

No. 1276-3

Water Division No. 3 JAMES RIVER District

(Blanks to be filled by the Engineer for the W. R. C.)

VESTED RIGHT
APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Riverside Colony - David Decker, Trustee
 Postoffice address Huron, County Beadle, State So. Dakota

- I. If a corporation _____
 (a) Name of same Riverside Colony
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

- II. Method of accomplishing the work and financial resources of the applicant:
 (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) _____
 (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Riverside Colony Irrigation Project
 3. Amount of water claimed 8 cubic feet per second
 4. Source of water supply James River
 5. Location of point of diversion Anywhere between Pts. A-B, -C-D-Sect. 22, 23, 26
& 27, T 112N, R61 W, James River on either bank Beadle County.
 6. Annual period or periods during which water is to be used April through October
 7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity Overhead sprinkling

- (a) Number of acres to be irrigated 567.4 acres.

- (b) Legal subdivisions to be irrigated see back sheet

(NOTE—A list of lands to be irrigated, giving each a division and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use _____
 Name any of the above uses claimed

- (b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

- (c) Location of plant _____

- (d) Method of developing power _____

- (e) Point where water will be returned to stream _____

MAP NO 891-3

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures\$.....

Total, \$.....

9. Description of diversion works:

I. Nature of works (Reservoir, dam, ditch, dike, pumping plant, etc.)

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottomfeet; length at top

.....feet; thickness at bottomfeet; thickness at top

feet; slope at front water face, slope at back face

material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; heightfeet;

Material

(d) Canal: Total lengthmiles

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work -finished.....years.

11. Time required for complete application of water to the proposed beneficial use0..... years.

12. Choice of newspaper for publication of notice of intention to appropriate
.....applying for vester Rt.....

STATE OF SOUTH DAKOTA

County ofBeadle.....} ss.

I,Riverside Colony - David Decker, Trustee....., being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same and that I know of my own personal knowledge that the matters therein stated and shown are true.

X Signed *David Decker*

Subscribed and sworn to before me this15th..... day ofMay..... 19.....

