

WATER PERMIT NO. 2390A-3

Name of Applicant: Huron Colony

Address: 40068 Huron Colony Lane, Huron SD 57350

Phone: 605 352-5647

Amount of Water Claimed: no additional

Total Acres: no additional

Source of Water Supply: James River

Water to be used for: irrigation

County: Beadle

Type of Waste Disposal System:

Location: 12 miles north of Huron

PRIORITY

Date Received: 5-1-03

Application/License Fee: \$100

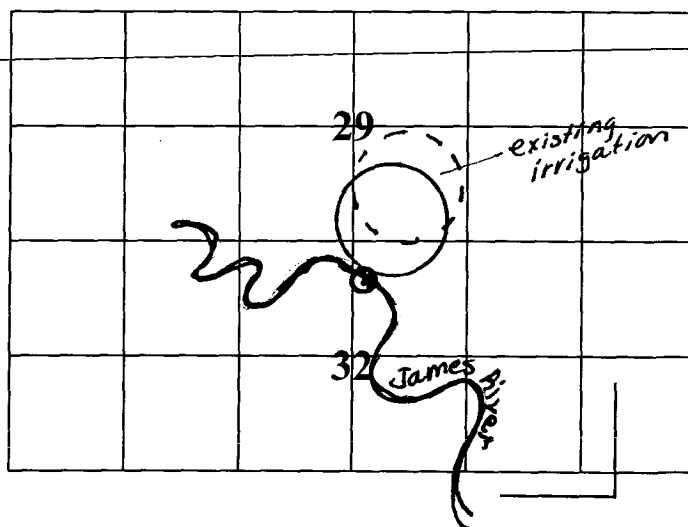
Corrected Application Received:

Period of Annual Use: May 1 – August 10

Remarks: move existing pivot approximately 700 feet southwest

Diversion Point: NW ¼ NE ¼ Sec 32-T113N-
R61W

Land to be Irrigated: SE ¼, SE ¼ SW ¼ Sec 29
and N ½ NE ¼, NE ¼ NW ¼ Sec 32; all in T113N-
R61W



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: aerial

Prepared by: Elmer W Ward, NRCS

Reviewed and the Number Assigned on: XX

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2390A-3</u> (office use only) <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>The Plainsman, Huron</u>

RECEIVED
MAY - 1 2003
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right Amendment/Correction to Permit No. WR No 2390-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc) MOVE CENTER
Pivot irrigator closer to River, all on Huron Colony Land.

- Name of Applicant Huron Colony Phone 605 352 5647
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 40068 Huron Colony Lane, Huron State SD 57350
(Street, RR, or Box and City) (No additional) (Zip Code)
- Amount of water claimed *CFS or 800 **GPM ***AF Total Acreage 136.4
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply James River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Diversion on
James River (NORTH side) Sec 32 $\approx$ 1 1/2 mile east of HWY 37
NW 1/4 NE 1/4 Sec 32-T113N-R61W County
- County or counties where water will be used Beadle
- Annual period during which water is to be used May 1 - Aug 10
- 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
N 1/2	NE 1/4 32 - 113N 061W	31		
SE 1/4	SW 1/4 29 - 113N 061W	6		
	SE 1/4 29 - 113N 061W	100		
NE	NW 32 113N R61W			

- Give a description of the project. (Attach sheet if more space is needed)
Move the Pivot irrigator $\approx$ 700' closer to River to
avoid the Pivot going thru a wetland on North side of SE 1/4
29 - 113N - 061W

STATE OF SOUTH DAKOTA) SS
County of Beadle

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

I, Alvin Waldner, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Alvin Waldner

Subscribed and sworn to before me this 30th day of April 20 03

Shari Larsen
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 2390A-3

Date of first receipt of application May 1, 2003.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2390A-3 to Huron Colony, 40068 Huron Colony Lane, Huron SD 57350 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. 2390A-3 amends Water Right No. 2390-3 by transferring the irrigated acreage to other land. Water Right No. 2390-3 appropriates 1.89 cubic feet of water per second (cfs) from the James River located in the NW ¼ NE ¼ Section 32 to irrigate 132 acres located in the SE ¼ Section 29; all in T113N-R61W. This permit authorizes moving the center pivot approximately 700 feet to the southwest to irrigate 132 acres located in the SE ¼, SE ¼ SW ¼ Section 29 and N ½ NE ¼, NE ¼ NW ¼ Section 32; all in T113N-R61W. The James River diversion point will remain the same and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
 2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – August 10.
 3. The date from which applicant may claim right is September 26, 1975.
 4. The date of approval of Permit No. 2390A-3 is July 14, 2003.
 5. One-fifth of the construction is to be completed on or before January 14, 2006.
 6. All construction is to be completed on or before July 14, 2008.
-
7. Water is to be put to beneficial use on or before July 14, 2012.
 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. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low unless written order have been so issued by the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Commission or its representative.
2. This permit does not authorize diversions from the James River when less than 20 cubic feet of water is by-passing the Third Street Dam in Huron.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 10 2003

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 1, 2003

RECEIVED OF Huron Hutterian Brethren, 40068 Huron Colony Lane, Huron SD 57350

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

Fee for Application for Permit No. <u>2390A-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2390A-3</u>	50	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	100.00

No.

