

transfer of lands

4 weeks

JR 1016006

1. Considered: April 7, 1982 Water Right No. 4866-3
2. Name of Applicant Riverside Colony - (Mike Waidner)
3. Post Office Address RR#1, Huron, SD 57350
4. Amount of Water Claimed 1.88 (acre feet) maximum acre feet \_\_\_\_\_
5. Source of Water Supply James River & dry draw
6. Water to be used for IRR acres to be irrigated 132
7. County Beadle about 8 N 4 E miles of HURON
8. PROOF OF PUBLICATION: Received 3-15-82 4 wks Not Received \_\_\_\_\_
- APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_
- Not Approved \_\_\_\_\_ Action Deferred \_\_\_\_\_

PRIORITY Dated Received 9-11-81 Application complete-yes X no transfer of lands FEE 150.00

5-11-81 Remarks needs fee

1949

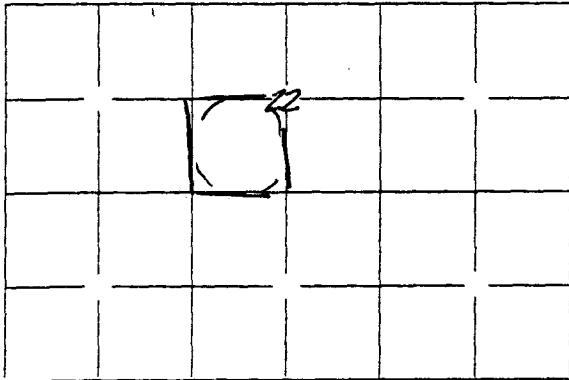
Bur Corrected Application fee received 3-5-82 Period of Annual Use April thru October

5/1/84

WATER Received (yes) no \_\_\_\_\_ APPROVED/CONDITIONAL (Circle one)

QUALITY WI-1 Description same as application (yes) no \_\_\_\_\_ Remarks \_\_\_\_\_

Disapproved \_\_\_\_\_ Returned \_\_\_\_\_



Diversion Point blwn pts SE<sup>4</sup>SW<sup>4</sup> 26,  
NW<sup>4</sup>NE<sup>4</sup> 22, & dry draw in NW<sup>4</sup>SE<sup>4</sup>  
22, T112N, R61W

Land to be irrigated SW<sup>1</sup>/<sub>4</sub> 22-112-61

WELL LOG Driller \_\_\_\_\_ Licensed - yes \_\_\_\_\_ no \_\_\_\_\_

Depth \_\_\_\_\_

Remarks \_\_\_\_\_

N/A

MAP Map No. 891-3 Map located in Water Right X Map file \_\_\_\_\_  
 Type of Map Drawn Prepared by Eng.

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

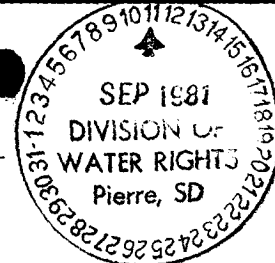
3/5/82

Betty Westlund  
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes \_\_\_\_\_ no \_\_\_\_\_ Remarks \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

REMARKS Date \_\_\_\_\_  
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted \_\_\_\_\_  
 OF LAW, Date \_\_\_\_\_  
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was  
 DECISIONS adopted \_\_\_\_\_  
 ETC. Remarks \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



No. 4866-3  
 Map No. 891-3 Water Division No. 3 JAMES RIVER District  
 Above for Office Use 10160006

2:30 pm

## APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New \_\_\_\_\_ Vested Right \_\_\_\_\_ Future Use \_\_\_\_\_

Change in Diversion \_\_\_\_\_ Additional Diversion \_\_\_\_\_

Change in Acreage X Additional Acreage \_\_\_\_\_ transfer of lands from Permit No. 1276-3

1. Name of Applicant Riverside Colony Phone No. 352-4188  
 Post Office Address RR #1 Huron State SD 57350  
 (Street, RR, or Box) (Town) (Zip Code)  
 If a corporation show date and place of incorporation \_\_\_\_\_

2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor3. Name of diversion work Riverside Colony Irrigation Project4. Amount of water claimed (cubic feet per second) (1.88) to each5. Source of water supply James River & dry draw

6. Location of point of diversion Between points in the SE 1/4 SW 1/4, Section 26 and  
NW 1/4 NE 1/4, Section 22, T112N, R61W & dry draw located in NW 1/4 SE 1/4,  
Sec. 22, T112N, R61W County Beadle

7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 132

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

| Land Description                     | No. Acres Irr. |
|--------------------------------------|----------------|
| <del>SW 1/4 Section 22, T112N,</del> |                |
| <del>SW 1/4</del>                    | <del>33</del>  |
|                                      |                |
|                                      |                |

| Land Description            | No. Acres Irr. |
|-----------------------------|----------------|
| SE 1/4 SW 1/4 Sec 22, T112N | 33             |
| SW 1/4 SW 1/4 R61W          | 33             |
| NE 1/4 SW 1/4               | 33             |
| NW 1/4 SW 1/4               | 33             |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required  
 to complete application of water to the proposed beneficial use 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water DAILY PLAINSMAN  
Huron, SD

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

pump

B. Works proposed to transport water to place of use.

pipe

C. Works proposed to apply water to beneficial use.

center pivot

Estimated Total Cost \$ \_\_\_\_\_

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.  
 (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA )  
 County of Hughes ) ss.

I, Mike Waldner

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

Signed Mike WaldnerSubscribed and sworn to before me this 11th day of September, 1981Karen Wernsmann

Notary Public (or other qualified officer)

KAREN WERNSMANN

Ad. Secretary, Water Rights Division

# WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4866-3

RIVERSIDE COLONY % MIKE WALDNER RR #1  
(Applicant) (Post Office Address)

HURON, SOUTH DAKOTA 57350 With the following qualifications.  
(State)

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 State Water Rights Commission, or its legally appointed representative. Diversions under this permit shall be in accordance with any written orders issued by the Commission or its representative.

This permit does not authorize diversions from the James River when less than 20 c.f.s. of water is by-passing the Third Street Dam in Huron.