Haris L. Foster
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

NOT TO SCALE

112-61

84.1

178-253 L 22

26.3

278-42R

18.8

15.5

57.6

Brook
1981

76.1

112-61

235.8

Ron Duvall
Natural Resources Eng
5/1/85

Melvin Tschetter

NOT TO SCALE

112-61

150.0

N

178-253 L

23

Rivera Colony

Ever Midden

80.4

112-61

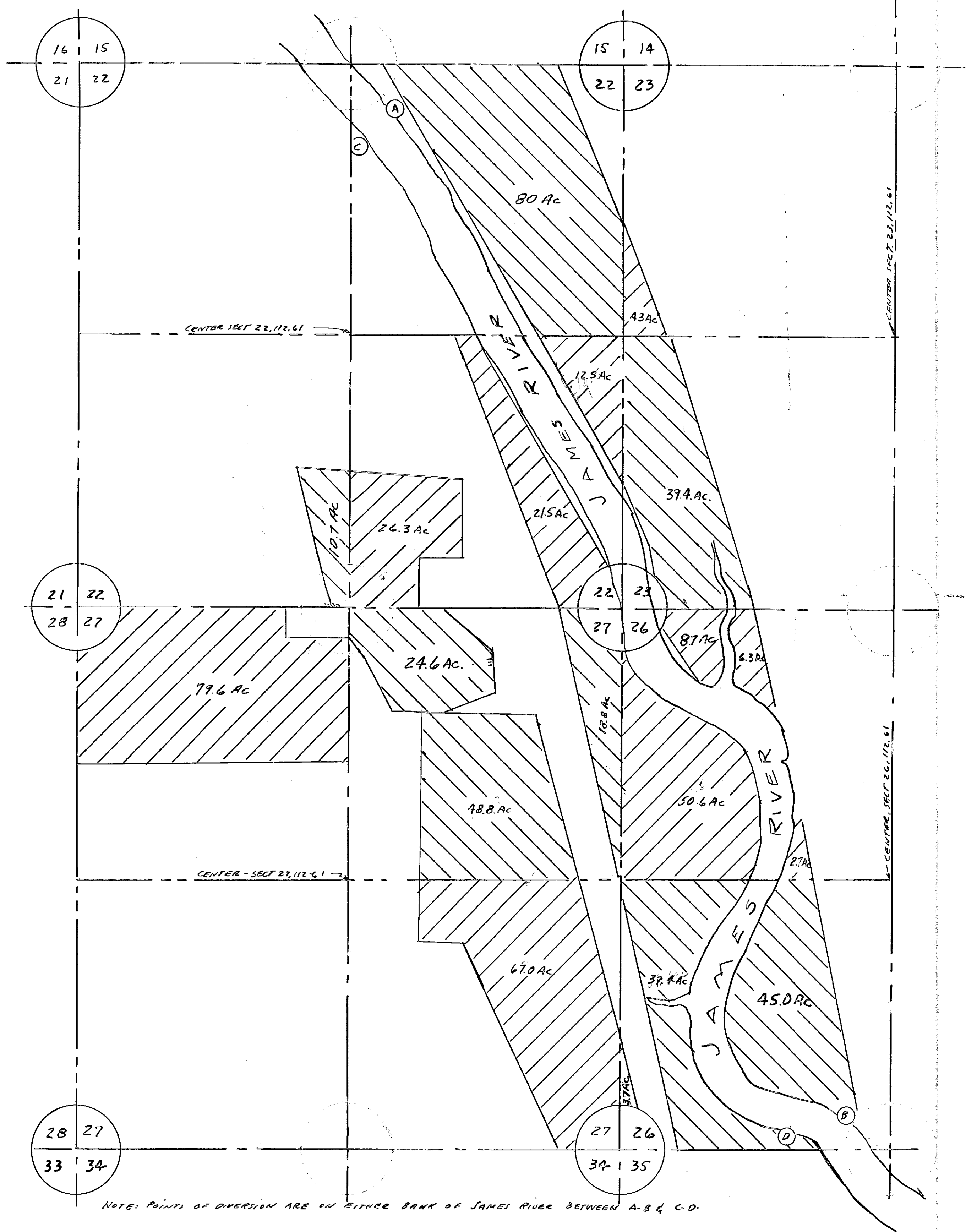
26

Harry Dwyer

License No. 1276-3

112-61

Jack Arquier



AREAS TO BE IRRIGATED BY LEGAL SUBDIVISION

80.0 Ac: NE 1/4, SECT 22
 60.3 Ac: SE 1/4, SECT 22
 10.7 Ac: SW 1/4, SECT 22
 4.3 Ac: NW 1/4, SECT 23
 39.4 Ac: S.W. 1/4, SECT. 23
 68.3 Ac: NW 1/4, SECT. 26
 84.9 Ac: S.W. 1/4, SECT. 26
 79.6 Ac: NW 1/4, SECT 27
 73.4 Ac: NE 1/4, SECT 27
 67.0 Ac: SE 1/4, SECT 27
 576.4 Ac: TOTAL

T. 112 N., R. 61 W., 5TH PM

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA)
 COUNTY OF BEADLE)
 I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
 IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
 CERTIFY THAT, AT THE REQUEST OF RIVERSIDE COLONY, DAVID DECKER, TRUSTEE
 SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED (THAT HAS BEEN IRRIGATED)
 WITHIN HIS OWNERSHIP BOUNDARIES ON APRIL 30, 1966 FOR WHICH APPLICATION
 FOR APPROPRIATIVE, VESTED INTEREST WATER RIGHT IS MADE AND
 THIS MAP IS A TRUE REPRESENTATION THERE OF.
 WITNESS MY HAND AND SEAL THIS 30TH DAY OF APRIL 1966.

Harlan W. Meyer

STATE OF SOUTH DAKOTA)
 COUNTY OF BEADLE)
 REG. LAND SURVEYOR #495

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC
 WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY
 APPEARED HARLAN W. MEYER, KNOWN TO ME TO BE THE
 PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE
 AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.
 WITNESS MY HAND AND NOTARY SEAL THIS 30TH DAY OF APRIL 1966

Carl K. Peterson

MY COMMISSION EXPIRES 3-7-74 NOTARY PUBLIC

SCALE 1"=400'

RIVERSIDE COLONY IRRIGATION PROJECT
 SHOWING AREAS & DIVERSION POINTS WHERE WATERS
 WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER

RIVERSIDE COLONY, DAVID DECKER, TRUSTEE

HARLAN W. MEYER

SURVEYOR
 APRIL 66

MAP N-2891-3 (APPL N-21216-3)

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, JUNE 28, 1966

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
a.m. upon the 16TH day of MAY, 1966

State Water Resources Commission

By:

Arthur Jones
Chief Engineer, Executive Officer

Number of permit 1276-3

Date of first receipt of application MAY 16, 1966

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right 1949, 19____

Approved JUNE 28, 1966 Recorded in Book 9 Page 136

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ _____, 19____

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, 19____

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

COMPLETED, 19____

4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 8.00 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water ~~is~~ actually was

and beneficially applied for irrigation on or before JUNE 30, 1955; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 22ND 28TH day of JUNE JULY, 1966

State Water Resources Commission

By:

Arthur Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued JULY 22, ~~JUNE 28~~, 1966

Water License Issued JULY 22, ~~JUNE 28~~, 1966

Remarks by the Applicant:

Areas to be irrigated by Legal Subdivision

80.0 Ac: N.E. 1/4, Sect. 22
60.3 Ac: S.E. 1/2, Sect. 22
10.7 Ac: S.W. 1/4, Sect. 22
4.3 Ac: N.W. 1/4, Sect. 23
39.4 Ac: S.W. 1/4, Sect. 23
68.3 Ac: N.W. 1/4, Sect. 26
84.4 Ac: S.W. 1/4, Sect. 26
79.6 Ac: N.W. 1/4, Sect. 27
73.4 Ac: N.E. 1/4, Sect. 27
67.0 Ac: S.E. 1/4, Sect. 27

T112N, R61W, S71N

576.4 Ac: Total

567.4

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1276-3

WHEREAS, On the 16th day of May A. D. 1966
the Riverside Colony

of Huron County of Beadle and State of
South Dakota duly made application (No. 1276-3) to us for a Vested Right permit to use 8.0
cubic feet per second of the waters of the James River
County of Beadle State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 28th day of June A. D. 1966
Vested Right Permit No. 1276-3 was issued to said applicant... recognizing
completion of the works of diversion therein described ~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said
water ~~XXXXXX~~ and ~~XXXXXX~~
and,

WHEREAS, On the 16th day of May A. D. 1966
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 8.0
cubic feet per second of said waters, as evidenced by our Certificate No. 1276-3
dated June 28, 1966 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 8.0 cubic feet per second of water, with date of
priority of 1949 and,

WHEREAS, On the 16th day of May A. D. 1966
proof was duly made of the application to beneficial use of 8.0 cubic feet per second of said water;
for irrigating 567.4 acres in portions of Sections 22, 23, 26, and 27, T112N, R61W

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to the Riverside Colony
of Huron the holder Vested Right and owner 1276-3
a water right, dating from 1949 to the use of 8.00
cubic feet per second of the waters of the James River
in the County of Beadle and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted between points in the SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 26, and in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, T112N, R61W
and conducted to and upon portions of Sections 22, 23, 26, and 27, T112N, R61W, more
specifically described in the Certificate of Completion of Works
for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 22nd day of July A. D. Nineteen
Hundred and Sixty-Six

