

K

1. Considered: June 9, 1982 Water Right No. 1252-1
2. Name of Applicant LEO WEYRICH (SW 1/4 10-6N-8E)
3. Post Office Address HOWES Rt. Box 24, STURGIS 57785
4. Amount of Water Claimed 0.64 maximum acre feet _____
5. Source of Water Supply BELLE FOURCHE RIVER
6. Water to be used for IRR acres to be irrigated 45
7. County MEADE about 7 1/2 E, 2 1/2 N miles of BEAR BUTTE
8. PROOF OF PUBLICATION: Received 1st 5-27-82 Not Received _____
- APPLICATION: Approved _____ Subject to _____
- Not Approved _____ Action Deferred 6/9/82 - see note

PRIORITY _____ Dated Received 3-31-82 Application complete-yes _____ no _____ FEE 150⁰⁰

Remarks _____

Corrected Application received _____ Period of Annual Use 5/1 - 10/31

WATER QUALITY Received yes ☒ no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes ☒ no _____ Remarks _____

Disapproved _____ Returned _____

					<u>4</u>

Diversion Point _____

NE⁴ NE⁴ SEC. 4-T6N-R8E

Land to be irrigated _____

NE⁴ SEC. 4-T6N-R8E

WELL LOG Driller _____ Licensed - yes _____ no _____

Depth _____

Remarks _____

MAP Map No. 1059-1 Map located in Water Right ✓ Map file _____
 Type of Map Aerial Prepared by SCS

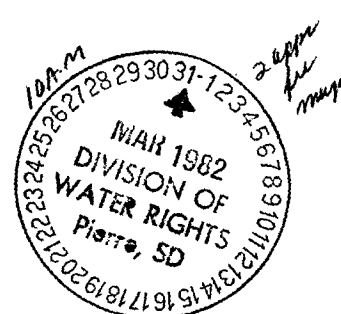
REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

May 10, 1982

Senay Young
 (Signed)

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 1252-1Map No. 1059-1 Water Division No. 1 Belle Fourche District
Above for Office Use 10120202

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Leo Weyrich Phone No. 605-347-2107
 Post Office Address HC 77 Box 236 Sturgis State South Dakota 57785
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation N/A

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & direct labor3. Name of diversion work Weyrich Irrigation Project #24. Amount of water claimed (cubic feet per second) 0.64 cfs5. Source of water supply Belle Fourche River6. Location of point of diversion Approximate location of pump site will be 70 rods west and 30 rods south of the NE corner of section 4 - T6 - R8.County Meade7. Annual period or periods during which water is to be used May through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 45 ac.

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW NE of Sec. 4-T6-R8	<u>13</u>		
SE NE of Sec. 4-T6-R8	<u>25</u>		
NW NE of Sec. 4-T6-R8	<u>5</u>		
NE NE of Sec. 4-T6-R8	<u>2</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Meade Co. Times-Tribune
Sturgis, SD 57785

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Irrigation pump at bank of Belle Fourche River

B. Works proposed to transport water to place of use.

Underground plastic pipe from pump site on Belle Fourche River to field boundary.
Above ground portable aluminum pipe will be used to carry water to volume gun hose.

C. Works proposed to apply water to beneficial use.

Volume Gun sprinkler system will be used because of odd-shaped fields.Estimated Total Cost \$ 12,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
County of Meade) ss.I, Leo Weyrich the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Leo Weyrich
Subscribed and sworn to before me this 26 day of March, 1982
Charles J. Wilson
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. _____

(Applicant)

(Post Office Address)

(State)

With the following qualifications.

Date of first receipt of application _____, 19____

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved _____, 19____, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. _____

The Water Management Board hereby grants and issues this Water Right Permit No. _____ authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19____
3. The whole of said work is to be completed on or before _____, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____
5. The water appropriated shall be used for the purpose of _____

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before _____, 19____; said water to be used during the following described annual period: _____

Witness my hand this _____ day of _____, 19____

THE WATER MANAGEMENT BOARD

By: _____
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

**SOUTH DAKOTA
WATER PERMIT No. 1252-1 FOR IRRIGATION**

Date of first receipt of application March 31, 1982.

Date Soil/Water Compatibility Permit received May 10, 1982.

The Water Management Board approved Water Permit Application No. 1252-1 on October 3, 1990 for Leo Weyrich, HC 77, Box 236, Sturgis, SD 57785 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. 1252-1 appropriates 0.64 cubic feet of water per second from the Belle Fourche River to irrigate 45 acres. The diversion point is to be located in the NE1/4 NE1/4 and the land to be irrigated is located in the NE1/4; all in Section 4 T6N-R8E.
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 - October 31.
3. The date from which applicant may claim right is March 31, 1982.
4. One-fifth of the construction is to be completed on or before April 3, 1993.
5. All construction is to be completed on or before October 3, 1995.
6. Water is to be put to beneficial use on or before October 3, 1999.
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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

John H. H. H.
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

DEC 19 1990

(date)

NE corner
Sec. 4-
T6-R8

Prepared by
Daneel Vig, DC
Sturgis, SD

25-4L

Pump
P.O.D

Areas to be irrigated

SCS - CPA - 16
2 - 81

CONSERVATION PLAN MAP

Owner Leo Weyrick Operator Same
County Meade State S.D. Date 3/82
Approximate acres _____ Approximate scale 8" = 1 mile
Cooperating with EIK Creek Conservation District _____
Plan identification _____ Photo number _____
Assisted by Darrell Vig, DC USDA Soil Conservation Service

Map# 1059-1
App'l# 1252-1

6-8

254 L

5.8

26

10-2	3.4				13.9	9.2	19.2	9.2	19.2	19.2	19.2
------	-----	--	--	--	------	-----	------	-----	------	------	------

