

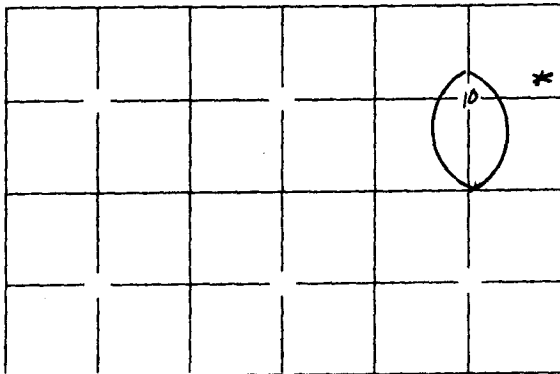
1. Considered: October 7, 19 82 Water Right No. 1829-2
2. Name of Applicant RAYMOND D PRAVECEK
3. Post Office Address RR #1, Box 91, Winner 57580
4. Amount of Water Claimed 2.34 maximum acre feet
5. Source of Water Supply Dam (on Dog Ear Creek)
6. Water to be used for IRR acres to be irrigated 164
7. County Tripp about 4S,3W miles of Winner
8. PROOF OF PUBLICATION: Received 11/23/82 Not Received _____
 APPLICATION: Approved 10/7/82 Subject to LF & IQ
 Not Approved _____ Action Deferred _____

PRIORITY 9-17-82 Dated Received 6/2/82 Application complete-yes _____ no _____ FEE 250.00
W&rec. Remarks _____

Corrected Application ^{WQ} received 9/17/82 Period of Annual Use 5/1 to 9/1

WATER QUALITY Received yes ^{9/17/82} no APPROVED CONDITIONAL (Circle one)
 WI-1 Description same as application-yes XX no _____ Remarks _____

Disapproved _____ Returned _____



Diversion Point _____
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10-98-77

Land to be irrigated _____
E $\frac{1}{2}$ SW $\frac{1}{4}$: W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 10-T98N-R77W

WELL LOG Driller _____ Licensed - yes _____ no _____
 Depth _____
 Remarks _____

MAP Map No. 1579-2 Map located in Water Right xx Map file _____
Type of Map aerial Prepared by SCS

+++++

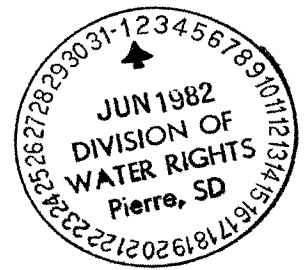
REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:
9/10/82

Betty Westlund
(Signed)

+++++

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

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



No. 1829-2

Map No. 1579-2 Water Division No. 2 WHITE RIVER District Above for Office Use 10140204

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

Check one of the following:

New XX Vested Right Future Use

Change in Diversion Additional Diversion

Change in Acreage Additional Acreage

1. Name of Applicant Raymond D. Pravecek Phone No. (605) 842-3505 Post Office Address RR#1, Box 91, Winner, State South Dakota 57580

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Empl. of others

3. Name of diversion work Dam up Dog Ear Creek

4. Amount of water claimed (cubic feet per second) 2.34 MAX ALLOWABLE

5. Source of water supply 12,000 Acre water run off

6. Location of point of diversion SE 1/4 NE 1/4 10-98-77

County Tripp

7. Annual period or periods during which water is to be used May 1 to September 1

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 160 Acres 164 acn

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

Table with 2 columns: Land Description, No. Acres Irr. Rows include NW 1/4 of SE 1/4 Sec. 10-98-77, SW 1/4 of SE 1/4 Sec. 10-98-77, NE 1/4 of SW 1/4 Sec. 10-98-77, SE 1/4 of SW 1/4 Sec. 10-98-77.

Table with 2 columns: Land Description, No. Acres Irr. Rows include SW 1/4 NE 1/4, SE 1/4 NW 1/4 10-98-77.

Attach sheet if more space is needed

show call 8/2/82. B.W.

10. Time required to complete construction of water supply system five (5) years. Additional time required to complete application of water to the proposed beneficial use five (5) 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Winner Advocate

12. Principal Features of the Proposed Water Supply System.

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

Dam up Dog Ear Creek.

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

Pump and Pipe.

C. Works proposed to apply water to beneficial use.

Pivot Irrigation System

Estimated Total Cost \$ 60,000.00

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

STATE OF SOUTH DAKOTA) County of Tripp) ss.

I, Raymond D. Pravecek 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 Raymond D. Pravecek

Subscribed and sworn to before me this 1st day of June, 1982

James H. Galley Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1829-2

RAYMOND D. PRAVECEK

RR. #1, Box 91, Winner

South Dakota (Applicant) 57580

(Post Office Address)

With the following qualifications.

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed.

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

Approval of this permit authorizes storage of up to 175 acre feet annually.