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

Permit No. 1276-3

Water Division No. 3 James River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the Riverside Colony

of Huron, County of Beadle, and State of South Dakota, Vested Right 1276-3, the holder of Permit No. 1276-3, issued upon Application No. 1276-3, bearing date of priority of 1949, authorizing the diversion of 8.0 cu. ft. per second of the waters of the James River

County of Beadle, State of South Dakota, between points in the SE 1/4 SW 1/4 Section 26, and in the NW 1/4 NE 1/4 Section 22, T112N, R61W

for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 8.00 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: all in T112N, R61W

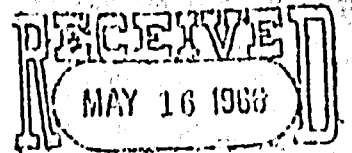
Section 22	NE 1/4	80.0	acres	
	SE 1/4	60.3	"	
	SW 1/4	10.7	"	✓
Section 23	NW 1/4	4.3	"	
	SW 1/4	39.4	"	
Section 26	NW 1/4	68.3	"	
	SW 1/4	84.4	"	
Section 27	NW 1/4	79.6	"	✓
	NE 1/4	73.4	"	✓ 3.0 19 1/2
	SE 1/4	67.0	"	
Total		- 567.4	"	

Witness my hand this 22nd day of July 1966 A. D. 19

State Water Resources Commission

By: J. W. ORMES
Chief Engineer, Executive Officer

Location No. _____



Water Division No. _____ Water District _____

STATE WATER RESOURCES COMMISSION
DEPT. OF AGRICULTURE
SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. DAVID DECKER, TRUSTEE, RIVERSIDE COUNTRY
FARMERS, HURON, SOUTH DAKOTA

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. TRUSTEE

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. 1949 - NINETEEN FORTY NINE

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. ANYWHERE BETWEEN PTS. A-B-C-D - SECT 22, 23, 24, 27
T112 N., R61 W. - ON EITHER BANK OF JAMES RIVER AS
SHOWN ON 1966 MAP

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. _____

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

AREA BY LEGAL SUBDIVISION

Ans. 80 AC - NE 1/4 SECT 22	84.4 AC - S.W. 1/4 SECT 24
603 AC - SE 1/4 SECT 22	79.6 AC - NW 1/4 SECT 27
10.7 AC - SW 1/4 SECT 22	23.4 AC - NE 1/4 SECT 27
4.3 AC - NW 1/4 SECT 23	67.0 AC - SE 1/4 SECT 27
39.4 AC - SW 1/4 SECT 23	567.4 AC TOTAL
68.3 AC - NW 1/4 SECT 26	

ALL WITHIN T112 N., R 61 W., S16 PM.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 8 CFS

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. WE HAVE BEEN IRRIGATING PARTS OF ALL
LANDS SHOWN ON 1966 MAP + DESCRIBED HEREIN UNDER
QUESTION 6. SINCE 1949 DEPENDING ON CLIMATIC CONDITIONS,
(CROP ROTATION, NEED AND OTHER FACTORS)

-X (Sign) David Decker

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Freeman, Neb., County of Hutchinson

State of South Dakota, on this 13th day of May A. D. 1966

Witnesses. Harold L. Hofer
Notary Public

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

1276-3

COMMISSION

John M. Carlhart, Spearfish
Lester Inge, Parker
Carl Comm, Gettysburg
Lauren A. Davis, Belle Fourche
Sheldon L. Fischer, Milbank
Richard Lommen, Harrisburg
Clarence D. Mortenson, Hayes
Dick Fisher, Cheyenne

South Dakota
WATER RESOURCES COMMISSION

State Office Building #2
PIERRE, SOUTH DAKOTA 57501

J.W. GRIMES

Chief Engineer
and
Executive Officer

PHONE
224-3584
Area Code 605

August 7, 1970

Riverside Colony
R.R. #1
Huron, South Dakota 57350

Dear Sirs:

The South Dakota Water Laws provide "That the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights." and "That the right of a municipality to acquire and hold rights to the use of water should be protected to the fullest extent necessary for existing and future uses, ---".

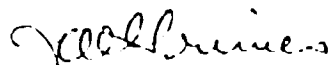
The South Dakota water laws provide also, "The full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission.

Because of the existing deficient supply of water in the James River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that all withdrawals of water from the James River for irrigation purposes between the north boundary of Spink County and the south boundary of Hanson County shall cease effective 6:00 P.M., August 10, 1970, and until January 1, 1971, or until further notice.

This order is necessary in order to maintain domestic use, including stock-water, and municipal water supplies to the extent possible under the scanty runoff yield of water to the James River.

Please govern your use of irrigation water under your Water Right No. 1276-3 in accordance with this order. You will be notified if water supplies in this section of the James River become sufficient to permit irrigation water withdrawals again during 1970. Aerial inspections of this section of the James River will be made by the Staff of the Water Resources Commission.

Sincerely,


J.W. GRIMES

JWG/DD/bw

P.S. The Water Permits of almost every water right holder receiving this letter contains the August 10th irrigation stoppage qualification or a low flow qualification which prohibits the diversion of water from the existing low flows of the James River, even if this special order were not issued.

COMMISSION

South Dakota

J. W. GRIMES

Carl Cronin, Gettysburg
W. Neil Evans, Anderson
Milton E. Fisher, Mobridge
Clen Garrett, Fort A, Pierre
Stanley Jensen, Brookings
Richard L. Johnson, Pierre
Clarence D. Martensen, Huron
Eugene VandeK, Gettysburg

Water Resources Commission

Chief Engineer
and
Executive Director

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

PHONE 685-7224, 3-64

6-22-73

Riverside Colony
Route 1
Huron, S.D. 57350

The South Dakota Water Laws provide "That the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights." and "That the right of a municipality to acquire and hold rights to the use of water should be protected to the fullest extent necessary for existing and future uses,---".

