

WATER PERMIT NO. 7395-3

Name of Applicant: Huron Colony

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

Amount of Water Claimed: 1.78 cfs Total Acres: 264

Source of Water Supply: James River

Water to be used for: irrigation County: Beadle

Type of Waste Disposal System:

Location: 14 miles north of Huron

PRIORITY Date Received: 8-9-12 Application/License Fee: \$ 1,250

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

Remarks: Utilizing existing diversion point authorized by Water Permit Nos. 6505-3 and 6613-3

Diversion Point: NE ¼ NW ¼ Sec 24-T113N-
R62W

Land to be Irrigated: ^W ½ Sec 20-T113N-R61W

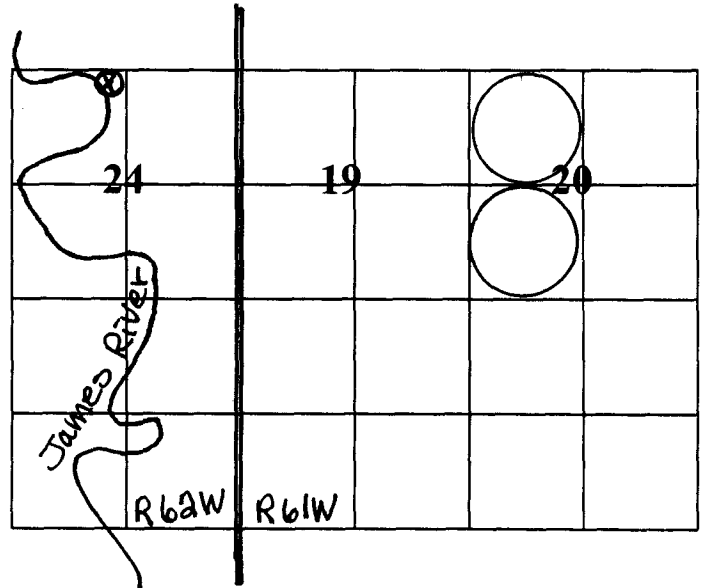
Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Kristi Geyer, Beadle Co FSA



Reviewed and the Number Assigned on: XX

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7395-3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Plainsman Box 1278 Huron</u>
	<u>605-352-7754</u> <u>57350</u>

RECEIVED
AUG 09 2012
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.) _____

- Name of Applicant Huron Hutterian Brethren Phone 605-352-5647
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 40068 Huron Colony Lane Huron State S.D. 57350
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78*CFS or 800**GPM ***AF Total Acreage 264
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply James River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 24 113N 62W
Same diversion Authority (6505-3) (6613-3)
(NE 1/4 NW 1/4) County
- County or counties where water will be used Beadle
- Annual period during which water is to be used April 1 To October 31
- 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
SW 1/4 of Sec 20	132		
NW 1/4 of Sec 20	132		
all in T 113N R 61W			

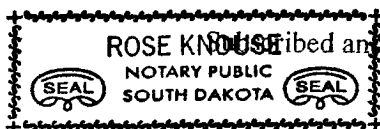
8. Give a description of the project. (Attach sheet if more space is needed)
Intend To Irrigate Two Quarters using existing diversion
Authority from pump site NW Quarter 24 113N 62W

STATE OF SOUTH DAKOTA) SS
County of Beadle

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

I, Joey Walther, 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 Joey Walther
Subscribed and sworn to before me this 8 day of August 20 12



Rose Knouse
Rose Knouse Notary Public signature
Comm Expires: 12-24-2015

**SOUTH DAKOTA
WATER PERMIT NO. 7395-3**

Date of first receipt of application August 9, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7395-3 to Huron Hutterian Brethren, c/o Joey Waldner, 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. 7395-3 appropriates 1.78 cubic feet of water per second from an existing James River diversion point authorized by Water Permit Nos. 6505-3 and 6613-3 located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24-T113N-R62W. This permit authorizes irrigation of 264 acres located in the W $\frac{1}{2}$ Section 20-T113N-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.
3. The date from which applicant may claim right is August 9, 2012.
4. The date of approval of Permit No. 7395-3 is October 9, 2012.
5. One-fifth of the construction is to be completed on or before April 9, 2015.
6. All construction is to be completed on or before October 9, 2017.
7. Water is to be put to beneficial use on or before October 9, 2021.
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. 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 James River when there is less than 20-cfs bypassing the USGS gaging station at Huron SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Combinations of diversion authorized by Application Nos. 7365-3 and 7366-3, if approved, for irrigation from the Tulare:East James Aquifer of the W $\frac{1}{2}$ Section 20, T113N, R61W and this Permit may not exceed 1.0 cfs per 70 acres.

