

WATER PERMIT NO. 8498-3

Name of Applicant: **Terry Wieting**

Address: **40270 Riverbend Ln, Huron SD 57350**

Phone: **605 350-5142**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **160**

Source of Water Supply: **James River**

Water to be used for: **irrigation**

County: **Beadle**

8473-3

Type of Waste Disposal System:

Location: **12 miles northeast of Huron**

PRIORITY

Date Received: **3-17-21**

Application/License Fee: **\$ 500**

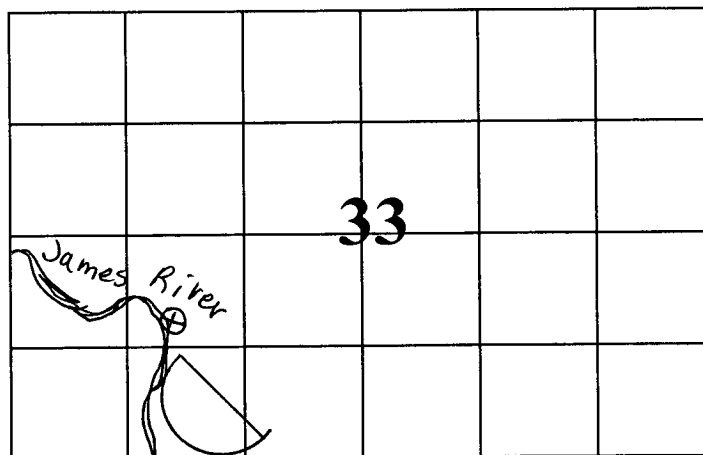
Corrected Application Received:

Period of Annual Use: **May 1 – August 31**

Remarks: **Utilizing diversion point authorized by Water Permit No. 8473-3**

Diversion Point: **NW 1/4 SW 1/4 33-T113N-R61W**

Land to be Irrigated: **S 1/2 SW 1/4 Sec 33-113N-R61W**



Depth of Well:

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **3-17-21**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8498-3**

Date of first receipt of application March 17, 2021.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8498-3 to Terry Wieting, 40270 Riverbend Ln, 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. 8498-3 appropriates 0.41 cubic feet of water per second from the James River (existing diversion point authorized by Water Permit No. 8473-3) located in the NW 1/4 SW 1/4 Section 33 for irrigation of 30 acres located in the S 1/2 SW 1/4 Section 33; all in T113N-R61W. This site is located approximately 12 miles northeast of Huron near Lake Bryon.
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: May 1 – August 31.
3. The date from which applicant may claim right is March 17, 2021.
4. The date of approval of Permit No. 8498-3 is May 17, 2021.
5. One-fifth of the construction is to be completed on or before November 17, 2023.
6. All construction is to be completed on or before May 17, 2026.
7. Water is to be put to beneficial use on or before May 17, 2030.
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. 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.
2. This permit does not authorize diversions from the James River when there is less than 20 cfs bypassing the gage at Huron SD after pumping.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 17 2021
date



PAID

MAR 17 2021

Ck# 1319

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8498-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Plainsman</u>	

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.)

James River source to water through pivot irrigation

Utilizing diversion pt. authorized by No. 8473-3

1. Name to Appear on Irrigation Permit Terry Wieting

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 40270 Riverbend Ln Huron ☒ SD ☒ 57350
(Address) (City) (State) (Zip Code)

Phone 6053505142 Mobile 6053505142 Email twieting@venturecomm.net

2. Amount of water claimed 0.41 *CFS or 185 **GPM ***AF Total Acreage 30
(*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 nw 1/4 sw 1/4 sec 33 113-61

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

County beadle ☒

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used may-aug

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)

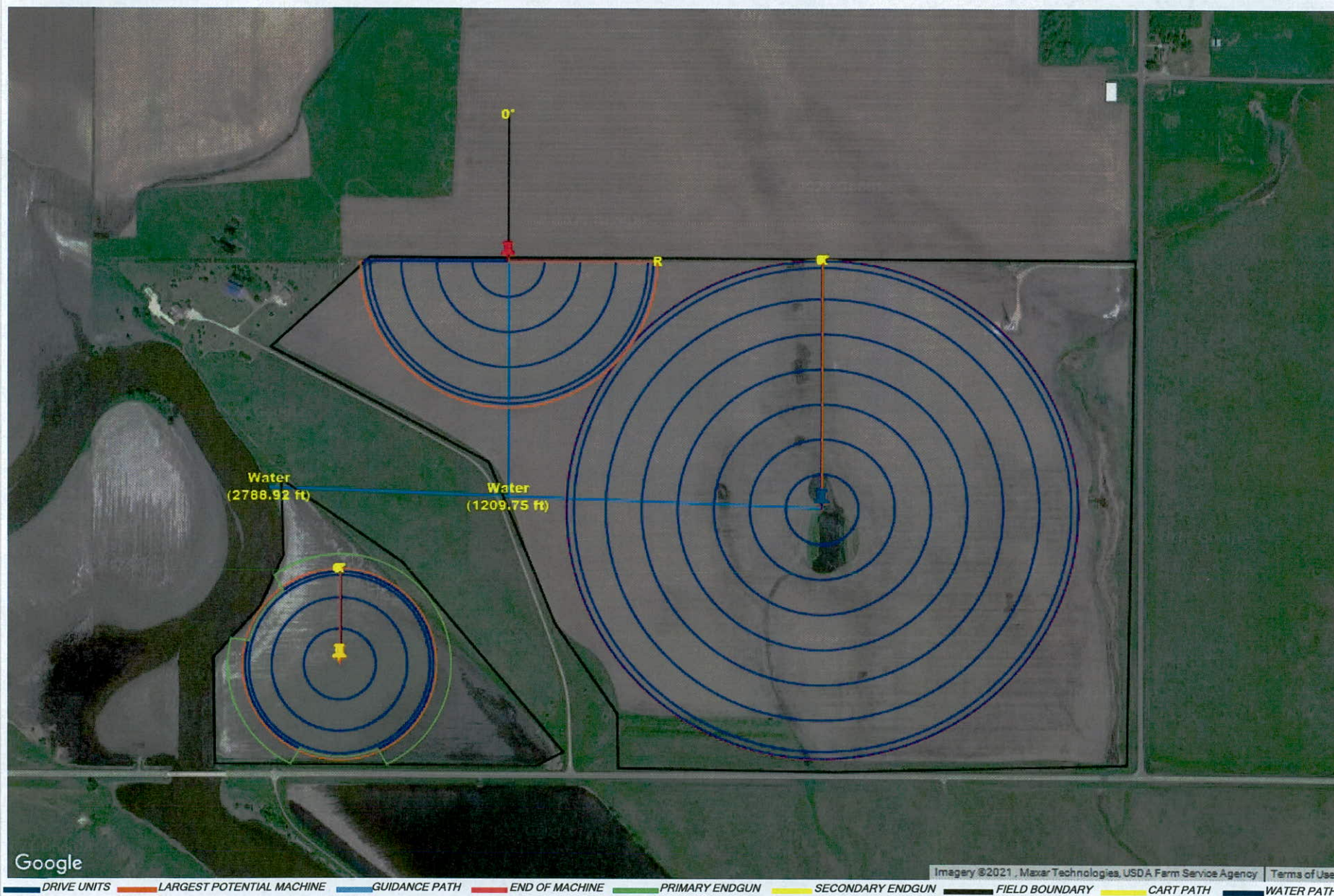
Land Description	Acres	Land Description	Acres
<u>se 1/4 sw 1/4 sec 33 113-61</u>	<u>30</u>		
<u>5 1/2</u>			