The South Dakota water laws provide also, "The full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission.

Because of the existing deficient supply of water in the James River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that all withdrawals of water from the James River for irrigation purposes between the James River Bridge east of Ashton, South Dakota and the 3rd Street Dam in Huron, South Dakota shall cease effective 6:00 P.M., July 1, 1973, and until January 1, 1974, or until further notice.

This order is necessary in order to maintain domestic use, including stock-water, and municipal water supplies to the extent possible under the scanty runoff yield of water to the James River.

Please govern your use of irrigation water under your Water Right No. 1276-3 in accordance with this order. You will be notified if water supplies in this section of the James River become sufficient to permit irrigation water withdrawals again during 1973. Aerial inspections of this section of the James River will be made by the Staff of the Water Resources Commission.

Sincerely,

J.W. GRIMES

JWG/DD/bw



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

September 3, 1976

Mike Waldner
Riverside Colony
R.R. #1
Huron, South Dakota 57350

Dear Mr. Waldner:

Mr. Vern Butler, Secretary Department of Natural Resource Development and myself stopped at Riverside Colony about 5:50 p.m. August 30, 1976. The purpose of the visit was to determine what progress has been made towards complying with the written request dated August 12, 1976 to remove the rocks from in front of the culverts in your James River crossing and to lower at least one of the culverts to the river bed to allow any water upstream to flow downstream towards Huron.

Although we were unable to contact you, we did go down to the crossing. Most of the rocks had been removed from in front of the culverts; however, none of the culverts had been lowered to the river bed. The difference in elevation between the upstream water level of the crossing and the downstream water level as measured with survey instruments August 26, 1976 by Vern Butler and Gale Selken was 1.48 feet. The water stored behind the low dam is captured water belonging to the City of Huron under its existing Water Rights, but unavailable to the City under present conditions. The existing low dam below the culverts is in violation of State Water Laws, including SDCL 45-6-1.

You are ordered to lower at least one of the culverts to the bottom of the river prior to September 15, 1976. If this order is not complied with, it is the intention of the Water Rights Commission to seek compliance through legal action. Please advise concerning your intentions on this matter.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JK/bw

cc: George Danforth, Beadle County States Attorney

1276-3

August 12, 1976

Mike Waldner
Riverside Colony
R. R. #1
Huron, SD 57350

Dear Mr. Waldner:

This will confirm the conversation with you August 5, 1976 at your place and the telephone conversation August 11, 1976. You were requested to remove the rocks from in front of the culverts in your James River Crossing and to lower at least one of the culverts to the river bed to allow any water upstream to flow downstream towards Huron. Please comply with this request immediately.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Commission

JH"nlm

CC: Glenn Housiaux, City Engineer

Aug. 5, 1980

352-4188 - Waldner

3:26 pm Called Riverside Colony
Mike Waldner - spoke to
a lady said he was not
there, he back in one hour.
Told her I would call
again at 4:30 pm.

4:30 Called talked to Mr. Waldner.
said he wasn't pumping
from the river he was
pumping from lagoons
out by his Barn. The
lagoons are used for
his pig operation. He was
not pumping from the river.

Delly Westlund.

7/23/80

Mike Waldner
Riverside Colony

Wants to transfer 146 acres on 1276-3
to another portion of land

June 14, 1982

TO: File 1276-3
FROM: Genny Young
SUBJECT: Reduction of portions of Water Right No. 1276-3, Riverside Colony

Upon approval of Permit No. 4866-3 (transfer of lands), Permit No. 1276-3 was reduced by 1.88 cfs and 132 acres.

The SW $\frac{1}{4}$, Section 22, 10.7 acres; NW $\frac{1}{4}$ Section 27, 79.6 acres; and 24.6 acres in NE $\frac{1}{4}$ Section 27 were transferred to Permit No. 4866-3. (see map)

Therefore, 6.12 cfs and 435.40 acres remain under Water Right No. 1276-3.

1276-3

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

NOTICE

September 13, 1983

TO: Riverside Colony
§ Mike Waldner
RR #1
Huron, South Dakota 57350

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

John Hatch

Re: Violation of Permit No(s). 4622-3 and 4866-3
by Failure to Submit Required 1982 Irrigation Questionnaire

The Water Management Board has directed that hearing(s) be held to determine what action the Board should take for violation of the Water Permit No(s). 4622-3 and 4866-3 qualification that requires the Irrigation Water Use Questionnaire to be submitted each year.

The hearing(s) will also be to determine if Permit No(s). 1276-3, 1523-3, 2078-3, and 2988-3 should be amended to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:30 p.m., October 5, 1983, Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota. Water Rights Division records do not show that the 1982 Irrigation Questionnaire for Permit No(s). 4622-3 and 4866-3 has been received. The questionnaire was requested on the following dates:

1. September 1982 Initial request
2. December 1982 follow-up request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit.
4. August 1983 Notice that Board had directed owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire with any permit owner in violation after August 30 to be given notice for hearing before the Board.

Equal Opportunity Employer

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 4622-3 and 4866-3 until either the 1982 Questionnaire is submitted or for a period of up to one year;
2. Amend Permits No(s). 1276-3, 1523-3, 2078-3, and 2988-3 also held by Riverside Colony to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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

State of South Dakota

REISSUANCE OF Water License No. 1276-3

(1) Riverside Colony
of RR#1, Huron, South Dakota was issued Water License No. 1276-3
~~made Application No.~~ July 22, 1966 ^{right} for a ~~water permit~~ to appropriate
8.0 cubic feet per second of water from the James River
Beadle County, South Dakota for irrigation purposes.
Water License 1276-3, with a priority date of 1949
~~Permit No.~~ 1276-3, was ~~approved~~ ^{and} issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ completed ~~and for the application to beneficial use of said~~
water ~~on or before~~ completed.