WATER MANAGEMENT BOARD

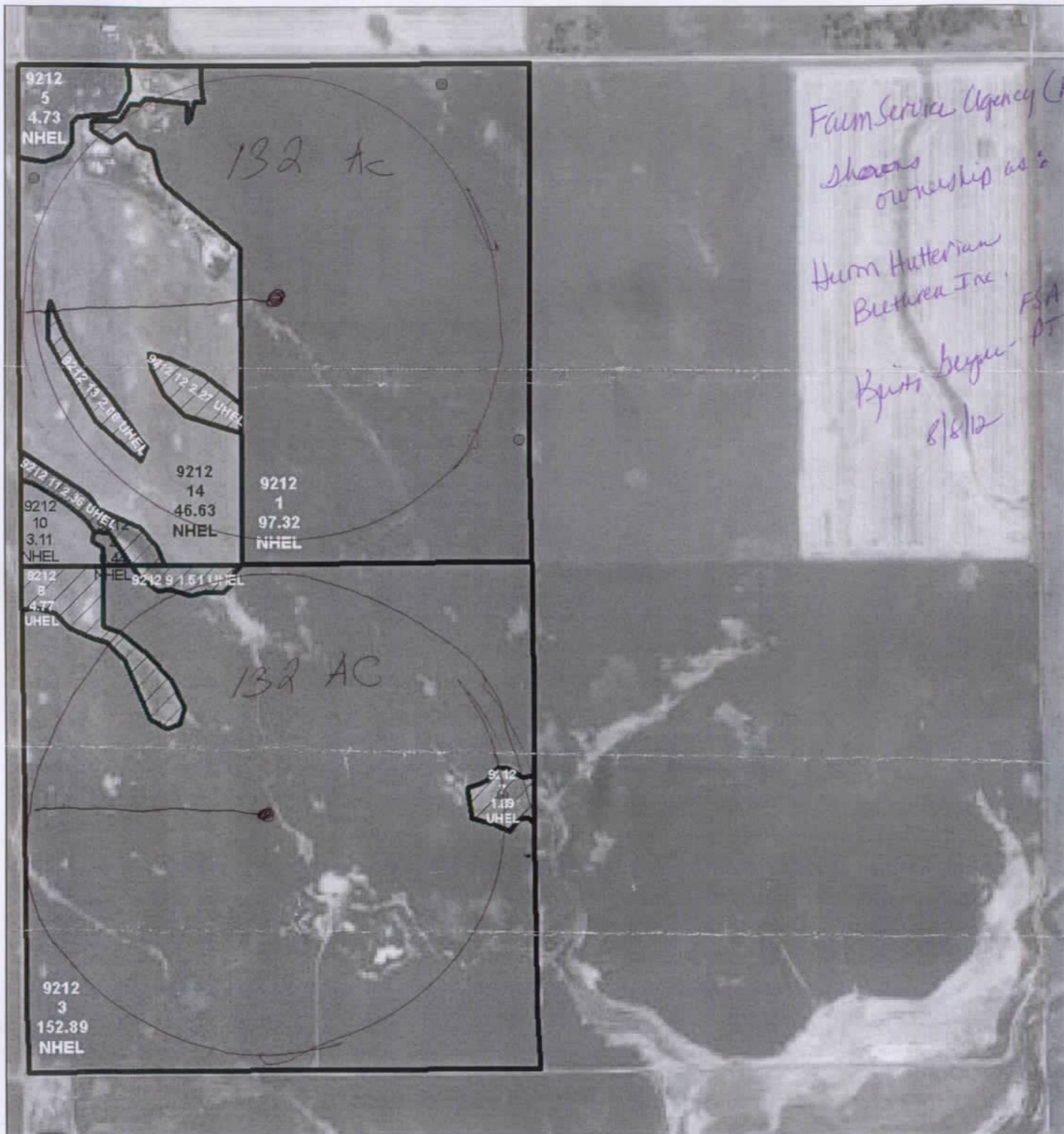
By: Garland Erbele

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

OCT 29 2012

date





United States Department of Agriculture
Farm Service Agency

PLSS: 20_113N_61W
Farm: 3110

Beadle County, SD

1 inch equals 707 feet

October 12, 2011



Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Common Land Units

Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2010 Ortho-Photography - Not to Scale

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 8/9, 20 12

RECEIVED OF Huron Hutterian Brethren 40068 Huron Colony Rd Huron SD 57350

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

Fee for Application for Permit No. <u>7395-3</u> to Appropriate Water, to construct and to put water to beneficial use	1050	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>7395-3</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	1250 00

No. **05528**

By *David Estelle*
Chief Engineer



**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. 7395-3, 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. 7395-3, Huron Hutterian Brethren, 40068 Huron Colony Lane, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 7395-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) as conditioned 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. 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 James River when there is less than 20-cfs bypassing the USGS gaging station at Huron SD after pumping.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Combinations of diversion authorized by Application Nos. 7365-3 and 7366-3, if approved, for irrigation from the Tulare:East James Aquifer of the W ½ Section 20, T113N, R61W and this Permit may not exceed 1.0 cfs per 70 acres.

See report on application for additional information.

Garland Erbele, Chief Engineer
September 17, 2012

REPORT ON WATER PERMIT APPLICATION NO. 7395-3

Huron Colony
August 30, 2012

Huron Colony, c/o Joey Waldner, has filed Water Permit Application No. 7395-3 to appropriate 1.78 cubic feet of water per second (cfs) from the James River to irrigate 264 acres of land located in the W½ Section 20-T113N-R61W. The diversion point is an existing site authorized by Water Right Nos. 6505-3 and 6613-3 located in the NE¼ NW¼ Section 24-T113N-R62W. The annual period of use requested is from April 1 through October 31.

