

1. Considered MAY 22, 1976 1362-2
2. Name of Applicant OAKLEY EIDE
3. Post Office Address BURKE
4. Amount of water claimed 1.75 DRY DRAW (240 AC FT STORAGE)
5. Source of water supply ✓
6. Water to be used for IRRIGATION
- Acres to be irrigated 126
7. Water to be diverted and used in GREGORY county
about 2N, 3W miles of BURKE
8. Proof of Publication Received
 Not Received
9. Application Approved
 Subject to
 Not Approved
 Action deferred
10. Remarks:

No. 1362-2Map No. 1153-2 Water Division No. 2 WHITE RIVER District _____
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant OAKLEY EIDE
Postoffice address BURKE, , State SOUTH DAKOTA
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT
3. Name of diversion work OLIVER PLACE DIVERSION
4. Amount of water claimed (cubic feet per second) ~~TWO CUBIC FEET / SECOND~~ 1.75 MAXIMUM ALLOWABLE
5. Source of water supply RUNOFF INTO DRY DRAW
6. Location of point of diversion CENTER OF S 1/2 OF SECTION 10-97N-71W
- County GREGORY
7. Annual period or periods during which water is to be used JANUARY 1 THRU DECEMBER 31 EACH YEAR
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION
9. For irrigation use, Total number of acres to be irrigated 124

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.
<u>NW 1/4 NW 1/4 10-97-71</u>	<u>20</u>	<u>NW 1/4 SE 1/4 10-97-71</u>	<u>34</u>
<u>NE 1/4 NW 1/4 10-97-71</u>	<u>20</u>		
<u>SW 1/4 NW 1/4 10-97-71</u>	<u>15</u>		
<u>SE 1/4 NW 1/4 10-97-71</u>	<u>5</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system FOUR years. Additional time required to complete application of water to the proposed beneficial use ONE years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication TIME'S ADVOCATE, GREGORY
12. Principal Features of the Proposed Water Supply System.

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

DAM CONSTRUCTION ON DRY DRAWCENTRIFUGAL PUMP-DEISEL POWERED TO MOVE WATER TO IRRIGATION SITE

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

TEN INCH MAINLINE PIPELINE

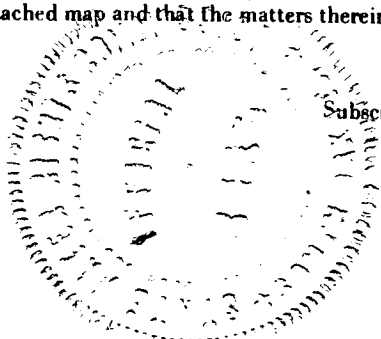
C. Works proposed to apply water to beneficial use.

CENTER PIVOT AND/OR TOWLINEEstimated Total Cost \$ 62,000.00Attachments: 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)
Hughes) ss.