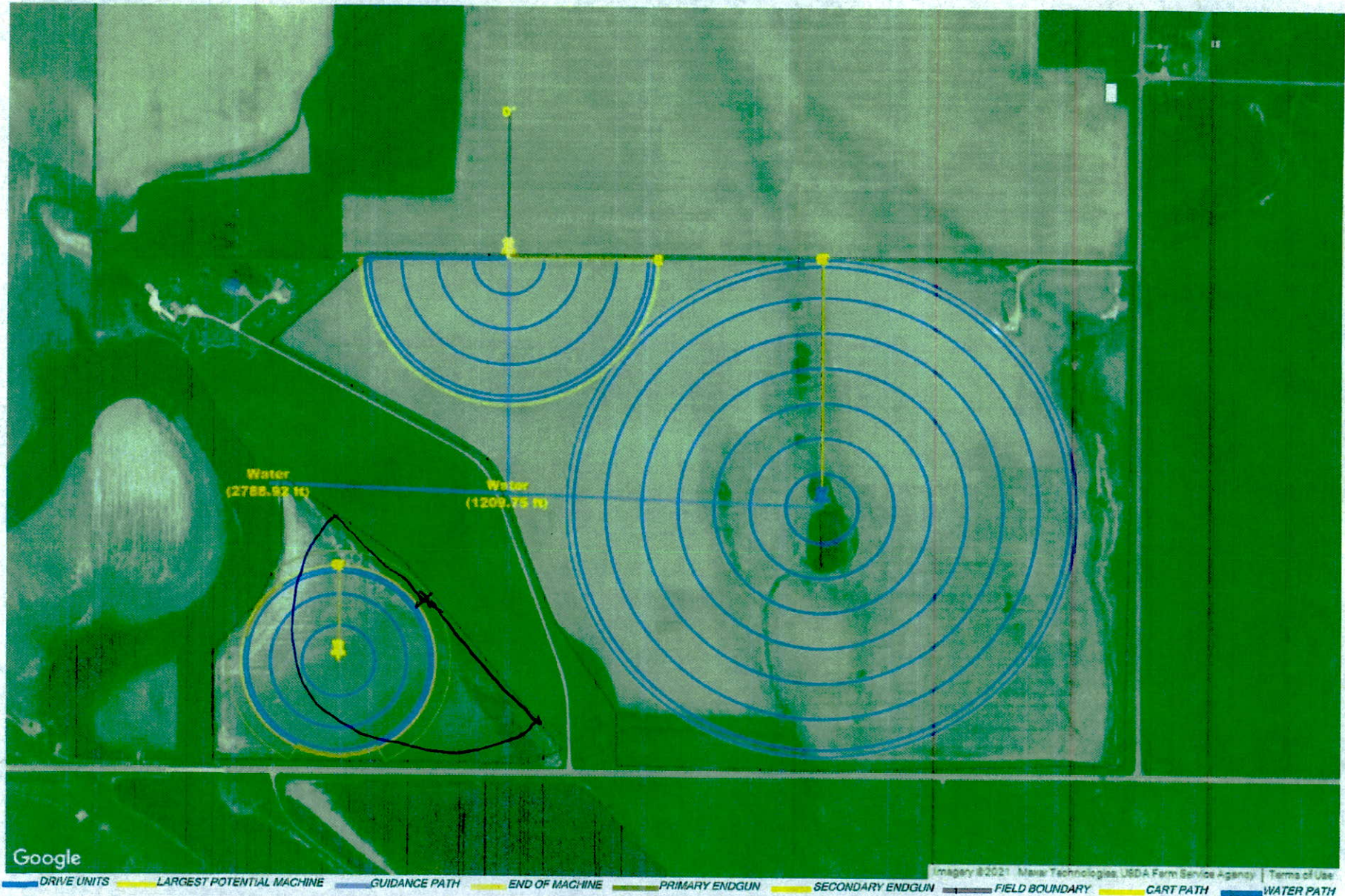
8. Give a description of the project. (Attach sheet if more space is needed)

Using James River as source to irrigate 30 acres of river bottom land with a center pivot.

I, Terry Wieting Owner, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.





RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

Date March 17, 2021

RECEIVED OF Terry Michael/Lori Lynne Wieting 40270 Riverbend Ln Huron SD 57350

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

Fee for Application for Permit No. <u>8498-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$500.00
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. _____	\$
Fee for Filing Transfer Form _____	\$
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$500.00

By *Eric Gronlund*
Chief Engineer
Em

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, April 30, 2021 9:52 AM
To: twieting@venturecomm.net
Subject: Water Permit Application No. 8498-3
Attachments: 1130.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8498-3, Terry Wieting**

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. 8498-3, Terry Wieting, 40270 Riverbend Ln., Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 8498-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and, 4) it is in the public interest with the following qualifications:

1. 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.
2. This permit does not authorize diversions from the James River when there is less than 20 cfs bypassing the gage at Huron SD after pumping.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Eric Gronlund, Chief Engineer
April 30, 2021

REPORT ON WATER PERMIT APPLICATION NO. 8498-3
TERRY WIETING
APRIL 20, 2021

Application No. 8498-3 seeks to appropriate 0.41 cubic feet of water per second (cfs) from the James River via the existing diversion point authorized under Water Permit No. 8473-3, located in the NW ¼ SW ¼ Section 33 for irrigation of 30 acres located S ½ SW ¼ Section 33; all in T113N-R61W. The site is located approximately twelve miles northeast of Huron, SD, in Beadle County.

Review of the Proposed Project and Water Source

Application No. 8498-3 (shown in Figure 1) proposes to appropriate a diversion rate of 0.41 cfs to irrigate 30 acres. The water source 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.

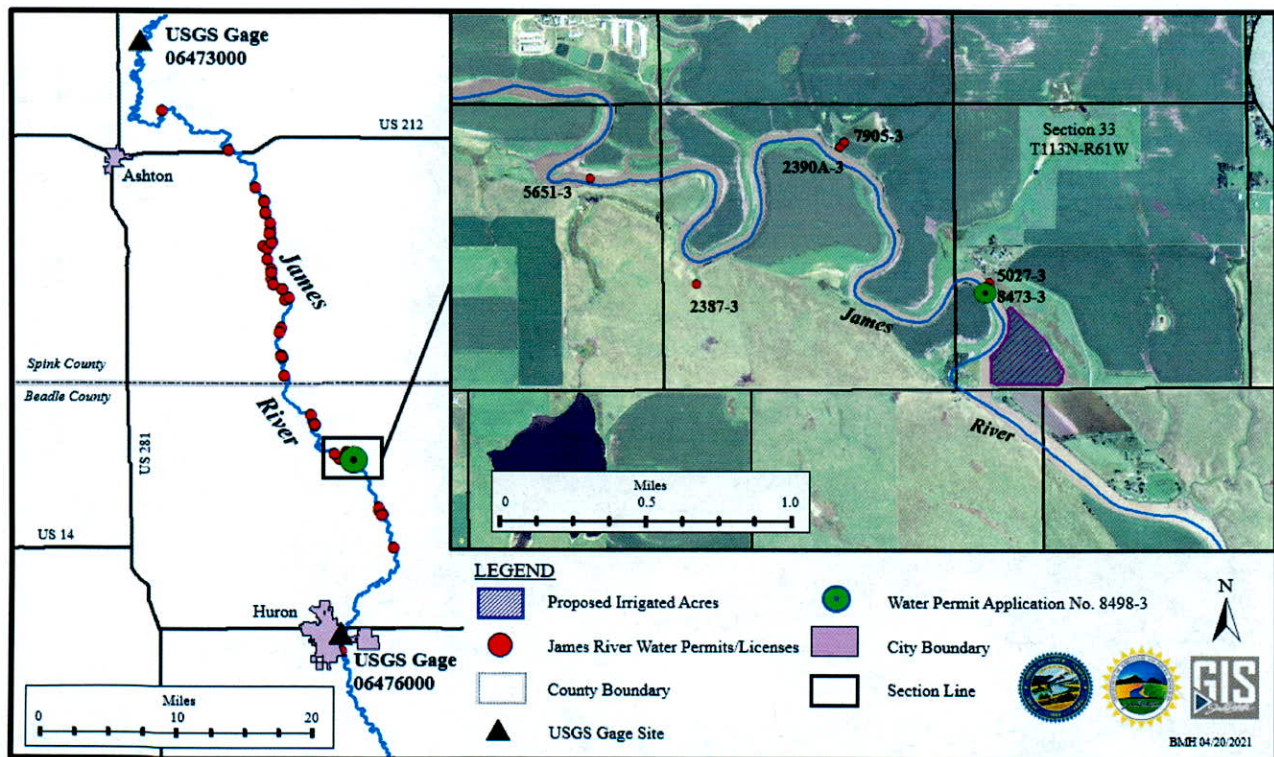


Figure 1. Map showing the location for the proposed irrigated acres, pertinent USGS gaging stations, and the location on the James River for the proposed diversion point for Application No. 8498-3.

Mean, often referred to as the average, and median, referred to as the 50th percentile, are statistical terms which delineate the predominant tendency of a data set. Mean is often considered a representative value of a data set and is calculated by summing of the data values then dividing that sum by the total number values in the data set. A median value is considered the central value which divides the data set into a set of values higher than the central value and a set of values

lower than the central value. The 50th percentile represents the amount of water expected once out of every two years.

The U.S. Geological Survey (USGS) operates stream flow gaging station No. 06473000, on the James River at Ashton, SD, located approximately 50 river miles upstream of this proposed application (USGS, 2021). Figure 2 is a graph containing daily mean flow values and daily median flow values, from the years 1945 - 2021, obtained from gaging station No. 06473000. The mean line shows that the flow rate of water steadily declines from 100 cfs in January to approximately 50 cfs by the beginning of March. Flow then sharply increases to approximately 1200 cfs by the end of April before sharply decreasing to approximately 600 cfs by the beginning of July. Flow is maintained around this level until the beginning of August before decreasing to approximately 250 cfs by mid-October. Flow remains at this level until mid-November before it steadily decreases to approximately 100 cfs by the end of December. The median line shows flow less than 20 cfs from January to March before sharply increasing to approximately 600 cfs by the beginning of May. Flow maintains this level until June before decreasing to approximately 50 cfs by mid-September. Flow remains around this level until December where it decreases to about 20 cfs by the beginning of January.