Review of Water Source

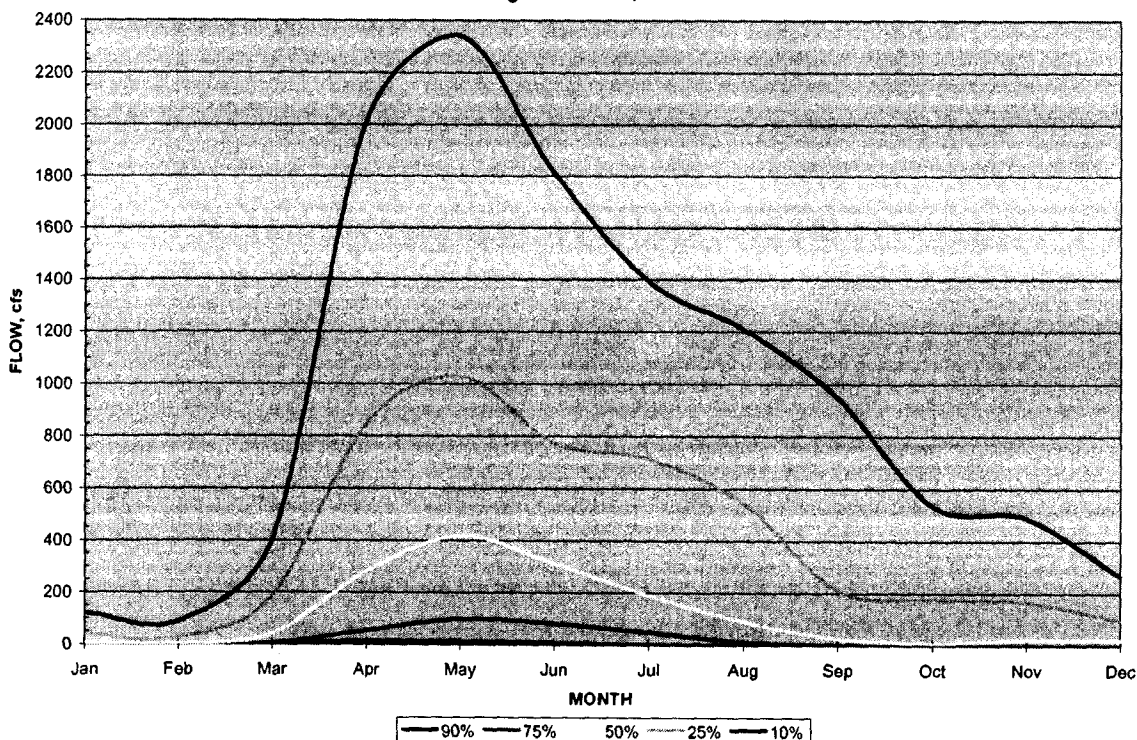
The water source for the proposed project is the James River in Beadle County. Originating in North Dakota, the James River flows southward to the Missouri River near Yankton, SD. Approximately 475 miles of the James River are in South Dakota. During extended periods of low precipitation the James River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

The U.S. Geological Survey (USGS) operates a stream flow gaging station on the James River near Ashton, SD, approximately 51 river miles upstream of the proposed project. The historical data from 1945 to 2010 for the Ashton, SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 9 to 418-cfs April through October of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 0 to 98-cfs for the same time period. (Table 1 and Hydrograph 1)

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

Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10% chance	122	89	407	2021	2340	1810	1391	1208	945	534	488	265
25% chance	38	25	186	848	1027	773	711	543	211	178	167	96
50% chance	6	3	40	280	418	310	190	90	26	9	22	22
75% chance	0	0	4	53	98	81	47	12	1	0	0	0
90% chance	0	0	0	13	12	7	0	0	0	0	0	0

James River Gage at Ashton, SD 1945 - 2010

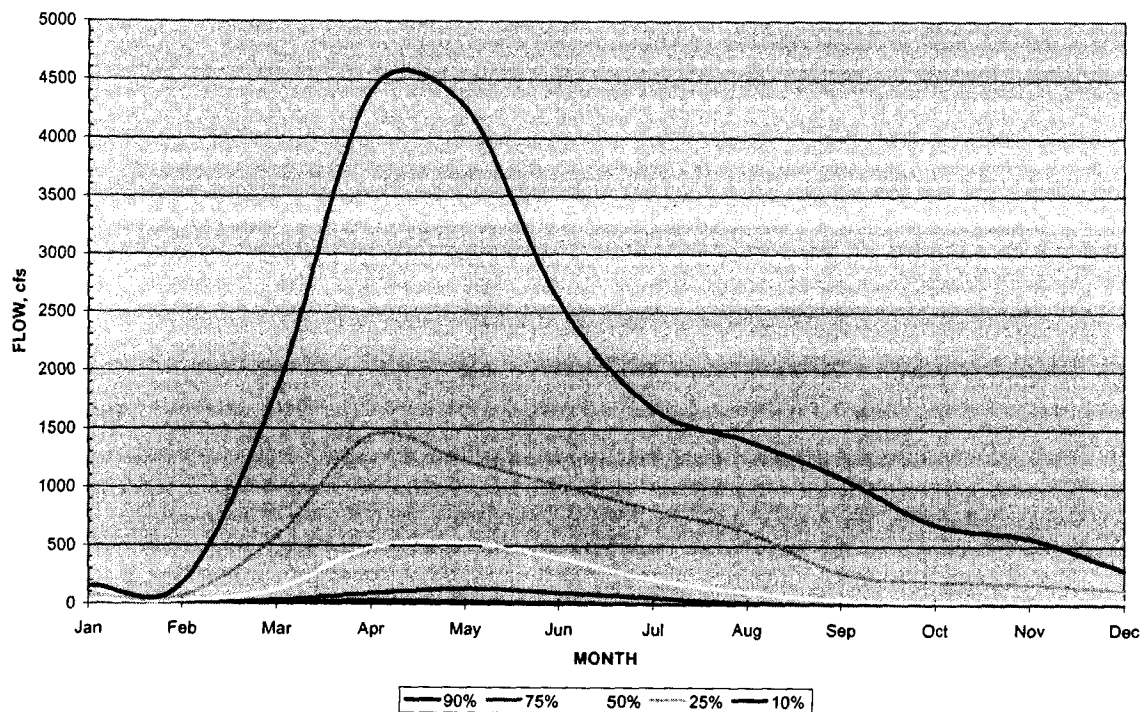


The U.S. Geological Survey (USGS) also operates a stream flow gaging station on the James River at Huron, SD, approximately 26 river miles downstream of the proposed project. The historical data from 1943 to 2010 for the Huron, SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 24 to 525-cfs April through October of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 0 to 131-cfs for the same time period. (Table 2 and Hydrograph 2)

Table. 2 James River Monthly Median Flow (cfs) Huron, SD

Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10% chance	155	172	1831	4404	4262	2597	1677	1407	1088	687	570	299
25% chance	68	64	574	1442	1224	1021	808	620	271	200	179	121
50% chance	24	23	120	482	525	397	212	107	40	24	30	33
75% chance	0	2	29	91	131	99	56	15	0	0	0	0
90% chance	0	0	5	27	19	12	0	0	0	0	0	0

James River Gage at Huron, SD 1943 - 2010



As noted at the July 1980 Water Rights Commission Meeting, Findings of Fact, Conclusion of Law, and Final Decision, the presumption can be made that the stream flow rates recorded at the gaging stations cited above are post withdrawal of no more than 50-percent of those water right allocations authorized upstream of the gage's location during the normal irrigation season. As an example, during normal climatic conditions, a July median flow at the Huron gage of 212 cfs represents water bypassing the gage after 50% of the upstream appropriated irrigation withdrawals have taken place.

