

WATER PERMIT NO. 7186-3

Name of Applicant: **Riverside Hutterian Brethern**

Address: **40361 200th St, Huron SD 57350** Phone: **605 352-7462**

Amount of Water Claimed: **6.62 cfs** Total Acres: **464**

Source of Water Supply: **James River**

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

Type of Waste Disposal System:

Location: **10 miles northeast of Huron**

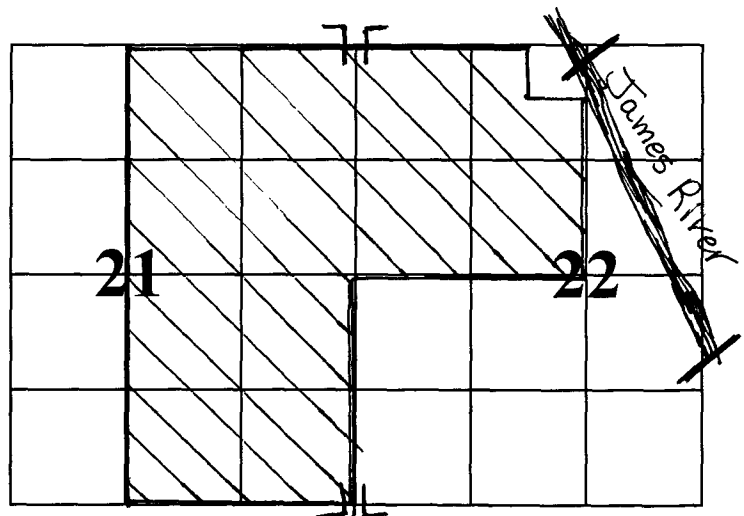
PRIORITY Date Received: **2-23-10** Application/License Fee: **\$1,550**

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

Remarks:

Diversion Point: **a point between the NW ¼ NE ¼**
and the NE ¼ SE ¼ Sec 22-T112N-R61W

Land to be Irrigated: **NW ¼ Sec 22 and E ½ Sec**
21; all in T112N-R61W



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Ron Duvall**

Reviewed and the Number Assigned on: **2-23-10**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7186-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>The Plainsman</u>

RECEIVED
FEB 23 2010
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant Riverside Hutterian Brethern Phone 605-352-7462
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 40361 200th Street Huron SD 57350
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 6.62 *CFS or **GPM ***AF Total Acreage 464
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply James River

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Beadle
a point between NW1/4 NE1/4 and the NE1/4 SE1/4 Sec 22 T 112N R 61W

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used Apr 1 - Oct 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW1/4 sec 22-T112N-R61W	144		
E1/2 sec 21-T112N-R61W	320		

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

STATE OF SOUTH DAKOTA)

County of Hughes) SS

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

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

Applicant's signature Bennett Walsher

Subscribed and sworn to before me this 12 day of Feb 20 10

Scander Schnellbach
Notary Public signature
8-8-2010

**SOUTH DAKOTA
WATER PERMIT NO. 7186-3**

Date of first receipt of application February 23, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7186-3 to Riverside Hutterian Brethern, c/o Bennett Waldner, 40361 200th St, Huron SD 57350 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7186-3 appropriates 6.62 cubic feet of water per second from the James River located at a point between the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22 to irrigate 464 acres located in the NW $\frac{1}{4}$ Section 22 and E $\frac{1}{2}$ Section 21; all in T112N-R61W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31 (subject to Qualification No. 2 below).
3. The date from which applicant may claim right is February 23, 2010.
4. The date of approval of Permit No. 7186-3 is May 13, 2010.
5. One-fifth of the construction is to be completed on or before November 13, 2012.
6. All construction is to be completed on or before May 13, 2015.
7. Water is to be put to beneficial use on or before May 13, 2019.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Permit No. 7186-3 is subject to the diversion causing no adverse impact to the Topeka Shiner in the James River.
2. Diversion of water from the James River shall be in accordance with the following criteria:
 - a. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b. This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Huron, SD after pumping.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 15 2010