5.7 5.1

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8787

PIERRE, March 31, 1982

RECEIVED OF Leo Weyrich, Howes Route, Box 24, Sturgis, SD 57785

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

1252-1		
Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

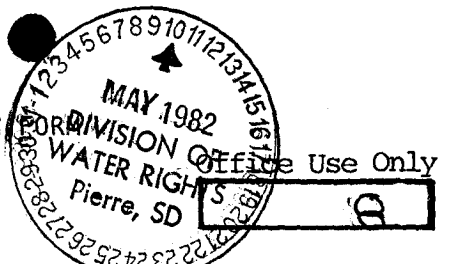
WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH (ms)

SOIL/WATER COMPATIBILITY PERMIT APPLICATION

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNERS NAME: Leo Weyrich OWNERS ADDRESS: Howes Rt. Box 24
Sturgis, South Dakota 57785

COUNTY LAND LOCATED IN: Meade Co. PHONE: 605-347-2107

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)
1. WELL LOCATION OR DIVERSION POINT: Approximate location of pump site will be 70 rods west and 30 rods south of NE corner of section 4-T6-R8

2. SURFACE WATER SOURCE: Belle Fourche River

3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
SW 1/4 NE 1/4 of Sec. 4-T6-R8	13		
SE 1/4 NE 1/4 of Sec. 4-T6-R8	25		
NW 1/4 NE 1/4 of Sec. 4-T6-R8	5		
NE 1/4 NE 1/4 of Sec. 4-T6-R8	2		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: 45 acres CENTER PIVOT: _____ GUN: X OTHER: _____ (Specify)

5. CROPS TO BE IRRIGATED: Alfalfa and grass

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: None
LEGAL DESCRIPTION: None
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: Belle Fourche River

8. SALINITY (EC X 10⁶): 1810

9. SODIUM (SAR): 1.57

10. ADJUSTED (SAR): 3.74

Note: Source of irrigation water will be the Belle Fourche River. Analysis on file.
I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____ by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

DAY OF _____, 19____.

[Signature]
(NOTARY PUBLIC)

IMPORTANT

[Signature]
APPLICANT'S SIGNATURE

[Signature]
Director, Division of Conservation

____ APPROVED
____ DISAPPROVED
X CONDITIONALLY APPROVED

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

Conditional

3048

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Leo Weyrich - Meade County

LEGAL DESCRIPTION: Portions of the NE 1/4 4-6-8 = 45 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

ZAD Zigwield-Nihill Complex - Is too steep for irrigation.

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

The Lohmiller and Glenberg soils channeled are subject to flooding. Also the Lohmiller soils may have a salt buildup, these soils should remain in permanent vegetation.

The Santanta soils - are suitable for irrigation but additional water should be applied for leaching of salt.

The Mann - accumulate salts rapidly, internal drainage recommended.

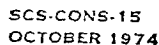
Be placed on Monitoring program.

RECOMMENDED MANAGEMENT:

Leo W. Weyrich
SIGNATURE

5-6-82
DATE

RBE

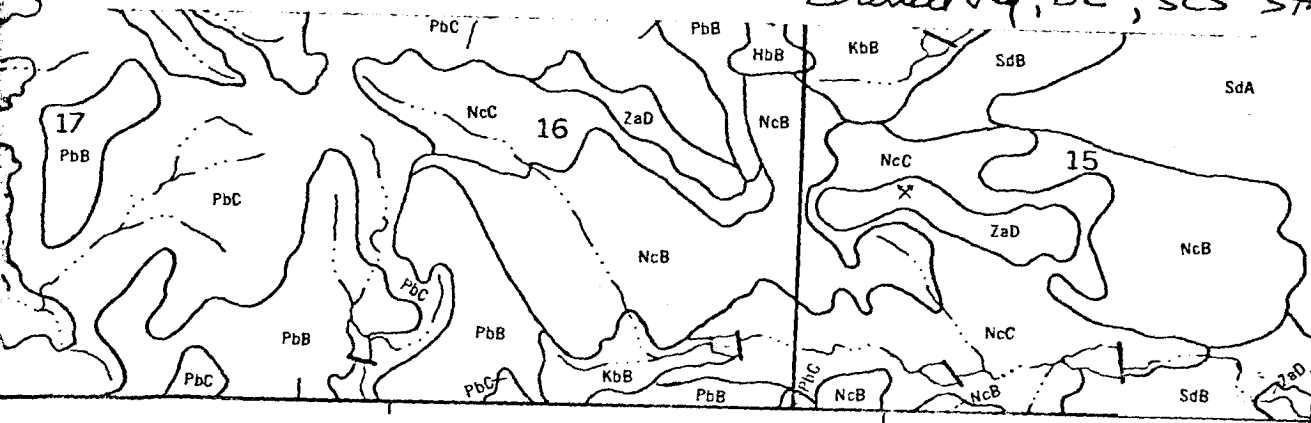


U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Owner Leo Weyrick Operator Same
County Meade State South Dakota
Soil survey sheet(s) or code nos. 24 Approximate scale 2.65" = 1 mi.
Prepared by U.S. Department of Agriculture, Soil Conservation Service cooperating
with EIK Creek Conservation District

Prepared by U.S. Department of Agriculture, Soil Conservation Service cooperating
with EIK Creek Conservation District

Danell Vig, DC, SCS Sturgis.



This map is compiled on 1974 aerial photography by the U. S. Department of Agriculture, Soil Conservation Service and cooperating agencies. Coordinate grid ticks and land division corners, if shown, are approximately positioned.

RECEIVED

APR 20 1982

South Dakota
Division of Conservation

April 16, 1982

Leo Weyrich
Howes Rt. Box 24
Sturgis, SD 57785

Dear Mr. Weyrich:

Enclosed is a copy of the water quality data for the Belle Fourche River near Sturgis. This is a composite of information gathered through the months of June, July, and August and published in the U.S. Geological Survey water data report SD-79-1.

I have plotted the approximate quality of your water by means of a red cross in the chart located on the back cover of the accompanying AES pamphlet #13.

