

WATER PERMIT NO. 7369C-3

Name of Applicant: **Huron Hutterian Brethren**

Address: **40068 Huron Colony Lane, Huron SD 57350**

Phone: **605 350-6875**

Amount of Water Claimed: **no add'l**

Total Acres: **26 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Beadle**

Type of Waste Disposal System:

Location: **14 miles north of Huron**

PRIORITY

Date Received: **2-17-15**

Application/License Fee: **\$ 300**

Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

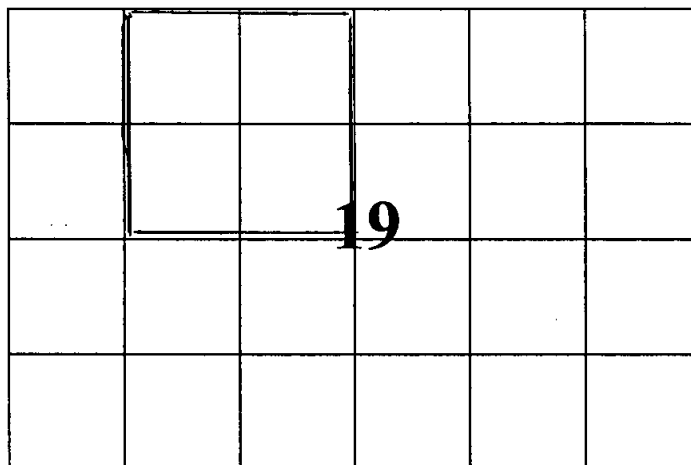
Remarks: **transfer 26 acres from No. 7396-3 to Permit No. 7368-3**

Diversion Point: **NW 1/4 NW 1/4 Sec 19-T113N-**

R61W

Land to be Irrigated: **NW 1/4 Sec 19-T113N-**

R61W



Depth of Well: **95 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **2-23-15**

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. 7369C-3 (office use only)
Hydrologic Unit 10160006
Basin James River
Newspaper Plainsman

RECEIVED**FEB 17 2015****WATER RIGHTS
PROGRAM****Application For Permit To Appropriate Water For Irrigation**

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7369-3

(Use predates Mar 2, 1955)

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

transfer 26 acres from Water Permit No. 7369-3 to the NW 1/4, Section 19 T113N, R61W to
accommodate a center pivot system that has a cornering system. A total of 158 acres will be irrigated

1. Name to Appear on Irrigation Permit Huron Hutterian Brethren(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 40068 Huron Colony Lane Huron SD 57350
(Address) (City) (State) (Zip Code)

Home Phone 352-5647 Cell 350-6875 Email huronfarms@yahoo.com

2. Amount of water claimed no addl *CFS or **GPM ***AF Total Acreage 26 transfer
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Tulare:East James aquifer4. Location of point of diversion NW 1/4 NW 1/4 Section 19, T113N, R61W (existing well)

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

authorized by WP No. 7368-3 County Beadle

5. County or counties where water will be used Beadle6. Annual period during which water is to be used April 1 - October 31

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

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 NW 1/4 Section 19, T113N, R61W	6.5		
NE 1/4 NW 1/4 Section 19, T113N, R61W	6.5		
SW 1/4 NW 1/4 Section 19, T113N, R61W	6.5		
SE 1/4 NW 1/4 Section 19, T113N, R61W	6.5		

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

The NW 1/4 Section 19, T113N, R61W is authorized for irrigation of 132 acres by Water Permit No. 7368-3. Intend to install a cornering system capable of irrigating 158 acres. This necessitates requesting to transfer 26 acres from No. 7369-3. No increase in diversion rate authority is requested.
Huron Colony recognizes this quarter section is only authorized for 132 acres from the James River. This cornering system will not be operated until a James River permit is obtained or the James River acres transferred

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

SOUTH DAKOTA
WATER PERMIT NO. 7369C-3 FOR IRRIGATION

Date of first receipt of application February 17, 2015.

The Water Management Board approved Water Permit No. 7369C-3 on May 7, 2015 for Huron Hutterian Brethren, c/o Marvin Wollman, 40068 Huron Colony Lane, Huron SD 57350 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7369C-3 transfers 26 acres from Water Permit No. 7369-3 to a new location. Water Permit No. 7368-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Tulare:East James Aquifer located in the center of the NW 1/4 Section 19 for irrigation of 132 acres located in the NW 1/4 Section 19; all in T113N-R61W. The permit holder will replace the existing irrigation system authorized by 7368-3 with a corner system capable of irrigating 158 acres. No increase in the diversion rate authority is requested. This permit will allow for a total diversion of 1.78 cfs and irrigation of 158 acres.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is May 31, 2012.
4. One-fifth of the construction is to be completed on or before November 7, 2017.
5. All construction is to be completed on or before May 7, 2020.
6. Water is to be put to beneficial use on or before May 7, 2024.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit Nos. 7368-3 and 7369C-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 7369C-3 incorporates Water Permit No. 7368-3.
4. The new irrigation center pivot system with cornering ability capable of irrigation of 158 acres in the NW ¼ Section 19, T113N, R61W shall not be installed until Huron Hutterian Brethren obtains a water permit from the James River to irrigate the same 158 acres. Currently, Huron Hutterian Brethren holds Water Right No. 7395-3 which includes irrigation of 132 acres in this quarter section from the James River. Water Permit Application No. 8123-3 is pending with a deferral recommendation for 26 new acres to bring the permitted amount up to 158 acres in this quarter section.