000736

By

Darland Ebele

Chief Engineer

gm



~~Pioneer Hi-Bred International, Inc~~

Prepared For: ~~██████████~~ ^{Huron} Colony

Prepared By: ~~██████████~~

Printed On: Apr 29, 2003

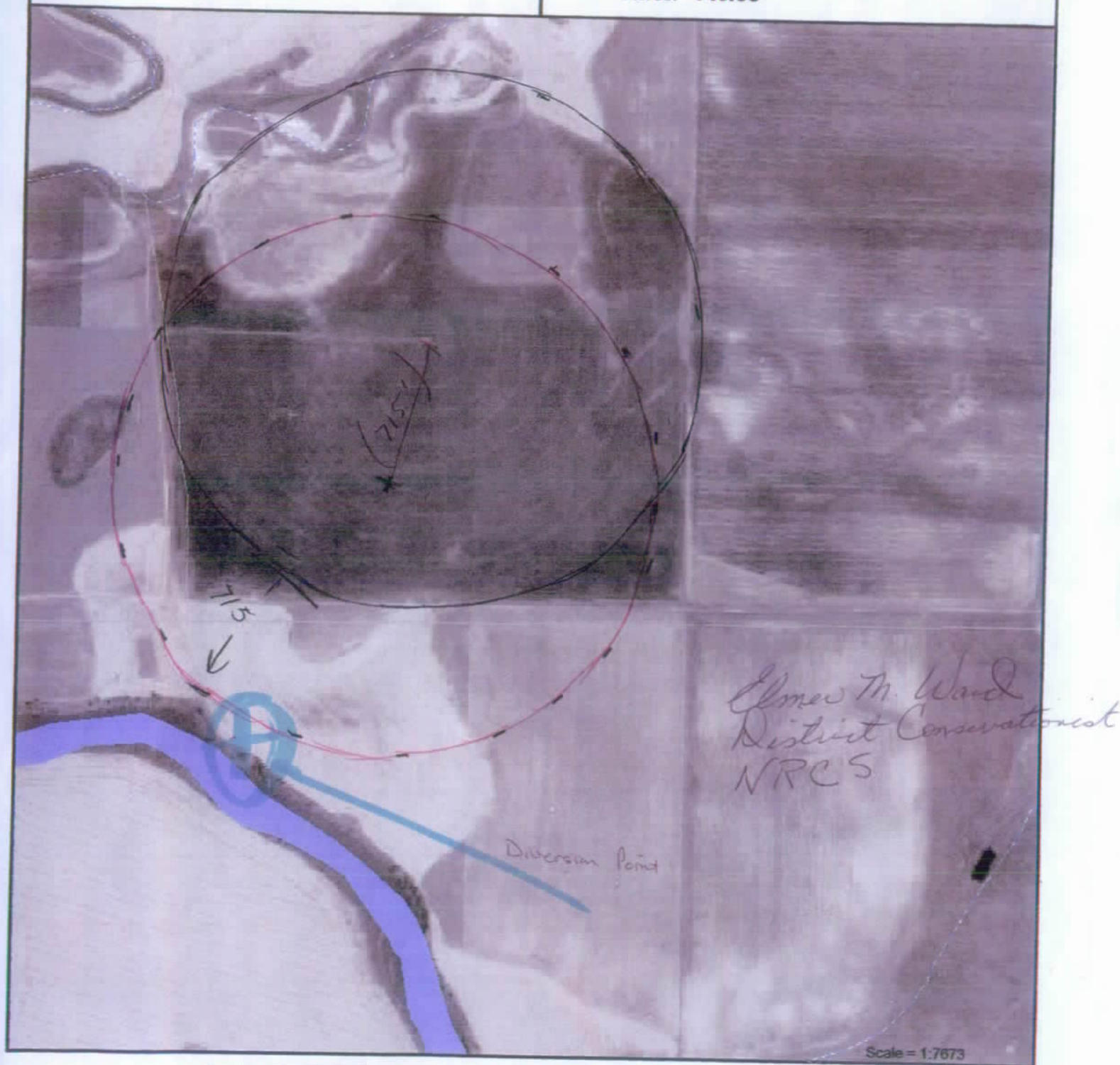
Farm Name:

Field Name:

County: **Beadle**

State: **SD**

Acres: **140.00**



~~Printed by the Pioneer Hi-Bred International, Inc. (c) 2000-2003, Pioneer Hi-Bred International~~

sec 29 / Move south to sec 32 " " "

2390A-3

WATER PERMIT APPLICATION No. 2390A-3

**Huron Hutterian Colony
c/o Alvin Waldner
40068 Huron Colony Lane
Huron, SD 57350
(605)352-5647**

Water Permit Application No. 2390A-3, Huron Colony, proposes to amend Water Right No. 2390-3 by transferring the land irrigated nearer to the James River. No change in the diversion point location, amount of water appropriated, or number of acres irrigated is requested. The period of annual use requested is from May 1 to August 10.

Review of Proposed Project

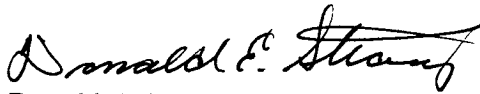
Water Right No. 2390-3, September 26, 1975 priority, authorizes the diversion of 1.89 cubic feet per second (cfs) of James River water in the NW¼ NW¼ Section 32 to irrigate 132 acres in Section 29, all T113N R61W. The applicant proposes to move the center pivot irrigation system approximately 700-feet to the southwest (Attachment 1). This proposed relocation will place the center pivot system closer to the point of diversion from the James River and avoids running the pivot through a wetland (Foster Creek) in the northern portion of the SE¼ Section 29.

This proposed amendment does not appropriate additional water, change the point of diversion, change the water source, or increase the number of acres irrigated.

Conclusions

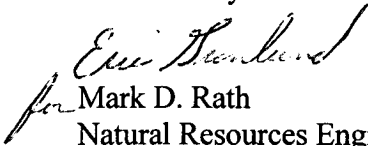
1. Water Permit Application No. 2390A-3, Huron Colony, proposes to amend Water Right No. 2390-3 by transferring the land irrigated nearer to the James River. No change in the diversion point location, amount of water appropriated, or number of acres irrigated is requested.
2. If for any reason it should become impracticable to use all or any part of the water beneficially or economically for irrigation of any land to which the right of its use is appurtenant, South Dakota Codified Law (SDCL) 46-5-34 allows that all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land without losing priority of right previously established, subject to existing rights, upon approval of an application for an amended permit. No increase in total acres irrigated may be allowed.
3. The priority date of September 26, 1975 should be retained for the 132 irrigated acres and associated diversion rate of 1.89-cfs.
4. This proposed amendment to Water Right No. 2390-3 does not change the amount of water appropriated or the water source. There is no increase in the number of acres irrigated.

5. The applicant proposes this change because:
 - a. Locates center pivot irrigation system closer to the point of diversion from the James River,
 - b. Proposed location avoids running the center pivot through a wetland area.
6. If approved, this application should retain the following qualifications:
 - a. Diversions authorized only when flow at Huron Third Street Dam exceeds 20-cfs while pumping, and
 - b. Diversions not authorized after August 10th unless by written orders from the Chief Engineer.



Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

Reviewed by:



for Mark D. Rath
Natural Resources Engineering Specialist
DENR Water Rights Program

References

South Dakota Department of Environment and Natural Resources, Water Rights Program
Records

2390A-3
Huron Hutterian Colony
c/o Alvin Waldner
40068 Huron Colony Lane
Huron, SD 57350
(605)352-5647

T113N R61W

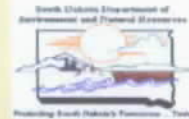
Present Center
Pivot Location

Proposed Center
Pivot Location

Diversion
Point

James
River

0 0.5 1 Miles



Donald E. Stroup
Natural Resources Project Engineer
DNR Water Rights Program

Attachment 1

2390A-3
Huron Hutterian Colony
c/o Alvin Waldner
40068 Huron Colony Lane
Huron, SD 57350
(605)352-5647

T113N R61W



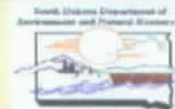
Present Center
Pivot Location

Proposed Center
Pivot Location

James
River

Diversion
Point

0 0.5 1 Miles



Donald E. Stroup
Natural Resources Project Engineer
DNR Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2390A-3, Huron Colony, c/o Alvin Waldner**

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. 2390A-3, Huron Colony, c/o Alvin Waldner, 40068 Huron Colony Lane, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 2390A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low unless written order have been so issued by the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Commission or its representative.
2. This permit does not authorize diversions from the James River when less than 20 cubic feet of water is by-passing the Third Street Dam in Huron.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 16, 2003

NOTE: The US Geological Survey has an Internet site showing river flow at different James River gauging stations, including the Huron gauge. Go to <http://water.usgs.gov/> and click on Realtime Streamflow data. You will have to navigate to the information on realtime flow at the Huron gauge.