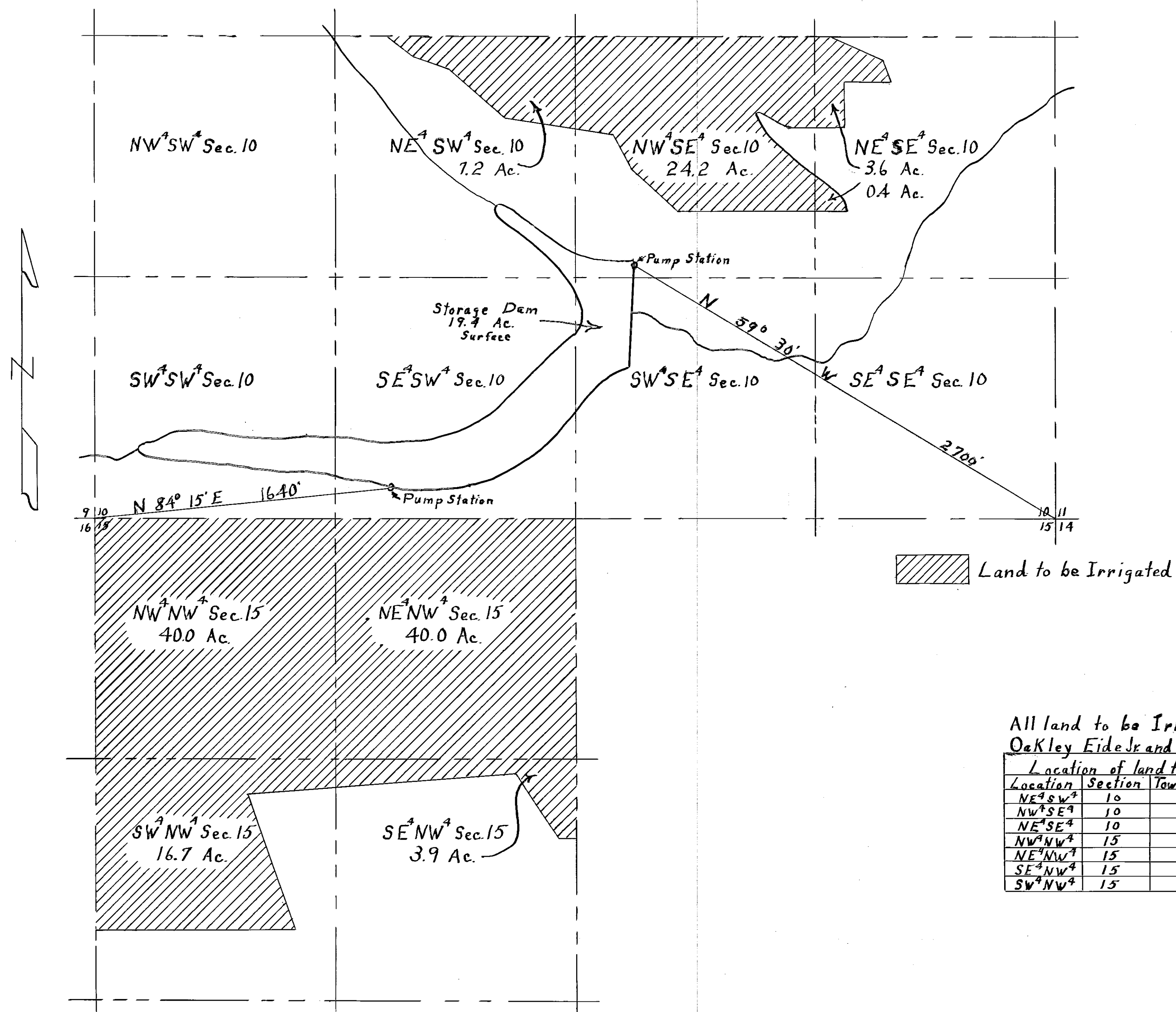
County of _____

I, Oakley Eide 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 Oakley Eide
10th day of March 19 76

Subscribed and sworn to before me this _____ day of _____

Betty Westlund
Notary Public (or other qualified officer)
BETTY WESTLUND, Land/Water Clerk II

Eide Brothers Irrigation Project
 S² Sec. 10 & NW⁴ Sec. 15 - T97N-R71W - Gregory County, S.D.
 Scale 1"=400'



All land to be Irrigated owned by
 Oakley Eide Jr and Terrence Eide

Location of land to be Irrigated				
Location	Section	Township	Range	Acres
NE ⁴ SW ⁴	10	97	71	7.2
NW ⁴ SE ⁴	10	97	71	24.2
NE ⁴ SE ⁴	10	97	71	4.0
NW ⁴ NW ⁴	15	97	71	40.0
NE ⁴ NW ⁴	15	97	71	40.0
SE ⁴ NW ⁴	15	97	71	3.9
SW ⁴ NW ⁴	15	97	71	16.7
Total				136.0

I hereby certify that the map and plans of the
 Eide Brothers Irrigation Project consisting of this
 sheet is an accurate representation of a survey
 made by me.

Dated February 25, 1976.

Lauritz E. Pedersen
 Lauritz E. Pedersen
 Engineer

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1362-2OAKLEY EIDE

(Applicant)

BURKE

(Post Office Address)

SOUTH DAKOTA

(State)

57523

With the following modifications:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE,
INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED.

Date of first receipt of application MARCH 10, 19 76

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

Date of receipt of corrected application _____, 19 _____

Approved MAY 20, 19 76, Recorded in Book 15 Page 208WATER RIGHT PERMIT NO. 1362-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1362-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 10, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 20, 19 78
3. The whole of said work is to be completed on or before MAY 20, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20, 19 81
5. The water appropriated shall be used for the purpose of IRRIGATION

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 1.75 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 the irrigation purposes said appropriation must be limited to not more than 3 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 MAY 20, 19 81; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 12TH day of JULY, 19 76

WATER RIGHTS COMMISSION

By:

John H. Hahn
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Storage Dam

Height 35 feet

Surface Area 19.4

Storage 240 acre feet

Oakley Eide
Signature of Applicant

No. 1362-2

Publish first publication, on or before May 5, 1976

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

April 9, 1976

Notice is hereby given that Oakley Eide

whose post office address is Burke, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.75

1.75 cubic feet of water per second of time from the a dry draw through the Cliver Place Diversion, the point of diversion of which is to be located in the

SW 1/4 SE 1/4

of Section 10, Twp. 97N, Range 71W. Said water to be used for the purpose

of providing irrigation on the following described land:

NW 1/4, Section 15; NE 1/4 SE 1/4 and NE 1/4 SW 1/4, Section 10, all in

T97N, R71W

This application No. 1362-2 will be considered by the Water Rights Commission at their office at 30th May 76 1:00 P.

Pierre upon the day of , 19, at M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

EFJ/bw

cc: Oakley Eide, Jr., Burke, S.D. 57523

No. 1362-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Gregory) ss.

I, Nelson L. Miller hereby

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

Water was taken from the Gregory Times Advocate

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 Gregory

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

April 14, 1976

April 21, 1976

Nelson L. Miller
(Signature)

Office Manager
(Title)

April 21, 1976
(Date Signed)

NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501

April 9, 1976

Notice is hereby given that
Oakley Eide whose post office
address is Burke, South Dakota,
has made an application in
accordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use 1.75 cubic feet of
water per second of time from a
dry draw through the Oliver
Place Diversion, the point of
diversion of which is to be
located in the SW 1/4 SE 1/4 of
Section 10, Twp. 97N, Range
71W. Said water to be used for
the purpose of providing irriga-
tion on portions of the following
described land: NW 1/4, Section
15; N 1/2 SE 1/4 and NE 1/4 SW 1/4,
Section 10, all in T97N, R71W.

The application No. 1362-2 will
be considered by the Water
Rights Commission at their office
at Pierre upon the 20th day of
May, 1976, at 1:00 p.m. All
interested persons may appear
and be heard.