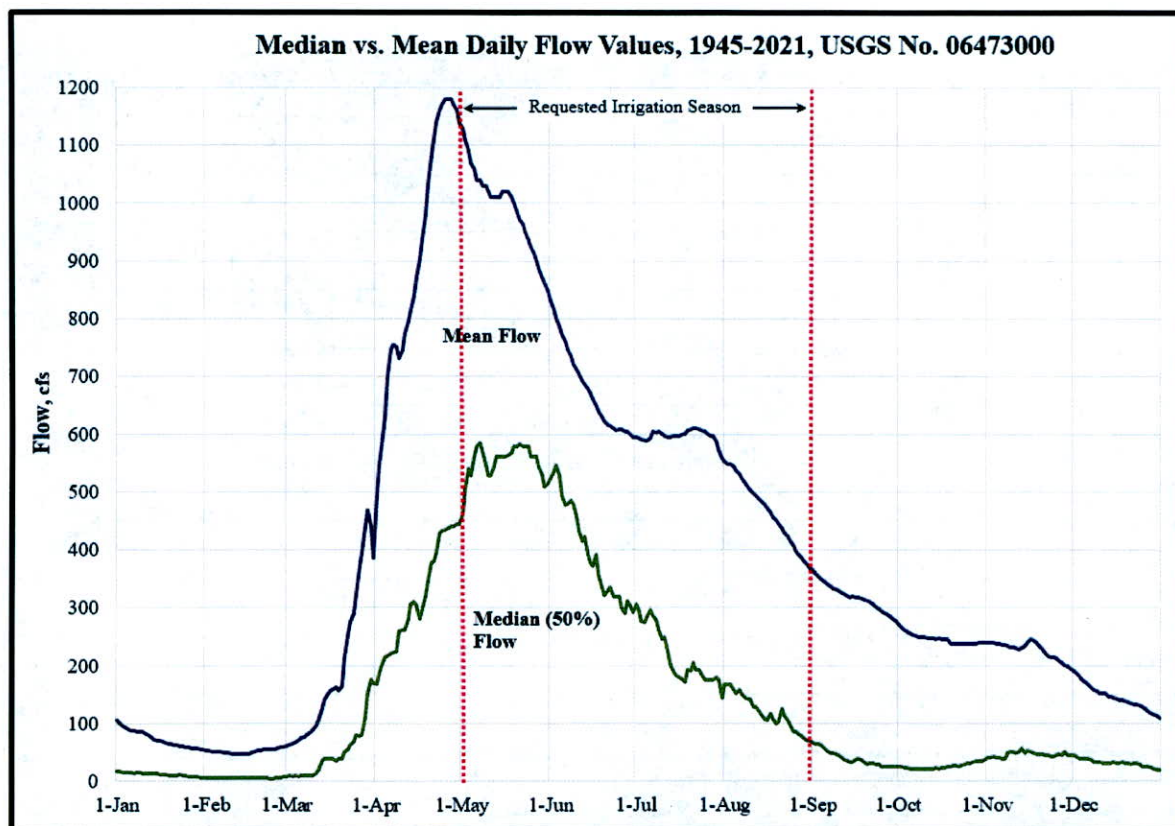


Figure 2. USGS gaging station No. 06473000 James River at Ashton, SD, Median versus Mean of daily flow values 1945-2021. Contributing drainage area of 8,333 mi² (USGS, 2021).

Both plots in Figure 2 illustrate peaks and trends over similar time frames. The most significant difference is that the mean line shows at least 250 cfs or more of water is available for the requested irrigation season. This can be expected because the mean value is significantly affected by

anomalous high values or low values within the data set tied to extreme events like floods or droughts. In this case, the high flow values produced by the spring runoff result in the mean line predicting considerably more water being available over a longer period of time when compared to the median line. Because the median value is not skewed toward anomalous data values, the median value is more representative of the historical flow characteristics for a stream location.

Hydrograph percentile data are shown in Figure 3 for USGS gaging station No. 06473000, from 1945 to 2021, on the James River at Ashton, SD. Percentile values are utilized to estimate water availability. The 50th percentile shows the flow rate which is met or exceeded 1 out of every 2 years; the 25th percentile shows the flow rate which is met or exceeded 3 out of every 4 years; the 10th percentile shows the flow rate which is met or exceeded 9 out of every 10 years. At the 50th percentile, flow is less than 20 cfs from January to March before sharply increasing to approximately 600 cfs by the beginning of May. Flow maintains this level until June before decreasing to approximately 50 cfs by mid-September. Flow remains around this level until December where it decreases to about 20 cfs by the beginning of January. At the 10th percentile, flow is negligible for most of the year and does not increase to above 30 cfs from April through July.