The water quality of the Belle Fourche River is classified as high saline, low sodium. It is marginally suitable as a source for irrigation due to the presence of substantial amounts of calcium-sulfate and magnesium-sulfate salts.

Irrigation application rates should exceed crop requirements. This will allow some of the moderately heavy salt dissolved in Belle Fourche River to pass through the soil rooting zone (top two feet).

The Glenberg fine sandy loam, Bankard very fine sandy loam, Nihill gravelly loam, and the Satanta loam found in the NE 1/4 of Sec. 4-6-8 are compatible with the quality of water from the Belle Fourche River. However, the Nunn clay loam and the Zigweid-Nihill complex may pond under irrigation and accumulate salts rapidly. The Lohmiller-Glenberg channel located in the SW 1/4 of the NE 1/4 Sec. 4-6-8 is generally not suited to cultivation or irrigation development because of periodic flooding.

If a salt build-up does occur under irrigation, please contact your county extension agent or this office for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the Division of Conservation for their action.

Sincerely yours,

Michael H. Sanders
Water Quality Lab
Division of Conservation
MHS:ckb
Enclosures
cc: Division of Conservation
Division of Water Rights
D. Pahl, Extension Service



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Submitted by:

Date Rec'd September 1979

Address:

Sample No. Belle Fourche River nr Sturgis

Identification SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 3-6-8

WATER ANALYSIS

Calcium (Ca)	195.00	ppm*	9.74	me/l**
Magnesium (Mg)	75.25	ppm	6.26	me/l
Sodium (Na)	99.5	ppm	4.33	me/l
Potassium (K)	11.87	ppm	0.30	me/l
Sulfate (SO ₄)	862.5	ppm	17.96	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	15.25	ppm	0.43	me/l
Bicarbonate (HCO ₃)	180.0	ppm	2.95	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	797.5	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)		ppm (as CaCO ₃)		
Electrical Conductivity	1810	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.57	Adjusted SAR	3.74	
Sodium	23.00	% of cations		
Residual sodium carbonate	0	me/l		
pH	8.32			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total Cations: 20.63
 Total Anions: 21.34

All value transcribed from the Water Resources Data for South Dakota, Water Year 1979. U.S. Geological Survey water data report SD-79-1

By: Michael H. Sanders

Service Performed

Amount Due

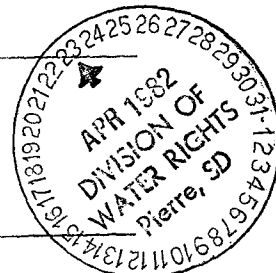
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No.

Amount Enclosed \$

Signed





Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Division of Water Rights
(605) 773-3352

April 1, 1982

Leo Weyrich
Howes Route, Box 24
Sturgis SD 57785

Dear Mr. Weyrich:

Your application dated March 26, 1982 for a permit to appropriate water from the Belle Fourche R. through the Weyrich Irri. Project #2 was received March 31, 1982.

We have not, as of this date, received the soil/water compatibility approval from the State Conservation Commission. For required procedures and forms, please contact that office at 773-3259.

When this information is received further processing of your application will proceed.

To MAINTAIN YOUR PRIORITY DATE ON YOUR APPLICATION FOR PERMIT TO APPROPRIATE WATER, in accordance with SDCL 46-5-16, you will now have SIXTY DAYS from the date of this letter to correct your application and/or to have the above information submitted to this office.

Your Receipt No. 4 8787 in the amount of \$ 150.00 is on file with your application.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

Equal Opportunity Employer



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
(605) 773-3352

No. 1252-1

May 12, 1982

Dorothy Allison
MEADE CO TIMES-TRIBUNE
Box 776
Sturgis SD 57735

Dear Ms. Allison:

Enclosed is a Notice of Intent to Appropriate Water by Leo Weyrich

Application No. 1252-1, in Meade County, South Dakota. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on, or before May 19, 1982.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The applicant is to pay the cost of publication and should make the necessary arrangements with you to pay these costs.

Please receipt for this notice IMMEDIATELY after first publication attaching thereto a copy of the first publication so that it may be compared with the records. For your convenience, you may use the printed form below for this purpose.

After final publication, please complete and mail to this office, the enclosed Form 8 to furnish Proof of Publication. The permit to appropriate water cannot be issued until this proof of final publication is received. This Proof of Publication must be filed within 60 days of this notice for the applicant to retain his priority.

For the Water Management Board,

Encl: Forms 6 & 8

cc: Applicant

Genny Young

Betty Westlund, Water Rights Specialist

No. 1252-1

Date _____

TO: Water Rights Division
Joe Foss Building
Pierre, SD 57501

We are in receipt of your letter of _____, 19____ enclosing Notice of Proposed Appropriation of Water, as proposed in Application No. _____ which was first published in our issue of _____, 19____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____

NEWSPAPER _____

**Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
(605) 733-3352

May 12, 1982

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

Leo Weyrich
Howes Rt, Box 24
Sturgis SD 57785

Dear Mr. Weyrich:

You are hereby notified that your Application No. 1252-1 for a permit to appropriate water for irrigation use, has been examined and found to comply with the water laws of South Dakota and the regulations thereunder. A notice of your intent to appropriate water has been sent to the

Publisher of the MEADE CO TIMES TRIBUNE printed at Sturgis, South Dakota. For your information, a copy of this notice is enclosed.

