

**WATER PERMIT NO. 8006-3**

Name of Applicant: **Riverside Hutterian Brethren**

Address: **40361 200<sup>th</sup> St, Huron SD 57350** Phone: **605 350-5768**

Amount of Water Claimed: **1.78 cfs** Total Acres: **135**

Source of Water Supply: **James River**

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

Type of Waste Disposal System:

Location: **10 miles northeast of Huron**

**PRIORITY** Date Received: **4-25-14** Application/License Fee: **\$ 1050**

Corrected Application Received: Period of Annual Use: **May 1 – Sept 30**

Remarks:

Diversion Point: **a point between NW 1/4 NE1/4  
and NE 1/4 SE 1/4 Sec 22-T112N-R61W**

Land to be Irrigated: **NW 1/4 Sec 27-T112N-  
R61W**

Depth of Well: **NA**

Well Driller:

Remarks:

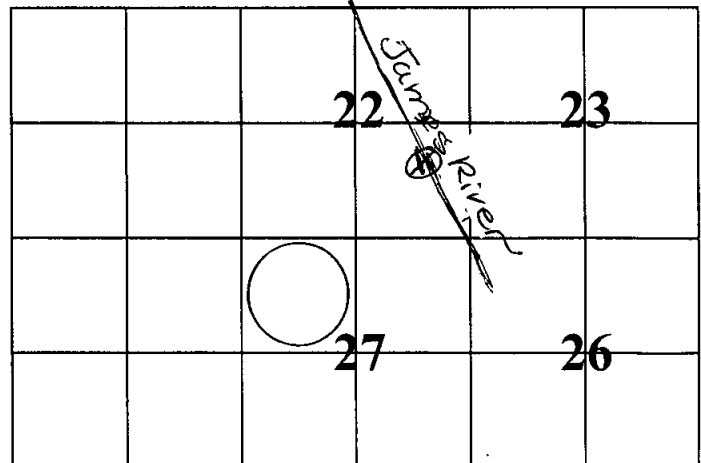
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **4-29-14**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_



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

|                                                                                                                 |                                  |                                 |
|-----------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------|
| Mail to:<br>PMB 2020<br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | (office use only)                |                                 |
|                                                                                                                 | No. <u>8006-3</u>                | Hydrologic Unit <u>10160006</u> |
|                                                                                                                 | Basin <u>James River</u>         |                                 |
|                                                                                                                 | Newspaper <u>Daily Plainsman</u> |                                 |
| <u>PO Box 1278, Huron 57350</u> <u>605-3537401</u>                                                              |                                  |                                 |

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APR 25 2014

WATER RIGHTS  
PROGRAM

## Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. \_\_\_\_\_  
(Use predates Mar 2, 1955)Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)  
\_\_\_\_\_

1. Name to Appear on Irrigation Permit Riverside Colony  
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent \_\_\_\_\_  
(name and complete address if different than above name)
- Mailing Address 20301 23rd Street Huron SD 57350  
(Address) (City) (State) (Zip Code)
- Home Phone 605 352 7468 Cell 605 352 5728 Email benwa@riversidecolony.net
2. Amount of water claimed 1.78 \*CFS or 800 \*\*GPM \*\*\*AF Total Acreage 135  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply James River
4. Location of point of diversion SE quarter Section 22 Iowa township  
a point between NW 1/4 NE 1/4 (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)  
and NE 1/4 SE 1/4 Sec 22 - T112N-R61W County Beadle
5. County or counties where water will be used Beadle SD
6. Annual period during which water is to be used 6 months 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 North west quarter    | 33.75 |                  |       |
| SW 1/4 NW 1/4                | 33.75 |                  |       |
| SE 1/4 NW 1/4                | 33.75 |                  |       |
| NE 1/4 NW 1/4 S27-T112N-R61W | 33.75 |                  |       |

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

~~irrigate~~ irrigate 135 acres on Section 27 of Iowa township  
in Beadle County from James River

I, Bennett Webster, 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. 8006-3 FOR IRRIGATION**

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Date of first receipt of application April 25, 2014.

The Water Management Board approved Water Permit No. 8006-3 on October 22, 2014 for Riverside Colony, c/o Bennett Waldner, 40361 200<sup>th</sup> St, Huron SD 57350 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8006-3 appropriates 1.78 cubic feet of water per second (cfs) from the James River from an existing diversion point authorized by Vested Right No. 4866-3 located at a point between the NW 1/4 NE 1/4 and the NE 1/4 SE 1/4 Section 22 to irrigate 135 acres located in the NW 1/4 Section 27; all in T112N-R61W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is April 25, 2014.
4. One-fifth of the construction is to be completed on or before May 22, 2017.
5. All construction is to be completed on or before October 22, 2019.
6. Water is to be put to beneficial use on or before October 22, 2023.
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. 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 10<sup>th</sup> 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.