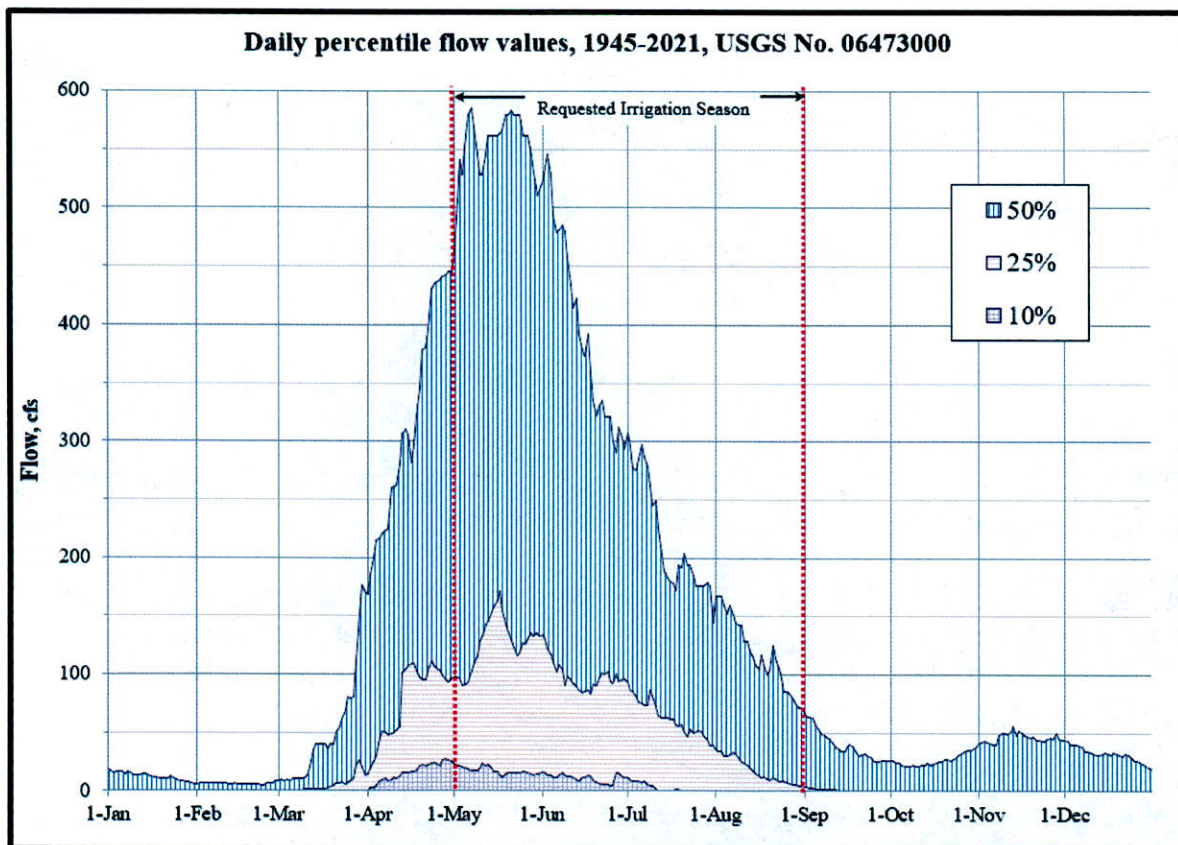


Figure 3. Daily percentile flow hydrograph for USGS gaging station No. 06471000, 1945-2020, on the James River at Ashton, SD, contributing drainage area of 8,333 mi² (USGS, 2021).

The USGS operates stream flow gaging station No. 06476000, on the James River at Huron, SD, located approximately 17 river miles downstream of the proposed project (USGS, 2021). Figure 4 shows plots of historical percentile data from 1943 to 2021 for this stream flow gage. At the 50th

percentile, the mean daily flow values are below 50 cfs until mid-March then drastically increase to approximately 650 cfs by mid-April. Flow rates are maintained at this level until mid-May before a steady decline to 100 cfs by the beginning of September. Flow stabilizes to approximately 50 cfs by October and maintains this condition for the remainder of the year. At the 10th percentile, winter flow is negligible until mid-March when flow increases to a maximum rate of 50 cfs by mid-April. Flow rates rise and fall periodically before declining to essentially zero flow by mid-July. Negligible flow conditions exist for the remainder of the year.

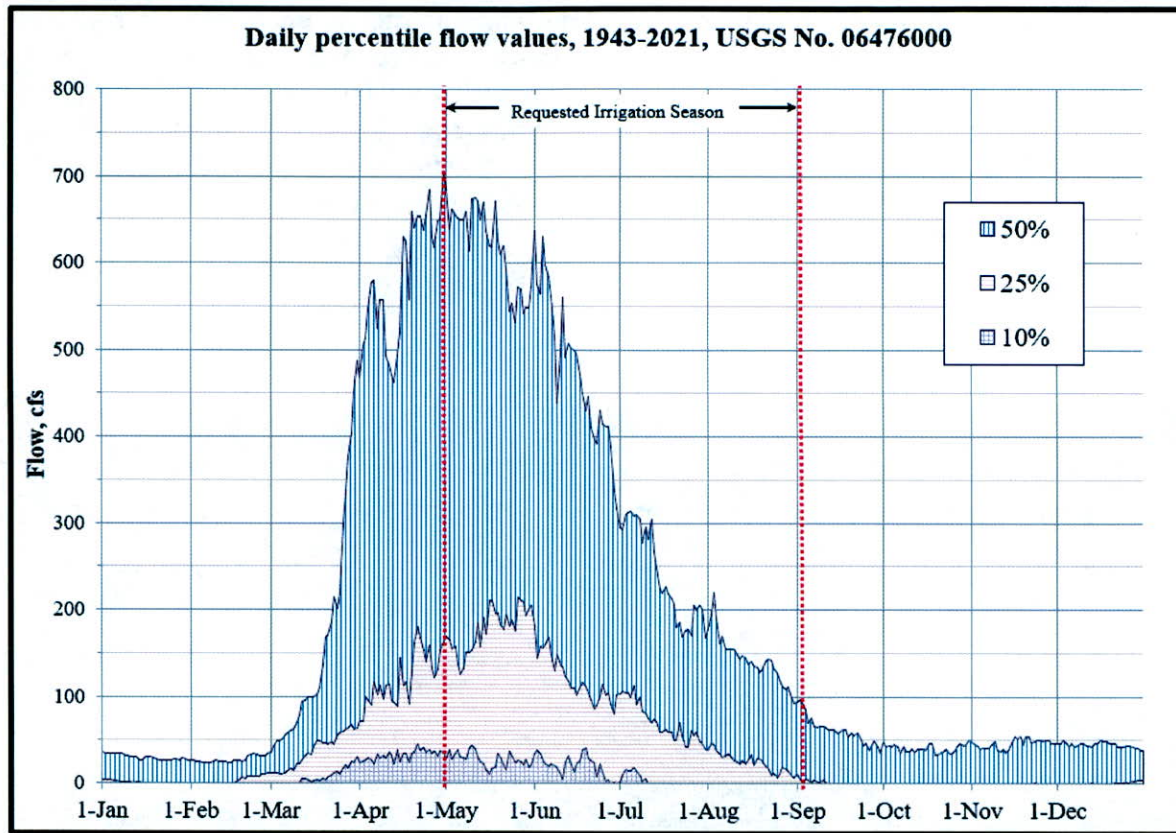


Figure 4. Daily percentile flow hydrograph for the USGS gaging station No. 06476000, 1943-2021, on the James River at Huron, SD, contributing drainage area 13,795 mi², (USGS, 2021).

