 new acres located in the NW 1/4 NW 1/4, SW 1/4 SW 1/4, NE 1/4 NE 1/4, SE 1/4 SE 1/4 Section 12 and the NE 1/4 NE 1/4 Section 13; all in T101N-R59W.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8045-3 and 8046-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

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

Rockport Hutterian Brethren
Donny Wipf
26209 Rockport Rd
Alexandria SD 57311

Dear Mr. Wipf:

Enclosed are Water Permit Nos. 8045-3 and 8046-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

An 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

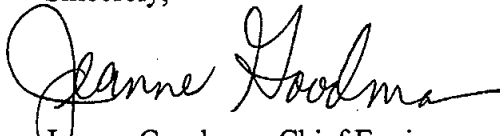
Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 08, 2017

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

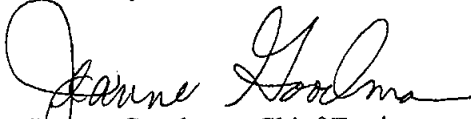
Rockport Hutterian Brethren
26209 Rockport Road
Alexandria, SD 57311

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:
<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