Water Rights Commission

Burton F. Jones

Water Rights Specialist

(15-16) (35)



1362-2



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 1, 1991

OAKLEY EIDE
RR 2 BOX 24
BURKE SD 57523

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1362-2; 1363-2. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if an action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 1362-2, 1363-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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 received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 6, 1991

1362-2

1362-2

1363-2

1365-2

Oakley Eide
Rk #2 Box 24
Burke, SD 57523

Dear Mr. Eide:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and chemical application use for Water Permit Nos. 1362-2, 1363-2 and 1365-2. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Durrall, Natural Resources Engineer IV
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 11, 1992

Oakley Eide
Rt 2, Box 24
Burke SD 57523

Dear Mr. Eide:

On August 27, 1991, you were sent applications forms for a Permit to Appropriate Water based on inspections of Water Permit Nos. 1363-2, 1364-2 and 1365-2 by Tim Schaal, an engineer with this office. This inspection showed that your systems were not developed as originally permitted. These applications are necessary to obtain permits which will reflect your water use. To date, we have not received a response from you regarding the applications.

Enclosed is another set of partially completed application forms and a copy of the August 27, 1992 letter indicating what is necessary to process the applications.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. The water permits can not be licensed until these application are processed and permits are obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water. If you have any questions regarding the applications, please contact Tim Schaal of this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April 20, 1992

Oakley Eide
Rt 2, Box 24
Burke, SD 57523

Dear Mr. Eide:

Enclosed is another set of application forms to correct Water Permit Nos. 1363-2, 1364-2 and 1365-2. Also, enclosed are copies of letters dated February 11, 1992 and August 27, 1991, explaining the need for these additional applications.

I have recalculated the storage capacity of the Irrigation Dam located in the SE 1/4 of Sec. 31-T98N-R71W and agree with you that it does not store more than the 1000 acre-feet originally appropriated. I have taken the additional storage portion off the applications; however, the forms need to be completed and returned to us to correct the other items.

The addition of Recreational Use to your irrigation dam will protect the storage in your dam if you ever quit irrigating from it.

If you have further questions, please feel free to contact me.

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 11, 1993

Oakley Eide
Rt. 2. Box 24
Burke, SD 57523

Dear Mr. Eide:

Enclosed are the application forms that I had sent you before and a letter dated August 27, 1991, explaining them. The forms are needed to correct your permits as described in number 1 and 3 of the August 27, 1991, letter.

As we discussed before, I have taken the additional storage capacity portion, as discussed in number 2, off of the applications; however, the addition of Recreational Use is still included. I know you have had some concerns with this, but I believe it is a good idea. The addition of Recreational Use to your dam will protect the storage in your dam if you ever quit irrigating from it.

These forms need to be signed and notarized and returned to us, along with the filing fees of \$250.00 for the new Permit, and \$50.00 for the amended Permit.

If you have any questions, please feel free to contact me.

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 28, 1993

Oakley Eide
Rt. 2. Box 24
Burke, SD 57523

Dear Mr. Eide:

I talked to Jim Stukel today about your applications and the need for water samples. He said they had some information in their files, but thought it would be a good idea if you sent in two water samples. One from your irrigation dam and the other from the spring fed dugout in the NE 1/4 of Section 30-T98N-R71W.

Enclosed are instructions and mailing labels to send in your water samples.

Please try to do this as soon as possible, so we can finish correcting your applications.

If you have any questions, please feel free to contact me.

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures

c: Jim Stukel, Dept. of Agriculture



1362-2.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 16, 1994

OAKLEY EIDE
RR 2 BOX 24
BURKE SD 57523

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1362-2, 1363-2 & 1365-2. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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 SDCL 1-26. Following the hearing the Water Management Board can:

1. Amend Permit No(s) 1362-2, 1363-2 & 1365-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



1362-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 10, 1994

NOTICE

TO: OAKLEY EIDE
RR 2 BOX 24
BURKE, SD 57523

FROM: Ron Duvall, Natural Resources Engineer IV
For John Hatch, Chief Engineer,
Water Rights Division
(605) 773-3352

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violations and Failure
to Report Chemical Use
RE: , 1362-2, 1363-2 & 1365-2

On February 16, 1994, notices were sent to you concerning submission of the 1993 irrigation questionnaires and failure to report chemical use. The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

9:30 a.m., April 6, 1994, in the Conference Room of
the Floyd Matthew Training Center, Joe Foss Building,
523 E Capitol, Pierre, SD.

All other provisions of the February 16th notice still apply. If the questionnaires and chemical reporting form are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

If you have any questions, please contact Genny McMath at (605) 773-3352.

1362-2

CERTIFICATION

I hereby certify that on March 10, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 10, 1994, regarding April 6, 1994, Water Management Board Meeting--Failure to Report Chemical Use on the following Water Rights/Permits and addresses stated below:

1141-2 & 1680-2B: William C. & Roberta Donovan, HC 77, Box 34, Vetat, SD 57575.

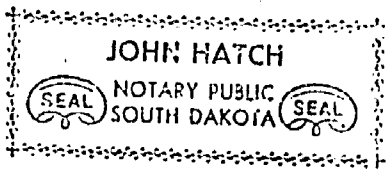
1362-2, 1363-2 & 1365-2: Oakley Eide, RR 2, Box 24, Burke, SD 57523.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 11th day of March, 1994.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



1362-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 14, 1994

1362-2

1363-2

1365-2

Oakley Elde
RR #2 Box 24
Burke, SD 57523

Dear Mr. Elde:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaires for Water Permit Nos. 1362-2, 1363-2 & 1365-2 and chemical information for Water Permit No. 1363-2. The questionnaires were completed for you based upon your telephone conversation with Ron Duvall. You may disregard the February 16, 1994, Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire and the Notice of Failure to Report Chemical Use.