Review of Existing Water Rights and Current Appropriations

In 1965, the SD Water Rights Commission, a predecessor to the SD Water Management Board, placed maximum diversion limits over sections of the James River in South Dakota. Due to Missouri River backwater into the James River, a 300 cfs diversion limit restriction applies to the river reach between the North Dakota border to the Yankton-Hutchinson county line (Water Rights. 2021). Of this restriction, a 200 cfs diversion limit restriction was placed from the North Dakota border to the USGS gaging station in Huron, SD. The SD Water Management Board has adopted these diversion limits.

This application will impact both diversion restrictions but, the 300 cfs restriction will be the controlling diversion limit for appropriation. Presently there are 116 water rights/permits appropriating water from the North Dakota border to the Yankton-Hutchinson county line, with 74 of these water rights/permits within the reach between the North Dakota border to the USGS

gaging station in Huron. The 74 water rights/permits appropriate a total of 186.88 cfs, which leaves 13.12 cfs of the 200 cfs available for appropriation. If this application to appropriate 0.41 cfs is approved, there will be 187.29 cfs of the 200 cfs diverting water from this section of the James River. However, the total appropriation of the 116 water rights/permits between the North Dakota border and the Yankton-Hutchinson county line is 289.98 cfs of the 300 cfs diversion limit. If this application to appropriate 0.41 cfs is approved, there will be 290.39 cfs of the 300 cfs limit diverting water from the James River. This will then limit additional appropriations to a total of 9.61 cfs between the North Dakota border and the Yankton-Hutchinson county line on the James River.

There are several permits (shown within the inset of Figure 1) within two miles of the proposed application location. One is a new permit, Water Right No. 8473-3 also issued to Terry Weiting, authorizes a diversion of 1.78 cfs and will provide the diversion location for this application. The other permit in close proximity is Water Right No. 5027-3, which appropriates 12.0 cfs for recreational and municipal use for the Lake Byron Watershed District. The additional permits (Nos. 2387-3, 2390A-3, 5651-5, and 7905-3) are irrigation permits licensed to divert a combined 7.35 cfs from the James River.

There is one future use permit (No. US594-3) reserving 500 cfs for the US Bureau of Reclamation. Excluding the future use permit, if this application is approved, there will be 290.39 cfs (of the 300 cfs limit) and 187.29 cfs (of the 200 cfs limit) that are appropriating water from the James River. Therefore, unappropriated water is available in both sections of the James River that possess diversion limit restrictions.

Discussion and Review of Qualifications

In 2007, Water Rights staff reviewed the shut-off and by-pass qualifications on all the existing James River water rights/permits. Based on this review, the Chief Engineer recommended modifying existing qualifications to standardize them. The Water Management Board adopted the standardized qualifications and modified the qualifications on existing water rights/permits to reflect these standard qualifications. In addition, it was the intent that future appropriations of water from the James River be administered with the same standardized qualifications (SD Water Rights. 2021).

Following the hearing, the James River water rights/permits contained 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 rights and any written orders issued by the Chief Engineer.

The water rights diverting in the most northern reach of the river upstream from the USGS gaging station near Huron, SD, contain the following qualification:

- This permit does not authorize diversions from the James River when there is less than 20 cfs by-passing the gage near Huron, SD after pumping.

Therefore, if approved, Application No. 8498-3 should contain this standardized language in any qualifications.

Conclusions

1. Application No. 8498-3 seeks to appropriate 0.41 cfs from the James River to irrigate 30 acres located approximately twelve miles northeast of Huron, SD.
2. The water source for the proposed project is the James River in Beadle County. There is currently 10.02 cfs of water available for appropriation anywhere in the James River reach from the North Dakota border to the Yankton-Hutchinson county line. Consequently, unappropriated water is available, and this application will not adversely impact existing appropriative or domestic users.
3. If this application is approved, there will be 290.39 cfs (of the 300 cfs limit) appropriating water from the James River reach between the North Dakota border and the Hutchinson-Yankton county line.
4. In accordance with the Water Management Board (2007) adopting standardized qualifications, if approved, Application No. 8498-3 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 near Huron, SD after pumping.



Blaise M. Hansen
Natural Resources Engineer I

Reviewed by:



Mark D. Rath
Natural Resources Engineer III

References

1. United States Geological Survey. 2020. *National Water Information System – USGS Surface-Water Daily Statistics for South Dakota*. 20 April 2021: <https://waterdata.usgs.gov>.
2. Water Rights. 2020. *Water Right/Permit Files*. SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

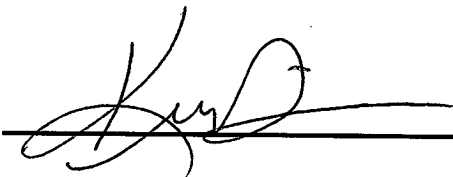
RECEIVED

JUN 01 2021

WATER RIGHTS
PROGRAM

Legal Notice Number: 0852

I, Kim Davis, 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 a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: SD ENVIRONMENTAL & NATURAL- WATER RIGHTS- WIETING, was published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on - 5/7/21. That the full amount of the fee charged for the publishing \$ 28.06 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 date 5/26/21.



Notary Public, South Dakota

My Term Expires 03/11/2022

NOTICE OF
APPLICATION
NO. 8498-3 to

Appropriate Water

Notice is given that Terry Wieting, 40270 Riverbend Ln, Huron SD 57350 has filed an application for a water permit to appropriate 0.41 cubic feet of water per second from the James River (existing diversion point authorized by Water Permit No. 8473-3) located in the NW 1/4 SW 1/4 Section 33 for irrigation of 30 acres located in the S 1/2 SW 1/4 Section 33; all in T113N-R61W. This site is located approximately 12 miles northeast of Huron near Lake Bryon.

Pursuant to SDCL 48-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8498-3 with qualifications 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 Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 17, 2021.

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.

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 recommendation with no hearing held before the Water Management Board. 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.

No. 0852 (adv.)