BE SURE TO CONTACT THE LEGAL AD DEPARTMENT OF THE ABOVE NEWSPAPER TO AUTHORIZE PUBLICATION OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER AND TO ARRANGE FOR PAYMENT. EARLY CONTACT WITH THE PAPER CAN ELIMINATE DELAYS IN PRINTING THE NOTICE AND TRANSMITTAL OF PUBLICATION NOTICES TO THIS OFFICE. THE PUBLISHER HAS BEEN INSTRUCTED ON WHAT DATES HE IS TO PUBLISH THE NOTICE OF YOUR APPROPRIATION OF WATER ONCE EACH WEEK FOR TWO CONSECUTIVE WEEKS PRIOR TO THE WATER MANAGEMENT BOARD MEETING WITH THE LAST PUBLICATION TO OCCUR AT LEAST FOUR LEGAL BUSINESS DAYS BEFORE THE BOARD MEETING. ANY INTERMEDIATE SATURDAY, SUNDAY OR LEGAL HOLIDAY DOES NOT COUNT AS A LEGAL BUSINESS DAY. AT LEAST THE FIRST PUBLICATION NOTICE MUST BE RECEIVED PRIOR TO THE WATER MANAGEMENT BOARD MEETING FOR THE HEARING TO BE CONDUCTED.

You should know that the Publisher is to furnish proof of publication to the Water Management Board within 60 days of the date of this letter, otherwise South Dakota Statute requires that your application lose its priority until proof of publication is received in proper form.

For the Water Management Board

GEMMY YOUNG
Water Rights Specialist

Encl. Forms 6 & 7 and receipt No.
4 8787 in the amount of \$150

WNR-805-4/82
Publication Notice

No. 1252-1

Publish first publication, on or before May 19, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 12, 1982

Notice is hereby given Leo Weyrich whose post office

address is Howes Rt, Box 24, Sturgis, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 (~~gravel~~) ~~46-6-2 thru 46-6-5, 46-6-6, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-28, (transfer lands) 46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (future use) 74:02:01:25 thru 74:02:01:28 (10,000 AFD) 74:02:07:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use

0.64 cubic feet of water per second of time from the Belle Fourche River through the Weyrich Irrigation Project #2, the point ~~(a)~~ of diversion which is ~~(a)~~ to be located in the NE 1/4 NE 1/4

of Section 4, Twp. 6N, Range 3E. Said water to be used for purpose of providing irrigation on portions of the following described land:

NE 1/4 Section 4, T6N, R8E

This Application No. 1252-1 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 9th day of June, 1982.

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

cc: applicant

Genny Young ~~BUTCHMOREHEAD~~, Water Rights Specialist

WNR-806-2/82

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Meade)

I, Dorothy Allison hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Meade County Times-Tribune

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

City of Sturgis

County of Meade and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

May 19, 1982

May 26, 1982

Linda Adams
(Signature)

Bookkeeper
(Title)

May 26, 1982
(Date Signed)



Cost of Printing: \$20.61

56 lines @20.44 per line first publication

56 lines @16.35 per line second publication

8 pt. type 13 pica column

**NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE
WATER**

Notice is hereby given Leo Weyrich whose post office address is Howes Rt., Box 24, Sturgis, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use 0.64 cubic feet of water per second or time from the Belle Fourche River through the Weyrich Irrigation Project No. 2, the point of diversion which is to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Twp. 6N, Range 8E. Said water to be used for purpose of providing irrigation on portions of the following described land: NE $\frac{1}{4}$ Section 4, T6N, R8E.

This Application No. 1252-1 will be considered by the Water Management Board at Meeting Room No. 1, Kneip Bldg., Church & Illinois, Pierre, SD upon the 9th day of June, 1982 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNr, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board
(s) Genny Young
GENNY YOUNG, Water Rights
Specialist

Publ May 19 & 26, 1982
Times-Tribune



Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

1252-1

June 21, 1982

Leo Weyrich
Howes Rt, Box 24
Sturgis SD 57785

Dear Mr. Weyrich:

The Water Management Board deferred action on your Application No. 1252-1 at the June 9, 1982 Board meeting, to allow the question on ownership of the proposed diversion point to be answered.

If you have any questions, feel free to contact this office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

cc: Norma Septka

RR 8-8-82

NORMA SEPTKA - STURGIS

CALLED SAYING THE POINT
OF DIVERSION ON APPL N^o 1252.1
OF LEO WEYRICH IS ON HER
LAND - NO EASMENT HAS BEEN
GRANTED TO MR WEYRICH

SHE PLANS ON BEING HERE

Conversation or File Documentation

NAME OF PERSON OR FILE: Leo WeyrichADDRESS: Hower Rt. Sturgis COUNTY DATE: TELEPHONE RE: Concerning deferred status of application 1252-1

COMMENTS:

On Sept. 30, 1982 Tim School and myself visited with Mr. Weyrich about his application. He stated that Mrs. Septha and he were just about ready with an agreement concerning the diversion point located on Mrs. Septha's land. He stated that when an agreement is reached he will send us a copy so we can proceed with his application.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Kevin C. Larson

Conversation or File Documentation

NAME OF PERSON OR FILE: Leo Weyrich

ADDRESS: _____ COUNTY _____

DATE: March 27, 1990 TELEPHONE 347-2107

RE: Status of deferred application No. 1252-1

COMMENTS:

Leo Weyrich called regarding the allowable pump rate authorized by Application No. 1252-1. Mr. Weyrich indicated the pump rate was 0.64 cfs but Mr. Weyrich was planning on purchasing a 1000 gpm pump. I informed Mr. Weyrich that Application No. 1252-1 was still in deferred status. Mr. Weyrich stated he had a February 1988 letter indicating that (No. 1252-1) his "irrigation" permit was approved. Mr. Weyrich also noted that the letter was signed by Tim Stukel. I informed Mr. Weyrich that Mr. Stukel was referring to the soil/water compatibility permit, not the water permit. Mr. Weyrich is working on obtaining the required easement to have No. 1252-1 reconsidered by the Board.

Pant

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Durrall

PUMP SITE AGREEMENT



The parties to this Agreement are as follows:

- A. Norma Septka, hereinafter referred to as SEPTKA,
and
- B. Leo Weyrich and Yvonne Weyrich, hereinafter
referred to as WEYRICH.