The questionnaires and chemical use information were on file 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
Environmental Scientist
Water Rights Division
(605) 773-3352



November 3, 1994

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

Oakley Eide
Rt 2, Box 24
Burke SD 57523

Dear Mr. Eide:

In July, 1991 Water Permit Nos. 1362-2, 1363-2, 1364-2 and 1365-2 were inspected by Tim Schaal, with this office. The inspection found that a water permit is required for the irrigation of lands in the NE 1/4 Section 1-T97N-R72W and the NE 1/4 Section 30-T98N-R71W. A water permit is also needed to amend Water Permit No. 1365-2.

Over the past years, you have been contacted numerous times that before the water licenses can be issued some corrections need to be made. Enclosed are the applications which need to be signed and notarized. The filing for the application to amend Permit No. 1365-2 is \$50.00. The filing fee for the other application is \$250.00.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions regarding these applications, please contact Tim Schaal with this office.

Sincerely,

Karen Schlaak
Environmental Scientist
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

December 15, 1995

Oakley Eide
Rt 2, Box 24
Burke SD 57523

Dear Mr. Eide:

Enclosed are the two applications for a Permit to Appropriate Water and my letter dated November 3, 1994. As stated in the letter, the applications should be signed and notarized and returned with filing fees totaling \$300.00.

Also, enclosed are the 1995 Water Management Board Irrigation Questionnaire forms. These forms need to be completed and returned in the enclosed envelope by January 29, 1996.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist

enclosures



1362-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 7, 1995

OAKLEY EIDE
RR 2 BOX 24
BURKE SD 57523

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit Nos. 1362-2, 1363-2 & 1365-2. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 1362-2, 1363-2 & 1365-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 questionnaires are received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



1362 2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 7, 1995

1362-2
1363-2
1365-2

Oakley Eide
RR 2 Box 24
Burke, SD 57523

Dear Mr. Eide:

I am writing to acknowledge receipt of your 1994 Irrigation questionnaires and chemical reporting form. I completed these forms for you following our March 7th telephone conversation. You may disregard the February 7, 1995, Notice of Violation of the Requirement to Submit the Irrigation Questionnaires and the Notice of Failure to Report Chemical Use under Water Permit No. 1363-2.

The questionnaires and chemical reporting form were on file 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,

Genry McMath
Environmental Scientist
Water Rights Division
(605) 773-3352



1362-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

January 30, 1996

NOTICE

TO: OAKLEY EIDE, RR 2 BOX 24, BURKE, SD 57523

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1362-2, 1363-2 & 1365-2. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1362-2, 1363-2 & 1365-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right 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 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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 57501-3181

February 7, 1996

1362-3

1363-3

1365-2

Oakley Eide
RR 2 Box 24
Burke, SD 57523

Dear Mr. Eide:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires and chemical reporting form. You may disregard the January 30, 1996, Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaires and Failure to Report Chemical Use.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



1362-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: OAKLEY EIDE, RR 2 BOX 24, BURKE, SD 57523

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 1362-2, 1363-2 & 1365-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1362-2, 1363-2 & 1365-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

1562-2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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.

1. Article Addressed to:

OAKLEY EIDE
RR 2 BOX 24
BURKE SD 57523

2. Article Number (Copy from service label)

2 227 670 329

PS Form 3811, July 1995

Domestic Return Receipt

102195-02 M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Ogley Eide 1-15-00

C. Signature

X Ogley Eide

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail

☐ Registered ☐ Return Receipt for Merchandise

☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



1362-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 6, 2000

NOTICE OF AMENDMENT OF WATER PERMITS

TO: Oakley Eide, RR 2 Box 24, Burke, SD 57523

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Permit Nos. 1362-2, 1363-2 & 1365-2

Pursuant to the provisions of the notice dated January 14, 2000, and following the hearing March 1, 2000, the Water Management Board has amended Water Permit Nos. 1362-2, 1363-2 and 1365-2 to add the following qualification:

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

This action was taken for failure to return the 1999 irrigation questionnaires. The addition of this qualification to your Water Permits means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

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

CERTIFICATION

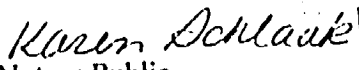
I hereby certify that on March 6, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 6, 2000, regarding Amendment to the following Water Rights/Permits, addressed as stated below:

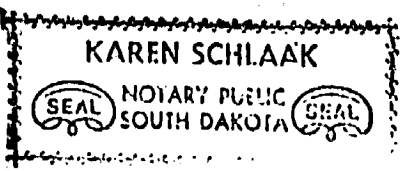
- W.R. #424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.
- W.R. #968-2: Dwayne Newman, Box 429, Philip, SD 57567-0429.
- W.P. #'s 1362-2, 1363-2 & 1365-2: Oakley Eide, RR 2, Box 24, Burke, SD 57523.
- W.R. #'s 1045-3 & 1962-3: Alvin Gutormson, 2187 21st SE, Huron, SD 57350.
- W.R. #'s 1237-3 & 1395-3: Rolland Vander Pol, Box 32, Corsica, SD 57328.
- W.R. #'s 2040-3, 2246-3, 4248-3 & 4397-3: Ronald W. Marone, 21536 405th Ave., Cavour, SD 57324-7615.
- W.R. #2150-3: Ronald Foster, 46571 196th St., Estelline, SD 57234-5102.
- W.R. #'s 2595-3 & 4379-3: James B. Zell, 21795 408th Ave., Cavour, SD 57324.
- W.R. #3358-3: Allan Kramer, 2004 Arizona Ave. NW, Orange City, IA 51041.
- W.R. #4475-3: John Pillote, HCR 1, Box 886, Michigamme, MI 49861-9600.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2000