Date of first receipt of application June 2, 1982

Date of return to applicant for correction, amendments or changes required June 2, 1982

Date of receipt of corrected application September 17, 1982

Approved October 7, 1982, Recorded in Book Page

WATER RIGHT PERMIT NO. 1829-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1829-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

- 1. The date from which applicant may claim right is September 17, 1982
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before April 7, 1985
3. The whole of said work is to be completed on or before October 7, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is October 7, 1991
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 2.34 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before October 7, 1991; said water to be used during the following described annual period: May 1st to September 1st

Witness my hand this 23rd day of November, 1982

THE WATER MANAGEMENT BOARD

By: John Hatch, Chief Engineer, Water Rights JOHN HATCH

Certificate of Construction Issued, 19

Water License Issued, 19

D. Well Information

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) 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. (Attach a copy of test well log)

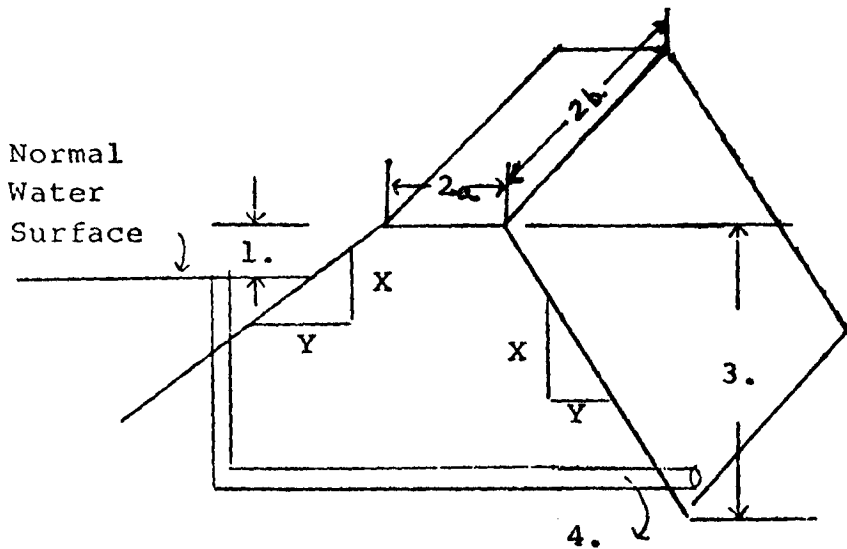
Depth to top of water bearing material _____
 Depth to bottom of water bearing material _____
 Depth to water (ground surface to water level) _____

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

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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



- 1. Freeboard 6'
- 2a Crest width 14' b. length 747'
- 3. Height of Dam 27.8'
- 4. Outlet dimensions:
 Pipe diameter 6'
 Spillway width 120' Natural
- X & Y slope:
 Upstream 4:1
 Downstream 3:1
- Surface area of impoundment
20 acres
- Drainage area above dam
12,000 acres
- Storage Capacity
175 acre feet

Raymond D. Parent
 Signature of Applicant

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

3079

OWNERS NAME: Raymond D. Pravecek OWNERS ADDRESS: RR#1, Box 91, Winner, S.D. 57580

COUNTY LAND LOCATED IN: Tripp PHONE: 842-3505

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

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

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

- WELL LOCATION OR DIVERSION POINT: SW 1/4 NE 1/4 10-98-77
- SURFACE WATER SOURCE: Dammed up Dog Ear Creek (run off water)
- LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 of SE 1/4 Sec. 10 T98N R77W</u>	<u>40</u>	<u>SW 1/4 NE 1/4 10-98-77</u>	<u>2</u>
<u>SW 1/4 of SE 1/4 Sec. 10 T98N R77W</u>	<u>40</u>	<u>SE 1/4 NW 1/4 10-98-77</u>	<u>2</u>
<u>NE 1/4 of SW 1/4 Sec. 10 T98N R77W</u>	<u>40</u>		
<u>SE 1/4 of SW 1/4 Sec. 10 T98N R77W</u>	<u>40</u>		

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

5. CROPS TO BE IRRIGATED: Alfalfa and corn

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____

LEGAL DESCRIPTION: 81'-NE 1/4 15-97-77 & 82'-NE 1/4 9-97-77 Tripp Co.
IN WHAT NAME: Raymond D. Pravecek

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

- WATER SAMPLE NUMBER: 82-1139
- SALINITY (EC X 10⁶): 750
- SODIUM (SAR): 0.66
- ADJUSTED (SAR): 1.59

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 8:00 a.m./p.m., on 5/31/82, 1982, at the following location: Running Creek in the SW 1/4 NE 1/4 of 10-98-77 by Raymond D. Pravecek (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

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

SUBSCRIBED AND SWORN BEFORE ME THIS

1st DAY OF June, 1982.