WHEREAS, SEPTKA is the owner of Lots 1, 2 and 3, of Section 4, Township 6 North, Range 8 East of the Black Hills Meridian, Meade County, South Dakota (hereinafter referred to as the Septka Property), and

WHEREAS, WEYRICH are the owners of approximately 45 acres of real property in the Northeast Quarter of Section 4, Township 6 North, Range 8 East of the Black Hills Meridian, Meade County, South Dakota (hereinafter referred to as the Weyrich Property), and

WHEREAS, the Septka Property is adjacent to the Belle Fourche River, and

WHEREAS, SEPTKA and WEYRICH have reached an agreement whereby SEPTKA shall allow WEYRICH to place a water pump on the Septka Property for the purposes of pumping water from the Belle Fourche River to the Weyrich Property, now therefore,

THE PARTIES AGREE AS FOLLOWS:

1. SEPTKA does hereby allow WEYRICH to place a water pump on the Septka Property. The pump site shall be fenced and the irrigation pipe running from the Septka Property to the South Dakota State Highway 34 Right of Way shall be buried by WEYRICH. The power source for the pump shall be propane gas.

2. WEYRICH shall use only the existing access road on the Septka Property for access to the pump site to the area where the road is closest to the pump site, at which point WEYRICH shall be allowed to go off the existing road to the pump site for use and service of the pump.

3. The term of this Agreement shall commence as of the date of the signing of this Agreement and shall terminate on the 1st day of November, 1999, both dates inclusive.

2

COUNTY OF MEADE)

On this 11th day of May, 1990, before me, a Notary Public, within and for said County and State, personally appeared LEO WEYRICH and YVONNE WEYRICH, known to me to be the persons who are described in and who executed the within and foregoing instrument and they acknowledged to me that they executed the same for the purposes therein contained.

(SEAL)

Janice Lundgren
NOTARY PUBLIC
Commission Exp: 11-24-91

Conversation or File Documentation

NAME OF PERSON OR FILE: Leo WeyrichADDRESS: Howes Rt, Box 24 Sturgis, SD 57785 COUNTY MeadeDATE: 5/16/90 TELEPHONE 347-2107

RE: _____

COMMENTS: (@ 11:30)

Mr. Weyrich called to see if we received the easement on Permit No 1252-1 and if we had found his application. We found the application. This application was deferred in 1982 because the question of ownership of the proposed diversion had to be answered.

I talk with John Hatch regarding this permit. He said ~~with the~~ the application should have a report prepared to ensure water was available, and that the application may need to be readvertised.

I called Mr. Weyrich and told him that the application would not make the May 23 Board mtg. Also, that the chief engineer wanted a report prepared and that we would probably readvertise the application. Mr. Weyrich expressed that he would like to be able to irrigate yet this summer. I stated again that the ^{application} would not up for consideration at the May 23 Board meeting

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Lundlund

Conversation or File Documentation

NAME OF PERSON OR FILE: Leo WeyrichADDRESS: _____ COUNTY MeadeDATE: 6/12/90 TELEPHONE 347-2107

RE: _____

COMMENTS:

I called Mr. Weyrich on whether he was still planning to purchase a ~~pump~~ 1000 gpm pump. ~~I~~ (See File Documentation 3/27/90 by Ron Duvall) I explained that the amount of water claimed ~~is~~ was 0.64 cfs ^(288 gpm) on the application and that a pump rated at 1000 gpm (2.22 cfs) would be a much greater diversion rate. Mr. Weyrich explained he needed a larger pump ~~if~~ because of the 150 foot lift to the alfalfa field. I explained that a pump with larger motor (horsepower) may be needed but the pump capacity would not need to be increased to make the lift. Mr. Weyrich agreed and said he understood he would be limited to 0.64 cfs diversion rate. When I explained that an increased diversion rate (over 0.64 cfs) may ^{or may not} be allowed but the statutory limit of 2 ac-ft per acre would be adhered to, Mr. Weyrich indicated that ~~this~~ it wasn't necessary to have an increase in the diversion rate over 0.64 cfs.

6/26/90 - Mr. Weyrich called to inform me of address change to HC77 Box 236, Sturgis SD. He made the changes with the paper (notice)

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Thonlund

**Report on Application No. 1252-1
Leo Weyrich
May 25, 1990**

Background

Water Permit Application No. 1252-1 requests appropriation of 0.64 cubic feet of water per second (cfs) from the Belle Fourche River. The diversion point will be located in the NE1/4 NE1/4 Section 4, T6N-R8E, in Meade County. The water will be used to irrigate 45 acres in the NE1/4 Section 4, T6N-R8E.

Discussion

Water Permit Application No. 1252-1 was received on March 31, 1982. On June 8, 1982, Mrs. Norma Septka called the office and stated that the diversion point for the application is located on her land and there was no easement or agreement between the applicant and her. The application was placed in deferred status until the easement was received. On May 15, 1990, a "Pump Site Agreement" between Norma Septka and Leo Weyrich, the applicant, was received.

Water availability for water users in the area is largely dependent on return flows from the Belle Fourche Irrigation District Project. Rehabilitation of the Project may reduce the amount of return flow water entering the Belle Fourche River.

Conclusions and Recommendations

1. Return flows from the Belle Fourche Irrigation District Project at the present time, should provide enough water to meet the needs of the applicant. However, conservation efforts and rehabilitation construction by the District may reduce future return flows.
2. It is recommended that Water Permit Application No. 1252-1 be approved for a diversion rate of 0.64 cfs for irrigation of 45 acres as stated in the application.

M. Rassool Ahadi

M. RASSOOL AHADI
Natural Resources Engineer II

Approved By:

Delvin D. Brosz /ks

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

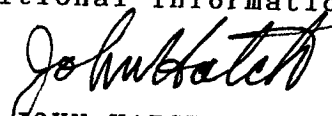
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1252-1, Leo Weyrich

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1252-1, Leo Weyrich, Howes Rt, Box 24, Sturgis SD.