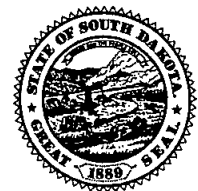
**WATER MANAGEMENT BOARD**

By: *Jeanne Goodman*

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

**NOV 13 2014**

date





United States Department of Agriculture  
Farm Service Agency

September 04, 2013

PLSS: 27\_112N\_61W  
Farm: 7199

**Beadle County**  
1 inch equals 717 feet

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.

2012 Ortho-Photography - Not to Scale

Wetland Determination Identifiers

- Restricted Use
- United Restrictions
- Exemption from Conservation Compliance Provisions
- Common Land Units
- CRP
- Non-Cropland

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APR 28 2014

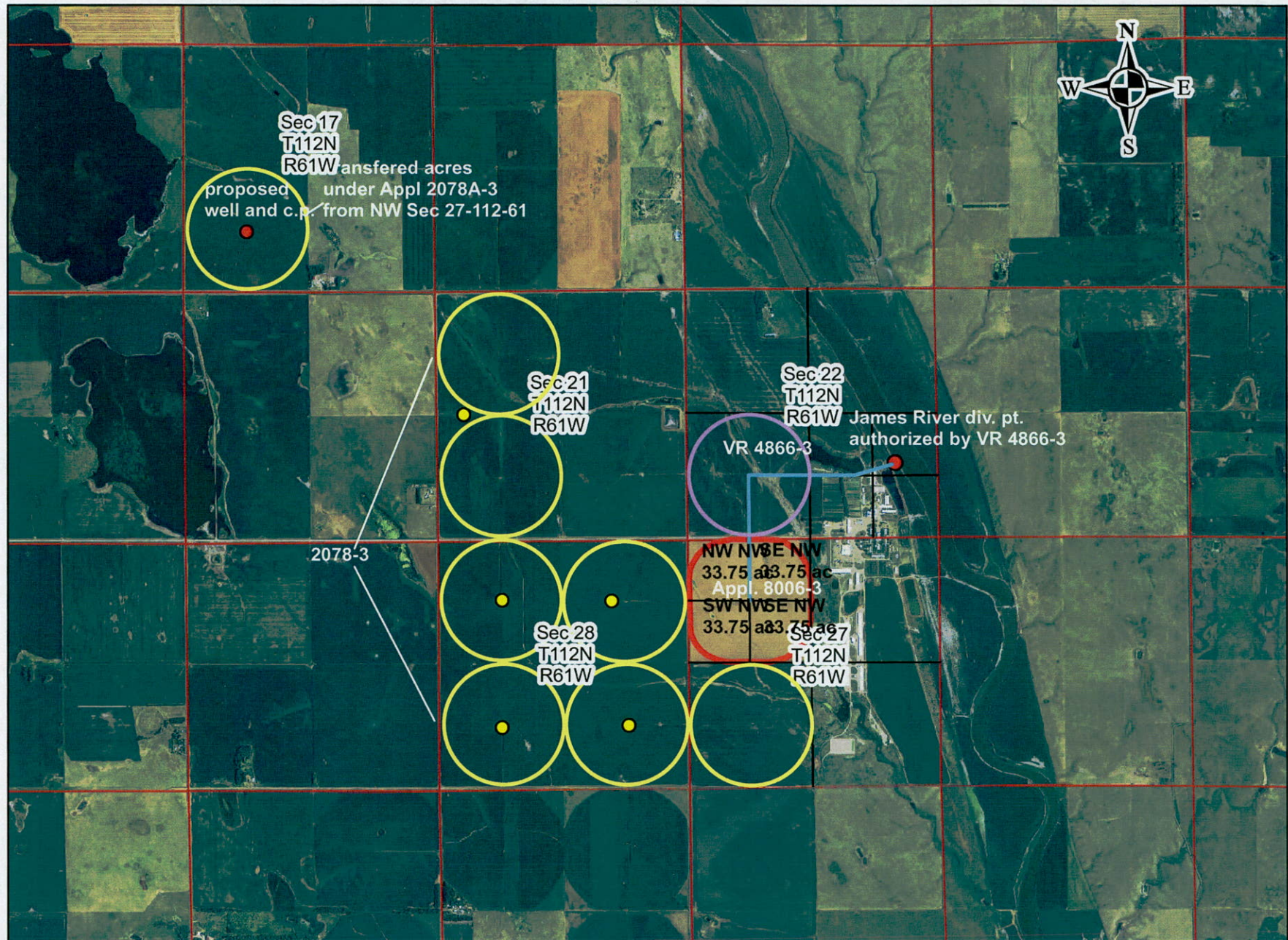
WATER RIGHTS



# WATER PERMIT APPLICATION NO. 8006-3

Riverside Hutteren Brethren

May 1, 2014



## WATER RIGHTS PROGRAM

Date 4/29, 20 14

RECEIVED OF **Riverside Hutterian Brethren** 40361 200th St Huron SD 57350

|                                                                                                                        |      |    |
|------------------------------------------------------------------------------------------------------------------------|------|----|
| Fee for Application for Permit No. <u>8006-3</u> to Appropriate Water, to construct and to put water to beneficial use | 850  | 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>8006-3</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                                                                                 | 1050 | 00 |