Karen Schlaak
Notary Public
KAREN SCHLAACK, Notary Public
My Commission Expires _____



1362-2

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ 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.		A. Received by (Please Print Clearly) <u>Captain Eide</u> B. Date of Delivery <u>1-20-01</u> C. Signature <u>X Captain Eide</u> ☐ Sent ☐ Addressee D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: OAKLEY EIDE RR 2 BOX 24 BURKE SD 57523		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from service label) <u>7000 0600 0026 9814-2560</u>		4. Restricted Delivery? (Extra Fee) ☐ Yes	

PS Form 3811, July 1999 Domestic Return Receipt 102535-00-M-0952



1362-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3162
www.state.sd.us/denr

January 19, 2001

NOTICE

TO: OAKLEY EIDE, RR 2 BOX 24, BURKE, SD 57523
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1362-2, 1363-2 & 1365-2. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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) 1362-2, 1363-2 & 1365-2 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 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 1362-2, 1363-2 & 1365-2 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 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Ginny McMath at (605) 773-3352.

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
www.state.sd.us/denr

February 28, 2001

1362-2

1363-2

1365-2

Oakley Eide
RR 2 Box 24
Burke, SD 57523

Dear Mr. Eide,

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Permit Nos. 1362-2, 1363-2 and 1365-2.

I completed questionnaires for you based on our February 28th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



1362-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: OAKLEY EIDE, RR 2 BOX 24, BURKE, SD 57523

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1362-2, 1363-2 & 1365-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 1362-2, 1363-2 & 1365-2 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 1362-2, 1363-2 & 1365-2 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 February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



1362-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9036

Your item was delivered at 2:01 pm on January 16, 2004 in BURKE, SD 57523. The item was signed for by M O EIDE.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9036

OAKLEY EIDE
RR 2 BOX 24
BURKE SD 57523

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 8, 2004

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMITS

TO: Oakley Eide, RR 2 Box 24, Burke SD 57523

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Permit Nos. 1362-2, 1363-2 and 1365-2

On March 3, 2004, the Water Management Board ordered:

**That Water Permit Nos. 1362-2, 1363-2 and 1365-2 be suspended until
December 31, 2004, for failure to submit the 2003 irrigation questionnaires.**

Suspension of a water permit or right means water may not be pumped during the 2004 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

It is our understanding that you wish to petition the Water Management Board to rescind the suspensions. Please complete the enclosed questionnaires and submit them along with a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 12, 2004 in Pierre, SD. The letter can be informal but should include your reasons for not completing the questionnaires in a timely manner.

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

CERTIFICATION

1362-2

I hereby certify that on March 8, 2004, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2004 regarding Notice of One Year Suspension Water Right No. 3451-3, 2366-3, 2453-3, 3332-3, 6165-3, 3198A-3, 2480A-3, 1723-2, 921-1, 1080-2, 2696-3A, 4414-3, 4658-3, 6073-3, Amendment of Water Right #470A-1 & one Year Suspension of Water Right #1554-1, Amendment of Water Right #4528-3 & One Year Suspension of Water Right #4535-3 Three Year Suspension of Water Right No. 932-2, One Year Suspension of Water Permit #2464-3, 5353-3, 5552-3, 1362-3, 1363-2 & 1365-2 addressed as stated below:

3451-3
Martin Bertrand
48342 W Authier Rd
Jefferson SD 57038

2366-3
Wayne W Brown
48113 SD 48
Akron IA 51001

2453-3
Jack & Gale Coleman
41247 SD Hwy 37
Springfield SD 57062-6324

3332-3
John W Collins
RFD 148
Aurora SD 57002

6165-3
Alex and Ann Falk
1301 N 4th St
Aberdeen SD 57401

3198A-3
J V Kenneally
PO Box 50
Raymond SD 57258-0050

2480A-3
Dennis H & Jackie McDowell
227 W Lakeshore Dr
Carrollton GA 30117

1723-2
Tim Palmer
HC 2 Box 19A
Martin SD 57551

921-1
Wendelyn Richter
RR 2 Box 198
Whitewood SD 57793

1080-2
Larry Schell
Schell Ranch
22955 Jensen Rd
Wall SD 57790

2696-3A, 4414-3, 4658-3
Donald Schmidt
HCR 3 Box 16
Willow Lake SD 57278-9515

6073-3
Dirk Byers
Six Mile Creek Golf Course
PO Box 93
White SD 57267-0093

470A-1 & 1554-1
Stanley Wood
18950 137th Ave
Newell SD 57750

4528-3, 4535-3
Dwight Brenner
28-53 397th Ave
Armour SD 57313

4528-3, 4535-3
Elsie Sanders
3366 Midway Ave
Grant Pass OR 97527

4528-3, 4535-3
Jerry Peacock
2032 Central Blvd
Rapid City SD 57702

932-2
Wayne Sanderson
PO Box 306
Murdo SD 57559-0306

2464-3
John R Talsma
41125 Bottom Rd
Springfield SD 57062

5353-3
Michael A Koslowski
13329 443rd Ave
Waubay SD 57273

5552-3
Robert V Kellen
Kellen & Streit Inc.
30662 SW Jim River Rd
Yankton SD 57078-6018

1362-2, 1363-2 & 1365-2
Oakley Eide
RR 2 Box 26
Burke SD 57523

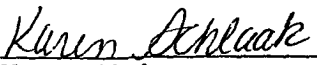

Eric Gronlund
Natural Resource Engineer
Water Rights

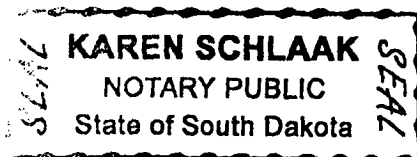
STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 9th day of March, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



Dear Garland.