WATER MANAGEMENT BOARD

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

AUG 17 2015
date





Prepared by:

Eric Gronlund based on
representation by Joey
Waldner

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2-23, 20 15

Huron Httm Brethren, 40065 Huron Colony Land, Huron SD 57350

RECEIVED OF _____

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	100	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. _____	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	300.00

No. **07289**

By

Janne Goodman

Chief Engineer

(KS)

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Applications for Huron Colony

ADDRESS: 40068 Huron Colony Lane, Huron SD COUNTY: Beadle

DATE: March 9, 2015 TELEPHONE: 350-6875 cell for Joey Waldner

RE: Telephone conversation with Joey Waldner

I contacted Joey Waldner to discuss the three water permit applications to amend Water Permit No. 7369-3 filed by Huron Hutterian Brethren. Water Permit No. 7369-3 appropriates 1.78 cfs from one well in the SW ¼ Section 19, T113N, R61W to irrigate 132 acres in the same quarter section. This permit has not been developed. In their current form the applications propose to transfer portions of Water Permit No. 7369-3 to new areas.

Application No. 7369A-3 – transfer 45 acres and 0.22 cfs diversion rate authority

Application No. 7369B-3 – transfer 61 acres and no diversion rate authority

Application No. 7369C-3 – transfer 26 acres and no diversion rate authority

I explained that if approved this would transfer all the acres authorized by Permit No. 7369-3 and 0.22 cfs of diversion rate authority. This will leave 1.56 cfs diversion rate authority and no acres left in the original Permit No. 7369-3. I explained that the 1.56 cfs would likely be lost since there were no longer acres available for irrigation.

Joey Waldner and I discussed possible alternatives to preserve a portion of the diversion rate authority. Ultimately, Mr. Waldner requested to amend Application No. 7369-3 to include transfer of 1.0 cfs of diversion rate authority to the two wells authorized by Water Permit No. 6431A-3. Permit No. 6431A-3 currently appropriates 1.0 cfs from two wells to irrigate 91 acres (81 acres covered by a center pivot and 10 acres of garden area). Application No. 7369B-3 will now be to transfer 61 acres and 1.0 cfs of diversion rate authority to allow for the existing pivot to make full rotation of 129 acres and increase the size of the garden area. By transferring the 1.0 cfs of diversion authority allows the pivot to operate at 1.78 cfs (1.0 cfs existing under No. 6431A-3 plus 0.78 cfs transfer = 1.78 cfs) and allows 0.22 cfs (100 gpm) to supply water to the garden area.

Mr. Waldner recognizes that 0.56 cfs under Water Permit No. 7369-3 will be lost. He also understands that if once the construction period has past that the system will be limited to amount the wells are capable of producing.

NAME: Eric Waldner



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7369C-3, Huron Hutterian Brethren**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7369C-3, Huron Hutterian Brethren, c/o Marvin Wollman, 40068 Huron Colony Lane, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 7369C-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit Nos. 7368-3 and 7369C-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 7369C-3 incorporates Water Right No. 7368-3.
4. The new irrigation center pivot system with cornering ability capable of irrigation of 158 acres in the NW ¼ Section 19, T113N, R61W shall not be installed until Huron Hutterian Brethren obtains a water permit from the James River to irrigate the same 158 acres. Currently, Huron Hutterian Brethren holds Water Right No. 7395-3 which includes irrigation of 132 acres in this quarter section from the James River. Water Permit Application No. 8123-3 is pending with a deferral recommendation for 26 new acres to bring the permitted amount up to 158 acres in this quarter section.

See report on application for additional information.

Jeanne Goodman, Chief Engineer

April 8, 2015

NOTE: Water Permit No. 7369-3 will be reduced by 26 acres if this transfer is approved. With the approval of Application Nos. 7369A-3, 7369B-3 and 7369C-3 there is 0.56 cfs diversion rate authority and no acres remaining in Permit No. 7369-3. Therefore, Permit No. 7369-3 will be scheduled for cancellation.

The incorporation of Water Right No. 7368-3 into Water Permit No. 7369C-3 is intended to reflect that this is one water use system. By incorporating, Huron Hutterian Brethren will receive one irrigation questionnaire each fall to report water use by this system. The priority date for the 1.78 cfs and 132 acres established by Water Permit No. 7368-3 will be retained.

REPORT TO THE CHIEF ENGINEER
ON
APPLICATION NOS. 7369A-3, 7369B-3, AND 7369C-3
HURON HUTTERIAN BRETHREN,
C/O JOEY WALDNER
JANUARY 24, 2015

Application No. 7369A-3

Water Permit No. 3268C-3 authorizes the irrigation of 113 acres located in the SW $\frac{1}{4}$ Sec. 18, T113N-R61W (see Figure 1), using water from a well completed into the Tulare: East James aquifer, diverted at a maximum rate of 1.56 cfs. The well location authorized by Permit No. 3268C-3 is the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19, T113N-R61W. The applicant proposes to replace an existing irrigation system, constructed under the auspices of Water Permit No. 3268C-3, with a system capable of irrigating an additional 45 acres. Water Permit Application No. 7369A-3 was submitted, proposing to amend Water Permit No. 7369-3 by transferring the authority for the irrigation of 45 acres, and the diversion rate authority of 0.22 cubic feet of water per second (cfs), to accommodate the new system demands. Application No. 7369A-3 also proposes to allow for a change of the diversion point authorized by Water Permit No. 3268C-3 from the NW $\frac{1}{4}$ of Sec. 19, T113N-R61W to the approximate center of the SW $\frac{1}{4}$ Section 18-T113-R61W. If Application No. 7369A-3 is approved, irrigation under the new system that is to be located in the SW $\frac{1}{4}$ Sec. 18, T113N-R61W (i.e. irrigation of 158 acres with a maximum diversion rate of 1.78 cfs) would be authorized by Water Permit Nos. 3268C-3 and 7369A-3.