**APPROVAL OF THIS PERMIT REDUCES PERMIT NO 1276-3 BY 132 ACRES AND 1.88 CFS. PRIORITY FOR THIS PERMIT IS ESTABLISHED UNDER PERMIT NO 1276-3**

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application SEPTEMBER 11, 1981

Date of return to applicant for correction, amendments or changes required SEPTEMBER 11, 1981

Date of receipt of corrected application MARCH 5, 1982

Approved APRIL 7, 1982, Recorded in Book \_\_\_\_\_ Page \_\_\_\_\_

WATER RIGHT PERMIT NO. 4866-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4866-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MAY 14 1949, 1949
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before OCTOBER 7, 1984
3. The whole of said work is to be completed on or before APRIL 7, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is APRIL 7, 1991
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 1.88 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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 and beneficially applied

for irrigation on or before APRIL 7, 1991; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 12<sup>TH</sup> day of APRIL, 1982

THE WATER MANAGEMENT BOARD

By: John H. Hark  
Chief Engineer, Water Rights

Certificate of Construction Issued \_\_\_\_\_, 19\_\_\_\_

Water License Issued \_\_\_\_\_, 19\_\_\_\_

**SOUTH DAKOTA**

**VESTED WATER RIGHT NO. 4866-3 FOR IRRIGATION**

Date of Receipt of Claim September 11, 1981.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 4866-3 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. 4866-3 appropriates 1.56 cubic feet of water per second from the James River and dry draw dam (31 acre-feet storage) located in the SE 1/4 Section 22 to irrigate 132 acres located in the SW 1/4 Section 22; T122N-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.

**QUALIFICATIONS**

1. This right 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 Water Management Board, or its legally appointed representative. Diversions under this permit shall be in accordance with any written orders issued by the Board or its representative.
2. This right does not authorize diversions from the James River when less than 20 cfs of water is by-passing the Third Street Dam in Huron.
3. This right is subject to the irrigation questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

By:   
John Hatch, Chief Engineer

OCT 29 1992

date

Division of Water Rights  
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 4866-3 FOR IRRIGATION

(1) Riverside Colony, %Mike Waldner of RR 1, Box 224, Huron, SD 57350 made Application No. 4866-3, September 11, 1981 for validation of a vested right claim to appropriate 1.88 cubic feet of water per second from the James River and a dry draw, Beadle County, South Dakota for irrigation purposes. Vested Water Right No. 4866-3 was validated September 30, 1992 with a priority date of January 1, 1949. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The vested right owner is entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion points are NW 1/4 SE 1/4 Section 22 (dry draw); 1320'N and 660'W of the SE corner Section 22 (James River), both in T112N, R61W. The dry draw dam is capable of storing 31 acre feet of water.

The location of the irrigated acreage is:

|                        |               |           |
|------------------------|---------------|-----------|
| T112N, R61W Section 22 | NW 1/4 SW 1/4 | 33 Acres  |
|                        | NE 1/4 SW 1/4 | 33 Acres  |
|                        | SW 1/4 SW 1/4 | 33 Acres  |
|                        | SE 1/4 SW 1/4 | 33 Acres  |
|                        | Total-----    | 132 Acres |

(3) Pursuant to Section 46-5-30.1 Riverside Colony, %Mike Waldner of RR 1, Box 224, Huron, SD 57350 the holder(s) and/or owner(s) of Vested Water Right No. 4866-3 is issued a license to appropriate 1.56 cubic feet of water per second from a dry draw and the James River with a priority date of January 1, 1949 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 4866-3 and subject to South Dakota State Law.

  
JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Environment and  
Natural Resources

NOV 24 1992

NOT TO SCALE



Ron Duwall 5/1/85  
Natural Resources Eng.

Permit No. 4866-3  
Map No. 891-3

# RECEIP

## WATER RIGHTS COMMISSION

State of South Dakota

No 4 8752

PIERRE, March 5, 1982, 19

RECEIVED OF Riverside Hutterian Brethren, Inc., Mike Waldner, Huron, SD 57350

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

|                                                                                                                      |     |    |
|----------------------------------------------------------------------------------------------------------------------|-----|----|
| Fee for Application for Permit to Appropriate Water No. 4866-3 (examination, processing, recording and filing) ----- | 150 | 00 |
| Fee for inspecting Construction, and issuing Cert. of Construction No.-----                                          |     |    |
| Fee for inspecting Beneficial Use, and issuing Water License No.-----                                                |     |    |
| Fee for issuing Location Certificate-Dry Draw, No.-----                                                              |     |    |
| Fee for filing -----                                                                                                 |     |    |
| Fee for certified copy of -----                                                                                      |     |    |
| Fee for Print copy of map -----                                                                                      |     |    |
| Fee for <del>certifying</del> -----                                                                                  |     |    |
| Fee for -----                                                                                                        |     |    |
| (any other work as provided by law)                                                                                  |     |    |
| TOTAL                                                                                                                | 150 | 00 |

WATER RIGHTS COMMISSION

By *John Hatch*  
Chief Engineer, Executive Officer

JOHN HATCH/MS

\_\_\_\_\_

## DIVISION OF CONSERVATION

## Riverside Colony

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

DtA - Dudley Tetonka = These are poorly drained sodium bearing soils. If problems with ponding or traction occur these acreages should be drained or left in permanent vegetation such as: a grass alfalfa mixture. These soils are indicated by red hatch marks.

## RECOMMENDED MANAGEMENT

100

36

N

BEADLE COUNTY, SOUTH

(Joins sheet 26)

Mile

5000 Feet

Scale 1:20000

(Joins sheet 35)

Riverside Colony

JAMES RIVER

34

22

23

26

35



SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION  
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

OWNERS NAME: Riverside Colony OWNERS ADDRESS: RR #1, Huron  
SD 57350  
COUNTY LAND LOCATED IN: Beadle PHONE: 332-4188  
TENANT'S NAME AND ADDRESS: \_\_\_\_\_

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, A COPY OF SUCH CONDITIONAL SOIL/WATER COMPATIBILITY PERMIT MUST BE FILED WITH THE COUNTY REGISTER OF DEEDS. THIS ACTION MUST BE TAKEN BY THE HOLDER OF A WATER PERMIT WITHIN 6 MONTHS OF RECEIPT OF SUCH WATER PERMIT.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION: Dry Draw NW 1/4 SE 1/4 - Section 22, T112N, R61W  
(between points SE 1/4 SW 1/4  
2. SURFACE WATER SOURCE AND DIVERSION LOCATION: James River (Sec 26 & NW 1/4 NE 1/4, Sec 22)  
T112N, R61W

| Legal Description                   | Acres     | Legal Description | Acres |
|-------------------------------------|-----------|-------------------|-------|
| <u>SE 1/4 SW 1/4 Sec. 22-112-61</u> | <u>33</u> |                   |       |
| <u>SW 1/4 SW 1/4 Sec. 22-112-61</u> | <u>33</u> |                   |       |
| <u>NE 1/4 SW 1/4 Sec. 22-112-61</u> | <u>33</u> |                   |       |
| <u>NW 1/4 SW 1/4 Sec. 22-112-61</u> | <u>33</u> |                   |       |