Water License No. 1276-3 dated July 22, 1966 authorized diversion of 8.0 cfs from the James River to irrigate 567.4 acres. Based upon a May 1, 1985 inspection of the Water Use System, the Water License is being reissued to reflect what is actually being irrigated.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.22 cubic feet per second of water for beneficial use. The location of the diversion point(s) is on the James River any place between the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, all in T112N, R61W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent: to irrigate the following land all in T11N, R61W

Section 22	NW $\frac{1}{4}$ NE $\frac{1}{4}$	22.0 Acres	Section 26	NW $\frac{1}{4}$ NW $\frac{1}{4}$	4.5 Acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	28.6 Acres		SW $\frac{1}{4}$ NW $\frac{1}{4}$	31.3 Acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.4 Acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5 Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	29.5 Acres		NW $\frac{1}{4}$ SW $\frac{1}{4}$	4.2 Acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	5.8 Acres		NE $\frac{1}{4}$ SW $\frac{1}{4}$	19.7 Acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.0 Acres		SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.1 Acres
Section 27	NW $\frac{1}{4}$ NE $\frac{1}{4}$	2.2 Acres		SE $\frac{1}{4}$ SW $\frac{1}{4}$	17.3 Acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	12.0 Acres			
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	23.2 Acres		TOTAL ACRES	236.3
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	23.0 Acres			

(4) Pursuant to §46-5-30.1 Riverside Colony
of RR#1, Huron, South Dakota
Right
the holder(s) and/or owner(s) of Water, Permit No. 1276-3 is issued a license to appropriate water, the right to use
2.22 cubic feet per second of water from the James River with a priority date
of 1949
of _____ from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water, Permit No. Right 1276-3 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

NOV 25 1986

Water Rights Division - DWR
Conversation or File Documentation

File No. 1276-3

NAME OF PERSON OR FILE: Riverside Colony

ADDRESS: RR1, Huron SD 57350 COUNTY Beadle

DATE: 12/6/85 TELEPHONE _____

RE: _____

COMMENTS:

License No. 1276-3 was inspected on May 1, 1985, for the
purpose of updating records regarding James River diversions.
The total acreage being irrigated has been reduced by 199.1
acres and information regarding the irrigation equipment has
been recorded. The total acreage currently being irrigated
is 236.3 acres with a diversion rate of 2.22 cfs.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Linnell

4/87

James River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Riverside Colony of PR1, Huron SD 57350 holder of Permit No. 1276-3 bearing the priority of 1949 authorizing the diversion of 8.00 cu. ft. per second of the waters of the James River for irrigation purposes in Beadle County.

I have to report on the conditions of the same as follows: motor: GMC, Detroit 471, 4cyl. pump: Berkeley, imp. 16 in.A. Works used to divert the water: 2nd motor + pump were not availableS.N. 7841402
M.N. B4EYRMBM CV

B. Works used to transport water to place of use:
pipeline: size - 8 in. 8 in.
type - Aluminum PVC
length - 2640 Ft 3040 Ft

C. Works used to apply water to beneficial use:
handmove line: length - 1300 Ft
sprinklers - Rainbird
spacing - 30 Ft

Center Pivots:
NE $\frac{1}{4}$, sec 27
make - Zimmatic (towable) Zimmatic
of towers - 5 8
nozzles - Rainbird Rainbird
pressure - high, 50-60 psi high, 50-60 psi
capacity - 500 gpm 500 gpm

The system is in the following condition goodThe point of diversion is located James River: any place between the SW $\frac{1}{4}$ NE $\frac{1}{4}$, sec 22 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, sec 26 all in T112N-R61WThe works are capable of diverting and conveying to the place of use 2.22cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows all in T112N-R61W

Acres		Acres		Acres		Acres	
NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 22	22.0	SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec 22	5.8	SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec 27	23.0	NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 26	4.2
NE $\frac{1}{4}$ NE $\frac{1}{4}$	28.6	SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.0	NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 26	4.5	NE $\frac{1}{4}$ SW $\frac{1}{4}$	19.7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.4	NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 27	2.2	SW $\frac{1}{4}$ NW $\frac{1}{4}$	31.3	SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.1
SE $\frac{1}{4}$ NE $\frac{1}{4}$	29.5	NE $\frac{1}{4}$ NE $\frac{1}{4}$	12.0	SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	SE $\frac{1}{4}$ SW $\frac{1}{4}$	17.3
SW $\frac{1}{4}$ NE $\frac{1}{4}$		23.2					

comprising a total of 236.3 acres of land and the license should be issued for 2.22 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are _____ Date May 1, 1985Ron Duwall

LICENSE FOR PERMIT NUMBER 1276-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 8 in 8 in
b) type Aluminum PVC
c) length 2640 ft 3040 ft

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline: hardmove line

1) length 1300 feet
2) make, model & number of sprinklers
Rainbird
3) spacing of sprinklers 30 ft
4) nozzle size _____

5. System Type: c) center pivot
 1) make Zimmatic
 2) number of towers 8
 3) distance between towers _____
 4) overall length _____
 5) End gun (Y/N) Yes
 6) high or low pressure high
 7) make & size of nozzles Rainbird
 8) PSI reading while system is running 50-60
 9) GPM 500

d) Gate Pipe
 1) length _____
 2) diameter _____
 3) spacing of gates _____

e) Siphons
 1) number _____
 2) size _____

f) Portable boom
 1) make _____
 2) serial number _____
 3) nozzle size _____
 4) capacity (GPM) _____
 5) PSI _____

g) Gun
 1) make _____
 2) serial number _____
 3) nozzle size _____
 4) capacity (GPM) _____
 5) PSI _____
 6) hose size _____
 7) hose length _____

h) Hydromatic
 1) make _____
 2) model _____
 3) serial number _____
 4) length _____
 5) nozzle size _____
 6) spacing _____
 7) PSI _____
 8) capacity (GPM) _____

YES	NO	Check Items
<u> </u>	<u> </u>	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
<u> </u>	<u> </u>	2. Special Qualifications to permit being abided by.
<u> </u>	<u> </u>	3. All Structures, wells and lands on map.