USGS historical data for the Ashton and Huron, SD stream flow gages indicate non-appropriated water is available in the James River during normal to wetter climatic conditions for the April through October annual period. 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 North Dakota border to Huron, SD. 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 100 Water Rights with diversions totaling 250.96-cfs from the North Dakota border to the Yankton-Hutchinson, SD County Line. From the North Dakota border to Huron, SD there are 66 Water Rights with diversions totaling 163.56-cfs. If Water Permit Application 7395-3 is approved, diversions from both the total river and the North Dakota border to Huron, SD river reach would still be below the established limits.

There are three water rights diverting water from the James River from the same location as this project, Water Permit No. 6505-3, 6613-3, 6614-3, all held by Huron Colony. Combined, these three water rights appropriate 10.13 cfs. Huron Colony also holds Water Right 5651-3 located 4.25 miles downstream and Water Right 2390A-3 located 5.8 miles downstream of this application. See the table below for water rights held by others in the downstream vicinity of this application.

Downstream James River Water Rights:

WR No.	Appx. Distance Downstream From Application (miles)	Diversion (cfs)	Priority Date	WR Holder
6505-3	same location	1.56	04/06/2004	Huron Colony
6613-3	same location	6.68	03/31/2005	Huron Colony
6614-3	same location	1.89	03/31/2005	Huron Colony
6614A-3	same location	0.00	03/31/2005	Huron Colony
5651-3	4.25	0.18	04/01/1947	Huron Colony
2387-3	5	3.50	12/12/1966	Victor & Peggy Kleinsasser
2390A-3	5.8	1.89	09/26/1975	Huron Colony
5027-3	7.0	12 cfs/3400 ac.ft.	06/14/1984	Lake Byron Watershed District

If approved, with qualifications, the applicant's diversion of water would not be expected to adversely impact existing Water Rights or domestic use on the James River.

Review of Qualifications

In 2007, Water Rights staff reviewed all of the shut-off and by-pass qualifications on the existing James River water rights/permits. Based on this review, the Chief Engineer recommended amending the existing qualifications in order to standardize them. The Water Management Board adopted the standardized qualifications and amended the existing water rights/permits. In addition, it was the intent that future appropriations of water from the James River be administered with the same amended qualifications.

Therefore, if approved, Application No. 7395-3 should contain the following qualifications.

- This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, 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.