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

IN WHAT NAME: \_\_\_\_\_

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: \_\_\_\_\_ TOWLINE: \_\_\_\_\_ CENTER PIVOT: ☒ GUN: \_\_\_\_\_ (Specify) \_\_\_\_\_

6. CROPS TO BE IRRIGATED: small grain & corn

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: James River - 82-0005

8. SALINITY (EC X 10<sup>6</sup>): 750 - 140

9. SODIUM (SAR): 1.52 - 1.46

10. ADJUSTED (SAR): 3.37 - 0.61



I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at \_\_\_\_\_ a.m./p.m., on \_\_\_\_\_, 19\_\_\_\_, at the following location: \_\_\_\_\_

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

11 DAY OF 9, 1981

Martin A. Steenson  
(NOTARY PUBLIC) LMS

[Signature]  
APPLICANT'S SIGNATURE

[Signature]  
Director, Division of Conservation

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

\_\_\_\_\_  
APPROVED

\_\_\_\_\_  
DISAPPROVED

☒ CONDITIONALLY APPROVED

REPORT OF ANALYSIS  
Water Quality Laboratory  
Water Resources Research Institute  
South Dakota State University  
Brookings, South Dakota 57007

Name: Riverside Colony Date Rec'd: Jan 19, 1982  
Address: RR 1 Sample No. 82-0005  
Huron, SD 57350 Identification Stream  
1121 61W 22 3

WATER ANALYSIS

|                                       |       |                            |      |           |
|---------------------------------------|-------|----------------------------|------|-----------|
| Calcium (Ca)                          | 7     | ppm*                       | 0.35 | me/l**    |
| Magnesium (Mg)                        | 2     | ppm                        | 0.16 | me/l      |
| Sodium (Na)                           | 17    | ppm                        | 0.74 | me/l      |
| Potassium (K)                         | 3     | ppm                        | 0.03 | me/l      |
| Sulfate (SO <sub>4</sub> )            | 34    | ppm                        | 0.71 | me/l      |
| Nitrate (as N)                        |       | ppm                        |      | me/l      |
| Chloride (Cl)                         | 13    | ppm                        | 0.37 | me/l      |
| Bicarbonate (HCO <sub>3</sub> )       | 34    | ppm                        | 0.56 | me/l      |
| Carbonate (CO <sub>3</sub> )          | 0     | ppm                        | 0.00 | me/l      |
| Iron (Fe)                             |       | ppm                        |      | me/l      |
| Fluoride (F)                          |       | ppm                        |      | me/l      |
| Manganese (Mn)                        |       | ppm                        |      |           |
| Boron (B)                             | 0.04  | ppm                        |      |           |
| Hardness (EDTA as CaCO <sub>3</sub> ) |       | ppm                        |      | g.p.g.*** |
| Total solids                          |       | ppm                        |      |           |
| Total Cations                         |       |                            | 1.33 | me/l      |
| Total Anions                          |       |                            | 1.63 | me/l      |
| Alkalinity (Methyl Orange)            | 28    | ppm(as CaCO <sub>3</sub> ) |      |           |
| Alkalinity (Phenolphthalein)          | 0     | ppm(as CaCO <sub>3</sub> ) |      |           |
| Electrical Conductivity               | 140   | micromhos per cm at 25 C   |      |           |
| Sodium Adsorption Ratio               | 1.46  | Adjusted SAR               | 0.61 |           |
| Sodium                                | 55.59 | % of Cations               |      |           |
| Residual sodium carbonate             | 0.05  | me/l                       |      |           |
| pH                                    | 6.32  |                            |      |           |

Others:

\*ppm=parts per million

\*\*\*g.p.g.=grains per gallon

\*\*me/l=millequivalents per liter

COMMENTS

By: Shirley Mittan

Service Performed:

Total Cost: \$ 23.00

Irrigation Analysis

Amount Received: 0.00

Balance Due: 23.00

Make checks payable to: "SDSU Water Quality Lab"

Please write lab number on your check!

Lab No. 12-0005

February 18, 1982

Mike Waldner  
Riverside Colony  
Huron, SD 57350

Dear Mr. Waldner:

Enclosed is your copy of the laboratory report of analysis for water sample No. 82-0005. I have also included a copy of a report of water quality information gathered by the U.S. Geological Survey. I believe that this latter report is more representative of the water quality of James River near Huron.

I have plotted the approximate quality of your water by means of a red cross in the chart located on the back cover of the accompanying AES pamphlet #13.

The James River is classified as a medium to high saline, low sodium water. It is suitable as a source for irrigation.

The Beadle loam, Great Bend and Great Bend-Zell silt loams found in the SW 1/4 of Section 22-112-61 are compatible with the water quality of the James River. However, the Dudley-Tetonka silt loams located on the western edge and along the stream bed running through the SW 1/4 are sodium bearing soils. These areas may pond under irrigation. If persistent wet spots do develop, they should be maintained in grass or a grass/alfalfa mixture (see enclosed map).

If a water table problem occurs under irrigation, please contact your county extension agent or this office for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the Division of Conservation for their action.