Published once at the total approximate cost of \$28.06

RECEIVED

JUN 01 2021

WATER RIGHTS
PROGRAM

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, April 30, 2021 9:49 AM
To: 'rcrandall@plainsman.com'
Subject: 8498-3, Terry Wieting
Attachments: 8498-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 7, 2021

Terry Wieting, 40270 Riverbend Ln, Huron SD 57350 (605 350-5142) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

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

April 30, 2021

Terry Wieting
40270 Riverbend Ln
Huron SD 57350

Dear Mr. Wieting:

Water Permit Application No. 8498-3 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 # 605 353-7414). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers 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 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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.

NOTICE OF APPLICATION NO. 8498-3 to Appropriate Water

Notice is given that Terry Wieting, 40270 Riverbend Ln, Huron SD 57350 has filed an application for a water permit to appropriate 0.41 cubic feet of water per second from the James River (existing diversion point authorized by Water Permit No. 8473-3) located in the NW 1/4 SW 1/4 Section 33 for irrigation of 30 acres located in the S 1/2 SW 1/4 Section 33; all in T113N-R61W. This site is located approximately 12 miles northeast of Huron near Lake Bryon.

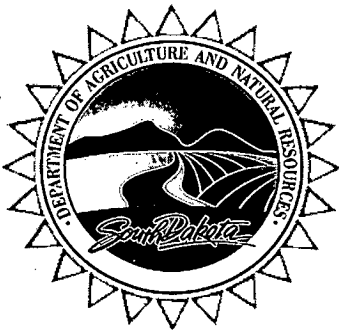
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8498-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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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 recommendation with no hearing held before the Water Management Board. 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.

Published once at the total approximate cost of__



8498-3

**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

JUN 17 2021

Terry Wieting
40270 Riverbend Ln
Huron SD 57350

Dear Mr. Wieting:

Enclosed is Water Permit No. 8498-3 authorizing construction of the 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,

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

enclosures



**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

8498-3

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

DEC - 2 2021

WATER RIGHTS
PROGRAM

Date

11-30-2021

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Terry Wierling

(name)

40270 Riverbend Ln

(address)

Huron, SD 57350

(city, state, zip)

605-350-5142

(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.

8498-3

Water Permit No. 8473-3 states that the water use system is to be constructed by

Mar 8 2026
(date)

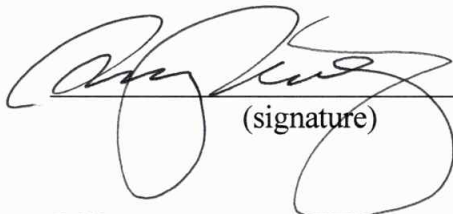
, and water is to be put to beneficial use by

Mar 8 2030
(date)

The water use system was completed on 6-10-2021
(date)

Applying the water to beneficial use was completed on 6-10-2021
(date)

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


(signature)

7-98





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 10, 2022

8473-3

8498-3

Terry Weiting
31166 300th St
Winner SD 57580

Dear Mr. Weiting:

This letter is in reference to your August 10, 2022, e-mail 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 September 15, 2022.

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 wish to continue pumping from the James River after September 15, you will need to make another request for an extension, and we will reevaluate water availability in the river at that time.

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

August 24, 2023

8473-3
8498-3

Terry Wieting
40270 Riverbend Ln
Huron SD 57350

Dear Mr. Wieting:

This letter is in reference to your August 23, 2023, e-mail 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 remainder of the 2023 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 or Brittan Hullinger of the Water Rights Program at phone (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program

8473-3
8498-3

Hullinger, Brittan

From: Duvall, Ron
Sent: Monday, August 12, 2024 8:14 AM
To: Hullinger, Brittan; Gronlund, Eric
Subject: FW: [EXT] Wieting River permit

Terry's request to keep irrigating from the James River.

From: twieting@venturecomm.net <twieting@venturecomm.net>
Sent: Saturday, August 10, 2024 12:26 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: [EXT] Wieting River permit

Ron,

Just making a written statement about pumping out of the James River and requesting to pump water until August 30th 2024. I am assuming I a good considering the river is high. But just making sure.

Terry



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

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

August 12, 2024

Permit Nos. **8473-3** & **8498-3**

Terry Wieting
40270 Riverbend Lane
Huron, SD 57350

Dear Mr. Wieting,

This letter is in reference to your August 10, 2024, 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 USGS stream gaging station James River at 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 2024 irrigation season.

In the event that dry climatic conditions in the river basin cause 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 Brittan Hullinger of the Water Rights Program at phone (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. 8473-3 & 8498-3

I have this day, June 20, 2025, made a thorough examination of the water use system constructed by Terry Wieting, 40270 Riverbend Ln, Huron, SD 57350 for Permit Nos. 8473-3 & 8498-3, bearing the respective priority dates of January 14, 2021 & March 17, 2021 authorizing the diversion of 1.78 cfs & 0.41 cfs, respectively, of the waters of Jame River for irrigation purposes, in Beadle County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: WATER SOURCE: JAMES RIVER

Pump: The same pump/diversion point is used for both

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

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating 60 hp

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

- 1) Type Buried PVC (both)
- 2) Size 10 (8473-3)/ unknown (8498-3) inches
- 3) Length 2800 ft (8473-3)/ 850 ft (8498-3)

Comments: 8473-3 Two 7-tower pivot/ 8498-3 The service line is tee'd from the pumping plant 10-inch discharge line

C. Works used to apply water to beneficial use:

Center pivot: 8473-3

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

Chemigation Equipment: Does chemigate N

Center pivot: 8498-3

- 1) Make Olson
- 2) Overall length 650 feet
- 3) Number of towers 4
- 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
- 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: JAMES RIVER DIVERSION POINT From the SE corner Sec 33 T113N R61W, 1500 ft N & 4350 ft W, Lat 44.54973 Long -98.17664 (NW 1/4 SW 1/4).
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:
legal description/acreage
All land in Sec 33 T113N R61W
NW 1/4 SW 1/4 - 1 acre
NE 1/4 SW 1/4 - 27 acres
SW 1/4 SW 1/4 - 10 acres
SE 1/4 SW 1/4 - 17 acres
NW 1/4 SE 1/4 - 39 acres
NE 1/4 SE 1/4 - 26 acres
SE 1/4 SE 1/4 - 23 acres
SW 1/4 SE 1/4 - 36 acres

comprising a total of 179 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:

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

Water Permit Nos. 8473-3 & 8498-3 share the same diversion point.