REMARKS: motor: GMC, Detroit 471, 4cyl pump: Berkeley, imp. 16 in.
 S.N. 7841402
 M.N. B4EYRM3M CW

2nd motor & pump were not available

1276-3



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

NOV 25 1986

Riverside Colony
Route #1
Huron, South Dakota 57350

Dear Sir:

Enclosed is your Water Right License No. 1276-3. The water license has been reissued to the extent of what is actually being used. The relicense is based on a May 1, 1985 inspection of your water use system.

If you have any questions concerning the enclosed Water License, please contact us.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 18, 1988

1276-3
4866-3

Mike Waldner
Riverside Colony
RR 1
Huron, SD 57350

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Waldner:

We have been monitoring James River flows. I am sure that you realize that unless water supply conditions change, there will not be much water for irrigation during 1988. Shutoff of irrigation above Huron is required when the flow drops to 20 cfs at the Huron Third Street Dam. Therefore, we expect to issue orders within the next two to four weeks to shut off James River Irrigation from the Third Street Dam to the ND-SD border. Below Huron to the I-90 bridge near Mitchell, irrigators can also expect a shutoff order within the next few weeks when the flows of the river drop below 20 cfs at the Forestburg Gaging Station. Below the I-90 bridge near Mitchell to the Yankton County line we may need to issue a shutoff order sometime during early summer if the flows at Scotland drop below 20 cfs.

James River flow conditions are as follows:

James River Flow* Record

Date	LaMoure	Ludden	Columbia**	Ashton	Huron	Forestburg	Scotland
04/06/88	81.2	(state	15.0	37.7	48.0	105	285
04/11/88	134	line)	12.4	34.3	39.4	60.9	167
04/13/88	150		8.99	21.4	34.3	55.7	122
04/11/88	159	190	21.3	34.3	32.0	50.8	115
04/15/88	142		57.0	45.6	32.0	48.9	112

* Flow in cfs (cubic feet of water per second)

1 cfs = 449 gallons per minute

** Sand Lake Refuge has increased releases due to inflows

The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North Dakota because the water level elevation is below the flood control storage elevation.

Sand Lake Refuge is at or near full capacity and releases are being made. The quantity released will depend on inflows which are measured near the ND-SD State Line.

We are providing the above information to allow you to have the latest information for the entire James River and to provide you with an indication of what to expect. Unless water supply conditions change, we expect that the James River pumping will be shutoff for much of the irrigation season.

If we may answer any questions, please contact James Winterton, 773-3352.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 18, 1988

NOTICE OF SHUTOFF ORDER

TO: Mike Waldner
Riverside Colony
RR 1
Huron, SD 57350

1276-3
4866-3

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Shut Off Order To James River Water Right Holders Located Above
Huron, Effective 12:00 Noon, May 25, 1988.

I am certain that you are aware that James River flows are not enough to supply all water rights. Therefore, to protect the City of Huron's senior water rights and to provide water for domestic use (livestock watering), effective 12:00 noon on May 25, 1988 no pumping of water from the James River is authorized until January 1, 1989 or until further notice.

The following is the latest flow information that we have on the river: (these are provisional records - flow measured in cubic feet per second)

Date	LaMoure	Ludden	Columbia	Ashlon	Huron	Forestburg	Scotland
05/09/88	5.5	156	6.97	51.4	62.0	57.7	72.0
05/10/88	4.2	48.0	16.3	43.7	65.1	65.3	87.4
05/11/88		.05	9.23	31.6	45.0	68.8	82.0
05/12/88	4.6	5.79	6.30	30.3	51.3	68.8	79.4
05/13/88	0.30	0.45	6.46	30.0	48.0	65.3	76.9
05/16/88	0.50	3.69	3.15	21.1	45.0	49.9	62.8
05/17/88	0.0	0.0	4.84	16.0	42.1	43.7	58.5
05/18/88	0.0	0.0	3.51	12.8	6.8	39.6	50.7

* South wind affecting the reading

As the information listed above shows, there is almost no James River flow in North Dakota and the flows in South Dakota are steadily decreasing. Unless conditions change, it appears that no pumping will be allowed for the remainder of the 1988 irrigation season from the James River.

cc: City of Huron





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 24, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: Mike Waldner
Riverside Colony
RR 1
Huron, SD 57350

1273-2
4866-3

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Extension of Shutoff Order to 12:00 Noon, June 1, 1988
due to Increased Flows in the James River.

The rains this past weekend over the James River Drainage area has produced enough runoff to provide additional flows in the James River. Therefore, the **shutoff order** to be effective at 12:00 noon, May 25, 1988 is **extended to 12:00 noon, June 1, 1988.**

We will continue to monitor the flows to determine whether or not an additional extension may be granted.





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 31, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: Mike Waldner
Riverside Colony
RR 1
Huron, SD 57351

1276-3
4866-3

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Extension of Shutoff Order to 12:00 Noon, June 15, 1988
due to Increased Flows in the James River.

The rains over the James River Drainage area has produced enough runoff to provide additional flows in the James River. Therefore, the shutoff order to be effective at 12:00 noon, May 25, 1988 is extended to 12:00 noon, June 15, 1988.

We will continue to monitor the flows to determine whether or not an additional extension may be granted.