Application No. 7369B-3

Water Permit No. 6431A-3 authorizes the irrigation of 91 acres located in the NW $\frac{1}{4}$ Sec.30, T113N-R61W and the N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec.30, T113N-R61W (see Figure 1), using water from two wells completed into Tulare: East James aquifer, diverted at a maximum rate of 1.0 cfs. The permit authorizes diversions from one well located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30, T113N-R62W and from a second well located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 30, T113N-R62W. Water Permit Application No.7369B-3 proposes to amend Water Permit No. 7369-3 by transferring the authority for the irrigation of 61 acres, and the diversion rate authority of 1.0 cfs to new locations. If Application No. 7369B-3 is approved, the existing irrigation system built under the auspices of Water Permit No. 63431A-3 will be authorized to make a full rotation (129 acres). Application No. 7369B-3 also proposes to increase the size of the garden area located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 30, T113N-R61W from 10 acres to 23 acres. If approved, this permit will authorize a diversion rate of 2.0 cfs from the two wells authorized by Water Permit No. 6431A-3, and the irrigation of a total of 152 acres.

Application No. 7369C-3

Water Permit No. 7368-3 authorizes the irrigation of 132 acres located in the NW $\frac{1}{4}$ Sec. 19, T113N-R61W (see Figure 1), using water from a well completed into the Tulare: East James aquifer, diverted at a maximum rate of 1.78 cfs. The permit authorizes diversions from one well located in the center of the NW $\frac{1}{4}$ Sec. 19, T113N-R61W. The applicant proposes to replace an existing irrigation system, constructed under the auspices of Water Permit No. 7368-3, with a system capable of irrigating an additional 26 acres. Water Permit Application No. 7369C-3 was submitted, proposing to amend Water Permit No. 7369-3 by transferring the authority for the

irrigation of 26 acres to accommodate the new system demands,. If Application No. 7369C-3 is approved, irrigation under the new system that is to be located in the NW¼ Sec. 19, T113N-R61W (i.e. irrigation of 158 acres with a maximum diversion rate of 1.78 cfs) would be authorized by Water Permit Nos. 7368-3 and 7369C-3.

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-5-34

SDCL 46-5-34 provides:

“...if for any reason it should become impracticable to use all or any part of the water beneficially or economically for irrigation of any land to which the right of its use is appurtenant, all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land without losing priority of right previously established, subject to existing rights, upon approval of an application for an amended permit.”

These applications do not address why it has become impracticable to beneficially or economically irrigate the originally permitted acreage.