Sincerely yours,

Michael H. Sanders  
Water Quality Lab  
Division of Conservation

MHS:ckb

Enclosures

cc: Division of Conservation  
D. Pahl, Extension Service  
Division of Water Rights



No. 4866-3

This notice must be advertised for 4 weeks  
Publish first publication, on or before March 12, 1982

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 5, 1982

Notice is hereby given Riverside Colony c/o Mike Waldner whose post office

address is RR#1, Huron, SD 57350, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 (~~ground~~), ~~46-5-42 thru 46-5-43, 46-5-44, 46-5-45, 46-5-46, 46-5-47, 46-5-48, 46-5-49, 46-5-50, 46-5-51, 46-5-52, 46-5-53, 46-5-54, 46-5-55, 46-5-56, 46-5-57, 46-5-58, 46-5-59, 46-5-60, 46-5-61, 46-5-62, 46-5-63, 46-5-64, 46-5-65, 46-5-66, 46-5-67, 46-5-68, 46-5-69, 46-5-70, 46-5-71, 46-5-72, 46-5-73, 46-5-74, 46-5-75, 46-5-76, 46-5-77, 46-5-78, 46-5-79, 46-5-80, 46-5-81, 46-5-82, 46-5-83, 46-5-84, 46-5-85, 46-5-86, 46-5-87, 46-5-88, 46-5-89, 46-5-90, 46-5-91, 46-5-92, 46-5-93, 46-5-94, 46-5-95, 46-5-96, 46-5-97, 46-5-98, 46-5-99, 46-5-100~~, (~~future use~~) ~~46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (future use) 74:02:01:23 thru 74:02:01:26 (10,000 AEA) 74:02:01:27 thru 74:02:01:30, for a permit to appropriate for beneficial use~~

~~to~~ add 1 cubic feet of water per second of time from the James River and a dry draw through the Riverside Colony Irrigation Project, the point~~s~~(s) of diversion which ~~is~~ (are) to be located in the between the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 26 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 22 and a dry draw in the NW $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 22, Twp. 112N, Range 61W. Said water to be used for purpose of providing irrigation ~~on portions of the following described land:~~

~~This application is to delete lands under a previous permit and replace with portions~~  
~~of the following described lands:~~ SW $\frac{1}{4}$  Section 22, T-112N, R-61W

This Application No. 4866-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 7th day of April, 1982.

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806-2/82

No. \_\_\_\_\_

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Beadle ) ss.

I, June LaFee hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Huron Daily Plainman

A newspaper which during the whole time of publication of said notice  
herein after stated, has been and is printed and published in the \_\_\_\_\_

Daily Plainsman of Huron

County of Beadle and State of South Dakota;  
that the said notice was published in said newspaper on the following  
two dates:

March 12, 19, 26 & April 2, 1982

June LaFee  
(Signature)  
Bookkeeper  
(Title)  
3/12/82  
(Date Signed)

Cost of Printing: \$88.52

F.P. 3-12-82 3-19-82  
3-26-82 L.P. 4-2-82

**NOTICE OF HEARING  
ON APPLICATION TO  
APPROPRIATE WATER**  
Pierre, South Dakota 57501  
May 1, 1982

Notice is hereby given River-  
side Colony, c.d. Mike Waldner,  
whose post office address is RR  
No. 1, Huron, South Dakota, has  
made an application in ac-  
cordance with the provisions of  
SDCL 46-1-1 thru 46-1-9; 46-1-12  
thru 46-1-14; 46-2-9 thru 46-2-11,  
46-2-13; 46-5-1 thru 46-5-8, 46-5-10  
thru 46-5-22, 46-5-25, 46-5-41; 46-5-  
33 thru 46-5-35 and Board Rules  
ARSD 74:02:01:01 thru  
74:02:01:15, for a permit to ap-  
propriate for beneficial use no  
add'l cubic feet of water per  
second of time from the James  
River and a dry draw through  
the Riverside Colony Irrigation  
Project, the points of diversion  
which are to be located between  
the SE 1/4 SW 1/4 Section 26 and the  
NW 1/4 NE 1/4 Section 22 and a dry  
draw in the NW 1/4 SE 1/4 of  
Section 22, Twp. 112N, Range  
61W. Said water to be used for  
purpose of providing irrigation.

This application is to delete  
lands under a previous permit  
and replace with portions of the  
following described lands:

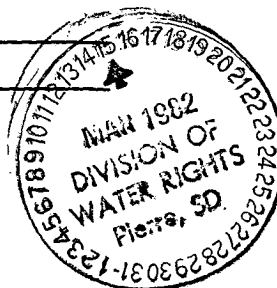
SW 1/4 Section 22, T-112N, R-  
61W.

This Application No. 4866-3  
will be considered by the Water  
Management Board at Meeting  
Room No. 1, Kneip Bldg.,  
Church & Illinois, Pierre SD  
upon the 7th day of April, 1982,  
at 10 a.m. The Board is autho-  
rized to make a determination  
on this application at the  
hearing. All interested persons  
may appear and be heard. Any  
person who may be affected by  
a Board decision who desires to  
present evidence or cross-  
examine witnesses according to  
SDCL 1-26 may notify the Board  
in writing prior to the hearing or  
orally at the hearing.

This hearing is an adversary  
proceeding. Any person has the  
right to be present or to be rep-  
resented by a lawyer. These and  
other due process rights will be  
forfeited if they are not exer-  
cised at the hearing. Decisions  
of the Board may be appealed to  
the Circuit Court and the State  
Supreme Court as provided by  
law.

Any handicapped person  
wishing to attend this hearing  
can contact the Water Rights  
Division, DWNR, Joe Foss  
Building, Pierre SD, prior to the  
hearing date for assistance to  
assure access to the hearing.

For the  
Water Management Board  
Betty Westlund  
Water Rights Specialist  
No. 133 (adv.)





# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

March 22, 1983

Water Rights Division  
605 773-3352

4866-3  
Riverside Colony  
c/o Mike Waldner  
Huron, SD 57350

Dear Sir:

Water Permit No. 4866-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ks

enclosure



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Water Rights Division  
605 773-3352

August 1, 1983

## N O T I C E

4866-3

Riverside Colony  
c/o Mike Waldner  
Huron, SD 57350

Dear Sir:

July 19, 1983, the Water Management Board passed a motion directing that those persons with water permits that have the qualification:

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

be notified of this requirement.

Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 4866-3. The questionnaire was requested on the following dates:

1. September 1982 initial request
2. December 1982 followup request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit

The Board has directed that owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. Any person not submitting the Questionnaire is to be noticed for hearing before the Board to consider disciplinary action including suspension of the permit.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ks

enclosure



# 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

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.

4866-3

NOTICE OF ONE YEAR SUSPENSION OF PERMIT

October 11, 1983

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

FROM: John Hatch, Chief Engineer  
Water Rights Division

SUBJECT: One Year Suspension of Water Permit Nos. 4622-3 and 4866-3, if 1982  
Irrigation Questionnaire is not submitted within 30 days.

