

WATER PERMIT NO. 1937-1

Name of Applicant: **Bragan LLC**

Address: **PO Box 108, Warner SD 57479** Phone: **605 380-0166**

Amount of Water Claimed: **2.51 cfs** Total Acres: **176**

Source of Water Supply: **Missouri River**

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

Type of Waste Disposal System:

Location: **30 miles southeast of McLaughlin**

PRIORITY Date Received: **4-18-13** Application/License Fee: **\$ 1050**

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

Remarks:

Diversion Point: **NW 1/4 SE 1/4 Sec 36-T18N-R30W**

Land to be Irrigated: **W 1/2 SW 1/4 Sec 25, W 1/2 Sec 36; all in T18N-R30E**

			25		
			36		

Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Ron Duvall**

Reviewed and the Number Assigned on: **4-23-13**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>1937-1</u> (office use only)	Hydrologic Unit <u>10130102</u>
	Basin <u>Missouri River</u>	<u>605-823-4490</u>
	Newspaper <u>Corson/Laure Co. News Messenger Box 788</u>	<u>McLaughlin 57642</u>
	<u>Capital Journal Box 878 Pierre 57501 605-224-7301</u>	

RECEIVED
APR 18 2013
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Bragan LLC
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)

Mailing Address PO Box 108 (Address) Warner (City) SD (State) 57479 (Zip Code)

Home Phone (605) 226-3474 Cell (605) 380-0166 Email Sjbragan18@yahoo.com

2. Amount of water claimed 2.51 *CFS or 1130 **GPM ***AF Total Acreage 176
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River

4. Location of point of diversion Missouri River: NW1/4SE1/4 sec 36-T18N-R30E
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Corson

5. County or counties where water will be used Corson

6. Annual period during which water is to be used Apr 1 - Oct 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
W1/2SW1/4 sec 25-T18N-R30E	32		
NW1/4 sec 36-T18N-R30E	72		
SW1/4 sec 36-T18N-R30E	72		

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

The acreage listed in the above legal descriptions includes privately-owned lands only. Portions of the two existing pivots cover lands outside of the US Army CORPS takeline.

I, Larry Bragan, Managing Member, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 1937-1**

Date of first receipt of application April 18, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1937-1 to Bragan LLC., c/o Larry Braun, PO Box 108, Warner SD 57479 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. 1937-1 appropriates 2.51 cubic feet of water per second from the Missouri River located in the NW 1/4 SE 1/4 Section 36 for irrigation of 176 acres located in the W 1/2 SW 1/4 Section 25 and W 1/2 Section 36; all in T18N-R30E.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is April 18, 2013.
4. The date of approval of Permit No. 1937-1 is August 26, 2013.
5. One-fifth of the construction is to be completed on or before February 26, 2016.
6. All construction is to be completed on or before August 26, 2018.
7. Water is to be put to beneficial use on or before August 26, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