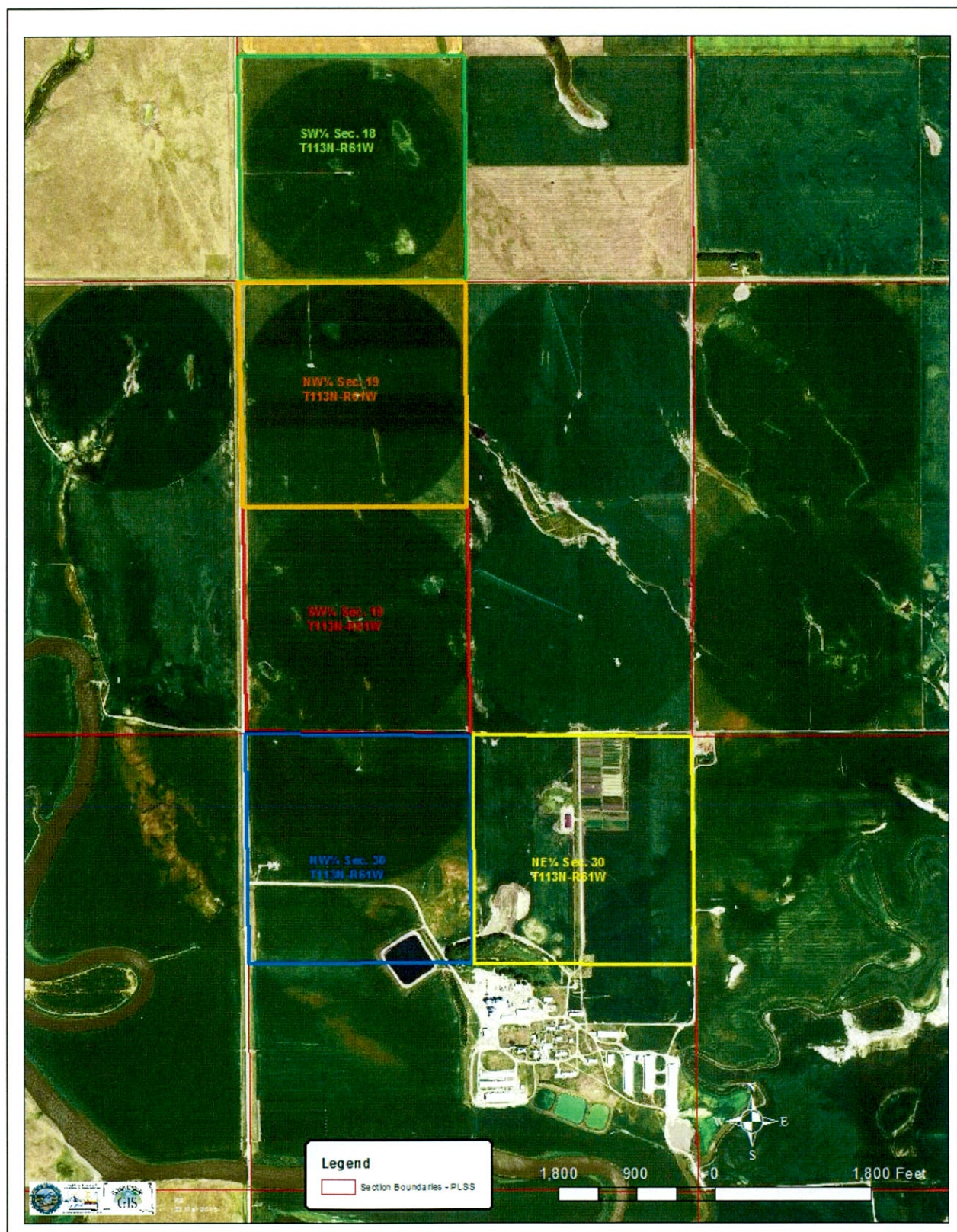


Figure 1. Area map

DISCUSSION:

Water Permit No. 7369-3 currently authorizes the irrigation of 132 acres in the SW¼ Sec. 19, T113N-R61W using water diverted from a well completed into Tulare: East James aquifer. At this time, the well has not been completed (Joey Waldner personal communication 26 January 2015). Approval of Water Permit Application Nos. 7369A-3, 7369B-3, and 7369C-3 will transfer the acreage authorized for irrigation and the diversion rate authority, with the exception of 0.56 cfs, to other parcels. Irrigation from groundwater will no longer be authorized for this quarter section. Water Right No. 7395-3 authorizes the irrigation of 132 acres in SW¼ Sec. 19, T113N-R61W with the James River as a water source. The diversion rate authority of 0.56 cfs should be considered abandoned.

If Application No. 7369A-3 is approved, irrigation under the new system that is to be located in the SW¼ Sec. 18, T113N-R61W (i.e. irrigation of 158 acres with a maximum diversion rate of 1.78 cfs) would be authorized using groundwater, under Water Permit Nos. 3268C-3 and 7369A-3. Irrigation of the 158 acres of this quarter section using James River water as a source would also be authorized under Water Permit No. 7395-3 and Water Permit No. 7906A-3, if approved.

If Application No. 7369B-3 is approved, irrigation of 129 acres located in the S ½ SW¼ Sec. 19, T113N-R61W, the N ½ NW¼ Sec. 30, T113N-R61W, and 23 acres in the NE¼ Sec. 30, T113N-R61W would be authorized using groundwater, under Water Permit Nos. 6431A-3 and 7369B-3. Irrigation of the 23 acres in the NE¼ Sec. 30, T113N-R61W using James River water would be authorized under Water Permit No. 8123-3, if approved.

If Application No. 7369C-3 is approved, irrigation under the new system that is to be located in the NW¼ Sec. 19, T113N-R61W (i.e. irrigation of 158 acres with a maximum diversion rate of 1.78 cfs) would be authorized by Water Permit Nos. 7368-3 and 7369C-3. Irrigation of the 158 acres of this quarter section using James River water as a source would also be authorized under Water Permit No. 7395-3 and Water Permit No. 8123-3, if approved.

Since each irrigation system must be capable of irrigating the maximum authorized acreage, unless the acreage authorized for irrigation from each source (i.e. Tulare: East James and James River) are the same for each system, the applicant could have the physical ability to irrigate acres without necessarily having the authority to do so. The “public interest” of a system capable of exceeding permitted authority may be an issue.

Development from the Tulare: East James aquifer dates back to the mid 1950’s, and there are currently at least 114 irrigation wells producing from the aquifer. Well interference has never been an issue from the aquifer, and it is likely that diversions proposed by these applications can be completed without unlawfully impairing existing water rights. If the water levels in the Tulare: East James aquifer were to decline, owners of existing wells bear the responsibility of lowering the pump inlet in the well to below the top of the aquifer, if necessary. Increased lift would decrease the pump discharge, or require a larger pump or a different type of a pump to maintain the same output.

CONCLUSIONS:

1. SDCL 46-5-34 provides authority to sever an irrigation right from one parcel of land and simultaneously transfer it to another parcel.
2. These applications do not address why it has become impracticable to beneficially or economically irrigate the originally permitted acreage.
3. The availability of unappropriated water is not a consideration required in SDCL 46-5-34.
4. Diversions from the well site proposed by this application are not expected to adversely impact existing water rights.

A handwritten signature in black ink, appearing to read 'Ken Buhler', with a stylized, flowing script.

Ken Buhler
DENR-Water Rights Program

RECEIVED

PRINTER'S AFFIDAVIT

APR 29 2015

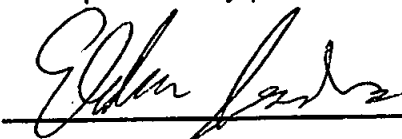
WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

I, ELDON JACOBS, 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:

**HURON COLONY – LEGAL WATER
RIGHTS PERMIT 7369-3**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 16TH day APR 2015. That the full amount of the fee charged for publishing is: ONE HUNDRED SIXTEEN & 99/100 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this 30TH Day of APR 2015.