No. 06841

By J. M. Goodman  
Chief Engineer



**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. 8006-3, Riverside 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. 8006-3, Riverside Hutterian Brethren, c/o Bennett Waldner, 40361 200<sup>th</sup> Street, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 8006-3 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 10<sup>th</sup> 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.

See report on application for additional information.

Jeanne Goodman, Chief Engineer  
July 2, 2014

## **REPORT ON WATER PERMIT APPLICATION NO. 8006-3**

**Riverside Hutterian Brethren, % Bennett Waldner**

**May 2, 2014**

Riverside Hutterian Brethren, % Bennett Waldner, has filed Water Permit Application No. 8006-3, for 1.78 cubic feet of water per second (cfs) from the James River to irrigate 135 acres of land located in the NW¼ Section 27-T112N-R61W. The diversion point is an existing diversion point located between the NW¼ NE¼ and NE¼ NW¼ Section 22-T112N-R61W. The applicant is requesting an annual period of water use from May 1<sup>st</sup> to September 30<sup>th</sup>.

The acres to be irrigated under this application have been previously irrigated under Water Right No. 2078-3 from the Tulare: Western Spink Hitchcock Aquifer. Under separate application, the acreage is proposed to be transferred to the SW¼ Section 17-T112N-R61W utilizing the same water source.

### **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.

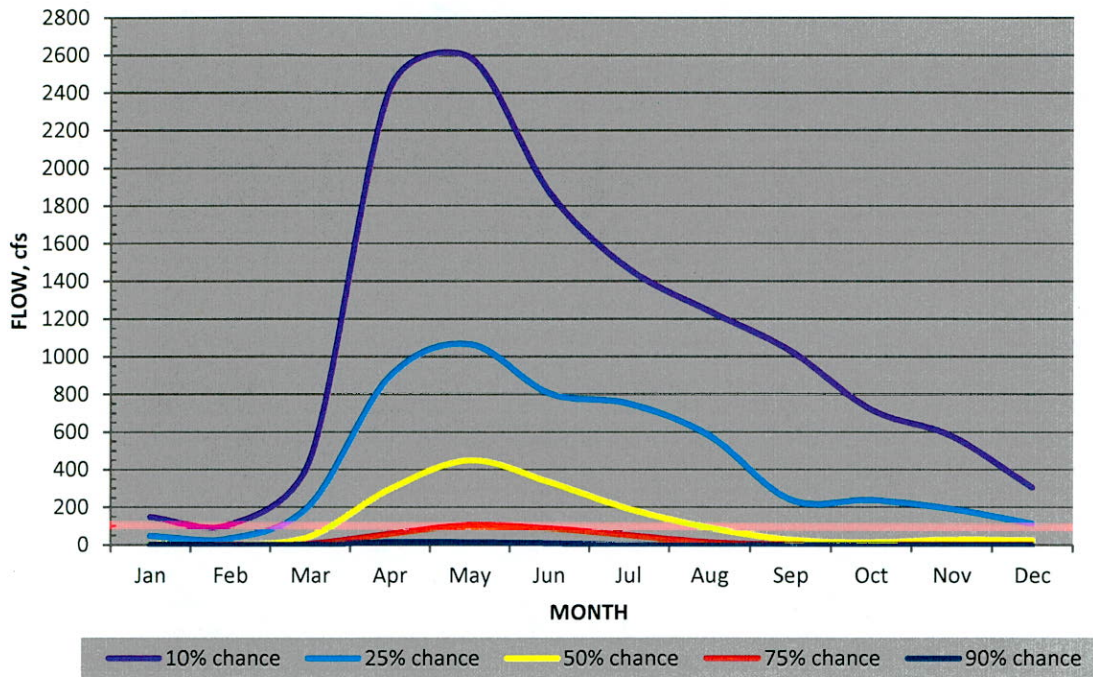
The U.S. Geological Survey (USGS) operates a stream flow gaging station on the James River near Ashton, SD, approximately 65 river miles upstream of the proposed project. The historical data from 1945 to 2012 for the Ashton SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 27 to 449-cfs May through September of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 0.6 to 102-cfs for the same time period. (Table 1 and Hydrograph 1)