SEP 18 2013

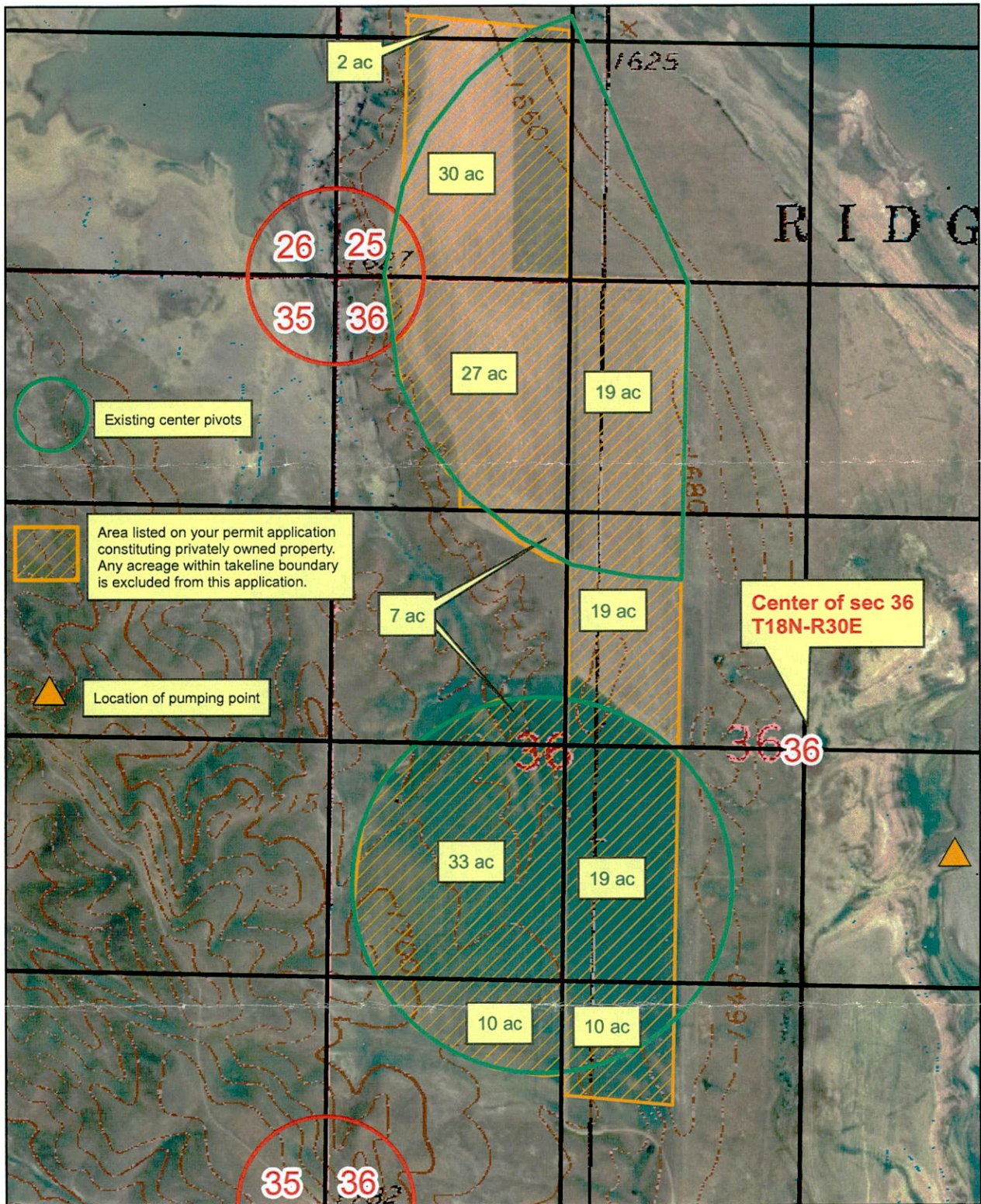
date



Scale: 1 inch = 833 feet

1,200

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

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APR 18 2013

WATER RIGHTS
PROGRAM

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Date: Mar 27, 2013

Appl. No.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/18, 20 13

RECEIVED OF Bragan LLC PO Box 108 Warner SD 57479

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

Fee for Application for Permit No. <u>1937-1</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1937-1</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1050 00

No. 06307

By J. M. M. Lockman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 21, 2013

Sam Braun
PO Box 361
Warner SD 57479

Dear Mr. Braun:

I have enclosed two maps concerning irrigation permit applications for lands located in Corson and Dewey counties.

Please markup up the maps and return them with the following information:

1. Highlight all the areas currently being irrigated and any additional areas you would like to add.
2. Of the areas highlighted according to No. 1, indicate the areas which are not privately-owned property. For example, if the property is within the US Army Corps of Engineers takeline or owned by the tribe, then please mark those areas as such.
3. Mark the location of the pump sites from the river.

After getting the maps back, then I can make any needed changes to the application forms and we can proceed with processing the applications. I will also be able to see what is or isn't needed concerning the application fees that have been submitted.

I also have a copy of the maps so feel free to give me a call if you want to discuss this when you are working on the maps. I can be reached at (605) 773-3352.

Sincerely,

Ron Duvall
Water Rights Program

enclosures

LAKE
MISSOURI
O A H E
RIVER

25

Center of sec 25

2 ac

30 ac

26

25

35

36

24 ac

19 ac

RIDGE LA

Center of sec 36

7 ac

19 ac

Existing center pivot

Area listed on your permit application
and on your FSA maps

Area listed on your permit application
and existing pivot on privately owned
property. Any acreage within takeline
boundary is excluded from this application.

Location of pumping point

33 ac

19 ac

10 ac

10 ac

35

36

2

1

STANDING ROCK
CHEYENNE RIVER





RECEIVED DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

APR 18 2013

WATER RIGHTS
PROGRAM

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

April 16, 2013

Sam Braun
PO Box 361
Warner SD 57479

Dear Mr. Braun:

After reviewing the maps and information you returned in response to my letter dated February 21, 2013, I have drafted two irrigation permit applications for the acreages located in Corson and Dewey counties. Enclosed are those draft applications and a map for each showing the location of the acreage and pumping points.

Years ago some incomplete applications were submitted along with a partial application fee of \$650.00. Based on the number of acres included on the enclosed applications, the total fee for both applications is \$2800.00 minus the \$650.00 already paid leaving a balance of \$2,150.00.

Before returning the applications and the \$2150.00 fee, please review the applications and complete the sections I have marked on the applications (question No. 1 and the name of the applicant on the bottom of the form). If you have any questions, please give me a call at (605) 773-3352.