Notary Public, South Dakota

My term expires _____

Legal #1785

10/25/2017

F.P. 04-16-15

**NOTICE OF HEARING
on Applications
Nos. 7369A-3,**

7369B-3 and 7369C-3

Notice is given that Huron Hutterian Brethren, c/o Marvin Waldner, 40068 Huron Colony Lane, Huron SD 57350 has filed the following three applications to amend Water Permit No. 7369-3 by transferring portions of the acres and portions of the diversion rate authority. Water Permit No. 7369-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Tulare:East James Aquifer (95 feet deep) located in the SW 1/4 Section 19 for irrigation of 132 acres located in the SW 1/4 Section 19: all in T113N-R61W.

Application No. 7369A-3 proposes to transfer 45 acres and 0.22 cfs (100 gallons per minute) of diversion rate authority from Water Permit No. 7369-3 to a new location. Water Permit No. 3268C-3 appropriates 1.56 cfs from one well located in the NW 1/4 NW 1/4 Section 19 to irrigate 113 acres located in the SW 1/4 Section 18; all in T113N-R61W. The applicant proposes to replace the existing irrigation system authorized by No. 3268C-3 located in SW 1/4 Section 18 with a cornering irrigation system capable of irrigating 158 acres at a diversion rate of 1.78 cfs (800 gpm). The 45 acres and 0.22 cfs diversion authority are being transferred to the SW 1/4 Section 18, T113N, R61W to provide for the upgrade to the irrigation system. This applications also proposes to change the location of the well authorized by Water Right No. 3268C-3 from the NW 1/4 Section 19 to the approximate center of the SW 1/4 Section 18-T113-R61W. No increase in the diversion rate or number of acres irrigated is authorized by these applications.

Application No. 7369B-3 proposes to transfer 1.0 cfs of diversion rate authority and 61 acres from Water Permit No. 7369-3 to a new location. Water Permit No. 6431A-3 appropriates 1.0 cfs from two wells completed into the Tulare:East James Aquifer located near the in the NE 1/4 NW 1/4, NW 1/4 NE 1/4 of Section 30 to irrigate 91 acres (81 acres by center pivot and 10 acre garden) located in the NW 1/4, N 1/2 NE 1/4 Section 30; all in T113N-R61W. The application proposes to transfer 1.0 cfs of diversion rate authority from its current authorized location to the wells authorized by Water Permit No. 6431A-3. The applications also proposes to transfer acres to allow the existing irrigation system authorized by Permit No. 6431A-3 to make a full rotation irrigating 129 acres and increase the size of a garden area located in the E 1/2 NE 1/4 Section 30-T113N-R61W to 23 acres. If approved, this application will allow for diversion of 2.0 cfs from the two wells authorized by Permit No. 6431A-3 for irrigation of a total of 152

acres.

Application No. 7369C-3 proposes to transfer 26 acres from Water Permit No. 7369-3 to a new location. Water Permit No. 7368-3 appropriates 1.78 cfs from one well completed into the Tulare:East James Aquifer located in the center of the NW 1/4 Section 19 for irrigation of 132 acres located in the NW 1/4 Section 19; all in T113N-R61W. The applicant proposes to replace the existing irrigation system authorized by 7368-3 with a corner system capable of irrigating 158 acres. No increase in the diversion rate authority is requested.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the applications pursuant to the Chief Engineer's recommendations and no hearing may be held before the board, unless the Chief Engineer makes a finding that an applications, even if uncontested, presents important issues of public policy or public interest that should be heard by the board." In this case, the Chief Engineer finds that these applications present important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Applications Nos. 7369A-3, 7369B-3 and 7963C-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

The Water Management Board will consider these applications at 10:00 a.m. on May 6, 2015 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the applications and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. 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 per-

son or the applicant must be filed by April 27, 2015. The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature

and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The May 6, 2015 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the applications. The request for an automatic delay must be filed by April 27, 2015. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Information concerning these applications is available at <http://denr.sd.gov/public>. Contact Eric Gronlund by April 27, 2015 at the above Chief Engineer's address to request copies of the staff report, recommendation, applications or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is April 27, 2015. However, since this particular matter is a water permit applications and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board. As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this applications: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Steven M. Pirner,
Secretary, Department
of Environment and
Natural Resources.

No. 1785 (adv.)

Published once at an
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\$116.98.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 9, 2015

Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7369A-3, 7369B-3 and 7369C-3 to Appropriate Water. Please publish the notice once on April 16, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Huron Hutterian Brethren, c/o Marvin Waldner, 40068 Huron Colony Lane, Huron SD 57350 (Ph # 605-352-5647).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

April 9, 2015

Huron Hutterian Brethren
Marvin Waldner
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Waldner:

Water Permit Application Nos. 7369A-3, 7369B-3 and 7369C-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plainsman printed at Huron SD (Ph # 605-353-7401). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper – Publish the Notice on April 16, 2015. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING on Applications Nos. 7369A-3, 7369B-3 and 7369C-3

Notice is given that Huron Hutterian Brethren, c/o Marvin Waldner, 40068 Huron Colony Lane, Huron SD 57350 has filed the following three applications to amend Water Permit No. 7369-3 by transferring portions of the acres and portions of the diversion rate authority. Water Permit No. 7369-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Tulare:East James Aquifer (95 feet deep) located in the SW 1/4 Section 19 for irrigation of 132 acres located in the SW 1/4 Section 19: all in T113N-R61W.