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

June 18, 2003

Huron Colony
% Alvin Waldner
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Waldner:

Water Permit Application No. 2390A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Plainsman printed at Huron, SD (Ph # 605-352-6401). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

June 18, 2003

The Plainsman
PO Box 1278
Huron SD 57350-1278

ATTENTION: Legal Public Notice

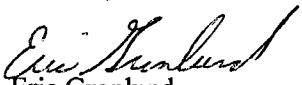
Enclosed is a Notice of Hearing on Application No. 2390A-3 to Appropriate Water to be published twice. Please publish the first notice on June 26, 2003 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Huron Colony, %Alvin Waldner, 40068 Huron Colony Lane, Huron SD 57350 (Ph # 605-352-5647).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** 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

-----CUT HERE-----

No. 2390A-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of June 18, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 2390A-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 26, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2390A-3

Notice is given that Huron Colony, c/o Alvin Waldner, 40068 Huron Colony Lane, Huron SD 57350 has filed Application No. 2390A-3 which requests to amend Water Right No. 2390-3 by transferring the irrigated acreage to other land. Water Right No. 2390-3 appropriates 1.89 cubic feet of water per second (cfs) from the James River located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 to irrigate 132 acres located in the SE $\frac{1}{4}$ Section 29; all in T113N-R61W. This application proposes to move the center pivot approximately 700 feet to the southwest to irrigate 132 acres located in the SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 and N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32; all in T113N-R61W. The James River diversion point will remain the same and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Waldner indicates as his justification for this change that the land is nearer to river and avoids going thru a wetland on the north side of the quarter.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2390A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 14, 2003.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, Kimberly DeWall, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

DENR - Huron Colony Notice Appl. Waldner

Was published for two days, once each week, on the same day, in said newspaper, and not in any supplement of the said newspaper, the first publication was on the 26th day of June, 2003 and the last publication was on the 3rd day of July, 2003. That the full amount of the fee charged for publishing the same, Fifty Seven 14/100 Dollars inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Kimberly DeWall

Subscribed and sworn to before me this 2nd day of July, 2003.

Cheri Boyle

Notary Public, South Dakota

My term expires 11/27/08

Legal #254

RECEIVED

JUL 11 2003

WATER RIGHTS
PROGRAM

F.P. 06-26-03 L.P. 07-03-03

NOTICE OF APPLICATION NO. 2390A-3

Notice is given that Huron Colony, c/o Alvin Waldner, 40068 Huron Colony Lane, Huron, SD 57350 has filed Application No. 2390A-3 which requests to amend Water Right No. 2390-3 by transferring the irrigated acreage to other land. Water Right No. 2390-3 appropriates 1.89 cubic feet of water per second (cfs) from the James River located in the NW 1/4 NE 1/4 Section 32 to irrigate 132 acres located in the SE 1/4 Section 29, all in T113N-R61W. This application proposes to move the center pivot approximately 700 feet to the southwest to irrigate 132 acres located in the SE 1/4, SE 1/4 SW 1/4 Section 29 and N 1/2 NE 1/4, NE 1/4 NW 1/4 Section 32; all the T113N-R61W. The James River diversion point will remain the same and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Waldner indicates as his justification for this change that the land is nearer to river and avoids going thru a wetland on the north side of the quarter.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2390A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 14, 2003.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

No. 254 (adv.)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 10 2003

Huron Colony
% Alvin Waldner
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Waldner:

Enclosed is Water Permit No. 2390A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



January 14, 2004

2390A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: HURON COLONY, JIM J WALDNER, 40068 HURON COLONY LANE, HURON, SD 57350

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 2390A-3, 4400A-3 & 5651-3, 3268-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3268-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2390A-3, 4400A-3 & 5651-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2390A-3, 4400A-3 & 5651-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3268-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is 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.