Contacted Mr. Terry Wieting (605/350-5142) on the phone during the field visit.

The mailing address and the phone number in the permit materials are current



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: June 23, 2025



James River floating platform pumping plant.

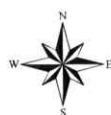
8498-3



DIVERSION POINT
 From the SE corner
 Sec 33 T113N R61W
 1500 ft N & 4350 ft W
 Lat 44.54973 Long -98.17664

IRRIGATED AREA
 All land in Sec 33 T113N R61W
 NE 1/4 SW 1/4 - 27 acres
 NW 1/4 SW 1/4 - 1 acre
 SW 1/4 SW 1/4 - 10 acres
 SE 1/4 SW 1/4 - 17 acres
 NE 1/4 SE 1/4 - 26 acres
 NW 1/4 SE 1/4 - 39 acres
 SW 1/4 SE 1/4 - 36 acres
 SE 1/4 SE 1/4 - 23 acres

TOTAL: 179 acres



0 600 1,200 2,400 3,600 4,800 Feet

Darrell DeBoer
 Water Right Inspector
 DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

SEP 02 2025

8473-3

8498-3

Terry Wieting
40270 Riverbend Ln
Huron, SD 57350

Dear Mr. Wieting:

Enclosed is Water License No. 8498-3. This is the final water right document completing your process of obtaining a Water Right. Included with the 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, please contact Amanda Dewell, Permitting Administrator, Water Rights Program (605) 773-3352.

Sincerely,

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

NOTES: The applicable portions of Water Permit No. 8473-3 have been incorporated into Water Right No. 8498-3.

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8498-3**

(1) Terry Wieting, 40270 Riverbend Lane, Huron SD 57350, made Application No. 8473-3, January 14, 2021, for a water permit to divert 1.78 cubic feet of water per second from the James River, in Beadle County, South Dakota for irrigation purposes. Permit No. 8473-3, with a priority date of January 14, 2021, was approved March 8, 2021, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 8, 2026, and for the application to beneficial use of water on or before March 8, 2030.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on December 2, 2021. The Notice stated the diversion system was completed and water was placed to beneficial use on June 10, 2021.

The applicable portions of Permit No. 8473-3 have been incorporated into this license.

Terry Wieting made Application No. 8498-3, March 17, 2021, for a water permit to increase the rate of diversion and number of irrigated acres already authorized by Permit No. 8473-3. Permit No. 8498-3, with a priority date of March 17, 2021, was approved May 17, 2021, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 17, 2026, and for the application to beneficial use of water on or before May 17, 2030.

The permit holder submitted a Notice of Completion of Works and Application of Water to Beneficial Use form on December 2, 2021. The Notice stated the diversion system was completed and water was placed to beneficial use on June 10, 2021.

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

- 1,500 ft N & 4,350 ft W of the SE corner Section 33, T113N, R61W (NW ¼ SW ¼)
(Latitude 44.54973 & Longitude -98.17664)

(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: May 1 – August 31.

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

Section 33, T113N, R61W			
NE ¼ SW ¼	27 acres	NE ¼ SE ¼	26 acres
NW ¼ SW ¼	1 acre	NW ¼ SE ¼	39 acres
SW ¼ SW ¼	10 acres	SW ¼ SE ¼	36 acres
SE ¼ SW ¼	17 acres	SE ¼ SE ¼	23 acres
TOTAL: 179 acres			

continued

(5) Pursuant to South Dakota Water Law 46-5-30.1 Terry Wieting, the holder and/or owner of Water Right No. 8498-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from the James River, with priority dates of January 14, 2021 (1.78 cfs & 155 acres) and March 17, 2021 (24 acres), 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. 8498-3 and subject to the following qualifications:

1. 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.
2. This Permit does not authorize diversions from the James River when there is less than 20 cfs bypassing the gage at Huron SD after pumping.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Mark Mayer, PE
Director of the Office of Water
Department of Agriculture and Natural Resources



date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 11, 2026

8498-3

Terry Wieting
40270 Riverbend Lane
Huron SD 57350

Dear Mr. Wieting,

This letter is in reference to your August 11, 2026, request for an extension to pump water from the James River, beyond the annual August 10th shutoff date.

Flows in the James River, in the reach between North Dakota and the USGS stream gaging station at Huron are sufficient, at this time, to allow an extension. Since there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your Water Permits and Rights appropriating water from the James River, allowing diversions through August 24, 2026.

If continued use is needed beyond August 24, 2026, please contact the Water Rights Program for an additional extension. At this time, we are only granting extensions for the James River in two-week increments, since the forecast is for continued hot and dry conditions throughout August.

In the event that dry climactic conditions in the river basin cause river flows to significantly decrease, and flow measured at the USGS stream gaging station at Huron drops below 20 cfs, you will be contacted and provided orders to cease pumping. Realtime flows in and 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 Whitney Kilts with the Water Rights Program at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE
Chief Engineer, Water Rights Program
SD - DANR



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 27, 2026

8498-3

Terry Wieting
40270 Riverbend Lane
Huron SD 57350

Dear Mr. Wieting,

This letter is in reference to your August 26, 2026, request for an extension to pump water from the James River, beyond the annual August 10th shutoff date.

Flows in the James River, in the reach between North Dakota and the USGS stream gaging station at Huron are sufficient, at this time, to allow an extension. Since there is sufficient flow in the James River, I am granting your request to extend the shutoff date for your Water Permits and Rights appropriating water from the James River, allowing diversions through September 9, 2026.

If continued use is needed beyond September 9, 2026, please contact the Water Rights Program for further extension. We are only giving extensions for the James River in two week increments at this time, since the forecast is for continued hot and dry conditions throughout August and September.

In the event that dry climactic conditions in the river basin cause river flows to significantly decrease, and flow measured at the USGS stream gaging station at Huron drops below 20 cfs, you will be contacted and provided orders to cease pumping. Realtime flows in and 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 Whitney Kilts with the Water Rights Program at (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE
Chief Engineer, Water Rights Program
SD - DANR