Sincerely,

Ron Duvall
Water Rights Program

enclosures

April 23, 2013

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Bragan LLC

ADDRESS: PO BOX 108, Warner SD 57479

RE: Application fee for applications to irrigate in Corson and Dewey Counties

COMMENTS:

On April 18, 2013 two applications were received with a requested fee of \$2,150.00. This fee was submitted in addition to a fee of \$650.00 which had been submitted with earlier drafts of the applications. The receipt for the \$650.00 could not be found in the file but a letter from myself dated July 23, 2009 noted that we had received the \$650.00. The additional \$2,150.00 brings the total to \$2,800.00 which covers both applications.



Ron Duvall
Water Rights Permitting Administrator
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1937-1, Bragan, LLC**

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. 1937-1, Bragan, LLC, c/o Larry Braun, PO Box 108, Warner SD 57479.

The Chief Engineer is recommending APPROVAL of Application No. 1937-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) as conditioned the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

1. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
June 13, 2013

REPORT ON WATER PERMIT APPLICATION NO. 1937-1 & 1938-1

Bragan LLC
May 23, 2013

Water Permit Application No. 1937-1, Bragan LLC, proposes to appropriate 2.51 cubic feet of water per second (cfs) from the Missouri River located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36 for irrigation of 176 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25 and W $\frac{1}{2}$ Section 36; all in T18N-R30E. The project is located approximately 30 miles southeast of McLaughlin in southeast Corson County.

Water Permit Application No. 1938-1, Bragan LLC, proposes to appropriate 7.85 cfs from the Missouri River to irrigate the land authorized by Water Right No. 1067-1 and 550 additional acres. This application also proposes to correct the location of one of the pump sites for Water Right No. 1067-1. Water Right No. 1067-1 authorizes the appropriation of 3.08 cfs from the Missouri River located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6; all in T17N-R31E to irrigate 216 acres located in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12; all in T17N-R30E; S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6, NW $\frac{1}{4}$ Section 7; all in T17N-R31E.

Application No. 1938-1 proposes to appropriate 7.85 cfs from the Missouri River located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7-T17N-R31E and the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 1-T17N-R30E to irrigate 550 additional acres located in the E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 1, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12; all in T17N-R30E and SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7; all in T17N-R31E. This application also corrects the location of the pump site in Section 6 to the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 T17N-R31E. Diversions may be made from any combination of existing and proposed pumping points to acreage covered by this application and Water Right No. 1067-1. The project is located approximately 30 miles southeast of McLaughlin in northeast Dewey County.

Review of the Water Source

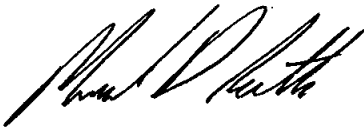
The water source for this application is the natural flow of Missouri River flowing through Lake Oahe Reservoir impounded behind Oahe Dam. The U.S. Army Corps of Engineers (USACE) constructed Oahe Dam in the late 1950's and early 1960's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams, Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point, are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. Specifically Lake Oahe Reservoir impounds approximately 18.8 million acre-feet of water (MAF) with normal operations. Water availability is not a concern when using the natural flows of the Missouri River as a source.

Review of Existing Water Rights

There are 263 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1279.71 cfs. Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights.

Conclusions

1. Application No. 1937-1, proposes to appropriate 2.51 cubic feet of water per second from the Missouri River to irrigate of 176 acres.
2. Application No. 1938-1, proposes to appropriate 7.58 cubic feet of water per second from the Missouri River to irrigate of 550 acres in addition to irrigation authorized by Water Right No. 1067-1.
3. Application No. 1938-1 also corrects the location of the pump site in Section 6 to the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 T17N-R31E.
4. Water availability is not an issue and approval of this permit would not adversely affect existing water rights.

A handwritten signature in black ink, appearing to read 'Mark D. Rath', with a stylized, cursive script.

Mark D. Rath

Natural Resources Engineer III

RECEIVED

JUL - 3 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF DEWEY

Jim Nelson, being duly sworn, says:
That the Timber Lake Topic is, and during all the times hereinafter mentioned was a weekly legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, as amended, published at Timber Lake, Dewey County, South Dakota; that affiant is and during all of said times was, the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement entitled _____

Notice of Application #1937-1 and 1938-1
a printed copy of which is attached, was published in said newspaper for issues, bearing the following dates: _____

June 20, 2013

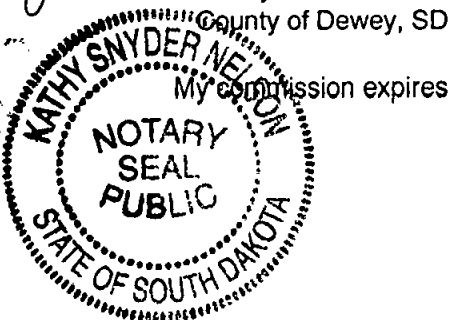
That the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 29.40 inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Subscribed and sworn to before me this 1st day of July 2013 A.D.