(NOTARY PUBLIC)

Raymond D. Pravecek
APPLICANT'S SIGNATURE

Task H Hill
Director, Division of Conservation

IMPORTANT

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

- APPROVED
- DISAPPROVED
- X CONDITIONALLY APPROVED

9-17-82

Received
9/17/82
BW

CONDITIONAL

3079

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Raymond Provacek

LEGAL DESCRIPTION: NW $\frac{1}{4}$ SE $\frac{1}{4}$ 10; SW $\frac{1}{4}$ SE $\frac{1}{4}$ 10; NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10;

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10; SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10; SE $\frac{1}{4}$ NW $\frac{1}{4}$ 10; = 184 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

LoD - Lakoma-Okaton silty clay (9-15%) these areas will not be irrigated because of the soils types and the steep slopes.

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

Wn - Witten silty clay - this area is a drainage way that will be maintained in grass and/or alfalfa.

RECOMMENDED MANAGEMENT:

[Signature]
SIGNATURE

9-17-82
DATE



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

July 16, 1982

Raymond Pravecek
RR 1, Box 91
Winner, SD 57580

Dear Mr. Pravecek:

In reviewing your application for the NW $\frac{1}{4}$, SE $\frac{1}{4}$; SW $\frac{1}{4}$, SE $\frac{1}{4}$; NE $\frac{1}{4}$, SW $\frac{1}{4}$; and SE $\frac{1}{4}$, SW $\frac{1}{4}$; all in 10-98-77, the irrigation staff is recommending a Conditional Approval to the State Conservation Commission.

The Conditional Approval is based on the soils of the intended irrigation project and will have restrictions on it as follows:

- 1.) The area mapped as (LoD) Lakoma-Okaton silty clay (9-15%) will not be irrigated because of the soils types and the steep slopes.
- 2.) The area (Wn) Witten silty clay is a drainage way that will be maintained in grass and/or alfalfa.

I am sorry about the delay and confusion in processing your application, but the deviation from our standard procedures for processing applications, sometimes causes a breakdown in the information channels.

Sincerely,

A handwritten signature in cursive script that reads "James Lewis Stukel".

Jim Stukel
Irrigation Program Director

cf

cc: Water Rights Division



RECEIPT

WATER RIGHTS COMMISSION

No 4 8853

State of South Dakota

PIERRE, June 1, 1982

Raymond D. Pravecek, RR#1, Box 91, Minner, SD 57560

RECEIVED OF -----

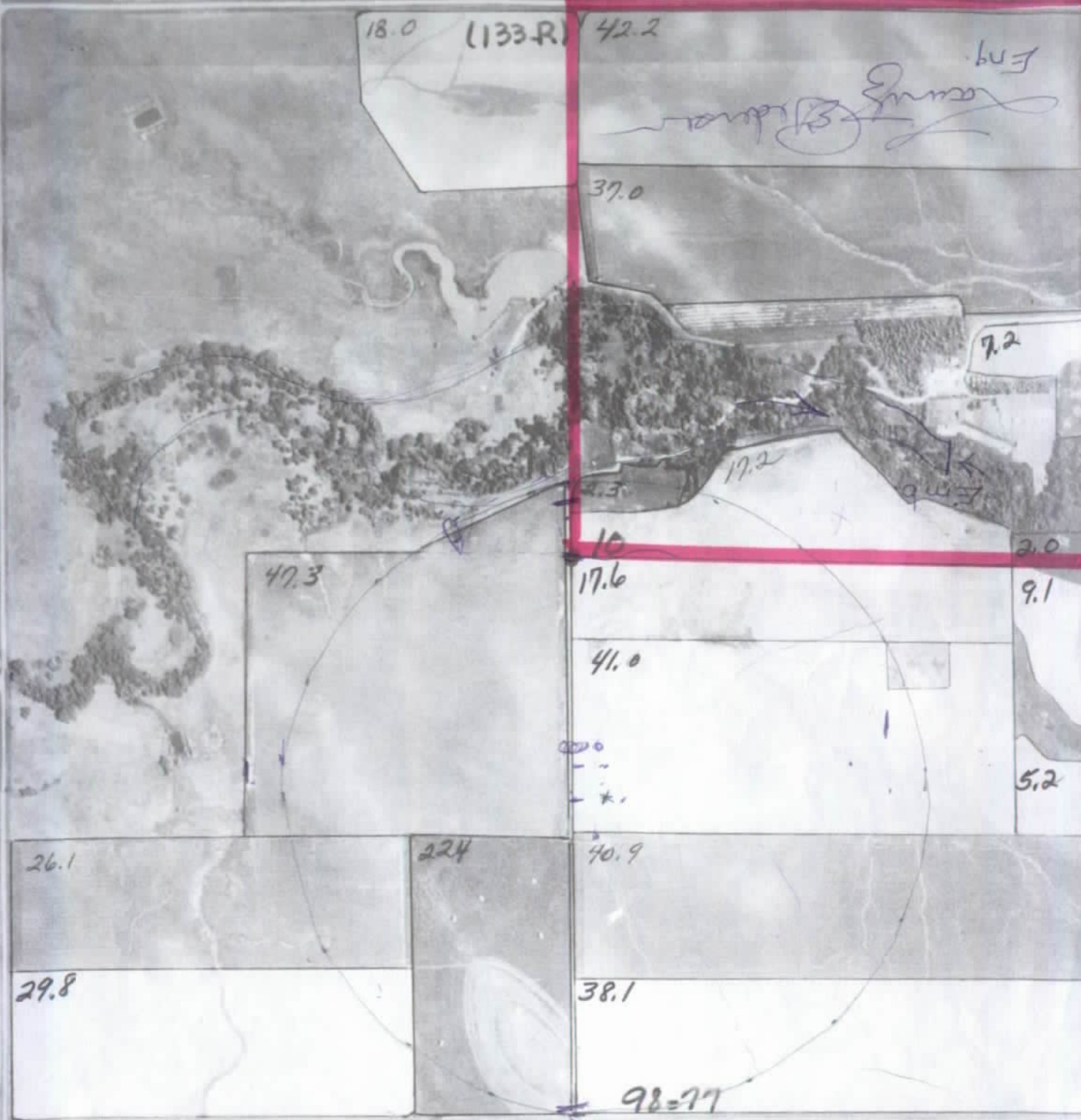
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. ----- (examination, processing, recording and filing) -----	250	00
Fee for inspecting Construction, and issuing Cert. of Construction No.-----		
Fee for inspecting Beneficial Use, and issuing Water License No.-----		
Fee for issuing Location Certificate-Dry Draw, No.-----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL	250	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/ms