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

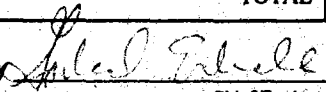
Date 2/23, 20 10

RECEIVED OF Riverside Lutheran Brethren 40301 200th St Huron SD 57350

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

Fee for Application for Permit No. <u>7186-3</u> to Appropriate Water, to construct and to put water to beneficial use	1350	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7186-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1550 00

No. **04493**

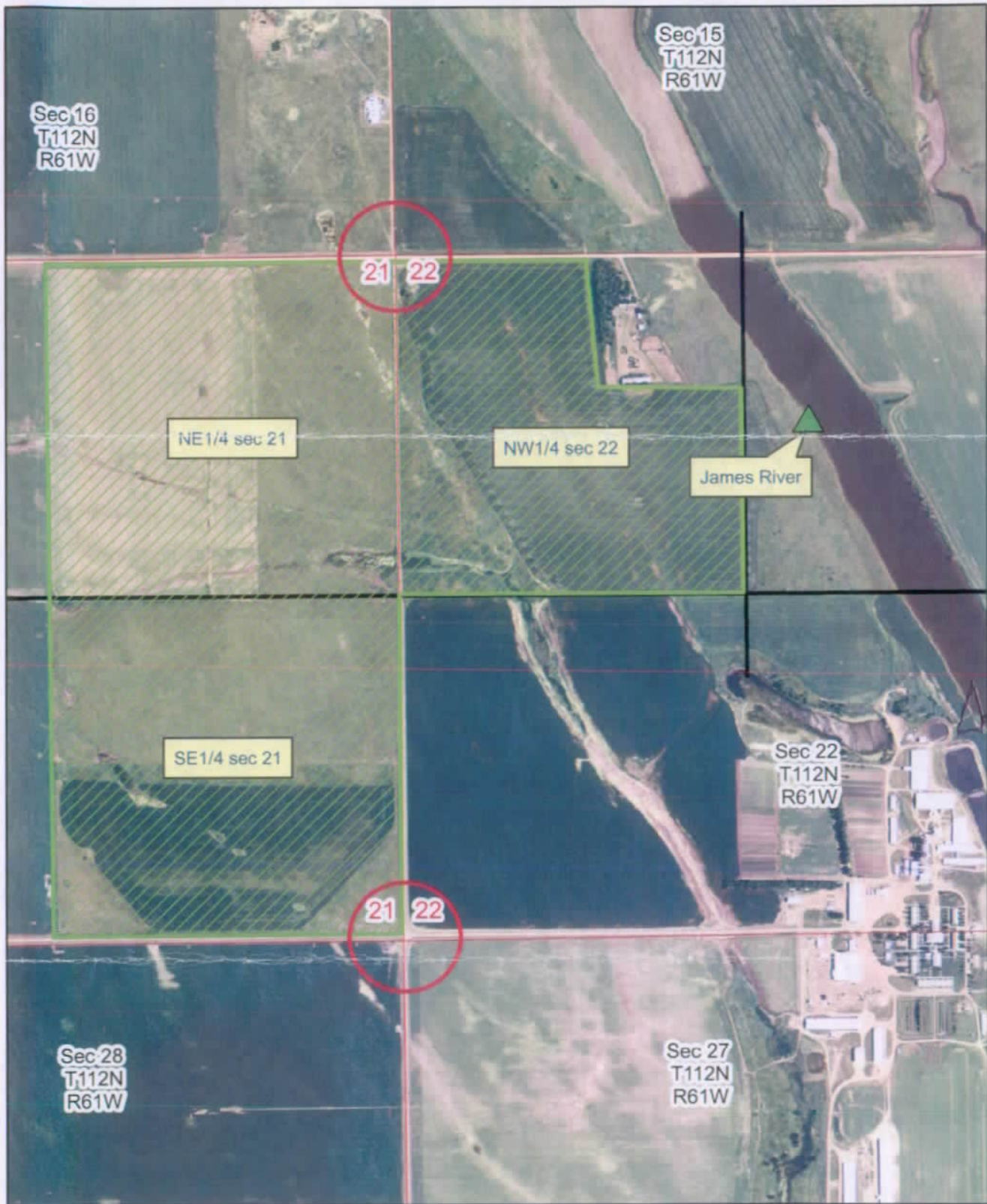
By 
Chief Engineer

Select

Scale: 1 inch = 1,115 feet

1,600

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:
RECEIVED

FEB 23 2010

Water Rights
PROGRAM

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Application No.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 2010

Bennett Waldner
Riverside Hutterian Brethern
40361 200th St.
Huron SD 57350

Dear Mr. Waldner:

Enclosed is your completed application to irrigate the NW1/4 section 22 and E1/2 section 21; both in T112N-R61W from the James River. As we discussed I have prepared and enclosed a map for you to return with the application.