I "put off" answering the letter last fall, because of harvest pressure & meaning calcs. I knew I had time this spring. When spring came, the time spent calking - and a bout with stomach problems - I just run out of time.

We have all the irr equipment ready to go. Paul Johnson of Platte Farms our irr. ground and I would hope to have everything in place if he decides to pump water. thank you for your consideration on this matter.

RECEIVED

APR 05 2004

WATER RIGHTS
PROGRAM

Sincerely

Oak Eds



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 7, 2004

NOTICE

TO: Oakley Eide, RR 2 Box 24, Burke SD 57523

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

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water Permit Nos. 1362-2, 1363-2 and 1365-2

On April 5, 2004, the 2003 irrigation questionnaires for Nos. 1362-2, 1363-2 and 1365-2 were received along with a letter from you explaining the reason the forms were not returned in a timely manner.

Your request to have the suspension of Water Permit Nos. 1362-2, 1363-2 and 1365-2 reconsidered by the Water Management Board has been scheduled for **10:00 am, May 12, 2004**, in the **Community Room, Chamber of Commerce, 800 W Dakota Ave., Pierre, SD.**

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water permits, defer action or take no action. The hearing is an adversary proceeding and any party 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. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

Our records show that you have had numerous years of non-use of water. You should be aware that the even if the suspensions are lifted and the water permits reinstated the irrigation portion of your permits may not be valid.

We strongly encourage you to attend the hearing. Your letter will be given to the Board for their review however they may have questions that only you could answer. If you have any questions concerning this notice or the hearing process, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General
Paul Johnson, 28276 Johnson Ln, Platte SD 57369

Note: Prior to the hearing, please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

CERTIFICATION

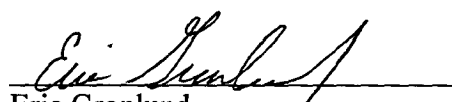
I hereby certify that on April 7, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 7, 2004 regarding Notice of Hearing to Consider Request to Rescind Suspension of Water Permit Nos. 1362-2, 1363-2, & 1365-2 addressed as stated below:

Oakley Eide
RR 2 Box 24
Burke SD 57523

Paul Johnson
28276 Johnson Ln
Platte SD 57369

A copy of the above described Notice was sent Inter-office to:

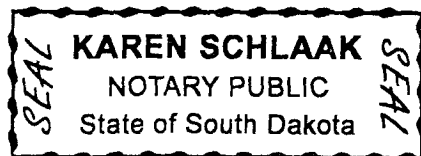
Diane Best, Assistant Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of April, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



WATER PERMIT NOS. 1362-2, 1363-2 AND 1365-2

OAKLEY EIDE

BRIEF DESCRIPTION:

- No. 1362-2 – diversion of water from a dry draw (240 acre feet of storage) to irrigate 124 acres;
- No. 1363-2 – diversion of water from a dry draw (1,000 acre feet of storage) to irrigate 447.3 acres;
- No. 1365-2 – diversion of water from Spring Creek and Whetstone Creek (600 acre feet of storage) to irrigate 326.1 acres (all are located in Gregory County, SD)

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October, 1999	December 1, 1999	none	March 1, 2000
October, 2000	December 1, 2000	February 28, 2001	none
October, 2001	December 1, 2001	October 29, 2001	none
October, 2002	December 2, 2002	October 31, 2002	none
October, 2003	December 1, 2003	April 5, 2004	March 3, 2004

January 14, 2004: A notice was sent (with signature confirmation) to Oakley Eide requesting the 2003 irrigation questionnaires be returned prior to the March 3, 2004, hearing date. The notice outlined what action the Board could take concerning the past due questionnaires. The signature confirmation card indicated the mail was signed for M O Eide on January 16, 2004.

March 3, 2004: The Board suspended Water Permit Nos. 1362-2, 1363-2 and 1365-2 for one year for failure to submit the 2003 irrigation questionnaires.

April 5, 2004: A letter was received (with the 2003 questionnaires) from Mr. Eide explaining the circumstances involving the delay in submission of the forms.

April 7, 2004: A notice was mailed to Oakley Eide notifying him of the time, date and place of the May 12th hearing at which the suspended water permits would be reconsidered by the Board.



Genny McMath
Water Rights Program
March 31, 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 19, 2004

NOTICE

TO: Oakley Eide, RR 2 Box 24, Burke SD 57523

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Water Permit Nos. 1362-2, 1363-2 and 1365-2

On May 12, 2004, the Water Management Board lifted the suspensions placed on Water Permit Nos. 1362-2, 1363-2 and 1365-2 for failing to submit the 2003 irrigation questionnaires.

A staff engineer with the Water Rights Program recently met with you regarding your water permits. The investigation found the land covered in the above water permits has not been irrigated for several years. Three of the storage dams are in place and used for stock watering purposes.

Under South Dakota water law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years unless legal excuse exists for the non-use. The information we have on file suggests that the irrigation portion of your water permits may be subject to abandonment and/or forfeiture due to non-use.

Our intent is to schedule the irrigation portion of your water permits for cancellation consideration by the Water Management Board. This action would not pertain to storage of water in the dams for livestock use. Only the Water Management Board can make determinations on validity of water permits or rights. At the hearing, you will have the opportunity to submit evidence to the Board. They will take all the evidence into account and make a decision based on the facts presented at the hearing.