Pursuant to the provisions of the notice dated September 13, 1983, and following  
the hearing October 5, 1983, the Water Management Board ordered:

That Water Permit Nos. 4622-3 and 4866-3 are SUSPENDED until October 5,  
1984, unless the required 1982 Irrigation Water Use Questionnaire is  
submitted by November 11, 1983.

Suspension of a permit means water cannot be pumped during the 1984 irrigation  
season. Decisions of the Board may be appealed to the Circuit Court and the  
State Supreme Court as provided by law.

A01104JH.wr

4866-3  
4622-3

WATER RIGHTS DIVISION  
(605) 773-3352

October 13, 1983

Riverside Colony  
c/o John Waldner  
Route #1  
Huron, South Dakota 57350

Dear Mr. Waldner:

This letter will acknowledge receipt of your 1982 Irrigation Questionnaire. You were notified by letter dated October 11, 1983 of the action taken by the Water Management Board to suspend your permits for a period of one year if the required 1982 irrigation questionnaire was not submitted by November, 11, 1983.

Our records now show that you have returned the 1982 Irrigation Questionnaire and are no longer in violation of your permits. Receipt of the Questionnaire rescinds action taken by the Board to suspend your Permit Nos. 4866-3 and 4622-3.

If you have any questions, please contact this office.

Very truly yours,

John Hatch, Chief Engineer  
Water Rights Division

JH:GY:ms

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

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

I have this day made a thorough examination of the water use system constructed by Riverside Colony  
\_\_\_\_\_ of RR1, Huron SD 57350 holder ofPermit No. 4866-3, bearing the priority of \_\_\_\_\_ 19 49 authorizing  
the diversion of 1.88 cu. ft. per second of the waters of the James River & dry draw (Pm)  
for irrigation purposes, in Beadle County.

I have to report on the conditions of the same as follows:

## A. Works used to divert the water:

motor: Lister, 4cyl.

59hp., diesel

No. 1691HR4 A28pump: Cornell, imp. 12 3/4 in.S.N. 27196M.N. 4RBF6

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

Pipeline: size - 8in.type - PVClength - 3300 Ft

## C. Works used to apply water to beneficial use:

Center Pivot: make - Zimmatic | high pressure - 45psi  
(towable) # of towers - 7 | capacity - 700gpm  
end gun - yesDam information: crest height - 13 Ft.spillway height - 12 Ft.crest width - 25 Ft.crest length - 250 Ft.spillway length - 100 Ft.spillway width - 20 Ft.storage - 31 ac. Ft.The system is in the following condition goodThe point of diversion is located Dry Draw: NW 1/4 SE 1/4, sec 22-T112N-R61W  
James River: 1320 Ft N and 660 Ft W from the  
SE corner of sec 22-T112N-R61WThe works are capable of diverting and conveying to the place of use 1.56cu. 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: \_\_\_\_\_

NW 1/4 SW 1/4 sec 22-T112N-R61W Acres 33.0NE 1/4 SW 1/4 33.0SW 1/4 SW 1/4 33.0SE 1/4 SW 1/4 33.0comprising a total of 132.0 acres of land and the license should be issued for 1.56 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: \_\_\_\_\_ Date May 1, 1985Ron Duwall  
(signature)

LICENSE FOR PERMIT NUMBER 4866-3

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.

b) type PVC

c) length 3300 ft.

4. Dam information:

a) height to crest 13 ft.

b) height to spillway 12 ft.

c) crest width 25 ft.

d) crest length 250 ft.

e) spillway length 100 ft.

f) spillway width 20 ft.

g) approx. storage 31 ac-ft.

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:

1) length \_\_\_\_\_ feet

2) make, model & number of sprinklers \_\_\_\_\_

3) spacing of sprinklers \_\_\_\_\_

4) nozzle size \_\_\_\_\_

5. System Type: c) center pivot

- 1) make Zimmatic (towable)
- 2) number of towers 7
- 3) distance between towers \_\_\_\_\_
- 4) overall length \_\_\_\_\_
- 5) End gun (Y/N) \_\_\_\_\_
- 6) high or low pressure \_\_\_\_\_
- 7) make & size of nozzles \_\_\_\_\_
- 8) PSI reading while system is running 45
- 9) GPM 700

tow between SW  $\frac{1}{4}$  sec. 22

g) Gun and SE  $\frac{1}{4}$  sec. 21

- 1) make \_\_\_\_\_
- 2) serial number \_\_\_\_\_
- 3) nozzle size \_\_\_\_\_
- 4) capacity (GPM) \_\_\_\_\_
- 5) PSI \_\_\_\_\_
- 6) hose size \_\_\_\_\_
- 7) hose length \_\_\_\_\_

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 \_\_\_\_\_

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

- |                                     |                          |                                                                                             |
|-------------------------------------|--------------------------|---------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Special Qualifications to permit being abided by.                                        |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. All Structures, wells and lands on map.                                                  |

REMARKS:

motor: Lister, 4 cyl.  
diesel, 59 hp.  
No. 1691HR4 A28

pump: Cornell, imp. 12  $\frac{3}{4}$  in.  
S.N. 27196  
M.N. 4RBF6



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Division of Water Rights  
605 773-3352

No. 4866-3

December 16, 1985

Riverside Colony  
% Mike Waldner  
RR 1  
Huron SD 57350

Dear Mr. Waldner:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 4866-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

KAREN SCHLAACK  
Administrative Aide

NOTE: On form of payment, please include the number of the water permit.  
This insures proper handling of the fee.