I have also enclosed an instruction sheet which explains the fee structure for irrigation permit applications. The application fee for irrigation of 464 acres is \$1,350.00 and the inspection/licensing fee is \$200.00 for a total fee of \$1,550.00. This is a one-time fee that needs to be returned with your permit application.

In regard to adding a quarter to be irrigated from the Tulare Hitchcock aquifer while resting another quarter, we believe the end result would be an increase in water use from an already fully appropriated aquifer. Our assumption is that your existing permits from this aquifer are idled occasionally due to crop rotation so adding another pivot would result in water use that would not have occurred otherwise. Please note this position by the Water Rights Program does not preclude you from applying for a permit from the Tulare Hitchcock aquifer. Even though we would not recommend approval, the decision on whether to approve such an application rests with the Water Management Board.

If you have any questions, please contact me at 605 773-3352. Once you return the enclosed application, map and fee we will start processing your application from the James River. Thank you for stopping by the office.

Sincerely,

Ron Duvall
Natural Resources Engineer
<http://denr.sd.gov/wr>

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7186-3, Riverside Hutterian Brethern**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7186-3, Riverside Hutterian Brethern, c/o Bennett Waldner, 40361 200th Street, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 7186-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Permit No. 7186-3 is subject to the diversion causing no adverse impact to the Topeka Shiner in the James River.
2. Diversion of water from the James River shall be in accordance with the following criteria:
 - a. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b. This permit does not authorize diversions from the James River when there is less than 20-cfs by-passing the gage at Huron, SD after pumping.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
April 19, 2010

REPORT ON WATER PERMIT APPLICATION 7186-3
Riverside Hutterian Brethern
c/o Bennett Waldner
40361 200th St
Huron, SD 57350
April 8, 2010

Water Permit Application No.7186-3, Riverside Hutterian Brethern proposes to appropriate 6.62 cubic feet per second (cfs) of water from the James River from a point located between the NW ¼ NE ¼ and the NE ¼ SE ¼ Section 22 to irrigate 464 acres located in the NW ¼ Section 22 and E ½ Section 21; all in T112N-R61W.

The annual period of use requested is from April 1 through October 31.

Review of the Water Source

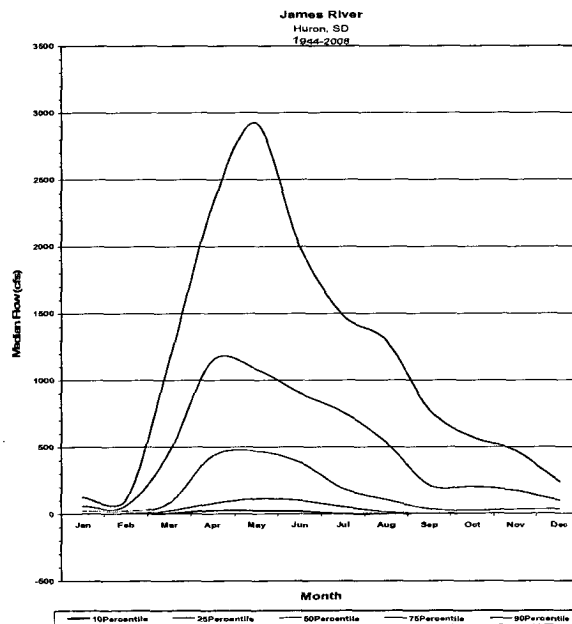
The water source for the proposed project is the James River in Beadle County. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are in South Dakota. During extended periods of low precipitation the James River experiences extremely low flows and cannot be considered a reliable source of water.