If the questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

I'm very sorry for the delay in sending the report. Jim Waldner retired for health reasons. So I'm ~~take~~ taking over & I'm new at it. So please forgive me will try to do better in the future

Sam Waldner

home	605	352	5647
cell	605	350	9501

If you got any questions call

RECEIVED

JAN 26 2004

WATER RIGHTS
PROGRAM



2390A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2004

2390A-3
4400A-3
3268-3
5651-3

Sam Waldner
Huron Colony
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2390A-3, 4400A-3, 3268-3 and 5651-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

As you requested, future correspondence will be directed to your attention. Thank you for sending in the questionnaires and the update information for the water right files. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

2390A-3

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 10-16-03

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

HURON COLONY
40068 HURON COLONY LANE
HURON, SD 57350-8001

FROM:

(name) HURON COLONY
40068 HURON COLONY LANE
(address) HURON, SD 57350-8001

(city, state, zip)

605 352 5647

(phone)

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

Water Permit No. 2390A-3 states that the water use system is to be constructed by

June 2004 (date), and water is to be put to beneficial use by June 2004 (date)

The water use system was completed on Dec. 20 2003 (date)

Applying the water to beneficial use was completed on Dec 20 2003 (date)

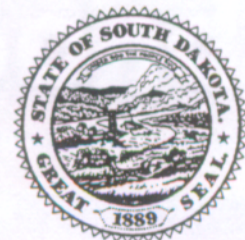
You may schedule an investigation so that the water license may be issued.

Alvin Walker
(signature)

7-98

RECEIVED

JAN 29 2004

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 26, 2006

NOTICE OF SHUTOFF ORDER

TO: SAM WALDNER, HURON COLONY
40068 HURON COLONY LANE
HURON SD 57350

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 2390A-3

To protect the senior priority water rights and domestic use, the department is issuing shutoff orders to water right holders on the James River above Huron. Effective immediately, no diversions of water from the James River will be allowed for those permits with a priority date after January 1, 1975. Previous to this Order, diversions requiring written order from the Chief Engineer to divert James River water after July 1, have not been allowed.

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. The Huron gage is below 20 cubic feet per second, the required bypass for downstream domestic use. This order will be rescinded as soon as conditions improve. If conditions do not improve, 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.

Permit No. 2390A-3
James River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, 6/5/2006, made a thorough examination of the water use system constructed by Huron Colony of 40068 Huron Colony Lane holder of Permit No. 2390A-3, bearing the priority of September 26, 1975 authorizing the diversion of 1.89 cu. ft. per second (authorized by Water Right No. .2390-3) of the waters of the James River for irrigation purposes, in Beadle County.

Note: Water Permit No. 2390A-3 amended Water Right No. 2390-3 by transferring the irrigated acres to other land. No additional diversion rate or acres irrigated were authorized.

Inspection contact & relationship **Sam Waldner**
to permit holder, if applicable:

A. Works used to divert the water:

Pump:

- 1) Make: Cornell
- 2) Model: 5420-4
- 3) Size: 9^{13/16}
- 4) Capacity 850 GPM

Motor:

- 1) Make: General Electric
- 2) Model: 5K256AN2381
- 3) Horsepower rating 20 hp

B. Works used to transport water to place of use:

- 1) Type PVC 2) Size 8 inches 3) Length 2500 feet

Chemigation Equipment:

Does not chemigate.

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make: T & L
- 2) Overall length 1100 feet
- 3) Number of towers: 10
- 4) Distance between towers 110 feet

- 5) End gun: Y
- 6) High or low pressure: Low

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in good condition with the point(s) of diversion located as follows: **850 ft South and 575 ft East of the N ¼ corner of SEC. 32-T113N-R61W (N 44.55768 W -98.18779).** The works are capable of diverting and conveying to the place of use 1.89 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 29, T113N-R61W

NW¼ SE¼ - 16 acres

SW¼ SE¼ - 39 acres

SE¼ SE¼ - 32 acres

NE¼ SE¼ - 13 acres

SE¼ SW¼ - 2 acre

Section 32, T113N-R61W

NW¼ NE¼ - 16 acres

NE¼ NE¼ - 14 acres

comprising a total of 132 acres of land and the license should be issued for 1.89 cfs.