# Department of Water & Natural Resources

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

SECOND NOTICE

February 25, 1986

Permit No. 4866-3

## NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Riverside Colony  
% Mike Waldner  
RR1  
Huron, South Dakota 57350

Dear Mr. Waldner:

December 16, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 4866-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

S508.WR

PS Form 3841, Dec. 1985

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

|                                                                                                                                                                                                                           |                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>● SENDER:</b> Complete items 1, 2, 3, and 4.<br>Add your address in the "RETURN TO" space on reverse.                                                                                                                  |                                                                                                                                                 |
| <b>(CONSULT POSTMASTER FOR FEES)</b>                                                                                                                                                                                      |                                                                                                                                                 |
| 1. The following service is requested (check one).<br><input checked="" type="checkbox"/> Show to whom and date delivered ..... —¢<br><input type="checkbox"/> Show to whom, date, and address of delivery... —¢          |                                                                                                                                                 |
| 2. <input type="checkbox"/> <b>RESTRICTED DELIVERY</b><br>(The restricted delivery fee is charged in addition to the return receipt fee.)<br><div style="text-align: right;"><b>TOTAL \$</b> _____</div>                  |                                                                                                                                                 |
| 3. <b>ARTICLE ADDRESSED TO:</b> Riverside Colony<br>c/o Mike Waldner<br>RR 1<br>Mitchell, SD 57350                                                                                                                        |                                                                                                                                                 |
| 4. <b>TYPE OF SERVICE:</b><br><input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED<br><input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> COD<br><input type="checkbox"/> EXPRESS MAIL | <b>ARTICLE NUMBER</b><br>P 614 819 610                                                                                                          |
| <b>(Always obtain signature of addressee or agent)</b>                                                                                                                                                                    |                                                                                                                                                 |
| I have received the article described above.<br><b>SIGNATURE</b> <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent<br><div style="text-align: center;"><i>Dev Waldner</i></div>                |                                                                                                                                                 |
| 5. <b>DATE OF DELIVERY</b><br>2/27/86                                                                                                                                                                                     | <div style="border: 2px solid black; border-radius: 50%; padding: 10px; text-align: center;">HURON<br/>FEB<br/>27<br/>PM<br/>SD<br/>57350</div> |
| 6. <b>ADDRESSEE'S ADDRESS</b> (Only if requested)                                                                                                                                                                         |                                                                                                                                                 |
| 7. <b>UNABLE TO DELIVER BECAUSE:</b>                                                                                                                                                                                      | 7a. <b>EMPLOYEE'S INITIALS</b><br><i>[Signature]</i>                                                                                            |



Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
(605) 773-3352

No. \_\_\_\_\_

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

You are hereby notified that your Application No. \_\_\_\_\_ for a permit to  
appropriate water for \_\_\_\_\_ use, has been examined and  
found to comply with the South Dakota Water Laws and applicable rules. A notice  
of your intent to appropriate water has been sent to the Publisher of the

\_\_\_\_\_ printed at \_\_\_\_\_,  
South Dakota. For your information, a copy of this notice and the recommendation  
of the Chief Engineer is enclosed. Please review and contact this office, if you  
have any questions.

Be sure to contact the above newspaper to authorize publication of your notice of  
intent to appropriate water and to arrange for payment. Early contact with the paper  
can eliminate delays. The publisher has been instructed to publish your notice  
once each week for two consecutive weeks with the last publication to occur at least  
thirty days before the board meeting. We must receive Proof of Publication before  
the application can be considered by the Water Management Board.

Very truly yours,

KEVIN C LARSON  
Natural Resources Engineer

Encl. Forms 6&7



# Department of Water & Natural Resources

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

Third Notice  
Permit No. 4866-3

September 2, 1986

NOTICE OF ORDER TO STOP DIVERTING WATER  
UNDER PERMIT NO. 4866-3 FOR  
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE

Riverside Colony  
%Mike Waldner  
RR #1  
Huron, SD 57350

Dear Mr. Waldner:

December 16, 1985 and February 25, 1986 you were notified the final inspection fee of \$50.00 is due before Water License No. 4866-3 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 4866-3 until the \$50.00 fee is paid.

Very truly yours,

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

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

S520.WR

PS Form 3811, Dec. 1985

● **SENDER:** Complete items 1, 2, 3, and 4.  
Add your address in the "RETURN TO" space  
on reverse.

**(CONSULT POSTMASTER FOR FEES)**

1. The following service is requested (check one).

- ☒ Show to whom and date delivered ..... —\$  
☐ Show to whom, date, and address of delivery.. —\$

2. ☐ **RESTRICTED DELIVERY**

(The restricted delivery fee is charged in addition to  
the return receipt fee.)

**TOTAL \$** \_\_\_\_\_

3. **ARTICLE ADDRESSED TO:**

*Riverside Colony*  
*% Mike Walaker*  
*RR1, Huron SD 57350*

4. **TYPE OF SERVICE:**

- ☒ **REGISTERED** ☐ **INSURED**  
☐ **CERTIFIED** ☐ **COD**  
☐ **EXPRESS MAIL**

**ARTICLE NUMBER**

*P 614 819 646*

**(Always obtain signature of addressee or agent)**

I have received the article described above.

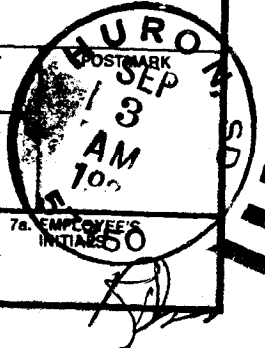
**SIGNATURE** ☐ Addressee ☐ Authorized agent

*Debbie Brown*  
5. **DATE OF DELIVERY**  
*9/3/86*

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S**  
**INITIALS**



RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, South Dakota, 1919

RECEIVED OF Charles E. Harkness, Jr., Attorney at Law, 117 Broadway, New York, N.Y.

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

|                                                                                                                            |       |  |
|----------------------------------------------------------------------------------------------------------------------------|-------|--|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____ |       |  |
| 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. _____                        |       |  |
| Fee for Filing Transfer Form _____                                                                                         |       |  |
| Fee for Filing Extension Request _____                                                                                     |       |  |
| Fee for Certified Copy of _____                                                                                            |       |  |
| Fee for Print Copy of Map _____                                                                                            |       |  |
| Fee for Certifying _____                                                                                                   |       |  |
| Fee for _____                                                                                                              |       |  |
| (Any Other Work Provided by Law)                                                                                           | Total |  |

By John Hatch  
Chief Engineer JOHN HATCH/mc



# 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

| <u>Date</u> | <u>LaMoure</u> | <u>Ludden</u> | <u>Columbia**</u> | <u>Ashton</u> | <u>Huron</u> | <u>Forestburg</u> | <u>Scotland</u> |
|-------------|----------------|---------------|-------------------|---------------|--------------|-------------------|-----------------|
| 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             |
| 04/14/88    | 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

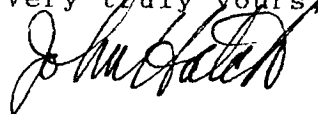
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North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

A handwritten signature in cursive script, appearing to read "John Hatch", written in dark ink.