The USGS operates a stream flow gaging station approximately 10 miles downstream from the proposed project near Huron, SD. The historical data from 1944 to 2008 for the Huron, SD stream flow gage indicate there is a 50-percent probability monthly median flows could range from 24 to 468 cfs for any given April through October annual period. There is a 75-percent probability monthly median flows could be 0 to 111 cfs or greater during the same period. (Table 1 and Hydrograph 1)

Table. 1 James River Monthly Median Flow (cfs) Huron, SD

Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90%	0	0	3	23	22	18	0	0	0	0	0	0
75%	0	0	19	74	111	98	50	12	0	0	0	0
50%	22	20	78	429	468	384	187	105	35	24	32	34
25%	55	58	457	1145	1080	903	758	529	211	201	171	98
10%	123	100	1138	2300	2918	2004	1486	1294	777	571	471	236

Hydrograph 1



USGS historical data for the Huron, SD stream flow gages indicate non-appropriated water is available in the James River during normal to wetter climatic conditions for the annual period of use. During late summer and early fall months, the James River cannot be considered a reliable source of water.

Review of Existing Water Rights

In 1965 the SD Water Rights Commission, a predecessor to the SD Water Management Board, placed a 300 cfs diversion limit on the James River in South Dakota with a maximum combined diversion limit of 200 cfs from Huron, SD to the North Dakota border. Due to the Missouri River backwater into the James River, the 300 cfs restriction has been applied from the North Dakota border to the Yankton-Hutchinson County Line.

Presently there are 94 Water Rights with diversions totaling 223.45 cfs from the North Dakota border to the Yankton-Hutchinson, SD County Line. From the North Dakota border to Huron, SD there are 59 Water Rights with diversions totaling 135.72 cfs. If Water Permit Application 7186-3 is approved, diversions from both the total river and the Huron, SD to North Dakota river reach would still be below the established limits.

Review of the Proposed Project

The applicant proposes to appropriate 6.62 cfs of water from the James River from a point located between the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22 to irrigate 144 acres located in the NW $\frac{1}{4}$ Section 22 and 320 acres in the E $\frac{1}{2}$ Section 21; all in T112N-R61W.

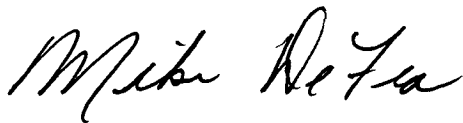
In the spring of 2007, Water Rights staff reviewed all of the shut-off and by-pass qualifications on the existing James River water rights/permits. Based upon this study, the Chief Engineer recommended amending the existing qualifications in order to standardize them. In May of 2007 the Water Management Board adopted these standardized qualifications and amended the existing James River water rights/permits. The intent with the amended qualifications was they would also be placed on future appropriation from the James River.

Therefore, if approved, Application No. 7186-3 should contain the following by-pass qualifications to protect senior James River Water Rights and domestic water use:

- This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
- This permit does not authorize diversions from the James River when there is less than 20 cfs by-passing the gage at Huron, SD after pumping.

Conclusion

1. The applicant proposes to appropriate 6.62 cfs of water from the James River from a point located between the NW ¼ NE ¼ and the NE ¼ SE ¼ Section 22 to irrigate 144 acres located in the NW ¼ Section 22 and 320 acres in the E ½ Section 21; all in T112N-R61W.
2. USGS historical data for the Huron, SD stream flow gages indicate non-appropriated water is available in the James River during normal and wetter climatic conditions for the annual period of use. During late summer and early fall months, the James River cannot be considered a reliable water source.
3. If Application No. 7186-3 is approved, the following qualifications should be included for the portion covered by the 2010 priority date:
 - This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - This permit does not authorize diversions from the James River when there is less than 20 cfs by-passing the gage at Huron, SD after pumping.
4. If this application is approved, the total river diversion would be 223.45 cfs which is less than the 300 cfs limit. For the reach from Huron, SD to the North Dakota state line, the total diversion will be 136.47 cfs, well within the 200 cfs limit set by the Water Rights Commission.



Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

Reviewed by:



Mark Rath
Natural Resources Engineering Specialist
DENR, Water Rights Program

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

RECEIVED

MAY 05 2010

WATER RIGHTS
PROGRAM

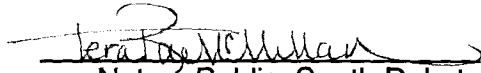
I, Ashley Lorenz, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks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

SD ENV. & NAT. RES. - WATER
APPLICATION RIV. COLONY

Was published for Two days, once each week, on the same day, in said newspaper, and not in any supplement of the said newspaper. The first publication being the 27rd day of APRIL 2010 and the last publication was on the 4th day of MAY 2010. That the full amount of the fee charged for publishing is: FIFTY TWO & 16/100 Dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division there of has been made with any other person, and that no part there of has been agreed to be paid to any person whom so ever.



Subscribed and sworn to before me this 30th day of APRIL, 2010


Notary Public, South Dakota

My term expires 08/27/2010

Legal # 173

F.P. 04-27-10

L.P. 05-04-10

NOTICE OF

APPLICATION NO. 7186-3
to Appropriate Water

Notice is given that Riverside Hutterian Brethern, c/o Bennett Waldner, 40361 200th St., Huron SD 57350 has filed an application for a water permit to appropriate 6.62 cubic feet of water per second from the James River, located at a point between the NW 1/4 NE 1/4 and the NE 1/4 SE 1/4 Section 22 to irrigate 464 acres located in the NW 1/4 Section 22 and E 1/2 Section 21; all in T112N-R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7186-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 13, 2010.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Secretary, Department of Environment and Natural Resources.

No. 173 (adv.)

Published twice at the total approximate cost of \$52.50.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 19, 2010

The Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7186-3 to Appropriate Water to be published twice. Please publish the first notice on April 26, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Riverside Hutterian Brethern, c/o Bennett Waldner, 40361 200th St., Huron SD 57350 (Ph # 605-352-7462).

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

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 7186-3

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

Date _____

We are in receipt of your letter of April 19, 2010 enclosing Notice to Appropriate Water by Application No. 7186-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

April 19, 2010

Riverside Hutterian Brethern
Bennett Waldner
40361 200th St
Huron SD 57350

Dear Mr. Waldner:

Water Permit Application No. 7186-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plainsman printed at Huron SD (Ph # 605-352-6401). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

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

Instruction to Newspaper - Publish first Notice on April 26, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7186-3 to Appropriate Water

Notice is given that Riverside Hutterian Brethern, c/o Bennett Waldner, 40361 200th St, Huron SD 57350 has filed an application for a water permit to appropriate 6.62 cubic feet of water per second from the James River located a point between the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22 to irrigate 464 acres located in the NW $\frac{1}{4}$ Section 22 and E $\frac{1}{2}$ Section 21; all in T112N-R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7186-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 13, 2010.

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

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 15 2010

Riverside Hutterian Brethren
Bennett Waldner
40361 200th St
Huron SD 57350

Dear Mr. Waldner:

Enclosed is Water Permit No. 7186-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures



7186-3
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 HTTRN 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 10th. Please, consider this a reminder and cease diversion if you have not already done so. No diversion can take place after August 10th unless under written orders by the Chief Engineer. You may resume diversion on the date stated in the qualifications on your water right.

7186-3
RECEIVED

NOV 24 2014

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 11-21-14TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Riverside Colong
(name)40361 200th Street
(address)Huron SD 57350
(city, state, zip)605 350 5768
(phone)

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

Water Permit No. 7186-3 states that the water use system is to be constructed by was complete, and water is to be put to beneficial use by 6-1-12.
(date) (date)

The water use system was completed on was complete.
(date)

Applying the water to beneficial use was completed on was complete when we bought ground.
(date)

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

Bennett Walden
(signature)





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



December 11, 2014

7186-3
8006-3

Bennett Waldner
Riverside Colony
40361 200th St
Huron SD 57350

Dear Mr. Waldner:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know the irrigation systems authorized under Water Permit Nos. 7186-3 and 8006-3 are completed.

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

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

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 27, 2021

Dear James River Water Right Holder:

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

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7186-3

I have this day, June 20, 2025, made a thorough examination of the water use system constructed by Riverside Hutterian Brethern, 40361 200th St, Huron, SD 57350 of Permit No. 7186-3, bearing the priority of February 23, 2010 authorizing the diversion of 6.62 cu. ft. per second of the waters of the James River for irrigation purposes, in Beadle County.