Application No. 7369A-3 proposes to transfer 45 acres and 0.22 cfs (100 gallons per minute) of diversion rate authority from Water Permit No. 7369-3 to a new location. Water Permit No. 3268C-3 appropriates 1.56 cfs from one well located in the NW 1/4 NW 1/4 Section 19 to irrigate 113 acres located in the SW 1/4 Section 18; all in T113N-R61W. The applicant proposes to replace the existing irrigation system authorized by No. 3268C-3 located in SW 1/4 Section 18 with a cornering irrigation system capable of irrigating 158 acres at a diversion rate of 1.78 cfs (800 gpm). The 45 acres and 0.22 cfs diversion authority are being transferred to the SW 1/4 Section 18, T113N, R61W to provide for the upgrade to the irrigation system. This applications also proposes to change the location of the well authorized by Water Right No. 3268C-3 from the NW 1/4 Section 19 to the approximate center of the SW 1/4 Section 18-T113-R61W. No increase in the diversion rate or number of acres irrigated is authorized by these applications.

Application No. 7369B-3 proposes to transfer 1.0 cfs of diversion rate authority and 61 acres from Water Permit No. 7369-3 to a new location. Water Permit No. 6431A-3 appropriates 1.0 cfs from two wells completed into the Tulare:East James Aquifer located near the in the NE 1/4 NW 1/4, NW 1/4 NE 1/4 of Section 30 to irrigate 91 acres (81 acres by center pivot and 10 acre garden) located in the NW 1/4, N 1/2 NE 1/4 Section 30; all in T113N-R61W. The application proposes to transfer 1.0 cfs of diversion rate authority from its current authorized location to the wells authorized by Water Permit No. 6431A-3. The applications also proposes to transfer acres to allow the existing irrigation system authorized by Permit No. 6431A-3 to make a full rotation irrigating 129 acres and increase the size of a garden area located in the E 1/2 NE 1/4 Section 30-T113N-R61W to 23 acres. If approved, this application will allow for diversion of 2.0 cfs from the two wells authorized by Permit No. 6431A-3 for irrigation of a total of 152 acres.

Application No. 7369C-3 proposes to transfer 26 acres from Water Permit No. 7369-3 to a new location. Water Permit No. 7368-3 appropriates 1.78 cfs from one well completed into the Tulare:East James Aquifer located in the center of the NW 1/4 Section 19 for irrigation of 132 acres located in the NW 1/4 Section 19; all in T113N-R61W. The applicant proposes to replace the existing irrigation system authorized by 7368-3 with a corner system capable of irrigating 158 acres. No increase in the diversion rate authority is requested.

SDCL 46-2A-4(10) provides that “if the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications are received, the Chief Engineer shall act on the applications pursuant to the Chief Engineer’s recommendations and no hearing may be held before the board, unless the Chief Engineer makes a finding that an applications, even if uncontested, presents important issues of public policy or public interest that should be heard by the board.” In this case, the Chief Engineer finds that these applications present important issues of public interest that should be heard by the Water Management Board.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Applications Nos. 7369A-3, 7369B-3 and 7963C-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

The Water Management Board will consider these applications at 10:00 a.m. on May 6, 2015 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The Chief Engineer's recommendation is not

final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing.

Any interested person who intends to participate in the hearing shall file a petition to oppose or support the applications and the petition shall be filed with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. 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 April 27, 2015. The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The May 6, 2015 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the applications. The request for an automatic delay must be filed by April 27, 2015. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Information concerning these applications is available at <http://denr.sd.gov/public>. Contact Eric Gronlund by April 27, 2015 at the above Chief Engineer's address to request copies of the staff report, recommendation, applications or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is April 27, 2015. However, since this particular matter is a water permit applications and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this applications: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at an approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 24, 2015

NOTICE

TO: Joey Waldner
Huron Hutterian Brethren
40068 Huron Colony Lane
Huron SD 57350

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Change of Hearing Date for Water Permit Applications filed by Huron Hutterian Brethren

Huron Hutterian filed Water Permit Application Nos. 7369A-3, 7369B-3, 7369C-3, 7906A-3 and 8123-3 which were public noticed in the Plainsman for a May 6th hearing before the Water Management Board. Due to an unforeseen circumstance the hearing date has been changed to Thursday, May 7, 2015.

The Water Management Board will now conduct the hearing on Nos. 7369A-3, 7369B-3, 7369C-3, 7906A-3 and 8123-3 at 10:00 AM (Central Time) on Thursday, May 7, 2015, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The agenda time is an estimate. If a petition is received in response to the public notice, the petitioner will be notified of the change.

Applicable provision of the notice of application published April 16, 2015, in the Plainsman will still apply.

Please contact Eric Gronlund at (605) 773-3352 if you have questions regarding the hearing.

c: Ann Mines-Bailey, Assistant Attorney General

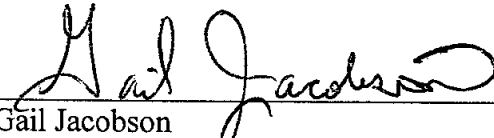
CERTIFICATION

I hereby certify that on April 24, 2015, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Hearing dated April 24, 2015, regarding change of hearing date for Water Permit Application Nos. 7369A-3, 7369B-3, 7369C-3, 7906A-3 and 8123-3, as addressed below:

Joey Waldner
Huron Hutterian Brethren
40068 Huron Colony Lane
Huron SD 57350

Sent Inter-office to:

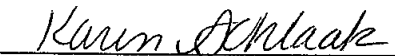
Ann Mines-Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



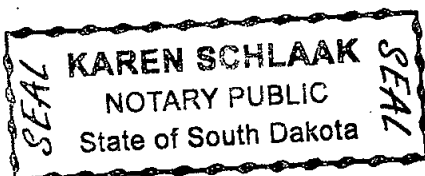
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 24th day of April, 2015



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 17 2015

Huron Hutterian Brethren
c/o Marvin Wollman
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Wollman:

Enclosed are Water Permit Nos. 7369A-3, 7369B-3 and 7369C-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

Note: Water Permit No. 7369A-3 incorporates Water Permit No. 3268C-3.
Water Permit No. 7369B-3 incorporates Water Permit No. 6431A-3.
Water Permit No. 7369C-3 incorporates Water Permit No. 7368-3.

enclosures

7369C-3



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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

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

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2021

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

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

Dear Mr. Waldner:

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

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

If you have any questions, please contact me.