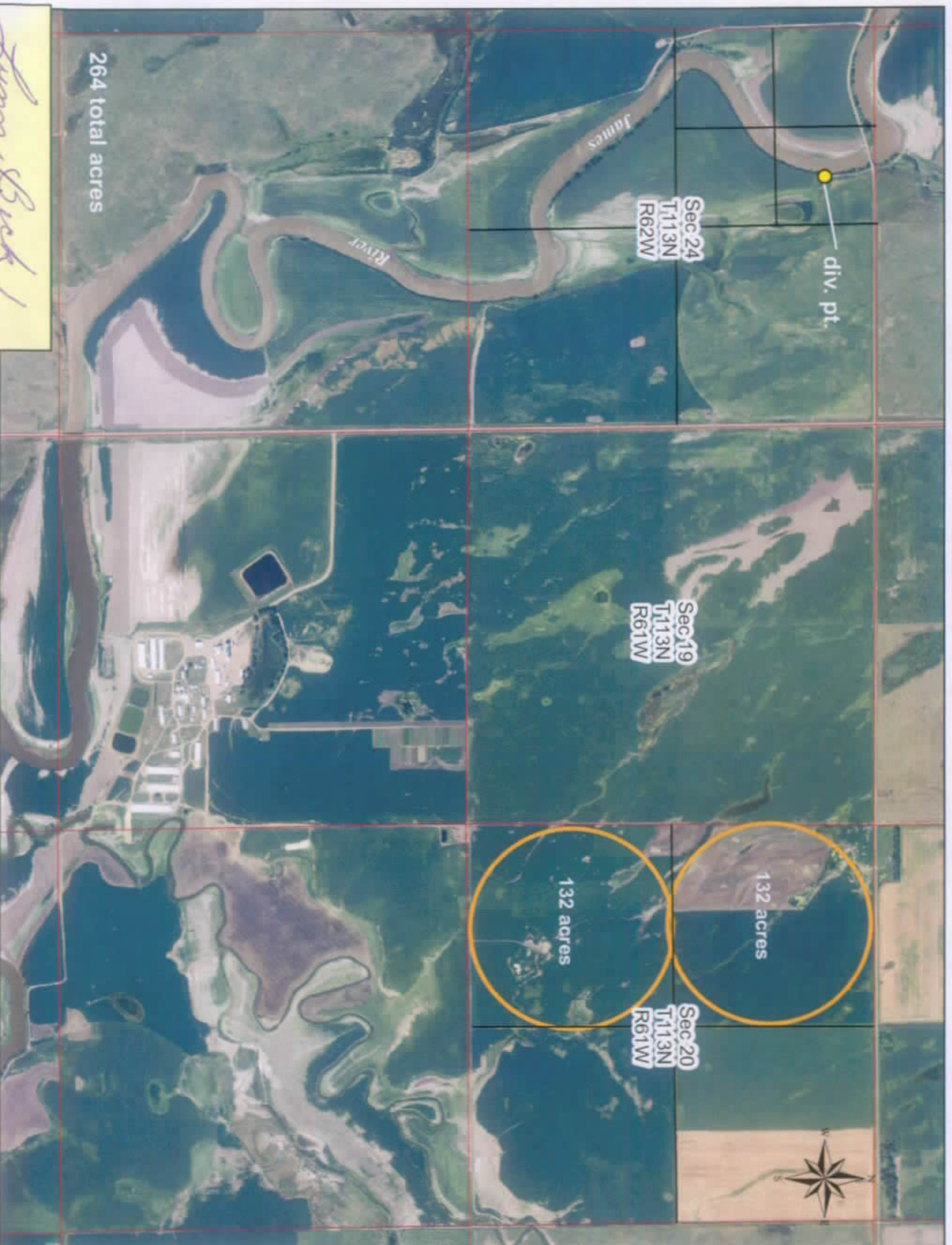
Conclusions

1. Water Permit Application No. 7395-3, Huron Colony, c/o Joey Waldner, proposes to appropriate 1.78 cubic feet of water per second (cfs) from the James River to irrigate 264 acres of land located in the W $\frac{1}{2}$ Section 20-T113N-R61W. The diversion point is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24-T113N-R62W.
2. USGS historical data for the Ashton and Huron, SD stream flow gages indicate non-appropriated water is available in the James River during normal and wetter climatic conditions for the April through October annual period.
3. If Application No 7395-3 is approved, the following qualifications should be included:
 - This permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, 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 Application No 7395-3 is approved, the total James River diversion of 252.74-cfs is below the 300-cfs limit. The total diversion from the North Dakota state line to Huron, SD, will be 165.34-cfs, well within the 200-cfs limit set by the Water Rights Commission.



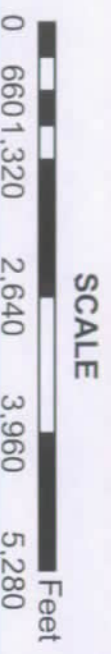
Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program

WATER PERMIT APPLICATION NO. 7395-3
HURON COLONY
August 30, 2012



264 total acres

Lynn Beck
Lynn Beck
Natural Resources Engineer III
DNR - Water Rights Program



RECEIVED

PRINTER'S AFFIDAVIT

OCT - 3 2012

STATE OF SOUTH DAKOTA, WATER RIGHTS PROGRAM
COUNTY OF BEADLE: ss.

I, TRISHA NELSON, 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 ENVIRONMENTAL & NATURAL – WATER APPLICATION - WALDNER

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 26TH day SEPT 2012 That the full THIRTY-FOUR & 12/000 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.

Trisha Nelson

Subscribed and sworn to before me this 30TH day of SEPT. 2012.

Ashley P. Leuchter
Notary Public, South Dakota

My term expires 10/25/17

Legal # 396

F.P. 09-26-12

**NOTICE OF APPLICATION
NO. 7395-3 to**

Appropriate Water

Notice is given that Huron Hutterian Brethren, 40068 Huron Colony Lane, Huron SD 57350 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from an existing James River diversion point authorized by Water Permit Nos. 6505-3 and 6613-3 located in the NE 1/4 NW 1/4 Section 24-T113N-R62W. The applicant is proposing to irrigate 264 acres located in the W 1/2 Section 20-T113N-R61W. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7389-3 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 October 9, 2012.

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

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

No. 396 (adv.)
Published once at the
total approximate cost of
\$32.90.

Instruction to Newspaper - Publish the Notice on September 26, 2012. 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. 7395-3 to Appropriate Water

Notice is given that Huron Hutterian Brethren, 40068 Huron Colony Lane, Huron SD 57350 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from an existing James River diversion point authorized by Water Permit Nos. 6505-3 and 6613-3 located in the NE ¼ NW ¼ Section 24-T113N-R62W. The applicant is proposing to irrigate 264 acres located in the W ½ Section 20-T113N-R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7389-3 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 October 9, 2012.

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 once 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

September 18, 2012

The Plainsman
PO Box 1278
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7395-3 to Appropriate Water. Please publish the notice once on September 26, 2012. 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 Joey 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

Schlaak, Karen

From: Ruby Crandall <rnewman.plainsman@midconetwork.com>
Sent: Tuesday, September 18, 2012 2:29 PM
To: Schlaak, Karen
Subject: Re: Notice for No. 7395-3 & 7387-3

I have received your email.
Thank you.

Ruby Crandall
Creative Services Supervisor

Plainsman/Payday/Print Shop
49 3rd Street SE
Huron, SD 57350

605-353-7412

1-800-859-3045, ext. 412

fax: 605-353-7422

rnewman.plainsman@midconetwork.com

On Sep 18, 2012, at 1:51 PM, <Karen.Schlaak@state.sd.us> <Karen.Schlaak@state.sd.us> wrote:

Attached are Notice of Application No. 7395-3 for Huron Hutterian Brethren and Notice of Application No. 7387-3 Tom Nuhsbaumer. Both notices are to be published on September 26, 2012. Please send the affidavits ASAP after publication.