Kathy Snyder Nelson
Notary Public

County of Dewey, SD

KATHY SNYDER NELSON
Notary Public, Dewey Cty., S. Dak.
My Commission Expires March 31, 2017



NOTICE OF APPLICATION NOS. 1937-1 AND 1938-1 TO APPROPRIATE WATER

Notice is given that Bragan LLC, c/o Larry Braun, PO Box 108, Warner SD 57479 has filed the following applications for a water permit.

Application No. 1937-1 proposes to appropriate 2.51 cubic feet of water per second (cfs) from the Missouri River located in the NW 1/4 SE 1/4 Section 36 for irrigation of 176 acres located in the W 1/2 SW 1/4 Section 25 and W 1/2 Section 36; all in T18N-R30E.

Application No. 1938-1 proposes to appropriate 7.85 cfs from the Missouri River to irrigate the land authorized by Water Right No. 1067-1 and new acres. Water Right No. 1067-1 appropriates 3.08 cfs from the Missouri River located in the NE 1/4 SW 1/4 Section 7 and SE 1/4 SW 1/4 Section 6; all in T17N-R31E to irrigate 216 acres located in SE 1/4 SE 1/4 Section 1, NE 1/4 NE 1/4 Section 12; all in T17N-R30E; S 1/2 SW 1/4 Section 6, NW 1/4 Section 7; all in T17N-R31E. This application serves to correct the one pump site in Section 6 to the NE 1/4 SW 1/4 Section 6-T17N-R31E. This application proposes to appropriate 7.85 cfs from the Missouri River located in the N 1/2 SE 1/4 Section 7-T17N-R31E and the W 1/2 NE 1/4 Section 1-T17N-R30E to irrigate 550 additional acres located in the E 1/2 W 1/2, E 1/2 NE 1/4, SE 1/4 Section 1, NE 1/4, NE 1/4 NW 1/4 Section 12; all in T17N-R30E and SW 1/4, W 1/2 SE 1/4, W 1/2 NE 1/4, NE 1/4 NW 1/4 Section 7; all in T17N-R31E. Diversions may be made from any combination of existing and proposed pumping points to acreage covered by this application and Water Right No. 1067-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1937-1 and 1938-1 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total
approximate cost of \$29.40
June 20, 2013
Timber Lake Topic

RECEIVED

JUN 24 2013

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS

County of Hughes)

I, Marylinn Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following date:

6-20-13

Cost of Printing

\$43.57

Marylinn Baker
(Signature)

Bookkeeper
(Title)

6-21-13

(Date Signed)

Thursday, June 20, 2013

Public Notice

posed pumping
points to acreage
covered by this
application and
Water Right No.
1067-1.

Pursuant to
SDCL 46-2A-2,
the Chief Engineer
recommends AP-
PROVAL of Appli-
cation Nos.
1937-1 and
1938-1 because
1) unappropriated
water is available,
2) existing rights
will not be unaw-
fully impaired, 3) it
is a beneficial use
of water, and 4) it
is in the public in-
terest. In accor-
dance with SDCL
46-2A-23, the
Chief Engineer will
act on these appli-
cations, as recom-
mended, unless a
petition is filed op-
posing the appli-
cations or the ap-
plicant files a peti-
tion contesting the
Chief Engineer's
recommendations.
If a petition oppos-
ing the applica-
tions or contesting
the recommenda-
tions is filed, then
a hearing will be
scheduled and the
Water Manage-
ment Board will
consider these ap-
plications. Notice
of the hearing will
be given to the ap-
plicant and any
person filing a pe-
tion.

Any person inter-
ested in opposing
or supporting
these applications
or recommenda-
tions must file a
written petition
with BOTH the ap-
plicant and Chief
Engineer. The ap-
plicant must file a
petition if contest-
ing the Chief Engi-
ner SD 57479 has
near's recommen-
dations. The Chief
applications for a
water permit.

Application 'No. Rights Program,
1937-1 proposes Foss Building, 523
to appropriate E Capitol, Pierre
2.51 cubic feet of SD 57501 (605
water per second 773-3352) and
(cfs) from the Mis-
souri River located
in the NW 1/4 SE
1/4 Section 36 for
irrigation of 176
acres located in person or the ap-
plicant must be
Section 25 and W
1/2 Section 36; all
2013.