Sincerely,

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



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

January 20, 2022

NOTICE

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

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

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

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

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

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

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

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

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

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DATE	TIME	LOCATION	STATUS
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Jan 20	9:24 PM	Huron Sd Distribution Center	Arrived at USPS regional facility

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HURON COLONY
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 40068 HURON COLONY LANE
 HURON SD 57350 8001

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

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Tax Refund Checks Are
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Still Waiting? Here Are
 Two Ways to Track Your
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Instead of just blindly
 waiting for this year's tax
 refund to come through,
 know that there are a
 couple of handy ways to





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2022

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

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

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

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

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

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

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

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

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

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

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

CERTIFICATION

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

Amendments:

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

Amend & Suspend:

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

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

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

Three year suspensions:

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

One year suspensions:

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

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

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



Genny McMath
Program Assistant-Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

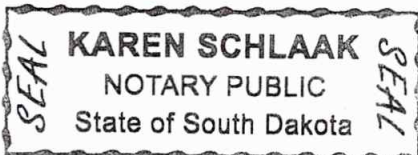
Sworn to, before me, this 3rd day of March, 2022.



Karen Schlaak

Notary Public

My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 16, 2022

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

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

Dear Mr. Waldner:

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

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

If you have any questions, please contact us.

Sincerely,

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



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

January 19, 2024

NOTICE

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

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

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

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

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

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2024

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

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

Dear Mr. Waldner:

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

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

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

If you have any questions, please contact me.

Sincerely,

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7369C-3

I have this day, June 26, 2024, made a thorough examination of the water use system constructed by Huron Hutterian Brethren of 40068 Huron Colony Lane, Huron SD 57350 holder of Permit No. 7369A-3, bearing the priority of May 31, 2012 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater Tulare: East James Aquifer for irrigation purposes, in Beadle County.

Inspection contact & relationship Joey Waldner, irrigation manager

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kaiser
- 2) No. of Wells 1
- 3) Depth(s) 52 feet
- 4) Well log is available Yes If no, explain in comments
Comments: NA

Casing:

- 1) Diameter 16 inches
- 2) Length 37 feet
- 3) Type plastic

Screen:

- 1) Type stainless steel
- 2) Length 15 feet
- 3) Static water level 18 feet

Pump:

- 1) Make Berkley
- 2) Model centrifugal
- 3) Capacity 800 GPM

Motor:

- 1) Make GE
- 2) Model No. NA
- 3) Horsepower rating 50 hp

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

- 1) Type PVC
- 2) Size 10 inches
- 3) Length 425 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1260 feet

- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve Y/N
- 9) Injection line check valve or positive displacement pump Y

Comments: none

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
If no, describe: NA
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N
List any extended period of nonuse:
- 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: from the NW corner of Sec 19 T113N-R61W – 825 feet E and 990 feet S, latitude of 44.58629 and longitude of -98.21729, (NW ¼ NW 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: All land is located in Section 19 T113N-R61W:
NW ¼ NW ¼ - 32.5 ac NE ¼ NW ¼ - 32.5 ac SE ¼ NW ¼ - 32.5 ac NW ¼ SW ¼ - 32.5 ac
comprising a total of 130 acres of land and the license should be issued for 1.78 cfs.
3. All structures, wells and lands on map Y
If no, describe: none