A. Works used to divert the water: RIVER BANK PUMPS ARE USED

Pump:

- 1) Make Electric powered
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 800 GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating Unkown hp

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

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 7000 feet

Comments: From river to far south pivot

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make 3 - Zimmatics
- 2) Overall length 1250 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y

If no, describe: SEE SECTION F

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: RIVER PUMP
From the NE corner Sec 22 T112N R61W, 1,140 ft S & 2,300 ft W, Lat 44.49755 Long -98.14235 (NW
¼ NE ¼)
2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
- 3.

Section 21, T112N, R61W

NE ¼ NE ¼ - 32 acres	NE ¼ SE ¼ - 32 acres
NW ¼ NE ¼ - 32 acres	NW ¼ SE ¼ - 32 acres
SW ¼ NE ¼ - 32 acres	SW ¼ SE ¼ - 32 acres
SE ¼ NE ¼ - 32 acres	SE ¼ SE ¼ - 32 acres

Section 22, T112N, R61W

NE ¼ NW ¼ - 17 acres
NW ¼ NW ¼ - 25 acres
SW ¼ NW ¼ - 26 acres
SE ¼ NW ¼ - 34 acres

comprising a total of 358 acres of land and the license should be issued for 1.78 cfs.

4. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

The mailing address in the permit materials is current but the relevant phone number has changed.

Talked to Mr. Samuel Waldner, farm boss, (605/350-5772 cell) on the phone. Only one of the three (3) pivots is operated at a time at 800 gpm. License should be issued for 800 gpm.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system 1.78 cfs flow capacity for the pump.

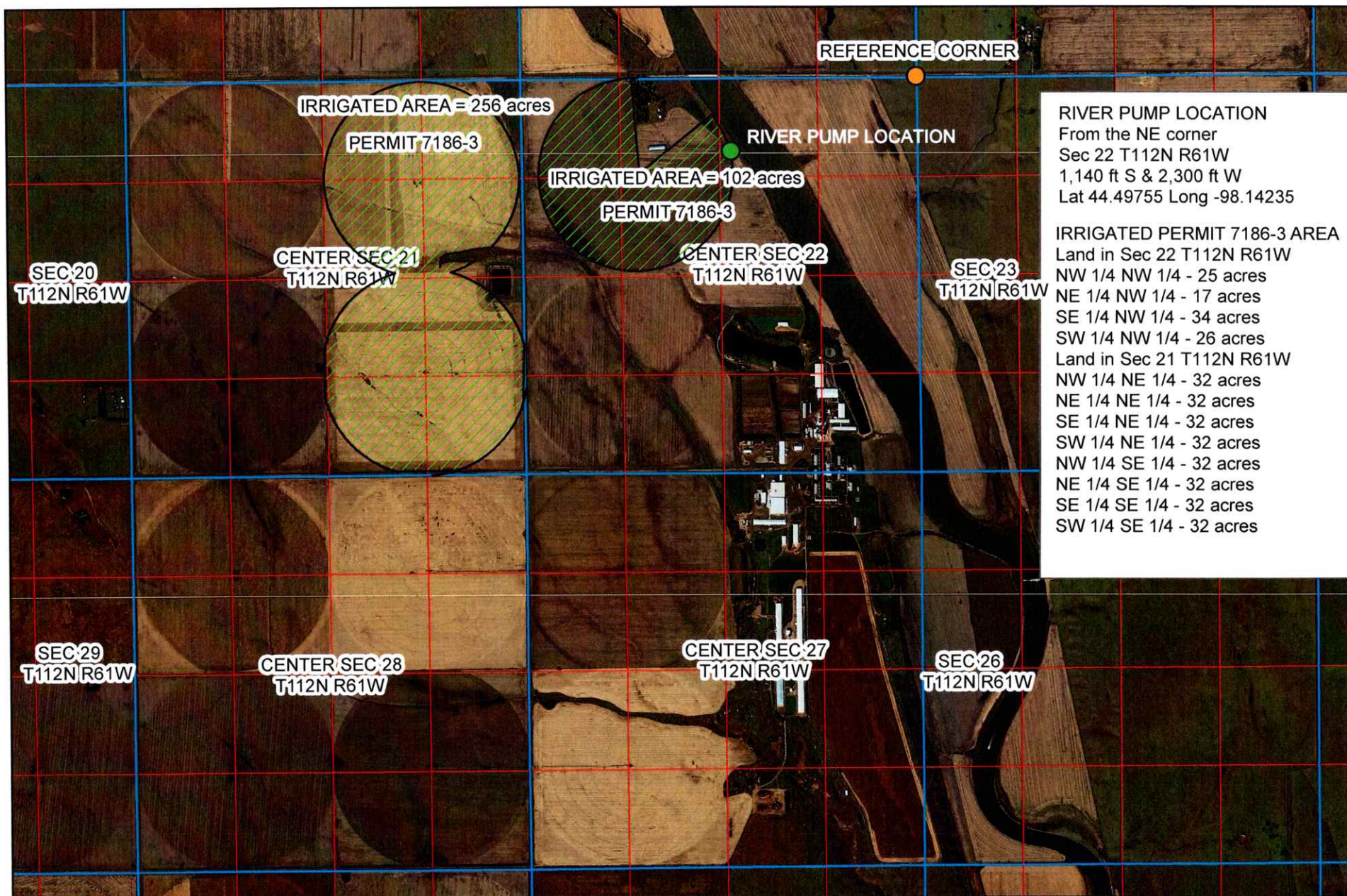
FSA maps and ArcGIS were used to estimate irrigated acres and to construct the map.