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 17, 1989

NOTICE OF SHUTOFF ORDER

1276-3
4866-3

TO: Mike Waldner
Riverside Colony
RR 1
Huron, SD 57350

FROM: John Hatch, Chief Engineer
Water Rights Division
(605)773-3352

SUBJECT: Shut Off Order to James River Water Right Holders
Located above Huron Effective 12:00 Noon July 20, 1989.

The flows in the James River have dropped to less than 20 cfs at Huron. Therefore to protect the City of Huron's prior rights and domestic uses (livestock watering) on the James River, effective 12:00 noon on July 20, 1989 no pumping of water from the James River is authorized until January 1, 1990 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for the remainder of the 1989 irrigation season from the James River.

If you have any questions, please contact James Winterton, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 31, 1990

1276-3
1523-3
2078-3
4866-3
5139-3

Bennett Waldner
Riverside Colony
RR #1 Box 224
Huron, SD 57350

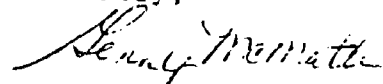
Dear Mr. Waldner:

Enclosed are the 1989 irrigation questionnaires for Riverside Colony. When you returned the forms to our office in December, 1989, only No. 4622-3 had been completed. Irrigation information for Permit Nos. 1276-3, 1523-3, 2078-3, 4866-3 and 5139-3 is still required.

Please complete the enclosed questionnaires and return them to us by February 16, 1990. I have enclosed a postage paid envelope for your convenience in returning the forms.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 6, 1990

NOTICE OF SHUTOFF ORDER

1276-3, 4866-3

TO: Waldner, Mike
Riverside Colony
RR 1
Huron, SD 57350

FROM: *for* John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin D. Brosz

SUBJECT: Shut Off Order to All James River Irrigation Water Right Holders-Effective Immediately.

The flows in the James River are below 20 cubic feet per second (cfs) at most of the gaging stations. Therefore to protect the City of Huron's prior rights from diversions above Huron and domestic uses (livestock watering) on the river below Huron, effective immediately, no pumping of water from the James River is authorized until January 1, 1991 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for the 1990 irrigation season from the James River. If conditions do improve, notices will be issued, based on senior priority dates, to allow pumping by irrigators.

Sand Lake Wildlife Refuge is approximately one foot below the full level. The Refuge is entitled to the flows from North Dakota under a senior water right. The flows from North Dakota are expected to decrease due to the lack of snow pack. The storage levels in the Jamestown and Pipestem Reservoirs are down with no expected releases.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland	Yankton
3/28/90	----	----	----	----	----	----	30.2
4/2/90	----	3.5	8.0	0	6.0	15.0	----
4/4/90	51.0	10.0	10.0	0	5.4	22.0	----

If you have any questions, please contact Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent

South Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 29, 1990

RESCISSION OF SHUTOFF ORDER

1276-3
4866-3

TO: Mike Waldner
Riverside Colony
RR 1
Huron, SD 57350

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

John Hatch

SUBJECT: Rescission of April 6, 1990 Shutoff Order to James River Water Right Holders

The flows in the James River have improved. Therefore, I am rescinding the April 6, 1990 shutoff order, effective immediately, for the section of the James River downstream from the James River Diversion Dam to the Huron Third Street Dam.

The following is the latest flow (cfs) information on the river:

<u>Date</u>	<u>Ludden</u>	<u>Columbia</u>	<u>Ashton</u>	<u>Huron</u>	<u>Forestburg</u>	<u>Scotland</u>
6/27/90	45.2	0.6	12.3	20.5	132.8	249.1
6/28/90	32.4	1.7	25.3	68.4	120.0	229.4
6/29/90	10.9	1.0	23.1	51.3	117.1	206.0

If the flows of the river should decrease to less than 20 cfs at the Third Street Dam, shutoff will again be necessary.

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 8, 1990

NOTICE

1276-3, 4846-3

TO: Mike Waldner
Riverside Colony
RR 1
Huron, SD 57350

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. On some of the older permits this qualification though not listed is still valid and must be followed. Since there are still flows in portions of the James River, continuation of diversions beyond the shutoff date will be considered on a case by case basis. To do this you need to contact Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

<u>DATE</u>	<u>LUDDEN</u>	<u>COLUMBIA</u>	<u>ASHTON</u>	<u>HURON</u>	<u>FORESTBURG</u>	<u>SCOTLAND</u>
8/06/90	0.0	0.0	14.3	128.0	188.0	99.0
8/01/90	0.0	0.0	10.6	108.1	166.5	119.5
8/02/90	0.0	0.0	7.6	99.0	146.2	138.9

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501.
Phone (605) 773-3352

cc: City of Huron, Water Superintendent

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 13, 1990

1276-3
4866-3

Mike Waldner
Riverside Colony
RR 1
Huron, SD 57350

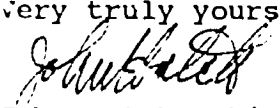
Dear Mr. Waldner:

In response to your request by telephone, you are authorized to continue pumping from the James River under your water right.

The flows in the James River will continue to be monitored. If the flows become so low that use by senior water right holders or domestic users becomes impaired a shutoff order will again be issued.

If there are any questions, please contact this office.

Very truly yours,


John Hatch, Chief Engineer
Water Rights Division
605 773-3352

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

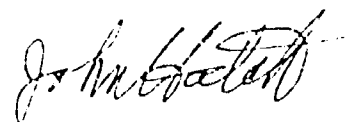
1275-3
4866-3

August 31, 1990

N O T I C E

TO: Mike Waldner
Riverside Colony
RR #1
Huron SD 57350

FROM: John Hatch, Chief Engineer
Water Rights Division



SUBJECT: Shutoff Order for Water Rights in the James River Reach
Above Huron to the James River Diversion Dam

Due to the present low flow conditions in the James River at Huron, withdrawals of water from the James River above Huron to the James River Diversion dam must cease. This order is effective September 4, 1990.