Thanks,

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

<7395-3public.short.docx><7387-3public.short.docx><7395-3NEWS.docx><7387-3NEWS.docx>



**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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

September 18, 2012

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

Dear Waldner:

Water Permit Application No. 7395-3 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 Plainsman printed at Huron SD (Ph # 605-352-5647). You will need to contact the newspaper(s) 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(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 has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 29 2012

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

Dear Mr. Waldner:

Enclosed is Water Permit No. 7395-3 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

SD EForm - 1311LD V1

Form 10

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

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

Date 8-26-13FROM: Joey Walther
(name)40068 Huron Colony Lane
(address)Huron SD 57350 605-350-6875
(city) (state) (zip) (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. 7395-3 states that the water use system is to be constructed by
10-9-17, and water is to be put to beneficial use by 7-26-13
(date) (date)

The water use system was completed on 8-26-13
(date)

Applying the water to beneficial use was completed on 10-9-17
(date)

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



Permit No. 6505-3, 6613-3, 6614-3, 6614A-3, & 7395-3
James River - Water District

Contact Person & Address: **Joey Waldner, 40068 Huron Colony Lane, Huron SD 57350**

Report Of Examination Of Works

On, August 26, 2013, I made a thorough examination of the water use system constructed by Huron Colony holder of Permit No. 6505-3 bearing the priority of April 26, 2004 authorizing the diversion of 1.56 cu. ft. per second, Permit No 6613-3 bearing the priority of March 31, 2005 authorizing the diversion of 1.89 cu. ft. per second Permit Nos. 6614-3 & 6614A-3 bearing the priority of March 31, 2005 authorizing the diversion of 6.68 cu. ft. per second Permit No 7395-3, bearing the priority of August 9, 2012 authorizing the diversion of 1.78 cu. ft. per second of the waters of James River for irrigation purposes, in Beadle County.

The system is in the following condition good. The point of diversion is located in Sec 24 T113N-R62W, from the NE corner 3300 ft W and 150 ft S with latitude of 44.588465 and a longitude of -98.233445 as determined using GPS. The works are capable of diverting and conveying to the place of use 7.13 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:

Land located in Sec 24 T113N-R62W

NW ¼ NE ¼ - 29 ac NE ¼ NE ¼ - 29 ac SE ¼ NE ¼ - 26 ac SW ¼ NE ¼ - 26 ac

Land located in Sec 18 T113N-R61W

NW ¼ SW ¼ - 33 ac NE ¼ SW ¼ - 33 ac SE ¼ SW ¼ - 33 ac SW ¼ SW ¼ - 33 ac

Land located in Sec 19 T113N-R61W

NW ¼ NW ¼ - 33 ac NE ¼ NW ¼ - 33 ac SE ¼ NW ¼ - 33 ac SW ¼ NW ¼ - 33 ac
NW ¼ NE ¼ - 33 ac NE ¼ NE ¼ - 33 ac SE ¼ NE ¼ - 33 ac SW ¼ NE ¼ - 33 ac
NW ¼ SE ¼ - 33 ac NE ¼ SE ¼ - 33 ac SE ¼ SE ¼ - 33 ac SW ¼ SE ¼ - 33 ac
NW ¼ SW ¼ - 33 ac NE ¼ SW ¼ - 33 ac SE ¼ SW ¼ - 33 ac SW ¼ SW ¼ - 33 ac

Land located in Sec 20 T113N-R61W

NW ¼ NW ¼ - 33 ac NE ¼ NW ¼ - 33 ac SE ¼ NW ¼ - 33 ac SW ¼ NW ¼ - 33 ac
NW ¼ SW ¼ - 33 ac NE ¼ SW ¼ - 33 ac SE ¼ SW ¼ - 33 ac SW ¼ SW ¼ - 33 ac

comprising a total of 1034 acres of land and the license should be issued for 7.13 cfs.

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain yes
- 5) Discharge is 20' from source yes
- 6) Interlock type electric
- 7) Injection pump type positive displacement
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump yes
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes

Comments : Checked with Feedlot Program and verified Huron Colony has plan on file for animal waste disposal.



Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

9-3-13

Date

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes.
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

Pump:

- 1) Make Cornell
- 2) Model 8H-RP—F18DB
- 3) Size 8
- 4) Capacity 3200 GPM

Motor:

- 1) Make US Electrical
- 2) Model No. MTL-200-3BD18
- 3) Horsepower rating 200 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 12 – 10 - 8 inches
- 3) Length 25000 feet

SYSTEM TYPE:

Center pivot: NE ¼ Sec 24 T113N-R62W

- 1) Make Valley
- 2) Overall length 1200 feet
- 3) Number of towers 9
- 4) End gun yes
- 5) High or low pressure lo
- 6) Capacity 800 GPM

Center pivot: SW ¼ Sec 18 T113N-R61W

- 1) Make Reinke
- 2) Overall length 1280 feet
- 3) Number of towers 9
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 800 GPM

Center pivot: NW ¼ Sec 19 T113N-R61W

- 1) Make Lockwood
- 2) Overall length 1280 feet
- 3) Number of towers 9
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 800 GPM

Center pivot: SW ¼ Sec 19 T113N-R61W

- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>Lockwood</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>9</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>800</u> GPM |

Center pivot: NE ¼ Sec 19 T113N-R61W

- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>Zimmatic</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>800</u> GPM |