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

**SOUTH Dakota** 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

*John Hatch*  
*By James Venturi*

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.

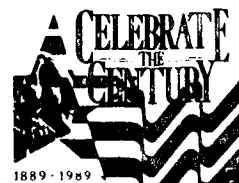
The following is the latest flow information that we have on the river:  
(these are provisional records - flow measured in cubic feet per second)

| Date     | LaMoure | Ludden | Columbia | Ashton | 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    | 3.09   | 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

1276-3  
4866-3

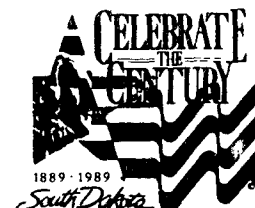
FROM: John Hatch, Chief Engineer  
Water Rights Division  
605 773-3352

*John Hatch*

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 57350

1276-3

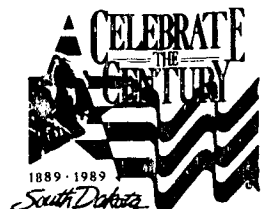
4866-3

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

February 17, 1989

Riverside Colony  
RR 1, Box 224  
Huron, SD 57350

Dear Sirs:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- \* a check valve between the irrigation pump and the point of chemical injection;
- \* a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- \* a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- \* a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- \* an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- \* an inspection port between the irrigation pump and the check valve on the irrigation line;

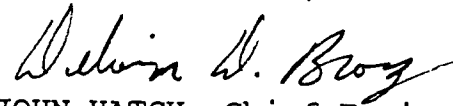


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

*for*   
JOHN HATCH, Chief Engineer  
Water Rights Division



# 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 H. 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



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             | 25.8          | 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, 4866-3

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

**SOUTH Dakota** 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

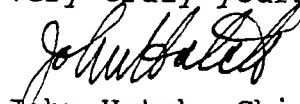
Dear Mr. Waldner:

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



# Water & Natural Resources

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

1276-3  
4866-3

August 31, 1990

## NOTICE

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

FROM: John Hatch, Chief Engineer  
Water Rights Division

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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.

# CERTIFICATION

I hereby certify that on August 31, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Shutoff Order for Water Rights in the James River Reach Above Huron to the James River Diversion Dam for the following water rights/permits.

4866-3

Mike Waldner, Riverside Colony, RR #1 Huron  
SD 57350

343-3A

Jake Wollman, Huron Colony, RR #2 Box 185, Huron  
SD 57350

2390-3

Marie Arthur

Marie Arthur  
Secretary

STATE OF SOUTH DAKOTA )

) SS

COUNTY OF HUGHES

Sworn to, before me, this 5<sup>th</sup> day of September, 1990.

*John H. H. H.*  
Notary Public

Notary Public





# 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



**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  
Water Rights Division  
(605) 773-3352

*Delvin D. Brosz*

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

## Conversation or File Documentation

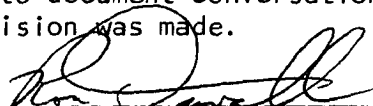
NAME OF PERSON OR FILE: Riverside Colony  
ADDRESS: RR1, Box 224, Huron COUNTY Beadle  
DATE: Feb 14, 1992 TELEPHONE \_\_\_\_\_  
RE: Pivot in SW 1/4 sec 22-T112N-R61W

## COMMENTS:

Spoke to Bennett Waldner on 2/5/92 regarding  
rotation of the pivot in the SW 1/4 section 22.  
The dam-like area on the aerial photo no  
longer exists and the pivot makes a full  
circle. The N 1/2 of the drainage has per-  
manent vegetation.

Mr. Waldner also indicated that the 500 gpm diversion  
rate from the first inspection was low. The actual  
pump rate is approximately 700 gpm

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: 



4866-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

April 14, 1992

**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



4866-3

**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 HTRN BRTH  
% MIKE WALDNER  
RR 1  
HURON, SD 57350

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

*Delvin W. Brosz*

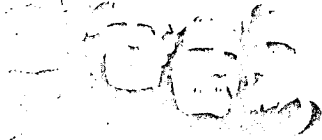
SUBJECT: Rescission of April 14, 1992 Shutoff Order  
to James River Water Right Holders above the  
Huron Third Street Dam to Ashton.

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

*South Dakota*



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

August 20, 1992

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

Dear Mr. Waldner:

The original Notice of Intent to Validate Vested Water Right Claims was published with errors. The amount of water used was incorrect and the source of water did not include a dry draw. Therefore, the notice needs to be readvertised to correct the errors. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Huron Daily Plainsmen printed at Huron SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

*Eric Gronlund*

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,  
COUNTY OF BEADLE: ss.



I, Leslie Fraser  
being duly sworn on oath, say that THE DAILY 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 bookkeeper.....  
..... of said newspaper  
and know the facts herein stated. The annexed notice headed

Readvertisement Of Notice Of Intent To Validate  
Vested Water Right Claims

was published for two successive weeks once each week,  
the same day each week, in said newspaper, and not in any supplement

of the said newspaper, the first publication on the 26th day of

August, 1992 and the last publication on the 2nd

day of September, 1992. That the full amount of the fee  
charged for publishing the same, to-wit:

one hundred thirty-three & 50/100 Dollars inures to the benefit of  
the publisher of said newspaper; that no agreement or understanding for the divi-  
sion thereof has been made with any other person, and that no part thereof has  
been agreed to be paid to any person whomsoever.

Leslie Fraser

Subscribed and sworn to before me this 2nd day of September,

1992.

May B. Walz  
Notary Public, South Dakota

My term expires 6/1/2000

F.P. 8-26-92 L.P. 8-2-92  
READVERTISEMENT OF  
NOTICE OF INTENT TO  
VALIDATE VESTED WATER  
RIGHT CLAIMS

Notice is given that the following  
vested water right claims in  
Beadle County are eligible for  
validation by the Water  
Management Board pursuant to  
SDCL 46-2A-17 without a hearing  
unless a petition to oppose the  
validation is filed pursuant to  
SDCL 46-2A-22. Readvertisement  
of the original notice of intent to  
validate these claims, as  
published on June 23 and 30,  
1988 in the Daily Plainsman, is  
necessary to correct errors in the  
previously published notice.