The petition may
Application No. be informal, but
1938-1 proposes must include a
to appropriate statement describ-
ing the petitioner's
7.85 cfs from the ing the petitioner's
Missouri River to interest in the ap-
plications, the pe-
irrigate the land titioner's reasons
authorized by Wa- ter Right No. for opposing or
1067-1 and now supporting the ap-
plications, and the
No. 1067-1 appro- priation signature and
1/4 SW 1/4 Sec- tion 7 and SE
1/4 SW 1/4 Sec- tion 12; all in
T17N-R31E to irri- gate 218 acres lo-
cated in SE 1/4 address to request
SE 1/4 Section 1, copies of informa-
tion 1/4 NE 1/4 tion pertaining to
Section 12; all in these applications.
T17N-R30E; S 1/2 Steven M. Pirner,
SW 1/4 Section 8, Secretary, Depart-
ment of Environ-
ment and Natural
Resources.

This application
serves to correct
the one pump site
in Section 6 to the
NE 1/4 SW 1/4
Section 6.
Published once at
the total approxi-
mate cost of
\$43.57.

9-T17N-R31E.
This application
proposes to ap-
propriate 7.85 cfs
from the Missouri
River located in
the N 1/2 SE 1/4
Section 12;
7-T17N-R31E and
the W 1/2 NE 1/4
Section 12;
1-T17N-R30E to
irrigate 550 addi-
tional acres lo-
cated in the E 1/2
W 1/2, E 1/2 NE
1/4, SE 1/4 Sec-
tion 1, NE 1/4, NE
1/4 NW 1/4 Sec-
tion 12; all in
T17N-R30E and
SW 1/4, W 1/2 SE
1/4, W 1/2 NE 1/4,
NE 1/4 NW 1/4
Section 7; all in
T17N-R31E. DL

VISIT
THE
CAPITAL
JOURNAL
WEB
SITE:

RECEIVED

AUG 30 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

Corson-Sioux County News-Messenger

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF CORSON)

Kerry J. Larson of said county and state, being first duly sworn, on his oath says that the Corson - Sioux County News-Messenger is a weekly newspaper of general circulation, printed and published for more than fifty-two successive weeks prior after mentioned and that I, Kerry J. Larson, the undersigned, am Editor of said newspaper, in charge of advertising department thereof, and have personal knowledge of the facts stated in the affidavit and that the advertisement headed

Notice of Application

NWS 1937-1 and 1938-1 to

Appropriate Water

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in supplement, once each week for 1 weeks, the first publication being made on the 15 day of August, 20 13 and the last publication being made on the 15 day of August, 20 13.

The 1st publication being on 15 day of August, 20 13
The 2nd publication being on _____ day of _____, 20 _____
The 3rd publication being on _____ day of _____, 20 _____
The 4th publication being on _____ day of _____, 20 _____
The 5th publication being on _____ day of _____, 20 _____
The 6th publication being on _____ day of _____, 20 _____
The 7th publication being on _____ day of _____, 20 _____
The 8th publication being on _____ day of _____, 20 _____
The 9th publication being on _____ day of _____, 20 _____

That said newspaper is a legal newspaper and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Corson for more than fifty-two successive weeks prior to the first publication of said notice and is printed in English in an office maintained at McLaughlin, SD, the place of publication of said newspaper. That the full amount of the fee for the publication of annexed notice is \$ 20.08 and incurs solely to the benefit of said publisher, that no agreement or understanding of a division thereof has been made with any other person whomsoever.

Kerry J. Larson

Subscribed and sworn to before me this 28 day of August, 20 13

Angela Havel 3-30-2015

**NOTICE OF APPLICATION
NOS. 1937-1 AND 1938-1 TO
APPROPRIATE WATER**

Notice is given that Bragan LLC, c/o Larry Braun, PO Box 108, Warner SD 57479 has filed the following applications for a water permit.

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Application No. 1938-1 proposes to appropriate 7.85 cfs from the Missouri River to irrigate the land authorized by Water Right No. 1067-1 and new acres. Water Right No. 1067-1 appropriates 3.08 cfs from the Missouri River located in the NE 1/4 SW 1/4 Section 7 and SE 1/4 SW 1/4 Section 6; all in T17N-R31E to irrigate 216 acres located in SE 1/4 SE 1/4 Section 1, NE 1/4 NE 1/4 Section 12; all in T17N-R30E; S 1/2 SW 1/4 Section 6, NW 1/4 Section 7; all in T17N-R31E. This application serves to correct the one pump site in Section 6 to the NE 1/4 SW 1/4 Section 6-T17N-R31E. This application proposes to appropriate 7.85 cfs from the Missouri River located in the N 1/2 SE 1/4 Section 7-T17N-R31E and the W 1/2 NE 1/4 Section 1-T17N-R30E to irrigate 550 additional acres located in the E 1/2 W 1/2, E 1/2 NE 1/4, SE 1/4 Section 1, NE 1/4, NE 1/4 NW 1/4 Section 12; all in T17N-R30E and SW 1/4, W 1/2 SE 1/4, W 1/2 NE 1/4, NE 1/4 NW 1/4 Section 7; all in T17N-R31E. Diversions may be made from any combination of existing and proposed pumping points to acreage covered by this application and Water