The next Water Management Board meeting is scheduled for July 7th & 8th. You will be notified of the exact time, date and place of the hearing once it is scheduled.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on May 19, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 19, 2004 regarding Notice Water Permit Nos. 1362-2, 1363-2 & 1365-2 addressed as stated below:

Oakley Eide
RR 2 Box 24
Burke SD 57523

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



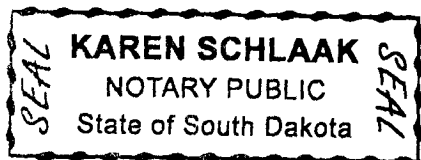
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of May, 2004.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER PERMIT NO. 1365-2
AND THE IRRIGATION PORTIONS OF WATER PERMIT NOS. 1362-2 AND 1363-2,
OAKLEY EIDE**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 1365-2 and the irrigation portions of Water Permit Nos. 1362-2 and 1363-2.

The Chief Engineer is recommending cancellation of the above due to abandonment and/or forfeiture. Tim Schaal conducted an investigation of the following permits on May 6, 2004:

- **Water Permit No. 1362-2** authorized irrigation of 124 acres located in Sections 10 & 15, T97N, R71W from runoff impounded in a 240 acre feet storage dam.

The recommendation is to cancel the irrigation portions and license the storage dam for its current capacity of 60 acre-feet of water for livestock watering purposes.

- **Water Permit No. 1363-2** authorized irrigation of 447.3 acres located in Section 6, T97N, R71W; Section 1, T97N, R72W and Section 31, T98N, R71W from runoff impounded in two storage dams (1,000 acre-feet and 75 acre-feet respectively).

The recommendation is to cancel the irrigation portions and license the two storage dams for 1,000 acre-feet and 75 acre-feet for livestock watering purposes.

- **Water Right No. 1365-2** authorized irrigation of 326.1 acres in Sections 5 & 6, T97N, R71W from Spring Creek and Whetstone Creek and included storage of water in two dams.

The storage dams were not constructed. The recommendation is to cancel the permit in its entirety.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
May 26, 2004

Note: Cancellation of these water permits does not prohibit new applications for the projects in the future.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 26, 2004

NOTICE OF CANCELLATION

TO: Oakley Eide, RR 2 Box 24, Burke SD 57523

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

SUBJECT: Cancellation of Water Permit No. 1365-2 and the irrigation portions of Water Permit
Nos. 1362-2 and 1363-2

On May 6th, Tim Schaal, a staff engineer with our program, met with you concerning Water Permit Nos. 1362-2, 1363-2 and 1365-2. His investigation found the land described in each permit has not been irrigated in several years. Some of the storage dams exist and are being used for livestock watering purposes. Based on the investigation finds, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 1365-2 and the irrigation portions only of Water Permit Nos. 1362-2 and 1363-2 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 1365-2 and the irrigation portions of Water Permit Nos. 1362-2 and 1363-2 at 10:00 am, July 7, 2004, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on the Water Permits based upon facts presented at the public hearing. Our records show you to be the owner of property covered by these water permits. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by June 28, 2004. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

May 26, 2004
Oakley Eide
Page 2

This hearing may be an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by June 28, 2004.

Prior to June 28, 2004, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

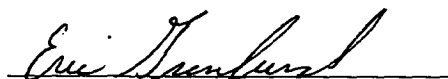
Please note:

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by June 28, 2004.

CERTIFICATION

I hereby certify that on May 26, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 26, 2004 regarding Notice of Cancellation of Water Permit No. 1365-2 & the irrigation portions of Water Permit Nos. 1362-2 and 1363-2 addressed as stated below:

Oakley Eide
RR 2 Box 24
Burke SD 57523



Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of May, 2004.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 16, 2004

Oakley Eide
RR 2 Box 24
Burke SD 57523

Dear Mr. Eide:

Enclosed, as you requested, is a copy of the most recent letter to you. The correspondence, dated May 26, 2004, is a "Notice of Cancellation" concerning your three water permits.

Thank you for calling and if you have any questions once you read through material, please give me a call.

Sincerely,

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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 12, 2004

1362-2
1365-2

NOTICE

Oakley Eide
RR 2 Box 24
Burke SD 57523

Dear Mr. Eide:

This will notify you that the Water Management Board cancelled Water Permit No. 1365-2 and the irrigation portion of Water Permit No. 1362-2. Although the action eliminated the irrigation portion of the water right, you are entitled to continuing use of the storage dam for domestic livestock water.

The actions pertaining to Nos. 1362-2 and 1365-2 were taken under the conditions outlined in our notice to you dated May 26, 2004.

With respect to Water Permit No. 1363-2, action is still pending due to submission of Findings of Fact, Conclusions of Law and Final Decision to be heard at the next regularly scheduled hearing.

Next fall, after the hearing to consider the Findings of Fact and Conclusions of Law, both Nos. 1362-2 and 1363-2 will need to be licensed for storage of water in the dams for domestic use.

If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

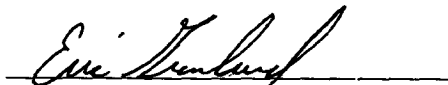
Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on July 12, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 12, 2004 regarding Notice of Cancellation of Water Permit No. 1365-2 & the irrigation portion of Water Permit No. 1362-2 addressed as stated below:

1362-2 & 1365-2
Oakley Eide
RR 2 Box 24
Burke SD 57523



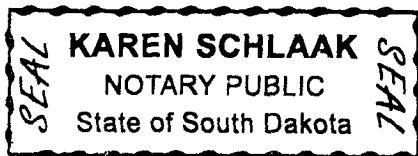
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of July, 2004.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





1362-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 15, 2004

1362-2
1363-2

Oakley Eide
RR 2 Box 24
Burke SD 57523

Dear Mr. Eide:

On October 18, 2004 you were sent a copy of the Findings of Fact, Conclusions of Law and Final Decision as adopted by the Water Management Board regarding cancellation of the irrigation portion of Water Permit No. 1363-2. Based on the final decision, your final water right document, the water license, can now be issued for the three storage dams used for livestock watering purposes.