Center pivot: SE ¼ Sec 19 T113N-R61W

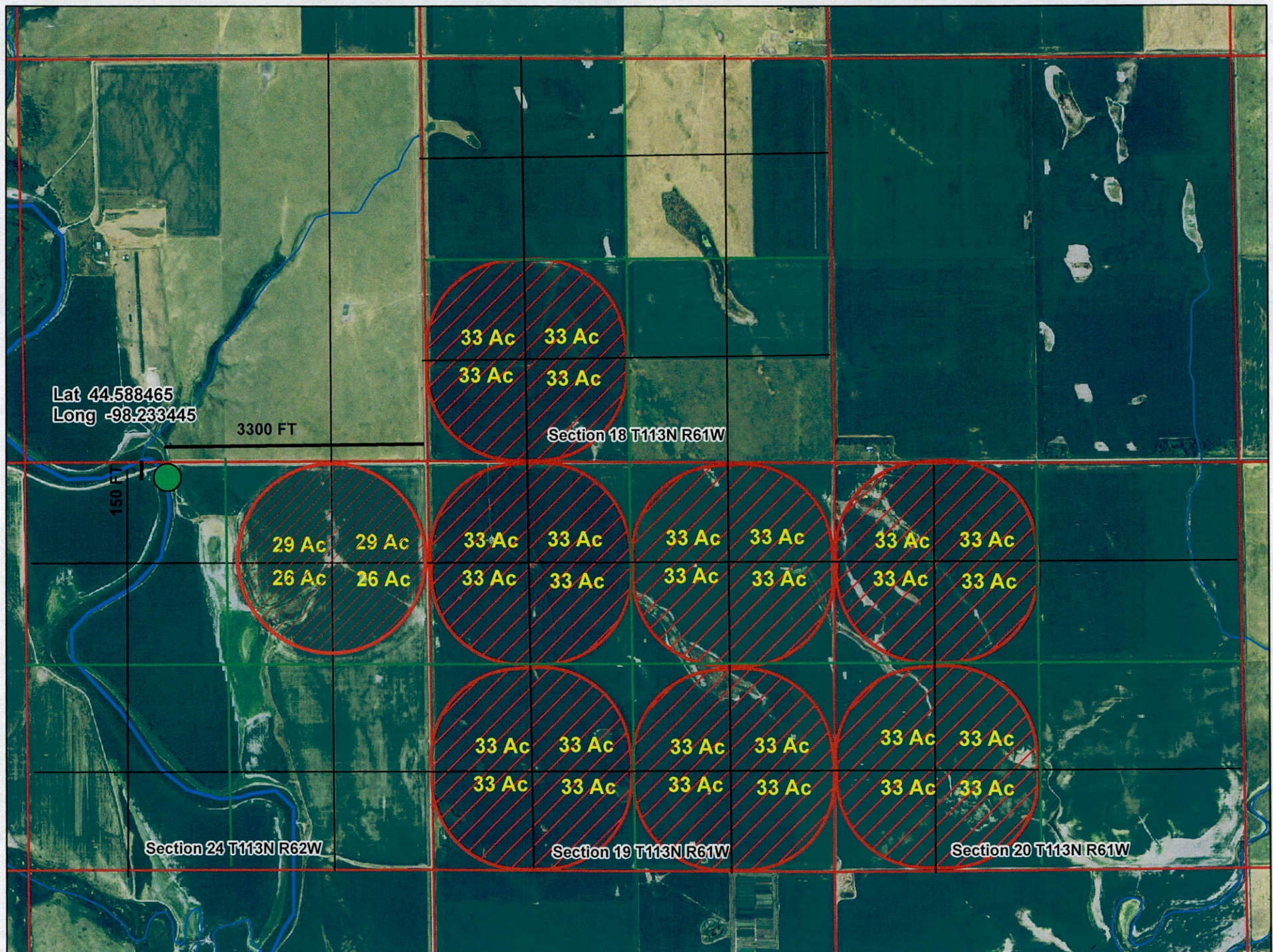
- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>Zimmatic</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>800</u> GPM |

Center pivot: NW ¼ Sec 20 T113N-R61W

- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>Zimmatic</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>800</u> GPM |

Center pivot: SW ¼ Sec 20 T113N-R61W

- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>Zimmatic</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>800</u> GPM |



NO. 7395-3



2,600

1,300

0

2,600 Feet

Mark D Rath, Natural Resources Engineer
09-03-2013

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7395-3

(1) Huron Hutterian Brethren, 40068 Huron Colony Lane, Huron SD 57350 made Application No. 7395-3, August 9, 2012 for a water permit to divert 1.78 cubic feet of water per second from the James River, Beadle County, South Dakota for irrigation purposes. Permit No. 7395-3, with a priority date of August 9, 2012 was approved October 9, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 9, 2017 and for the application to beneficial use of said water on or before October 9, 2021.

On August 26, 2013, at the time of the field investigation, Joey Waldner with Huron Hutterian Brethren completed a *"Notice of Completion of Works and Application of Water to Beneficial Use"* confirming the system had been completed.

Other water permits utilizing the same pump station on the James River:

- Water Permit No. 6505-3, with a priority date of April 26, 2004 authorizing diversion of 1.56 cfs to irrigate 110 acres in the NE ¼ Section 24, T113N, R62W;
- Water Permit No. 6613-3, with a priority date of March 31, 2005, authorizing diversion of 6.68 cfs to irrigate 640 acres in Section 19, T113N, R61W;
- Water Permit No. 6614-3, with a priority date of March 31, 2005, authorizing diversion of 1.89 cfs to irrigate 132 acres in the S ½ N ¼ and SE ¼ Section 24, T113N, R62W
- Water Permit No. 6614A-3, with a priority date of March 31, 2005 amended Water Permit No. 6614-3 by changing the point of diversion and transferring acreage to other land. The permit authorized moving the center pivot approximately ½ mile to the NE to irrigate 132 acres located in the SW ¼ Section 18, T113N, R61W. No increase in the diversion rate or number of acres irrigated was authorized.

The applicable portions of Water Permit Nos. 6505-3, 6613-3, 6614-3 and 6614A-3 are incorporated into this Water License No. 7395-3. Priority dates of April 26, 2004, March 31, 2005 and August 9, 2012 will be assigned to the acres irrigated (see below).

(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 7.13 cubic feet of water per second for beneficial use. The location of the diversion point is 3,300 feet west and 150 feet south of the NE corner of Section 24, T113N, R62W (NE ¼ NW ¼).