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

| <b>Plot Data</b>  | <b>Jan</b> | <b>Feb</b> | <b>Mar</b> | <b>Apr</b> | <b>May</b> | <b>Jun</b> | <b>Jul</b> | <b>Aug</b> | <b>Sep</b> | <b>Oct</b> | <b>Nov</b> | <b>Dec</b> |
|-------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| <b>10% chance</b> | 146        | 106        | 451        | 2422       | 2587       | 1870       | 1465       | 1239       | 1029       | 719        | 578        | 304        |
| <b>25% chance</b> | 47         | 33         | 211        | 893        | 1065       | 805        | 750        | 579        | 240        | 237        | 191        | 112        |
| <b>50% chance</b> | 7          | 4          | 44         | 297        | 449        | 333        | 191        | 90         | 27         | 13         | 27         | 24         |
| <b>75% chance</b> | 0.0        | 0.0        | 4.2        | 57         | 102        | 86         | 50         | 13.3       | 0.6        | 0.0        | 0.0        | 0.0        |
| <b>90% chance</b> | 0.0        | 0.0        | 0.1        | 13.6       | 13.3       | 7.6        | 0.3        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |

## Hydrograph 1

### James River gage at Ashton, SD 1945 - 2012



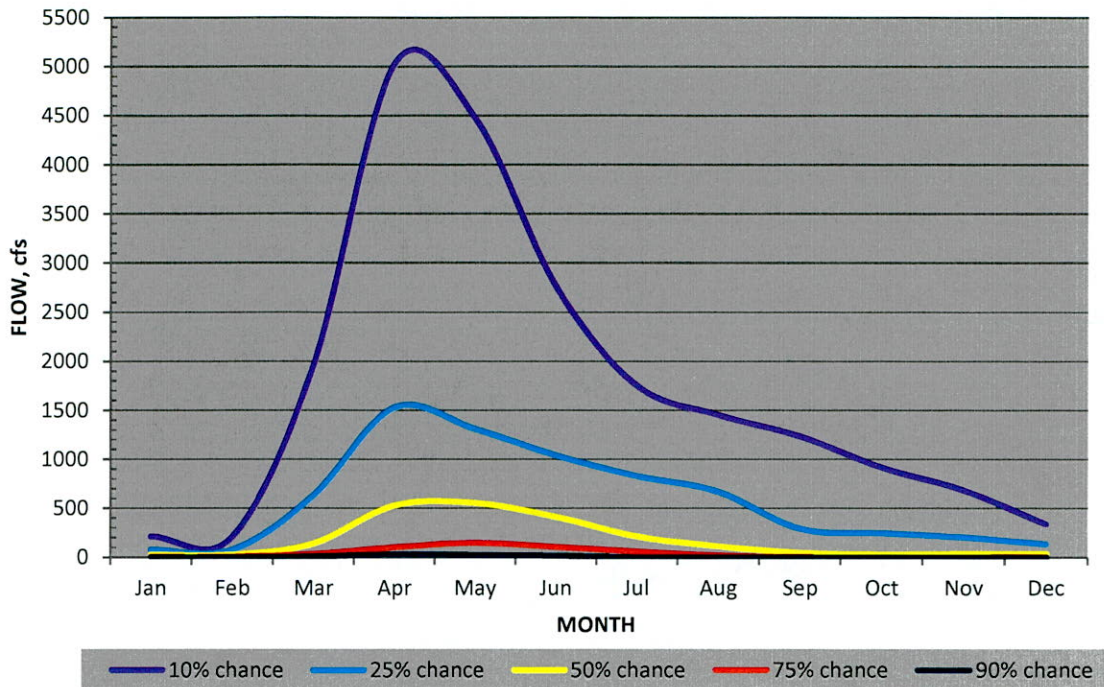
The USGS operates a stream flow gaging station on the James River located closer to the proposed project. The gage is at Huron, SD, approximately 12 river miles downstream of the proposed project. The historical data from 1943 to 2012 for the Huron SD stream flow gage indicates there is a 50-percent probability that monthly mean flow could range from 44 to 551-cfs May through September of any given year. There is a 75-percent probability monthly mean flows at this same location could range from 0 to 143-cfs for the same time period. (Table 2 and Hydrograph 2)

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

| Plot Data  | Jan | Feb | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Oct | Nov | Dec |
|------------|-----|-----|------|------|------|------|------|------|------|-----|-----|-----|
| 10% chance | 210 | 203 | 1951 | 5025 | 4466 | 2762 | 1752 | 1449 | 1231 | 913 | 681 | 336 |
| 25% chance | 74  | 72  | 627  | 1524 | 1307 | 1039 | 827  | 667  | 291  | 244 | 201 | 131 |
| 50% chance | 25  | 25  | 138  | 527  | 551  | 411  | 212  | 110  | 44   | 29  | 33  | 35  |
| 75% chance | 0   | 3   | 31   | 98   | 143  | 104  | 58   | 17   | 0    | 0   | 0   | 0   |
| 90% chance | 0   | 0   | 6    | 28   | 21   | 13   | 0    | 0    | 0    | 0   | 0   | 0   |

## Hydrograph 2

### James River gage at Huron, SD 1943 - 2012



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 SD and Huron SD stream flow gages show similar results and 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. To address low flow conditions the James River may be subject to shut-off orders.