All structures, wells and lands on map Y

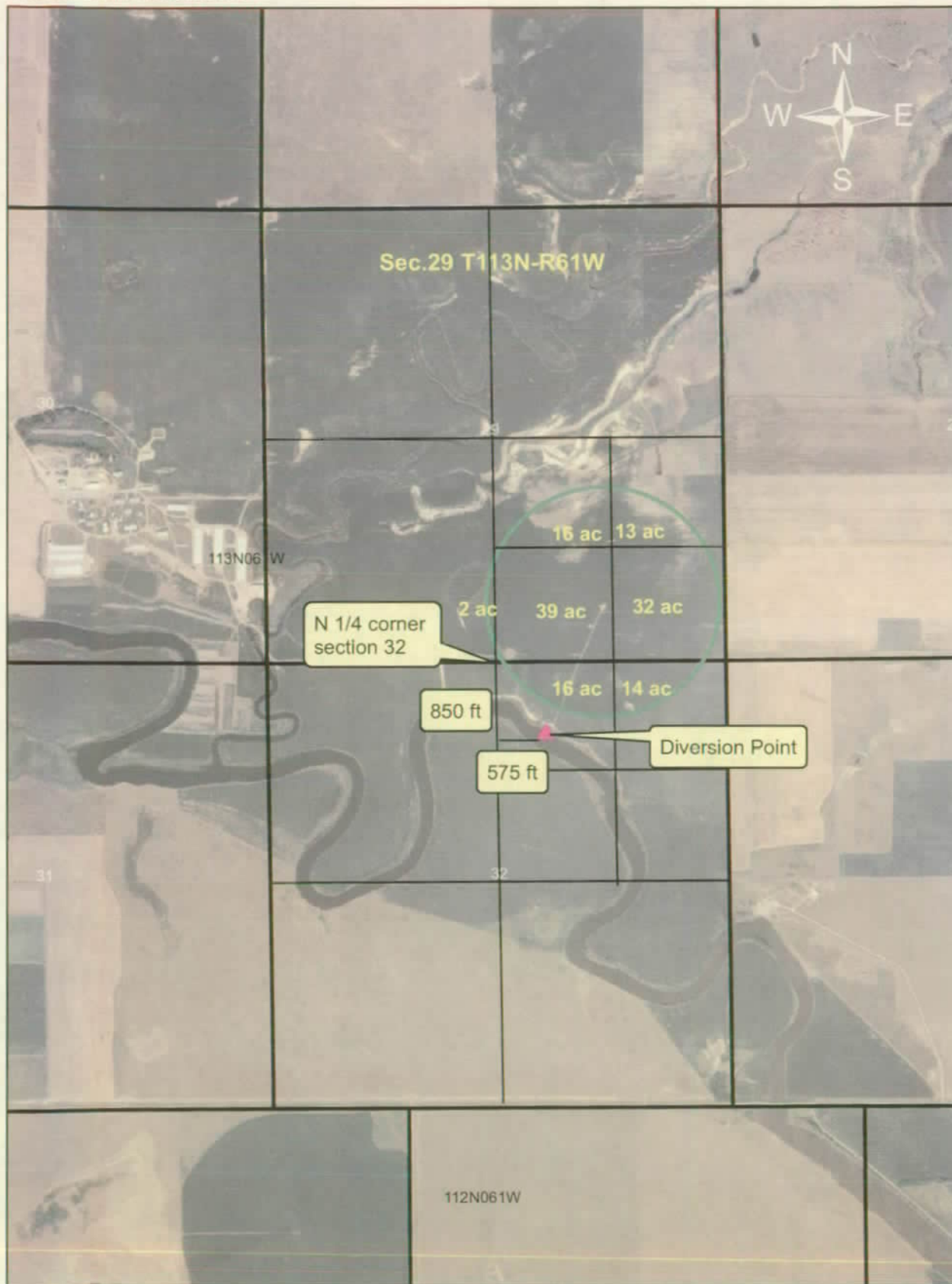
Comments: **The applicable portions of Water Right No. 2390-3 will be incorporated into Water License No. 2390A-3. A September 26, 1975 priority date is retained.**

Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 8/7/2007

Huron Colony - Sam Waldner
40068 Huron Colony Lane
Huron, SD-Beadle County
Water Permit No. 2390A-3



Aaron A. Tieman
Aaron Tieman
Natural Resources Engineer
DNR Water Rights Program
06/02/2006



0 0.5 1 Miles

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2390A-3

(1) Huron Colony, 40068 Huron Colony Lane, Huron SD 57350 made Application No. 2390A-3, May 1, 2003 for a water permit to amend an existing water right by transferring the irrigated acreage to other land. The land to be transferred was described under Water Right No. 2390-3 which authorized diversion of 1.89 cubic feet of water per second from the James River. Water Permit No. 2390A-3 did not allow for an increase in diversion rate or acres irrigated. Permit No. 2390A-3, with a priority date of September 26, 1975 was approved July 14, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 14, 2008 and for the application to beneficial use of said water on or before July 14, 2012.

On January 29, 2004, the permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use". The "Notice" indicated that the system had been constructed and water applied to beneficial use on December 20, 2003.

The applicable portions of Water Right No. 2390-3 have been incorporated into this Water License No. 2390A-3.