Vested Water Right No. 131-3,  
Harry Haeder, Box 56, Yale, SD  
57386, appropriates 0.76 cubic  
feet of water per second (cfs) from  
one well located in the SW 1/4 SW  
1/4 Section 31 to irrigate 53 acres  
located in the S 1/2 SE 1/4, S 1/2  
SW 1/4, NW 1/4 SW 1/4 Section  
31; all in T112N-R59W. The  
priority date is 7/9/1954.

Vested Water Right No. 325-3,  
Roger Chaplin, 1820 Fulton,  
Sturgis, SD 57785, appropriates  
0.63 cfs from the James River  
located in the NE 1/4 NW 1/4  
Section 14 to irrigate 44.8 acres  
located in the S 1/2 SW 1/4  
Section 11, and the NE 1/4 NW  
1/4 Section 14; all in T113N-  
R62W. The priority date is  
10/1/1954.

Vested Water Right No. 343-3,  
Huron Colony, c/o Jake Wollman,  
Rt. 2, Box 185, Huron, SD 57350,  
appropriates 0.88 cfs from the  
James River located in the S 1/2  
SE 1/4 Section 30-T113N-R61W  
and the SE 1/4 Section 25-T113N-  
R62W to irrigate 109 acres located  
in the S 1/2 SE 1/4 Section 30-  
T113N-R61W and the SE 1/4  
Section 25-T113N-R62W. The  
priority date is 1/1/1947.

Vested Water Right No. 4866-3,  
Riverside Colony, c/o Mike  
Waldner, RR 1, Huron, SD 57350  
appropriates 1.56 cfs from the  
James River and a dry draw dam  
(31 acre-foot storage) located in  
the SE 1/4 Section 22 to irrigate  
132 acres located in the SW 1/4  
Section 22; all in T112N-R61W.  
Priority date is 1/1/1949.

Any person who wishes to  
oppose validation of any of the  
readvertisement vested right  
claims shall file a petition of intent  
to oppose the validation by  
September 18, 1992 with the Chief  
Engineer, Water Rights Division,  
Department of Environment and  
Natural Resources, Joe Foss  
Building, 523 East Capitol, Pierre,  
SD 57501-3181 (605-773-3352)  
and with the vested water right  
holder at the listed address. The  
petition may be informal, but it

must include a statement  
describing the petitioner's interest  
in the vested water right claim, the  
reasons for the petitioner's  
opposition to the claim, and the  
signature and mailing address of  
the petitioner or his legal counsel if  
legal counsel is obtained.

If a petition of intent to oppose  
the validation of a recognized  
vested water right claim is filed,  
the Water Management Board will  
conduct a hearing on the opposed  
claim at 10:00 am, September 30,  
1992, Floyd Matthew Training  
Center, Joe Foss Building, 523 E.  
Capitol, Pierre SD. The  
September 30, 1992, hearing date  
will be automatically delayed for at  
least 20 days upon written request  
to the Chief Engineer from the  
applicant or any interested person  
opposing the application. The  
request for an automatic delay  
must be filed by September 18,  
1992.

If no person opposes validation  
of a recognized vested water right  
claim pursuant to SDCL 46-2A-16,  
the Water Management Board will  
issue an order pursuant to SDCL  
46-2A-17, validating the vested  
water right claim.

These validations are made  
pursuant to the provisions of  
SDCL 46-1-1 thru 46-1-9, 46-1-14;  
46-2-3.1, 46-2-9, 46-2-11, 46-2-17;  
46-2A-16 thru 46-2A-18, 46-2A-  
22; 46-5-1 thru 46-5-6.1, 46-5-8.2,  
46-5-13 thru 46-5-15, 46-5-30.2  
thru 46-5-37.1; 46-5-46, 46-5-49;  
46-6-1 thru 46-6-3, 46-6-6, 46-6-  
6.1, 46-6-10, 46-6-13, 46-6-14, 46-  
6-21, 46-7-1 thru 46-7-5.3, 46-7-  
12, 46-7-14, 46-7-15 and Board  
Rules ARSD 74:02:01:01 thru  
74:02:01:05.03 and 74:02:01:20  
thru 74:02:01:22.

Contact Eric Gronlund by  
September 18, 1992, at the above  
Water Rights Division address to:  
1) request copies of information  
pertaining to a vested right claim  
or a copy of the vested water right  
claim list for another county; 2) to  
obtain a summary of South Dakota  
Water Law and Water Rights  
information; 3) to assure access to  
the hearing by the handicapped;  
or 4) obtain an interpreter for the  
hearing impaired.

Robert E. Roberts,  
Secretary  
Department of Environment  
and Natural Resources

No. 443 (adv.)

15" x 2" x 4" 40¢ 13300



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

OCT 29 1992

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. 4866-3. 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,

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

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

NOV 24 1992

4866-3

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

Dear Mr. Waldner:

Enclosed is your Vested Water Right License No. 4866-3 and Receipt No. 410549, in the amount of \$50.00 which you paid for the inspection and issuance of the water license.

Vested Water Right No. 4866-3 was validated on September 30, 1992. The enclosed water license was inadvertently omitted from the vested right validation mailed to you on October 29, 1992. The delay in mailing the license did not alter the content or conditions of your vested right.

If you have any questions, please contact us.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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



4866-3  
**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). 4866-3, 7186-3**

To: RIVERSIDE HTRN BRTH  
40361 200TH ST  
HURON SD 57350

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

Subject: James River Qualification Reminder for Permit No(s). 4866-3, 7186-3

Qualifications on your water right indicate that you are not authorized to divert James River water after August 10<sup>th</sup>. Please, consider this a reminder and cease diversion if you have not already done so. No diversion can take place after August 10<sup>th</sup> 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**

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

August 10, 2012

Riverside Httrn Brth  
% Ben Waldner  
40361 200<sup>th</sup> St  
Huron SD 57350

Dear Mr. Waldner:

In response to your telephone call on August 10, 2012 requesting an extension to pump from the James River beyond the August 10<sup>th</sup> cutoff, you are authorized to pump under Water Right No 4866-3. subject to the following:

- No irrigation from the James River beyond August 24, 2012 for the 2012 irrigation season
- Flows remain available for downstream domestic users and prior water rights
- Flows past the Huron gaging station remain above 20 cubic feet per second after pumping

We will continue to monitor the James River and if conditions warrant, you may be shutoff prior to August 24, 2012, with no prior notice given. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Garland Erbele".

Garland Erbele, 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

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 10<sup>th</sup> 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