### **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 104 Water Rights with diversions from the James River totaling 296.93-cfs from the North Dakota border to the Yankton-Hutchinson County Line. From the North Dakota

border to Huron, SD, there are 67 Water Rights with diversions from the James River totaling 185.32-cfs. There are no pending applications other than this one.

Due to the fact that appropriations from the James River are approaching the 300-cfs limit, Water Rights staff conducted an examination of current appropriations from the river. As a result some permits were reduced to the actual amount of water being used by the appropriator. This is already reflected in the total river diversion of 296.93-cfs from 104 water rights.

With the approval of 8006-3, the total James River appropriation would be 298.71-cfs, and the North Dakota border to Huron SD river reach would be 187.1-cfs. This leaves 1.29-cfs available for appropriation anywhere from the North Dakota border to the Yankton-Hutchinson County Line. See Table 3.

**Table 3. Appropriation and Available Water for Appropriation from the James River**

|                                | CFS     |
|--------------------------------|---------|
| <b>Appropriated</b>            | -296.93 |
| <b>This application</b>        | -1.78   |
| <b>Total</b>                   | -298.71 |
| <b>WMB Appropriation Limit</b> | 300     |
| <b>Available appropriation</b> | 1.29    |

This application will utilize the same diversion point as Water Permit No. 7186-3 and Water License 4866-3. Water Permit No. 7186-3 authorizes the diversion of 6.62-cfs and Water License 4866-3 authorizes 1.56-cfs, both from the James River and held by this applicant. The next closest water right diverting water from the James River is 0.4 river miles upstream of this application, and the closest downstream water right is 3.0 river miles. For details see Table 4.

**Table 4. James River Water Rights**

| WR No. | Appx. Distance From Application (miles) | Diversion (cfs) | WR Holder                    |
|--------|-----------------------------------------|-----------------|------------------------------|
| 1276-3 | 0.4 upstream                            | 2.22            | Riverside Hutterian Brethern |
| 4866-3 | Same location                           | 1.56            | Riverside Hutterian Brethern |
| 7186-3 | Same location                           | 6.62            | Riverside Hutterian Brethern |
| 2643-3 | 3.0 downstream                          | 1.62            | Leonard Pevestorf            |

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. 8006-3 should contain the following qualifications.

- This permit does not authorize diversion of water from the James River after August 10<sup>th</sup> 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. 8006-3, Riverside Colony, % Bennett Waldner, proposes to irrigate 135 acres located in NW¼ Section 27-T112N-R61W. The diversion point is authorized by Water Right Nos. 7186-3 and 4866-3, and is located between the NW¼ NE¼ and NE¼ NW¼ Section 22-T112N-R61W.
2. USGS historical data for the Ashton SD 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 8006-3 is approved, the following qualifications should be included:
  - This permit does not authorize diversion of water from the James River after August 10<sup>th</sup> 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 8006-3 is approved, the total James River diversion of 298.71-cfs is below the 300-cfs limit. The total diversion from the North Dakota state line to Huron, SD, will be 187.1-cfs, within the 200-cfs limit set by the Water Rights Commission. This leaves 1.29-cfs to be appropriated anywhere from the North Dakota border to the Yankton-Hutchinson County Line.



Lynn Beck  
Natural Resources Engineer III  
DENR, Water Rights Program

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,  
COUNTY OF BEADLE: ss

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JUL 31 2014

WATER RIGHTS  
PROGRAM

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:

**BENNET WALDNER – WATER RIGHTS**  
**#2**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 30<sup>TH</sup> day JULY 2014. That the full amount of the fee charged for publishing is: **SEVENTY-SEVEN & 99/00** 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 30<sup>TH</sup> day of JULY 2014.

  
Notary Public, South Dakota

My term expires 10/25/2017  
Legal #1381

F.P. 07-30-14  
**NOTICE OF HEARING**  
**on Application**  
**No. 8006-3 to**  
**Appropriate Water**

Notice is given that Riverside Hutterian Brethren, c/o Bennett Waldner, 40361 200th St, Huron SD 57350 has filed Application No. 8006-3 to appropriate 1.78 cubic feet of water per second from the James River from an existing diversion point authorized by Vested Right No. 4866-3 located at a point between the NW 1/4 NE 1/4 and the NE 1/4 SE 1/4 Section 22 to irrigate 135 acres located in the NW 1/4 Section 27; all in T112N-R61W.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, 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 this application presents 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 Application No. 8006-3 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.