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

Section 24, T113N, R62W April 26, 2004 priority (6505-3)	Section 18, T113N, R61W March 31, 2005 priority (6614-3 & 6614A-3)	Section 19, T113N, R61W March 31, 2005 priority (6613-3)	Section 20, T113N, R61W August 9, 2012 priority (7395-3)
NW ¼ NE ¼ 29 acres	NW ¼ SW ¼ 33 acres	NW ¼ 132 acres	NW ¼ 132 acres
NE ¼ NE ¼ 29 acres	NE ¼ SW ¼ 33 acres	NE ¼ 132 acres	SW ¼ 132 acres
SE ¼ NE ¼ 26 acres	SE ¼ SW ¼ 33 acres	SE ¼ 132 acres	
SW ¼ NE ¼ 26 acres	SW ¼ SW ¼ 33 acres	SW ¼ 132 acres	
Total acres irrigated – 1034			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Huron Hutterian Brethren, 40068 Huron Colony Lane, Huron SD 57350 the holder and/or owner of Incorporated Water Right No. 7395-3 is issued a license to appropriate water, the right to use 7.13 cubic feet of water per second from the James River with priority dates of April 26, 2004, March 31, 2005 and August 9, 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 Incorporated Water Right No. 7395-3 and subject to the following qualifications:

- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- Combinations of diversions authorized under Water Permit Nos. 7365-3 & 7366-3 for irrigation from the Tulare:East James Aquifer in the W ½ Section 20, T113N, R61W and this water right may not exceed 1.0 cfs per 70 acres.
- Permit No. 6613-3 (*now incorporated into this license*) is subject to approval from the Department's Surface Water Quality Program prior to construction of the system for mixing James River water with the Colony's animal waste lagoon for application through the irrigation system. (*The colony's animal waste disposal plan is on file with the Department.*)

(Water Permit Nos. 6505-3, 6613-3, 6614-3 and 6614A-3 were amended by the Water Management Board on May 9, 2007 to include the following qualifications and Water Permit No. 7395-3 was approved with the same qualifications)

- This Permit does not authorize diversion of water from the James River after August 10th of each calendar year, or at any time the river's flow is obviously low, 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.



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

SEP 11 2013

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

SEP 11 2013

6505-3
6613-3
6614-3
6614A-3
7395-3

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

Dear Mr. Waldner:

Enclosed is Water License No. 7395-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

The applicable portions of Water Permit Nos. 6505-3, 6613-3, 6614-3 and 6614A-3 are incorporated into this Water License No. 7395-3. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 15, 2017

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

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

Dear Mr. Waldner:

This letter is in reference to your August 15, 2017 telephone call regarding water availability to continue irrigation from the James River for this summer. Flows in the James River continue to be strong. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River through September 10, 2017.

If you have any questions, please contact Mark Rath or Aaron Tieman of the Water Rights Program at phone (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

7395-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

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

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2021

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

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

Dear Mr. Waldner:

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

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 27, 2021

Dear James River Water Right Holder:

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

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Permit Nos. 7395-3, 7906-3, 7906A-3 & 8385-3

Huron Httrn Brth
Marvin Wollman
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Wollman:

I am writing to inform you 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 the August 10 shutoff date qualification. This spot-check found you were diverting James River water in violation of this qualification.

Water rights containing this qualification require mandatory compliance and pumping under your permit must cease unless you contact the Water Rights Program and receive permission to continue to divert water. Permission may be granted based upon water availability.

This is only a warning, but I expect your cooperation in following any requirements that have been placed on your water rights. 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

cc: Joey Waldner



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



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

January 20, 2022

NOTICE

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

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

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

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

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

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

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at 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.

Also try: [usps service tracking](#) · [my usps tracking](#)

27,597,233 Results

[Open links in new tab](#)

Track USPS package

7019 1120 0001 2910 9063

Track



USPS package #70191120000129109063

www.usps.com[See more](#)

Delivered: Fri, Jan 21, 11:07 AM

Processed In transit Delivered

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

Data from usps.com

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Delivered
 1-21-2022
 Postmark
 Here

ity Mail ® 9205

On Delivery

000 000 00

deliverytrack.netols.usps.comols.usps.comi.usps.comosttrack.com

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

shipping and
 ZIP Code, and

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

See Reverse for Instructions

[Tracking](#) · [ZIP Code Lookup](#) · [Hold Mail](#) · [Sign In](#) · [Calculate a Price](#) · [Careers](#)

USPS.com® - USPS Tracking®

<https://tools.usps.com/go/TrackConfirmAction?tLabels=>

USPS.com® - USPS Tracking®

News about USPS Tracking

bing.com/news

Tax Refund Checks Are
 Coming: Track Them
 Straight to Your Mailbox



Track Your Tax Refund
 with Free Tools From the
 IRS and USPS

Still Waiting? Here Are
 Two Ways to Track Your
 Tax Refund

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)

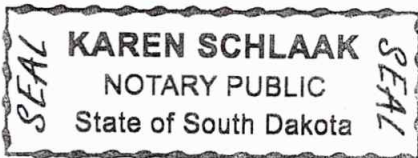
Sworn to, before me, this 3rd day of March, 2022.



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

August 29, 2022

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

Huron Hutterian Brethren
40068 Huron Colony Lane
Huron SD 57350

Dear Mr. Waldner:

This letter is in reference to your August 29, 2022, request for an extension to pump water from the James River beyond the August 10 shutoff date. Flows in the James River in the reach between the confluence with the North Dakota Border and the Huron are sufficient at this time to allow an extension. Because there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your water permit out of the James River and allow you to divert through the end of the 2022 irrigation season.

In the event dry climatic conditions in the river basin causes river flow to significantly decrease and flow measured at the USGS stream gaging station James River at Huron drops to below 20 cfs, you will be contacted and provided orders to cease pumping. Realtime flows in the James River can be monitored by going to the following website:

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

If you have any questions, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



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

January 19, 2024

NOTICE

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

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

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

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

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

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2024

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

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

Dear Mr. Waldner:

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

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

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

If you have any questions, please contact me.

Sincerely,

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