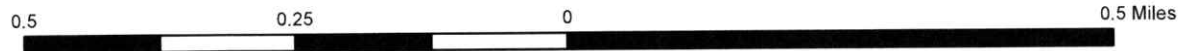
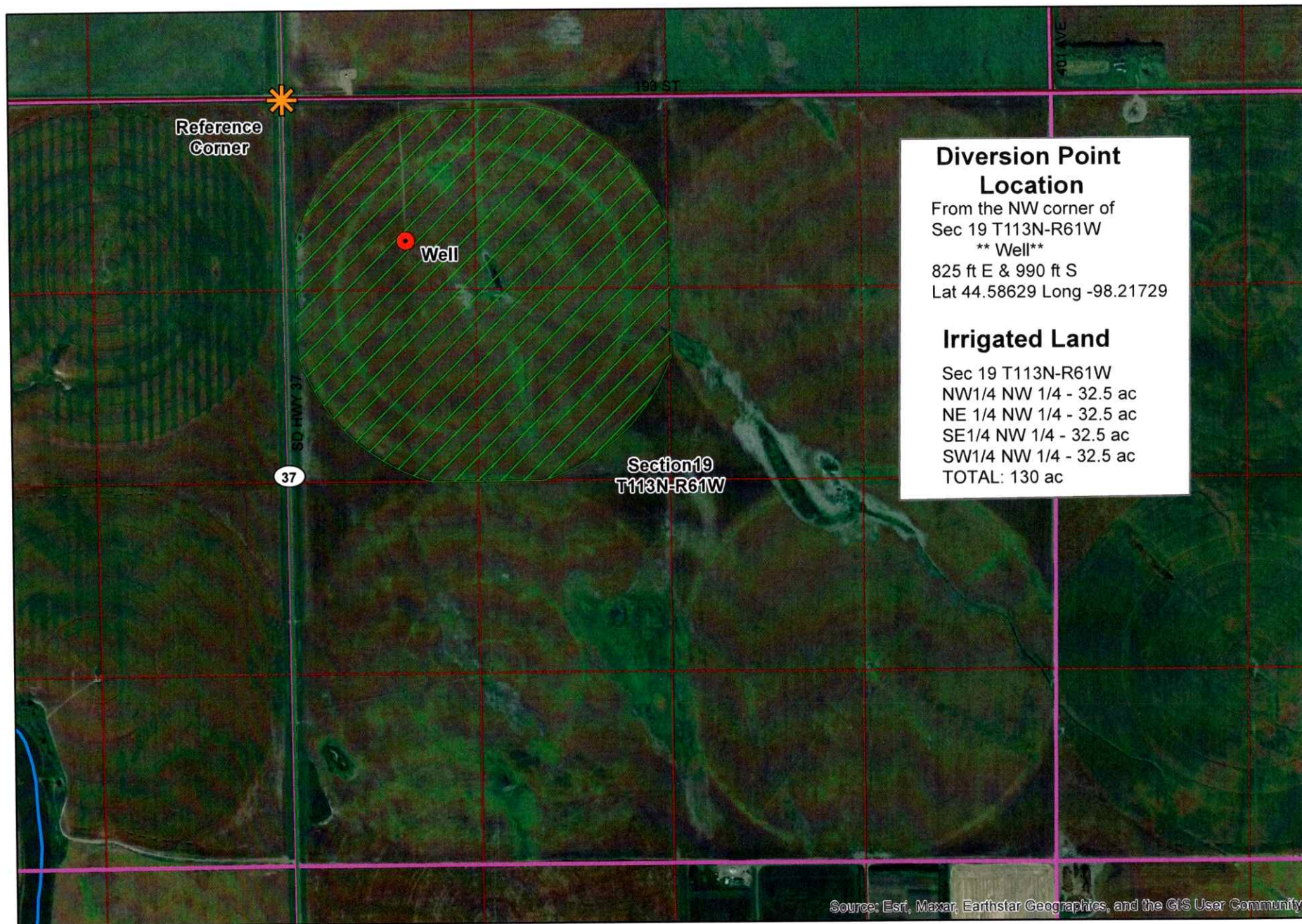
F. Comments or other permit(s) associated with the project:

Note: Huron Colony irrigates this same land under a James River water permit.



Date of Report: **July 1, 2024**

Water Rights Inspector
SD DANR – Water Rights Program





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 24 2024

7365-3, 7366-3, 7369A-3
7369B-3, 7369C-3, 7370-3

Huron Hutterian Brethren
c/o Joey Waldner
40068 Huron Colony Ln
Huron SD 57350

Dear Mr. Waldner:

Enclosed are Water License Nos. 7365-3, 7366-3, 7369A-3, 7369B-3, 7369C-3, and 7370-3. These are the final water right document completing the process of obtaining Water Rights. Included with your licenses are maps prepared by the staff engineer who conducted the field investigations.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

So long as you use the water beneficially, as stated in the Water Licenses, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7369C-3**

(1) Huron Hutterian Brethren, 40068 Huron Colony Lane, Huron SD 57350, made Application No. 7369C-3, February 17, 2015, for a water permit to transfer 26 acres from Permit No. 7369-3, adding them to what was already authorized under Water Permit No. 7368-3. The applicable portions of Permit No. 7368-3 were incorporated into Permit No. 7369C-3.

Permit No. 7369C-3 appropriates a 1.78 cubic feet of water per second from groundwater, one well (Tulare: East James Aquifer), Beadle County, South Dakota for irrigation purposes. Permit No. 7369C-3, with a priority date of May 31, 2012, was approved May 7, 2015, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 7, 2020, and for the application to beneficial use of water on or before May 7, 2024.

(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:

- 825 ft E & 990 ft S of the NW corner Section 19, T113N, R61W (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
(Latitude 44.58629 & Longitude -98.21729)

(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.

(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 19, T113N, R61W	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	32.5 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	32.5 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	32.5 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	32.5 acres
TOTAL: 130 acres	

(5) Pursuant to South Dakota Water Law 46-5-30.1 Huron Hutterian Brethren, the holder and/or owner of Water Right No. 7369C-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Tulare: East James Aquifer), with a priority date of May 31, 2012, 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. 7369C-3 and subject to the following qualifications:

1. The well approved under Permit Nos. 7368-3 & 7369C-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

2. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 7369C-3 incorporates Water Permit No. 7368-3
4. The new irrigation center pivot system with cornering ability capable of irrigation of 158 acres in the NW ¼ Section 19, T113N, R61W, shall not be installed until Huron Hutterian Brethren obtains a water permit from the James River to irrigate the same 158 acres. Currently, Huron Hutterian Brethren holds Water Right No. 7395-3 which includes irrigation of 132 acres in this quarter section from the James River. Water Permit Application No. 8123-3 is pending with a deferral recommendation for 26 new acres to bring the permitted amount up to 158 acres in this quarter section. *(Water permit No. 8123-3 was approved by the Water management Board on July 6, 2016. Additionally, irrigation is limited to 130 acres, based on the system as developed.)*

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 24 2024
date