The Water Management Board will consider this application at 2:00 p.m. on October 22, 2014 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 this application 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 application 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 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 10, 2014. The petition may be informal, but shall be in writing and shall 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. 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 October 22, 2014 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 application. The request for an automatic delay

must be filed by October 10, 2014. 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.

Contact Eric Gronlund by October 10, 2014 at the above Chief Engineer's address to request copies of the staff report, recommendation, application 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 August 11, 2014. However, since this particular matter is a water permit application 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 application: 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  
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\$77.99.



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov



July 22, 2014

Plainsman  
PO Box 1278  
Huron SD 57350

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8006-3 to Appropriate Water. Please publish the notice once on July 30, 2014. 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 Riverside Hutterian Brethren, c/o Bennett Waldner, 40361 200<sup>th</sup> St, Huron SD 57350 (Ph # 605-352-7462).

**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 Crandal <rnewman.plainsman@midconetwork.com>  
**Sent:** Wednesday, July 23, 2014 1:27 PM  
**To:** Schlaak, Karen  
**Subject:** Re: Notices for Application Nos. 8006-3 and 8013-3

I have received your email.  
Thank you.

Ruby (Newman) 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](mailto:rnewman.plainsman@midconetwork.com)

On Jul 23, 2014, at 12:50 PM, Schlaak, Karen wrote:

Attached are two notices to be published on July 30, 2014. Riverside Hutterian Brethren, c/o Bennett Waldner, 40361 200<sup>th</sup> St, Huron (605 352-7462 or cell 605 350-5768) have been notified to contact you to authorize publication and arrange for payment. Please send the affidavit ASAP.

Thanks,

*Karen Schlaak*

Water Rights Program  
523 E Capitol Ave  
Pierre SD 57501  
Phone: 605 773-3352

<8006-3public.wmb.docx><8013-3public.wmb.docx>



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
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PIERRE, SOUTH DAKOTA 57501-3182  
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**NOTE: TO BE SURE OF PUBLICATION ON  
THE CORRECT DATES, CONTACT  
THE NEWSPAPER RIGHT AWAY.**

July 22, 2014

Riverside Hutterian Brethren  
Bennett Waldner  
40361 200<sup>th</sup> St  
Huron SD 57350

Dear Mr. Waldner:

Water Permit Application Nos. 8006-3 and 8013-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. Two separate notices have been sent to the Plainsman printed at Huron SD (Ph # 605-352-7401). You will need to contact the newspaper and authorize publication of both notices.

For your information, a copy of the notice, the recommendation of the Chief Engineer and report for each application are enclosed. Please review the notices prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the Plainsman to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notices. 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 applications.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352  
enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 July 30, 2014. 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 Application No. 8006-3 to Appropriate Water

Notice is given that Riverside Hutterian Brethren, c/o Bennett Waldner, 40361 200<sup>th</sup> St, Huron SD 57350 has filed Application No. 8006-3 to appropriate 1.78 cubic feet of water per second from the James River from an existing diversion point authorized by Vested Right No. 4866-3 located at a point between the NW 1/4 NE 1/4 and the NE 1/4 SE 1/4 Section 22 to irrigate 135 acres located in the NW 1/4 Section 27; all in T112N-R61W.

SDCL 46-2A-4(10) provides that "if the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the Chief Engineer's recommendation and no hearing may be held before the board, unless the Chief Engineer makes a finding that an application, 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 this application presents 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 Application No. 8006-3 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.

The Water Management Board will consider this application at 2:00 p.m. on October 22, 2014 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 this application 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 application 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 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 10, 2014. The petition may be informal, but shall be in writing and shall 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. 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 October 22, 2014 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 application. The request for an automatic delay must be filed by October 10, 2014. 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.

Contact Eric Gronlund by October 10, 2014 at the above Chief Engineer's address to request copies of the staff report, recommendation, application 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 August 11, 2014. However, since this particular matter is a water permit application 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 application: 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



NOV 13 2014

Riverside Colony  
Bennett Waldner  
40361 200<sup>th</sup> St  
Huron SD 57350

Dear Mr. Waldner:

Enclosed is Water Permit No. 8006-3 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,