The Chief Engineer is recommending APPROVAL of Application No. 1252-1 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) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
June 18, 1990



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 19, 1990

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

Leo Weyrich
Howes Rt Box 24
Sturgis SD 57785

Dear Mr. Weyrich:

Water Permit Application No. 1252-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade County Times-Tribune printed at Sturgis SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 19, 1990

Meade County Times-Tribune
Box 69
Sturgis, SD 57785-0069

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 1252-1 to be published twice. Please publish the first notice on or before June 28, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Leo Weyrich, Howes Rt, Box 24, Sturgis, SD 57785.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before June 28, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1252-1 to Appropriate Water

Notice is given that Leo Weyrich, ^{HC77, Box 236} ~~Howes Rt., Box 24~~, Sturgis, SD 57785 has filed an application for a water permit to appropriate 0.64 cubic feet of water per second from the Belle Fourche River to irrigate 45 acres. The diversion point is to be located in the NE1/4 NE1/4 and the land to be irrigated is located in the NE1/4; all in Section 4-T6N-R8E. This application was previously noticed and deferred by the Water Management Board on June 9, 1982 until an agreement on access to the diversion point was obtained.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1252-1 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. This application will be considered by the Water Management Board in Room 216, Joe Foss Bldg., 523 E Capitol, Pierre SD on July 25, 1990 at 10:00 am. 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 that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 13, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 13, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 23, 1990

Leo Weyrich
HC 77, Box 236
Sturgis, SD 57785

Dear Mr. Weyrich:

I am writing to advise you that the legal notice of hearing on your water permit application published in the Meade County Times-Tribune was not properly published for two successive weeks. State statute (46-2A-4) requires notice of the application and recommendation be published at least once a week for two successive week in one official newspaper in each county where the water will be diverted or project works will be located. Because the application was published only once, it can not be considered by the Water Management Board at their July 25 and 26, 1990 meeting.

As a result of the error, the legal notice will need to be readvertised for the October 3 & 4, 1990 Water Management Board meeting. The readvertisement is needed to ensure the the Water Permit is free from legal problems due to inaccurate and incomplete public notice. The information needed to readvertise the notice will be sent to you and the newspaper in August, 1990.

Please contact me if you have any questions.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

cc: Meade County Times-Tribune



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 9, 1990

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

Leo Weyrich
HC 77 Box 236
Sturgis SD 57785-0069

Dear Mr. Weyrich:

Water Permit Application No. 1252-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Meade Co. Times-Tribune printed at Sturgis SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 9, 1990

Meade Co. Times-Tribune
Box 69
Sturgis SD 57785-0069

ATTN: Legal Publications:

Enclosed is a Notice of Intent to Appropriate Water by Leo Weyrich, HC 77 Box 236, Sturgis, SD 57785, Application No. 1252-1, in Meade County, South Dakota. Please publish this notice in your paper once each week for two consecutive weeks. The first publication should be on, or before August 16, 1990.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. This notice is a readvertisement of the notice published in your paper on June 27, 1990. Due to publishing errors on the original notice this notice needs to be readvertised.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before the second notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Thank you for your assistance.

Sincerely,

ERIC S GRONLUND
Natural Resources Engineer
Water Rights Division
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Bldg
Pierre SD 57501

NO. _____

DATE: _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____

NEWSPAPER _____

Instruction to Newspaper - Publish first Notice on or before August 16, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1252-1 to Appropriate Water

Notice is given that Leo Weyrich, HC 77 Box 236, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.64 cubic feet of water per second from the Belle Fourche River to irrigate 45 acres. The diversion point is to be located in the NE1/4 NE1/4 and the land to be irrigated is located in the NE1/4; all in Section 4-T6N-R8E. This application was previously notice and deferred by the Water Management Board on June 9, 1982 until an agreement on access to the diversion point was obtained.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1252-1 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. This application will be considered by the Water Management Board in Room 216, Joe Foss Bldg., 523 E Capitol, Pierre SD on October 3, 1990 at 10:00 am. 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 that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 21, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 21, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Meade)

I, Sharon Allison

certify that the attached printed Notice was taken
 from the Meade County Times-Tribune

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

_____ City _____ of Sturgis

County of Meade and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

August 15, 1990

August 22, 1990

Sharon Allison
 (Signature)

Billing Clerk
 (Title)

August 22, 1990
 (Date Signed)

Cost of Printing: \$43.06



Water application filed

SD Department of
 Water & Natural Resources
 Joe Foss Building
 523 East Capitol
 Pierre, SD 57501-3181
 Notice of Hearing
 on Application No. 1252-1
 to Appropriate Water

Notice is given that Leo Weyrich, HC 77 Box 236, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.64 cubic feet of water per second from the Belle Fourche River to irrigate 45 acres. The diversion point is to be

located in the NE 1/4 NE 1/4 and the land to be irrigated is located in the NE 1/4; all in Section 4-T6N-R8E. This application was previously notice and deferred by the Water Management Board on June 9, 1982 until an agreement on access to the diversion point was obtained.

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Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 21, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 21, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Publ. Aug. 15, 22, 1990
 Meade County Times-Tribune



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 23, 1990

NOTICE

TO: Leo Weyrich
HC 77, Box 236
Sturgis, SD 57785

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

A handwritten signature in black ink, appearing to read "John Hatch", written over the printed name and title.

SUBJECT: Change in Location of the Hearing by the Water Management Board
on Water Permit Application No. 1252-1

The location of the hearing by the Water Management Board to consider Water Permit Application No. 1252-1 has been changed. This application will now be considered by the Water Management Board in the Brule County Courthouse, Community Room, 300 South Courtland, Chamberlain, SD on October 3, 1990 at 10:00 am. Any parties filing a petition regarding this application will also be notified of this change in location.

The agenda time is an estimate. The actual time of hearing may be later than 10:00 am due to prior agenda items. Applicable provisions of the published Notice of Hearing will still apply at this hearing.

CERTIFICATION

I hereby certify that on August 23, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice on Change in Location of Hearing on Water Permit Application No. 1252-1 addressed as stated on the notice.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of August, 1990.