(2) It is certified that the permit holder 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 1.89 cubic feet of water per second for beneficial use. The diversion point is located: 850 feet S and 575 feet E of the N ¼ corner of Section 32, T113N, R61W (NW ¼ NE ¼ Section 32).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 29, T113N, R61W				Section 32, T113N, R61W	
NW ¼ SE ¼	16 acres	NE ¼ SE ¼	13 acres	NW ¼ NE ¼	16 acres
SW ¼ SE ¼	39 acres			NE ¼ NE ¼	14 acres
SE ¼ SE ¼	32 acres	SE ¼ SW ¼	2 acres	Total acres irrigated - 132	

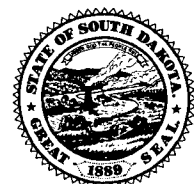
(4) Pursuant to South Dakota Water Law 46-5-30.1 Huron Colony, 40068 Huron Colony Lane, Huron SD 57350 the holder and/or owner of Incorporated Water Right No. 2390A-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from the James River with a priority date of September 26, 1975 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 2390A-3 and subject to the following qualifications:

- This permit does not authorize diversion of water from the James River after August 10th of each calendar year nor at any time when the river flow is obviously low unless written orders have been so issued by the Chief Engineer. Diversions shall be in accordance with any written orders issued by the Water Management Board or its representative.
- This permit does not authorize diversions from the James River when less than 20 cubic feet of water is by-passing the Third Street Dam in Huron.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 17 2007
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 17 2007

2390-3
2390A-3

Sam Waldner
Huron Colony
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Waldner:

Enclosed is Water License No. 2390A-3. Also included is a map prepared by the staff engineer who conducted the field investigation. Water License No. 2390A-3 is the final document which completes the process of obtaining a water right.

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

Sincerely,

A handwritten signature in cursive script that reads "Garland Erbele".

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Right No. 2390-3 were incorporated into Water License No. 2390A-3.



2390A-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 2390A-3, 5651-3, 6505-3, 6613-3, 6614-3, 6614A-3,**

To: HURON COLONY
40068 HURON COLONY LANE
HURON SD 57350

From: Garland Erbele, Chief Engineer
Water Rights Program, DENR
(605) 773-3352

Subject: James River Qualification Reminder for Permit No(s). 2390A-3, 5651-3, 6505-3,
6613-3, 6614-3, 6614A-3,

Qualifications on your water right indicate that you are not authorized to divert James River water after August 10th. Please, consider this a reminder and cease diversion if you have not already done so. No diversion can take place after August 10th unless under written orders by the Chief Engineer. You may resume diversion on the date stated in the qualifications on your water right.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 15, 2017

2390A-3, 5651-3, 7395-3
7905-3, 7906-3, 8123-3

Huron Hutterian Bretheren
Attn: Joey Waldner
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Waldner:

This letter is in reference to your August 15, 2017 telephone call regarding water availability to continue 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

2390A-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: HURON COLONY, JOEY WALDNER, 40068 HURON COLONY LANE, HURON, SD 57350 8001

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is 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.

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: LHSJWM**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2021

Joey Waldner
Huron Colony
40068 Huron Colony Lane
Huron SD 57350 8001

RE: Water Permit or Right Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed water rights or water permits. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, written in a professional style.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 27, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who use water from the James River that river flow is much lower this year and to let them know that shutoff orders are possible this summer.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses will begin to interfere with domestic use. If river levels become critically low, the department may be forced to issue shutoff orders to protect domestic use, including livestock watering and those water rights that are most senior.

We are only cautioning that shutoff orders may become necessary. **This not a shutoff order.** This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shutoff orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and avoid wasting water.

If you are interested, the US Geological Survey has an Internet site showing river flows at 164 stream gauging stations across the state. To view the latest realtime stream flow, go to:

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: HURON COLONY, JOEY WALDNER, 40068 HURON COLONY LANE, HURON, SD 57350

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is 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.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genney.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: RDXOUP**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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Processed In transit Delivered 

DATE	TIME	LOCATION	STATUS
Jan 21	11:07 AM	Huron, SD, United States	Delivered, left with individual
Jan 20	9:24 PM	Huron Sd Distribution Center	Arrived at USPS regional facility

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HURON COLONY
 JOEY WALDNER
 40068 HURON COLONY LANE
 HURON SD 57350 8001

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PS Form 3800, April 2015 PSN 7530-02-000-9047

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 waiting for this year's tax
 refund to come through,
 know that there are a
 couple of handy ways to





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2022

**NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION
OF WATER RIGHTS AND WATER PERMITS**

TO: Joey Waldner, Huron Colony, 40068 Huron Colony Ln, Huron SD 57350-8001

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Permit/Right Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3

On March 2, 2022, the Water Management Board ordered:

Effective April 4, 2022, Water Permit/Right Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3 be suspended for the 2022 irrigation season for failure to submit the 2021 irrigation questionnaires.