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

cc: Greg Magera, PO Box 490, Aberdeen SD 57402

enclosures

8006-3  
RECEIVED

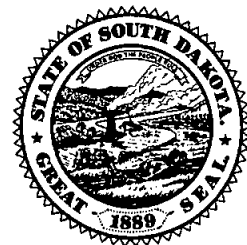
NOV 21 2014

WATER RIGHTS  
PROGRAMNOTICE OF COMPLETION OF WORKS AND  
APPLICATION OF WATER TO BENEFICIAL USEDate 11-19-14TO: Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3181FROM: Riverside Colony  
(name)  
40361 206th ST  
(address)  
Huron SD 57350 605350 5768  
(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. 8006-3 states that the water use system is to be constructed by  
is in place, and water is to be put to beneficial use by 2015.  
(date) (date)The water use system was completed on 2003.  
(date)Applying the water to beneficial use was completed on 2003.  
(date)

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

Bennett Waldner  
(signature)



**DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[denr.sd.gov](http://denr.sd.gov)



December 11, 2014

7186-3  
8006-3

Bennett Waldner  
Riverside Colony  
40361 200<sup>th</sup> St  
Huron SD 57350

Dear Mr. Waldner:

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

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

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

Sincerely,

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

November 16, 2016

Samuel Waldner  
Riverside Colony  
40361 200<sup>th</sup> St  
Huron SD 57350

Dear Mr. Waldner:

I am writing in follow-up to our phone conversation concerning the Colony's water permits and water rights. As you requested, I changed the contact person from Bennett Waldner to your name in our files.

Enclosed are copies of the all water permits/rights held by Riverside Colony. I included copies of Water Right Nos. 498-3 and 4550-3 held by Raymond Oil Company. It is our understanding the colony rents the land authorized for irrigation under the two water rights.

If you need further information concerning the water permits or rights, you can view the entire file on line by following this link: <http://denr.sd.gov/des/wr/wr.aspx> The link will take you to our program home page. Along the left hand side of the page there is a tab that will take you to the water rights databases.

To help you in completing the 2016 irrigation questionnaires, I included a copy of the 2015 questionnaires showing what pump rate and acres Bennett reported last year. This will hopefully be of assistance to you.

If you have any questions, please contact either me or Eric Gronlund at 605 773-3352.

Sincerely,

Genny McMath  
Water Rights Program  
email: genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

May 27, 2021

Dear James River Water Right Holder:

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

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer  
Water Rights Program



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

August 16, 2021

Dear James River Water Right Holder:

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer  
Water Rights Program

## Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8006-3

I have this day, June 20, 2025, made a thorough examination of the water use system constructed by Riverside Hutterian Brethern, 40361 200<sup>th</sup> St, Huron, SD 57350 of Permit No. 8006-3, bearing the priority of April 25, 2014 authorizing the diversion of 1.78 cu. ft. per second of the waters of the James River for irrigation purposes, in Beadle County.

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

#### Pump:

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

#### Motor:

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

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

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 6000 feet

Comments: From river to far south pivot

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

#### Center pivot:

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

#### Chemigation Equipment:

- 1) Does chemigate N

### D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y

If no, describe: SEE SECTION F

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

**E. Condition and Location:**

1. The system is in good condition with the point(s) of diversion located as follows: **RIVER PUMP**  
**From the NE corner Sec 22 T112N R61W, 3,665 ft S & 900 ft W, Lat 44.49056 Long -98.13693 (NE ¼ SE 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:

| <u>legal description/acreage</u> | <u>legal description/acreage</u> |
|----------------------------------|----------------------------------|
| Land in Sec 27 T112N R61W        |                                  |
| NW ¼ NW ¼ – 33.75 acres          |                                  |
| NE ¼ NW ¼ – 33.75 acres          |                                  |
| SE ¼ NW ¼ – 33.75 acres          |                                  |
| SW ¼ NW ¼ – 33.75 acres          |                                  |

comprising a total of 135 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map Y

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

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

Talked to Mr. Samuel Waldner, farm boss (605/350-5772 cell) responsible for irrigation management, on the phone.