Sender August 15, 2013 Page 13

Right No. 1067-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1937-1 and 1938-1 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 26, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$20.08



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

June 13, 2013

Corson County News Messenger
PO Box 788
McLaughlin SD 57642

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 1937-1 and 1938-1 to Appropriate Water. Please publish the notice once on June 20, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Bragan LLC, c/o Larry Braun, PO Box 108, Warner SD 57479 (Ph # 605-226-3474).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

June 13, 2013

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 1937-1 and 1938-1 to Appropriate Water. Please publish the notice once on June 20, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Bragan LLC, c/o Larry Braun, PO Box 108, Warner SD 57479 (Ph # 605-226-3474).

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

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

June 13, 2013

Bragan LLC
Larry Braun
PO Box 108
Warner SD 57479

Dear Mr. Braun:

Water Permit Application Nos. 1937-1 and 1938-1 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Corson County News Messenger printed at McLaughlin SD (Ph # 605-823-4490) and the Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on June 20, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 1937-1 and 1938-1 to Appropriate Water

Notice is given that Bragan LLC, c/o Larry Braun, PO Box 108, Warner SD 57479 has filed the following applications for a water permit.

Application No. 1937-1 proposes to appropriate 2.51 cubic feet of water per second (cfs) from the Missouri River located in the NW 1/4 SE 1/4 Section 36 for irrigation of 176 acres located in the W 1/2 SW 1/4 Section 25 and W 1/2 Section 36; all in T18N-R30E.

Application No. 1938-1 proposes to appropriate 7.85 cfs from the Missouri River to irrigate the land authorized by Water Right No. 1067-1 and new acres. Water Right No. 1067-1 appropriates 3.08 cfs from the Missouri River located in the NE 1/4 SW 1/4 Section 7 and SE 1/4 SW 1/4 Section 6; all in T17N-R31E to irrigate 216 acres located in SE 1/4 SE 1/4 Section 1, NE 1/4 NE 1/4 Section 12; all in T17N-R30E; S 1/2 SW 1/4 Section 6, NW 1/4 Section 7; all in T17N-R31E. This application serves to correct the one pump site in Section 6 to the NE 1/4 SW 1/4 Section 6-T17N-R31E. This application proposes to appropriate 7.85 cfs from the Missouri River located in the N 1/2 SE 1/4 Section 7-T17N-R31E and the W 1/2 NE 1/4 Section 1-T17N-R30E to irrigate 550 additional acres located in the E 1/2 W 1/2, E 1/2 NE 1/4, SE 1/4 Section 1, NE 1/4, NE 1/4 NW 1/4 Section 12; all in T17N-R30E and SW 1/4, W 1/2 SE 1/4, W 1/2 NE 1/4, NE 1/4 NW 1/4 Section 7; all in T17N-R31E. Diversions may be made from any combination of existing and proposed pumping points to acreage covered by this application and Water Right No. 1067-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1937-1 and 1938-1 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of _____.

Water Rights Program - File Documentation

NAME: Bragan LLC, Sam Braun

ADDRESS: Warner SD

DATE: 6-17-13

TELEPHONE: 605 380-0166

RE: Publication Notice

COMMENTS:

It was brought to my attention the public notice for these applications was scheduled for the Capital Journal and the Corson County News Messenger. Some of the lands identified on Application No. 1938-1 are located in Dewey County.

I called Sam Braun and email him the phone numbers of the papers and I also emailed the notice to the Timber Lake Topic which is a Dewey County paper.



Karen Schlaak
Water Rights Program

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, July 16, 2013 11:34 AM
To: 'mcnew@westriv.com'
Subject: Notice for Bragan LLC
Attachments: 1937-38-1pluralpublic-short.docx

Terry,

Attached is the Notice of Application Nos. 1937-1 and 1938-1 to Appropriate Water. I have talked with Sam Braun, the applicant (605 380-0166) and told him to give you a call to authorize publication and arrange for payment. Please publish this notice on July 18, 2013.

Please acknowledge receipt of this email and also send us the affidavit ASAP.

Thanks,

Karen Schlaak

Water Rights Program

Phone: 605 773-3352

Fax: 605 773-4068

NOTICE OF APPLICATION NOS. 1937-1 and 1938-1 to Appropriate Water

Notice is given that Bragan LLC, c/o Larry Braun, PO Box 108, Warner SD 57479 has filed the following applications for a water permit.