If the 2021 irrigation questionnaires are received prior to April 4, 2022, the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2022 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2022 unless the 2021 irrigation questionnaires are submitted by April 4, 2022.

After April 4th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2021 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 4-5, 2022, in Pierre, SD. The letter should include your reasons for not completing the 2021 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 3, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelopes containing a "Notice" dated March 3, 2022, concerning Board action to amend and/or suspend water rights to the following:

Amendments:

No. 3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
No. 2460-3: Ryan Patterson, 10946 425th Ave., Britton SD 57430
Patterson Farm Inc, 42474 SD Hwy 10, Britton SD 57430

Amend & Suspend:

Nos. 1397-2, 2647-2 & 2701-2: Cody Burull, 25299 Deer Valley Rd, Reliance SD 57569

Nos. 2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:

- David Ulvestad, 46720 201st St., Bruce SD 57220
- Darwin Ulvestad, 46679 201st St, Bruce SD 57220

Three year suspensions:

No. 410B-2: Kathi Koester, PO Box 206, Custer SD 57730-0206
Nos. 1350-3 & 6042-3: Scott Jensen, 24348 478th Ave., Dell Rapids SD 57022

One year suspensions:

No. 6947-3: Joe Adler, 48353 149th St, Milbank SD 57252
Nos. 6263-3 & 8041-3: George G Hofer, Cedar Grove Colony, 36926 266th St, Platte SD 57369
No. 881-2: Ryan Edwards, 25331 Yellow Eagle Rd, White River SD 57579
No. 6316-3: Howard Athletic Club Inc., 508 E Farmer Ave., Howard SD 57349-9017
Nos. 2851-3 & 4955-3: David Huber, 16010 413th Ave., Conde SD 57434

Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3: Joey Waldner Colony, 40068 Huron Colony Lane, Huron SD 57350-8001

Nos. 7286-3 & 7543-3: Brian Kozak, 30620 417th Ave., Tyndall SD 57066
No. 5665-3: Pat Mentele, PO Box 41, Woonsocket SD 57385-0041
No. 8326-3: Jerry D Nelsen, 45125 291st St., Viborg SD 57070
No. 7005-3: Troy Randall, Randall Enterprise LLC, 24250 479th Ave., Dell Rapids SD 57022 6139
No. 2497-2: Marty Vanderploeg, 22958 293rd St, Martin SD 57551-5930
No. 8265-3: Carl Pulvermacher, Wiskota Farm, 14050 SD Hwy 25, Webster SD 57274
Nos. 516-1 & 715-1: Lawrence Woodward, PO Box 220, Dupree SD 57623-0220



Genny McMath
Program Assistant-Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

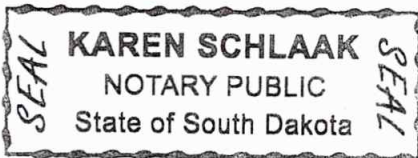
Sworn to, before me, this 3rd day of March, 2022.



Karen Schlaak

Notary Public

My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 16, 2022

Joey Waldner
Huron Colony
44068 Huron Colony Ln
Huron SD 57350 8001

RE: Water Permit/Right Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3

Dear Mr. Waldner:

On March 2, 2022, the Water Management Board ordered Water Permit/Right Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3 be suspended if the 2021 irrigation questionnaires were not received prior to April 4, 2022. The questionnaire information has been received.

Since the irrigation questionnaires are on file, no violations have occurred, and no suspensions will take place. You may irrigate during the 2022 irrigation season.

If you have any questions, please contact us.

Sincerely,

Ron Duvall
Water Rights Permitting Administrator
Water Rights Program
(605) 773-3352



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 29, 2022

5651-3, 2390A-3, 7395-3,
7905-3, 7906-3, 7906A-3,
8123-3

Huron Hutterian Brethren
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Waldner:

This letter is in reference to your August 29, 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 permit 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 at Huron 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

January 19, 2024

NOTICE

TO: HURON COLONY, JOEY WALDNER, 40068 HURON COLONY LN, HURON, SD 57350
8001

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is 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.

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: FTBPLU**



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2024

2390A-3, 3268A-3, 4400A-3,
5651-3, 6431-3, 7365-3, 7366-3,
7367-3, 7370-3, 7395-3, 7905-3,
7906-3, 7369A-3, 7369B-3,
7369C-3, 7906A-3 & 8678-3

Huron Httm Brth
c/o Joey Waldner
40068 Huron Colony Ln
Huron SD 57350

Dear Mr. Waldner:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3 & 8678-3.

The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us