State law requires a fee of \$50.00 for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program". By incorporating both permits into one license we are able to save you the second licensing fee of \$50.00.

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program.

Sincerely,

GARLAND ERBELE, Chief Engineer
Water Rights Program
(605 773-3352)



1362-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 16, 2005

REMINDER NOTICE

1362-2
1363-2

Oakley Eide
RR 2 Box 24
Burke SD 57523

Dear Mr. Eide:

On December 15, 2004, we advised you that a \$50.00 fee was due for the completed investigation of your Water Permit Nos. 1362-2 and 1363-2. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water permit.

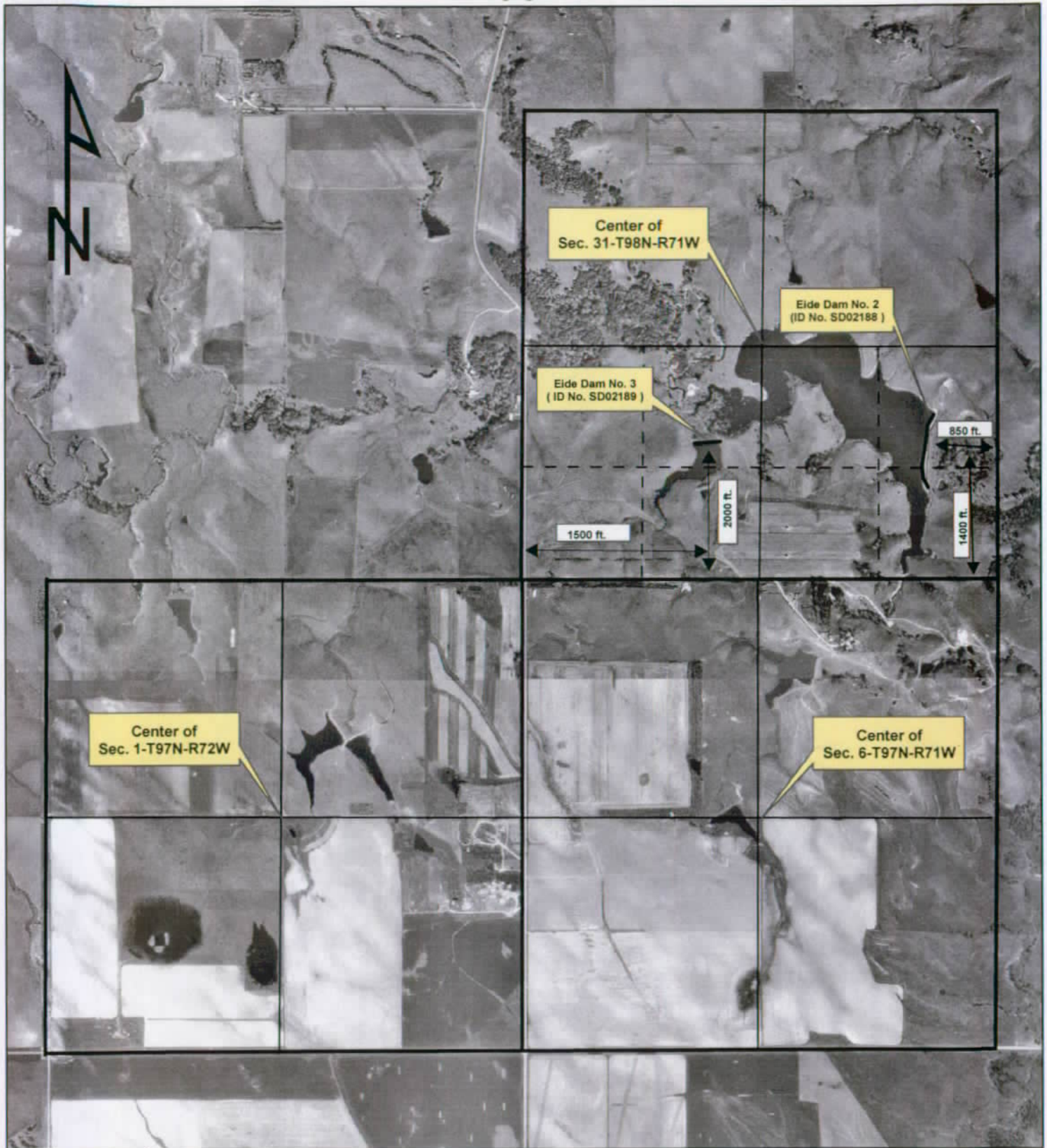
To date, we have not received the fee and therefore can not issue the water license. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352. The check or money order for the fee should be made payable to the "Water Rights Program".

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

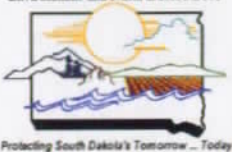
Water Permit Application No. 1363-2



0 0.25 0.5 1 Miles



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow... Today



Timothy G. Schaal

Timothy G. Schaal, P.E.
Natural Resources Engineer Specialist
Water Rights Program

5/14/04



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 19 2005

1363-2

Oakley Eide
28667 344th Ave
Burke SD 57523

Dear Mr. Eide:

Enclosed is Water License No. 1363-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 001826 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of No. 1362-2 are incorporated into Water License No.1363-2.

enclosures