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Application No. 1938-1 proposes to appropriate 7.85 cfs from the Missouri River to irrigate the land authorized by Water Right No. 1067-1 and new acres. Water Right No. 1067-1 appropriates 3.08 cfs from the Missouri River located in the NE 1/4 SW 1/4 Section 7 and SE 1/4 SW 1/4 Section 6; all in T17N-R31E to irrigate 216 acres located in SE 1/4 SE 1/4 Section 1, NE 1/4 NE 1/4 Section 12; all in T17N-R30E; S 1/2 SW 1/4 Section 6, NW 1/4 Section 7; all in T17N-R31E. This application serves to correct the one pump site in Section 6 to the NE 1/4 SW 1/4 Section 6-T17N-R31E. This application proposes to appropriate 7.85 cfs from the Missouri River located in the N 1/2 SE 1/4 Section 7-T17N-R31E and the W 1/2 NE 1/4 Section 1-T17N-R30E to irrigate 550 additional acres located in the E 1/2 W 1/2, E 1/2 NE 1/4, SE 1/4 Section 1, NE 1/4, NE 1/4 NW 1/4 Section 12; all in T17N-R30E and SW 1/4, W 1/2 SE 1/4, W 1/2 NE 1/4, NE 1/4 NW 1/4 Section 7; all in T17N-R31E. Diversions may be made from any combination of existing and proposed pumping points to acreage covered by this application and Water Right No. 1067-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1937-1 and 1938-1 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 29, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of _____.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1937-1 and 1938-1 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

SEP 18 2013

Bragan LLC
Larry Braun
PO Box 108
Warner SD 57479

Dear Mr. Braun:

Enclosed are Water Permit Nos. 1937-1 and 1938-1 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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

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

Sincerely,

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

enclosures

RECEIVED

OCT 24 2022

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1937-1

Date: 10/19/2022

I/We request that Water Right/Permit No. 1937-1 formerly owned by:
Bragan LLC be transferred to:

New Owner Name: Chance & Michelle Wientjes

Address: PO Box 96 mobile: (605) 848-0238

City, State, Zip Mobridge SD 57601 email: cjwientjes@gmail.com

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

W1/2 SW1/4 sec 25, W1/2 sec 36; all in T18N - R30E

☒ I understand that the validity of Water Right/Permit No. 1937-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Chance Wientjes, the new owner, certify that the above information is true and correct.

Chance J Wientjes

Chance J Wientjes (Oct 19, 2022 11:14 CDT)

(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

1937-1

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date October 24, 2022RECEIVED OF Chance Wientjes dba CJ Wientjes Ranch 13401 285th Ave., Mobridge SD 57601

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	\$ _____
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>1937-1</u>	<u>\$50.00</u>
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	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer

vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 24, 2022

1937-1

Chance & Michelle Wientjes
PO Box 96
Mobridge SD 57601-0096

Dear Mr. & Mrs. Wientjes:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Permit No. 1937-1. The ownership change has been completed. Water Permit No. 1937-1 formerly held by Bragan LLC is now listed in your names.

The annual irrigation questionnaire for this specific water permit has been completed. I filled a form out for you indicating no irrigation took place due to river being too low.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: CHANCE & MICHELLE WIENTJES, PO BOX 96, MOBRIDGE, SD 57601 0096
FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1012-1, 1067-1, 1937-1, 1938-1. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 1012-1, 1067-1, 1937-1, 1938-1 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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) 1012-1, 1067-1, 1937-1, 1938-1 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, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: EMJMJO**

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

March 12, 2026

1012-1, 1067-1, 1937-1, 1938-1

Chance & Michelle Wientjes
PO Box 96
Mobridge, SD 57601

Dear Wientjes:

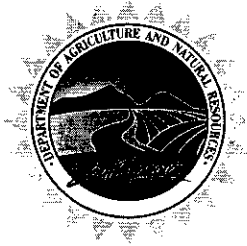
I am writing to acknowledge the receipt of your 2025 irrigation information submitted for Water Right Nos 1012-1, 1067-1, 1937-1, 1938-1, on March 10, 2026.

The Water Management Board moved to suspend Water Right Nos. 1012-1, 1067-1, 1937-1, 1938-1, for a period of one year if the questionnaire was not returned prior to April 6, 2026. You may disregard the "Notice of Entry of Order for One Year Suspension" for Water Right Nos. 1012-1, 1067-1, 1937-1, 1938-1, dated March 4, 2026.

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us



1012-1 1067-1
1937-1 1938-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2026

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

TO: Chance & Michelle Wientjes, PO Box 96, Mobridge SD 57601

FROM: Adam Mathiowetz, PE, Acting Chief Engineer *Adam Mathiowetz*
DANR - Water Rights Program

SUBJECT: One Year Suspension of Water Right/Permit Nos. 1012-1, 1067-1, 1937-1 &
1938-1

On March 4, 2026, the South Dakota Water Management Board ordered:

- Effective April 3, 2026, Water Right/Permit Nos. 1012-1, 1067-1, 1937-1 & 1938-1 be suspended for the 2026 irrigation season.