John H. H. H.
Notary Public



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

DEC 19 1990

Leo Weyrich
Howes Rt. Box 24
Sturgis, South Dakota 57785

Dear Mr. Weyrich:

Enclosed is Water Permit No. 1252-1 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 5, 2007

996-1
1252-1

Leo Weyrich
722 N Huron Ave
Pierre SD 57501

Dear Mr. Weyrich:

Enclosed is a "Notice" dated October 19, 2007 concerning your 2007 irrigation questionnaires. The notice was originally mailed to 20082 145th Ave, Sturgis SD 57785. The post office notified us that your address has changed and I will update our records accordingly.

If you have sold your land, please get in touch with us regarding the new owner so we may direct correspondence to them.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 30, 2009

996-1
1252-1

Leo Weyrich
722 N Huron Ave
Pierre SD 57501

Dear Mr. Weyrich:

Thank you for the prompt return of the 2009 irrigation questionnaires for Water Right No. 996-1 and Water Permit No. 1252-1.

Also, thank you for the note concerning the upcoming ownership changes. I am sending you two "Notice of Transfer of Ownership" forms to give to your sons after ownership of the land changes hands. Please have them complete the forms and return them to our office with a required filing fee of \$50.00 each.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 15, 2011

996-1
1252-1

Robert Weyrich
722 N Huron
Pierre SD 57501

Dear Mr. Weyrich:

I am contacting you in regard to ownership of land described in Water Right No. 996-1 and Water Permit No. 1252-1. These are still listed in Leo's name. A year ago, I visited with you about transferring the water rights. I believe you stopped in the office and picked up transfer forms last fall sometime.

In another month or so we will be mailing out the 2011 irrigation questionnaires. We need to get ownership straightened out so correspondence can get to the correct owner. I have enclosed another set of transfer forms for your use in updating the ownership. A \$50.00 fee is required for each transfer.

I recall from our last conversation that some of the land would be owned by your brother. Let me know if I need to send him a form or if you are going to send it on to him for signature. Thanks in advance for your help.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures

RECEIVED

NOV 14 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1252-1
Date: 11/9/11

I/We request that Water Permit No. 1252-1

formerly owned by: Leo Weyrich

be transferred to: (name & address) Robert Weyrich or Jennifer Weyrich

Telephone No. 605 431 8002

Title to the following described land(s)/property has been transferred as described above:

NE ¼ Section 4, T6N, R8E

I/We understand that the validity of Water Permit No. 1252-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Robert Weyrich, the new owner, certify that the above information is true and correct.

New Address
4981 Roberts Ct
Rapid City SD 57703

[Signature]
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/14, 20 11

RECEIVED OF Valley View Farms Robert C Weyrich 722 N Huron Pierre SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 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 <u>1252-1</u>		
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	50 00

No. **05065**

By [Signature]

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 2011

1252-1

Robert or Jennifer Weyrich
4981 Roberts Ct
Rapid City SD 57703

Dear Mr. & Mrs. Weyrich:

I am writing to acknowledge receipt of the transfer of ownership and filing fee for Water Permit No. 1252-1.

The ownership change has been completed. The permit formerly listed in the name of Leo Weyrich is now listed in your names. Enclosed for your records is Receipt No. 05065 in the amount of \$50.00.

Just a reminder, the 2011 irrigation questionnaire for this permit is still required and needs to be submitted prior to **December 2nd**. The form was mailed to you in mid October.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 22, 2012

1252-1

Robert & Jennifer Weyrich
6545 Dunsmore Rd
Rapid City SD 57702 7027

Dear Mr. & Mrs. Weyrich:

Enclosed is a "Notice" dated October 12, 2012 concerning the 2012 irrigation questionnaire.

The notice was originally mailed to 4981 Roberts Ct, Rapid City SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



1252-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2014

NOTICE

TO: ROBERT OR JENNIFER WEYRICH, 6545 DUNSMORE RD, RAPID CITY, SD 57702 7027

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

A handwritten signature in black ink, appearing to read "Ron Duvall".

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1252-1. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1252-1 qualification:

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

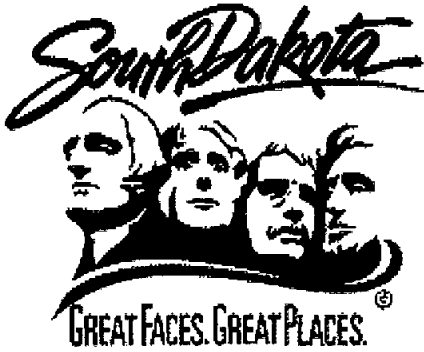
The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1252-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 2014

1252-1

Robert & Jennifer Weyrich
6545 Dunsmore Rd
Rapid City SD 57702 7027

Dear Mr. & Mrs. Weyrich:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Permit No. 1252-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1252-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2015

NOTICE

TO: ROBERT OR JENNIFER WEYRICH, 6545 DUNSMORE RD, RAPID CITY, SD 57702 7027

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1252-1. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1252-1 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1252-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 4, 2015

1252-1

Robert & Jennifer Weyrich
6545 Dunsmore Rd
Rapid City SD 57702 7027

Dear Mr. & Mrs. Weyrich:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit No. 1252-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

**Water Rights Program - DENR
Conversation File Documentation**

NAME OF PERSON OR FILE: Robert Weyrich

ADDRESS: 4981 Roberts Ct. Rapid City, 57703

COUNTY: Meade County (permit location)

DATE: August 15, 2016 **TELEPHONE:** (605) 431--8002

RE: Licensing of Permit No. 1252-1 (Leo Weyrich 3/31/1982)

COMMENTS: I spoke this evening with Robert (Bob) Weyrich concerning licensing of the irrigation system formerly owned by Bob's father Leo. This system pumped from the Belle Fourche River across highway 34 to a side-wheel roll system. I told Bob I had driven by the acreage the other day and noticed based on irrigation related risers etc. piled in the fence line that the system appear to be no longer in use. Bob said the side wheel roll never really worked very well, and the side wheel roll was sold last year and currently there is no system in place. They have designs from some irrigation company for a replacement system but as of yet have not decided if economically it would be feasible. I informed him of the need to irrigate at least once every three years to keep the permit active and not considered abandoned by the Water Management Board. I told him I would make some notes in the file and that someone would contact him in a few years concerning a licensing inspection. He wants to keep the water permit and at this time does not want it recommended for abandonment. I understood that he works for the State Department of Agriculture.