The pumping plant was not in place at the time of the field visit.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: June 25, 2025



0 1,450 2,900 5,800 8,700 11,600 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

21 2025

Riverside Hutterian Brethern
c/o Samuel Waldner
40361 200th St
Huron, SD 57350

Nos. 7186-3 & 8006-3

Dear Mr. Waldner:

Enclosed is Water License Nos. 7186-3 & 8006-3. These are the final water right documents completing your process of obtaining the Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

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

If you have any questions regarding the enclosed license, please contact Water Rights Permitting Administrator, Amanda Dewell at (605) 773-3352 or Amanda.Dewell@state.sd.us.

Sincerely,

Mark Mayer, PE
Director of Office of Water
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7186-3

(1) Riverside Hutterian Brethern, 40361 200th St, Huron, SD 57350, made Application No. 7186-3, February 23, 2010, for a water permit to divert 6.62 cubic feet of water per second from the James River, Beadle County, South Dakota for irrigation purposes. Permit No. 7186-3, with a priority date of February 23, 2010, was approved May 13, 2010, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 13, 2015, and for the application to beneficial use of water on or before May 13, 2019.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,140 feet S and 2,300 feet W from the NE corner of Section 22, T112N, R61W (NW ¼ NE ¼)
(Latitude 44.49755 and Longitude -98.14235)

(3) The amount of appropriation may not exceed 2 acre-feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31 (subject to Qualification No. 2 below).

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

Section 21, T112N, R61W	
NE ¼ NE ¼ - 32 acres	NE ¼ SE ¼ - 32 acres
NW ¼ NE ¼ - 32 acres	NW ¼ SE ¼ - 32 acres
SW ¼ NE ¼ - 32 acres	SW ¼ SE ¼ - 32 acres
SE ¼ NE ¼ - 32 acres	SE ¼ SE ¼ - 32 acres

Section 22, T112N, R61W	
NE ¼ NW ¼ - 17 acres	
NW ¼ NW ¼ - 25 acres	
SW ¼ NW ¼ - 26 acres	
SE ¼ NW ¼ - 34 acres	

Total – 358 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Riverside Hutterian Brethern, the holder and/or owner of Water Right No. 7186-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from the James River, with a priority date of February 23, 2010, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7186-3 and subject to the following qualifications:

continued

Qualifications

1. Permit No. 7186-3 is subject to the diversion causing no adverse impact to the Topeka Shiner in the James River.
2. Diversion of water from the James River shall be in accordance with the following criteria:
 - a. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
 - b. This permit does not authorize diversion from the James River when there is less than 20 cfs bypassing the gage at Huron SD after pumping.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Mark Mayer, PE
Director of Office of Water


date