This action was taken by the Board for failure to return the 2025 irrigation questionnaires. If the 2025 irrigation questionnaires are received prior to April 3, 2026, the suspensions will not take effect.

A one-year suspension of Water Right/Permit Nos. 1012-1, 1067-1, 1937-1 & 1938-1 means water may not be pumped during the 2026 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2026 unless the 2025 irrigation questionnaires are submitted prior to April 3, 2026.

After April 3, 2026, you may petition the Board to rescind the suspension. You will need to submit, to the Water Rights Program, the 2025 irrigation questionnaires and a letter including your reason for not completing the 2025 irrigation questionnaires within the allotted time and requesting time on the agenda for the next Water Management Board meeting. The next Water Management Board meeting is scheduled for May 6, 2026, in Pierre SD.

Decisions made by the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Amanda Dewell, Water Rights Permitting Administrator (605) 773-3352 with any questions.

NOTE: Water Rights staff will conduct unscheduled compliance checks of suspended water rights to ensure irrigation is not taking place.

7021 1970 0000 9489 8216

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Chance & Michelle Wientjes
PO Box 96
Mobridge, SD 57601

See Reverse for Instructions

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally mailed a true and correct NOTICE OF ONE- AND THREE-YEAR SUSPENSION OF WATER RIGHT dated March 6, 2026, via certified mail to the following parties.

Chance & Michelle Wientjes
PO Box 96
Mobridge, SD 57601

Vernon & Marlys Walkling
29832 267th Ave
Crookston, NE 69212

Vasgaard Properties
28746 462nd Ave
Centerville, SD 57014

Doug & Darla Van Gerpen
40930 305th St
Avon, SD 57315

John & Bryan Uecker
PO Box 573
Wagner, SD 57380

Twisted Land & Cattle Co.
C/O Brad Peterson
19030 391st Ave
Hitchcock, SD 57348

Tilton Ranch Inc.
C/O Janet Burback
2199 Skinner Rd
Belgrade, MT 59714

Dale Sprague
16221 Twilight Rd
Mud Butte, SD 57758

Greg & Evette Rihanek
814 E State St
Plankinton, SD 57368

Wayne Reiersen
30048 Reiersen Pl
Pollock, SD 57648

Charlotte or Phillip Nichols
7497 Rolling Meadow Dr
West Chester, OH 45069

Wilma Heien (Walter Heien)
PO Box 145
Blunt, SD 57522

David & Jerry Wieber
PO Box 238
Lidgerwood, ND 58053

Vintage Square Estates
PO Box 594
Ft Pierre, SD 57532

Valley View Farms Inc.
17716 458th Ave
Watertown, SD 57201

Kash & Trish Van Dyke
48549 219th St
Elkton, SD 57026

Oscar Inc.
C/O Floyd Peterson
209 27th St NW
Huron, SD 57350

Dan & David Trudeau
33927 478th Ave
Jefferson, SD 57038

Terrill Farms Inc.
C/O Tony Terrill
42099 176th St
Clark, SD 57225

Swan Creek Land Co. Inc
PO Box 435
Akaska, SD 57420

Six Mile Creek Golf Course
20307 483rd Ave
White, SD 57276

Robert Phelps Jr
16220 Spring Valley Rd
Piedmont, SD 57769

GW Evridge
20151 Saddle Ct
Whitewood, SD 57793

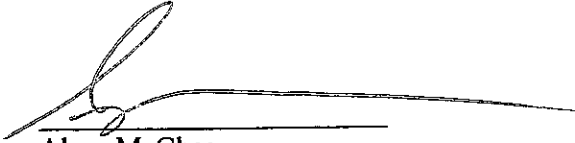
Mark & Melvin Morlock
33820 112th St
Eureka, SD 57437

Laverne Neuharth
33567 109th St
Eureka, SD 57437

Central Valley Golf Club
700 E Hwy 38
Hartford, SD 57033

Dale & Mary Helen Bisson
PO Box 844
Ft Pierre, SD 57532

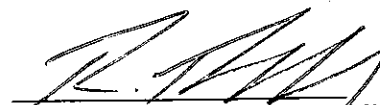
Ryan Edwards
25331 Yellow Eagle Rd
White River, SD 57579



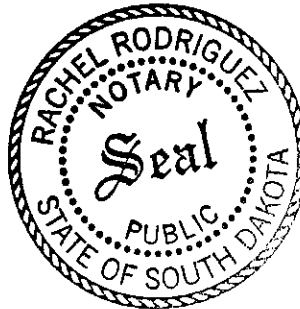
Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6 day of March, 2020.



Rachel Rodriguez Notary Public
My Commission expires May 16, 2029



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

Emily Wientjes

☐ Agent☐ Addressee

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Chance & Michelle Wientjes
PO Box 96
Mobridge, SD 57601



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