If you have any question, please contact Del Brosz, Division of Water Rights, Joe Foss Building, Pierre SD 57501-3181. Phone (605) 773-3352.

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 2, 1991

1276-3
4866-3

Mike Waldner
Riverside Colony
RR 1
Huron, SD 57350

Dear Mr. Waldner:

I am contacting irrigators and water users on the James River to advise of the low flow conditions in the James River and potential of shut off orders being issued. Due to the continuing drought, the James River basin, in both North Dakota and South Dakota, is supplying the river with below normal runoff.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
3/28/91	79.1	0.0	6.6	2.3	19.2	23.7
3/29/91	79.1	0.0	6.3	13.0	17.9	22.8
4/01/91	79.1	0.0	6.1	11.1	18.5	10.0

Note: The flow at Ludden is from in stream ice melt with little or no runoff occurring.

We will continue to closely monitor the flow in the river. Unless flow conditions improve in the next two to three weeks, shut off orders may have to be issued to all James River water users except for the City of Huron, which has senior water rights.

If you have any questions, feel free to contact Mark Rath or Del Brosz. Phone (605) 773-3352.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 5, 1991

NOTICE

1276-3
4866-3

TO: Mike Waldner
Riverside Colony
RR 1
Huron, SD 57350

FROM: *for* JOHN HATCH, Chief Engineer *Delvin D. Brosz*
Water Rights Division
(605) 773-3352

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. Although flows in the James River continue to be good, the gates at the Columbia Road Dam below Sand Lake Refuge were shut on August 1, continued good flows, particularly in the upper river reaches, are questionable. Continuation of diversions beyond the August 10 shutoff date will be considered on a case by case basis. To do this you need to contact the Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

DATE	LUDDEN	COLUMBIA	ASHTON	HURON	FORESTBURG	SCOTLAND
7/31/91	6.7	63	130	139	142	148
8/02/91	17	58	125	134	139	154
8/05/91	0.3	36	101	128	140	166

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 East Capitol, Pierre, SD 57501. Phone (605) 773-3352

cc: City of Huron, Water Superintendent



April 14, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOTICE OF SHUTOFF ORDER

1276-3
4866-3

TO: % MIKE WALDNER
RIVERSIDE HTTRN BRTH
RT 1
HURON, SD 57350

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Shut Off Order to All James River Water Right Holders
Above Huron, Effective Immediately.

The flows in the James River are below 20 cubic feet per second (cfs) at the gaging stations above Huron. Therefore to protect the City of Huron's prior rights from diversions above Huron and domestic uses (livestock watering) below Huron, effective immediately, no pumping of water from the James River above Huron is authorized until January 1, 1993 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for 1992 from the James River above Huron diversion dam. If conditions improve, notices will be issued, based on senior priority dates, to allow pumping by water users.

Due to the continuing drought, the James River basin, in both North Dakota and South Dakota, is receiving below normal runoff.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
4/7/92	83	.4	9	32	40	57
4/10/92	54	.6	7	20.5	---	57
4/13/92	6	.6	4	20.5	---	55

If you have any questions, please contact Norma Job or Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 22, 1992

RESCISSION OF SHUTOFF ORDER

1276-3
4866-3

TO: RIVERSIDE HTTRN BRTH
% MIKE WALDNER
RR 1
HURON, SD 57350

FROM: *for* John Hatch, Chief Engineer *Delvin W. Brosz*
Water Rights Division
(605) 773-3352

SUBJECT: Rescission of April 14, 1992 Shutoff Order
to James River Water Right Holders above the
Huron Third Street Dam to Ashton.

The present flow conditions on the James River are sufficient to allow for diversions. The Shutoff Order of April 14, 1992 is rescinded, effective immediately, for all James River Water Right Holders between the Huron Third Street Dam and the Ashton gaging station. We will continue to monitor the flows of the James River through the summer. The present increase in flow may only be temporary. If the present flow conditions continue, pumping will be allowed until the mandatory August 10 shutoff date. Pumping after the August 10 shutoff date will be handled on request and requires written approval from the Chief Engineer.

If you have any questions, please contact Norma Job or Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501 Phone (605) 773-3352.

cc: City of Huron, Water Superintendent

1276-3

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1276-3 FOR IRRIGATION

Date of Receipt of Claim July 22, 1966.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 1276-3 for irrigation purposes for Riverside Colony, c/o Mike Waldner, RR 1, Huron SD 57350 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1276-3 appropriates 2.22 cubic feet of water per second from the James River located in the SW 1/4 SW 1/4 Section 26 to SW 1/4 NE 1/4 Section 22 to irrigate 236.3 acres in the S 1/2 SE 1/4, NE 1/4 Section 22; NW 1/4, SW 1/4 Section 26; NE 1/4 Section 27; all in T112N-R61W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1949.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer

MAR 16 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

1276-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

MAR 16 1993

Riverside Colony
c/o Mike Waldner
RR 1
Huron SD 57350

Dear Mr. Waldner:

The Water Management Board has validated the enclosed Vested Water Right No. 1276-3. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: RIVERSIDE HTRN BRTH attn BEN WALDNER
40361 200TH ST
HURON SD 57350

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 1276-3 4866-3

To protect domestic use on the James River, the department is issuing shutoff orders to water right holders on the James River from the Yankton-Hutchinson county line north to the North Dakota border. Effective immediately, no diversions of water from the James River will be allowed. Previous to this Order, shutoff orders were issued for water right junior to January 1, 1975 located upstream of Huron.

Flow in the James River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. USGS gaging stations over this entire river reach are measuring flow levels at or below 20 cubic feet per second, the required bypass for downstream domestic use. This order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

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



**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