NAME: Steven Quissell, Water Rights Inspector



**Water Rights Program - DENR
Conversation File Documentation**

NAME OF PERSON OR FILE: Robert Weyrich

ADDRESS: 4981 Roberts Ct. Rapid City, 57703

COUNTY: Meade County (permit location)

DATE: June 15, 2021 **TELEPHONE:** (605) 431--8002

RE: Licensing of Permit No. 1252-1 (Leo Weyrich 3/31/1982)

COMMENTS: I spoke by phone today with Robert Weyrich to follow up on our conversation of 8/15/2016. The acreage permitted by Water Permit 1252-1 is being leased and Weyrich thought the investment needed to install a new system on land under lease may not be feasible at this time. He did inquire about current cost-share possibilities and I referred him to NRCS in Sturgis. He noted the diversion location would need some work if it were to be used again that the family had made a considerable investment initially in the pipeline from the diversion point to the field. He stated some years the area does receive marginally adequate moisture. He wishes to retain the Water Permit at this time.

NAME: Steven Quissell, Water Rights Inspector





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

January 20, 2023

NOTICE

TO: ROBERT OR JENNIFER WEYRICH, 6545 DUNSMORE RD, RAPID CITY, SD 57702 7027

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1252-1. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1252-1 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1252-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: CIFQBC**

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

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FAQs >

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February 7, 2023, 4:29 pm

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Street	6545 DUNSMORE RD
City, St.	RAPID CITY SD 57702 7027
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 8, 2023

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMIT

TO: Robert or Jennifer Weyrich, 6545 Dunsmore Rd, Rapid City SD 57702-7027

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

SUBJECT: One Year Suspension of Water Permit No. 1252-1

On March 8, 2023, the Water Management Board ordered:

Effective April 8, 2023, Water Permit No. 1252-1 be suspended for the 2023 irrigation season for failure to submit the 2022 irrigation questionnaire.

If the 2022 irrigation questionnaire is received prior to April 8, 2023, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2023 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2023 unless the 2022 irrigation questionnaire is submitted by April 8, 2023.

After April 8th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2022 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 3-4, 2023, in Pierre, SD. The letter should include your reasons for not completing the 2022 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

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

CERTIFICATION

I hereby certify that on March 8, 2023, I have personally deposited with the United States mail at Pierre, South Dakota, a first-class postage prepaid envelopes containing a "Notice" dated March 8, 2023, concerning Board action to amend, suspend or cancel water rights/permits to the following:

One-year suspensions:

1970-1: Russ Grover, Supt., Boulder Canyon Country Club, PO Box 305, Sturgis SD 57785
 3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
 1994-3: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536

2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:
David Ulvestad, 46720 201st St., Bruce SD 57220
Darwin Ulvestad, 46679 201st St, Bruce SD 57220

1252-1: Robert or Jennifer Weyrich, 6545 Dunsmore Rd, Rapid City SD 57702-7027

Three-year suspensions:

577-1: Max & Brenda Bowen, 17600 Kentucky Pl, Mud Butte SD 57758

6291-3: Jason Ramsdell, 23086 SD Hwy 13, Flandreau SD 57028
Flandreau Park Golf Club, 48250 230th St, Flandreau SD 57028

1692A-2: Ed McMahon, 23805 S Hwy 79, Hermosa SD 57744

Cancellations:

495-2: Harlan Eisenbraun, PO Box 416, Wall SD 57790
618-2: Joel Soderquist, Soderquist Family Ranch Limited Partnership, 17965 Baseline Rd,
Wasta SD 57791 6001

Amendment:

1014-2: Donn Paulson, 30121 323rd Ave., Colome SD 57528

Gerry McOrath

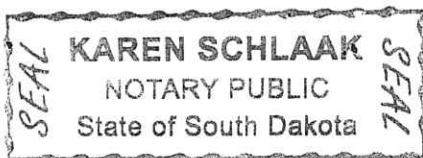
Genny McMath
Water Rights Program

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 9th day of March, 2023.

Karen Schlaack

Karen Schlaak
Notary Public
My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 20, 2023

1252-1

Robert & Jennifer Weyrich
6545 Dunsmore Rd
Rapid City SD 57702-7027

Dear Mr. & Mrs. Weyrich:

On March 8th the Water Management Board ordered Water Right No. 1252-1 suspended for one year if the 2022 irrigation questionnaire was not received prior to April 8, 2023. A questionnaire was completed for you based on your phone conversation with Genny McMath on March 20th.

Since the irrigation questionnaire is now on file, no violation has occurred, and no suspension will take place. You may irrigate during the 2023 irrigation season.

The 2023 irrigation questionnaire will be sent out in October 2023 and will be **due back in the office the first week in December.**

Sincerely,

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



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

January 19, 2024

NOTICE

TO: ROBERT OR JENNIFER WEYRICH, 6545 DUNSMORE RD, RAPID CITY, SD 57702 7027

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1252-1. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1252-1 qualification:

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

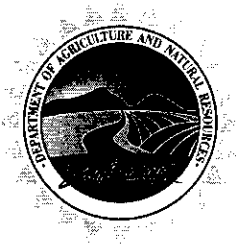
The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant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

1. Suspend or cancel Permit No(s) 1252-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 8, 2024

1252-1

Robert or Jennifer Weyrich
6545 Dunsmore Rd
Rapid City SD 57702

Dear Mr. & Ms. Weyrich:

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

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1252-1. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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