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

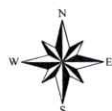
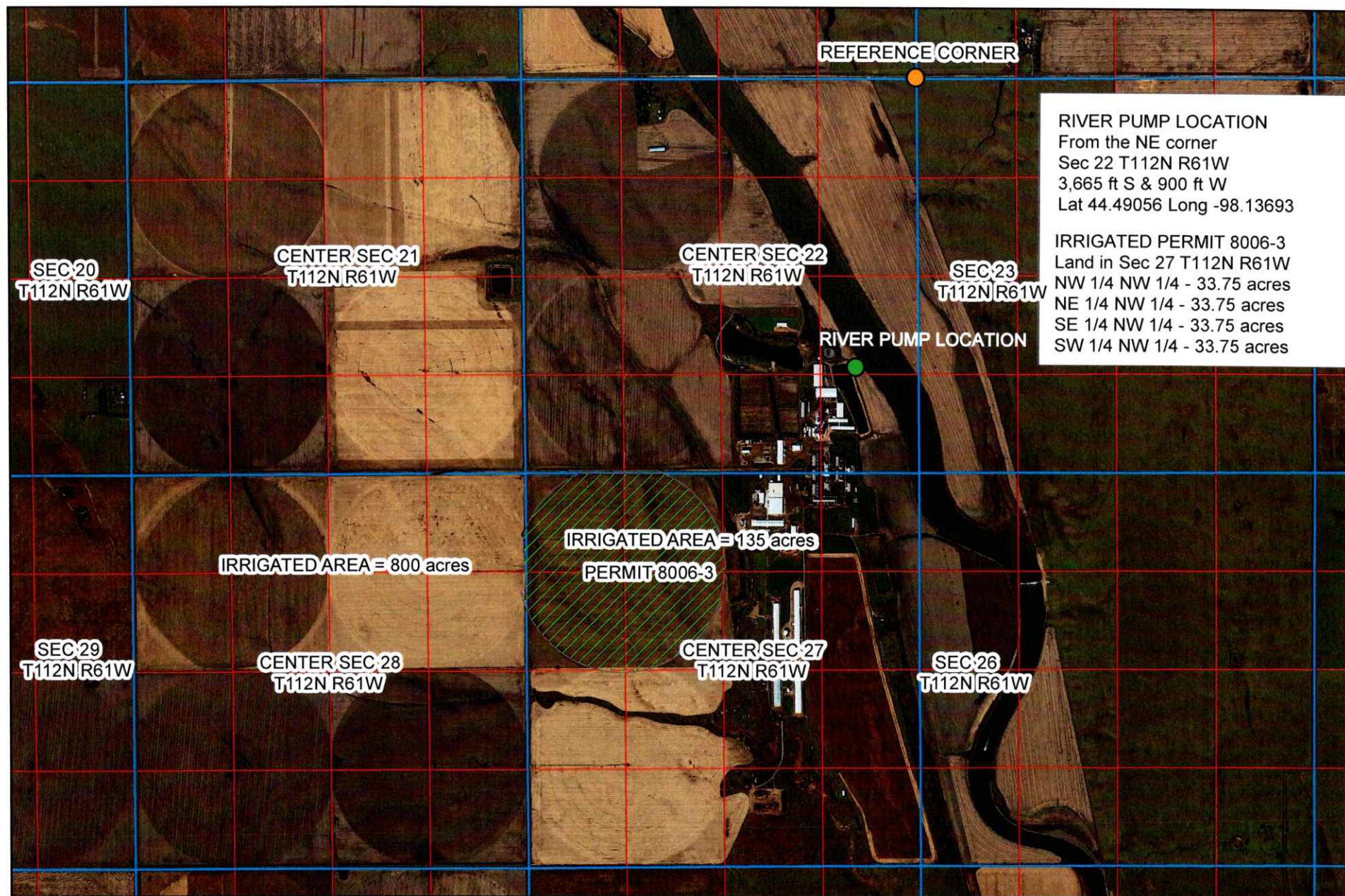
The pump rate reported in a recent Irrigation Questionnaire was used to establish the system 1.78 cfs flow capacity for the pump.

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



Darrell DeBoer  
Water Rights Inspector  
DENR, Water Rights Program

Date report completed: June 25, 2025



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



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

21 2025

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

Nos. 7186-3 & 8006-3

Dear Mr. Waldner:

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

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

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

Sincerely,

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

*enclosures*

**STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 8006-3**

(1) Riverside Hutterian Brethren, 40361 200<sup>th</sup> St, Huron, SD 57350, made Application No. 8006-3, April 25, 2014, 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. 8006-3, with a priority date of April 25, 2014, was approved October 22, 2014, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 22, 2019, and for the application to beneficial use of water on or before October 22, 2023.

(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: *(shared with Vested Right No. 4866-3)*

- 3,665 feet S and 900 feet W from the NE corner of Section 22, T112N, R61W (NE ¼ SE ¼)  
(Latitude 44.49056 and Longitude -98.13693)

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

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

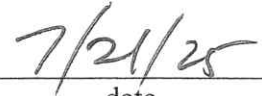
Section 27, T112N, R61W  
NE ¼ NW ¼ - 33.75 acres  
NW ¼ NW ¼ - 33.75 acres  
SW ¼ NW ¼ - 33.75 acres  
SE ¼ NW ¼ - 33.75 acres  
Total – 135 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Riverside Hutterian Brethren, the holder and/or owner of Water Right No. 8006-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from the James River, with a priority date of April 25, 2014, 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. 8006-3 and subject to 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 10<sup>th</sup> of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
  - b. This permit does not authorize diversions from the James River when there is less than 20 cfs 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.

  
\_\_\_\_\_  
Mark Mayer, PE  
Director of Office of Water

  
\_\_\_\_\_  
date