NOT TO SCALE



Eng. *James G. ...*

3-290
1982

4 of 8

33.9



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Division of Water Rights
(605) 773-3352

June 2, 1982

Raymond D Pravecek
RR #1, Box 91
Winner SD 57580

Dear Mr. Pravecek:

Your application dated June 1, 1982 for a permit to appropriate water from Dog Ear Creek through the Pravecek Irrigation Project was received June 1, 1982.

We have not, as of this date, received the soil/water compatibility approval which you have submitted to the State Conservation Commission for their review.

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

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

Your Receipt No. 4 8853 in the amount of \$ 250.00 is on file with your application.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

*7/12/82
WI-1 ~~water~~ sent to Pierre office and water to Brookings. Bhs. Lab did not know where analysis should be sent WI-1 has to be sent to Bhs with water sample.*

Equal Opportunity Employer

Water Rights Division - DWR

Telephone Reference Sheet

NAME OF PERSON (Called/Calling): SCC - Fry

ADDRESS: _____ COUNTY: _____

DATE: August 11, 1982 TELEPHONE: 3259

RE: _____

COMMENTS:

Called Colleen re Ray Pravecik's w/r appl. as the aerial photo shows more acreage than is on his appl. She is going to check with Stukel on 12th see if he wants to call Pravecik to check on description. She sent a copy to SCC of the w/r appl. map.

#2 called 4:30 Fri 13th - no answer - second time

#1 Called to Mrs Pravecik the 11th he was to return call - he did during noon but never returned call after that

Called 8/16/82 - no answer

8/16/82 - wrote a letter re map etc -

8/27/82 Pravecik called office and said could add 3 acres in SWNE & SENW as CP may go just a little bit into these areas.

DW

8/30/82 SCC called said they would go ahead & add extra acreage, but there would be some of the other acreage deleted.

File in Permit file when necessary. Use to make a record of conversations and what the other party was told.

NAME: Debbie Westwood

Water Rights Division
605 773-3352

August 16, 1982

Raymond D Pravecek
RR #1, Box 91
Winner SD 57580

Dear Mr. Pravecek:

We have been unable to reach you by phone, regarding your application to irrigate 160 acres in the W 1/2 SE 1/4 and E 1/2 SW 1/4 Section 10, T98N, R77W from a dam on Dog Ear Creek in the SE 1/4 NE 1/4. We need the following information:

The center pivot drawn on your aerial photo shows lands in SW 1/4 NE 1/4 and SE 1/4 NE 1/4 of Section 10. Will this acreage be irrigated with the center pivot?

All lands to be irrigate must be noted on your application and also be approved for water quality by the State Conservation Commission to be in compliance with South Dakota Laws.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:kw

cc: Jim Stukel
Conservation Comm.

8/27/82
Mr. Pravecek called and
said the CP may go into
the above just a little no more
than couple of acres in each.

BW

Informed Secre. this. We had
already discussed it

Publish first publication, on or before September 22, 1982NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 17, 1982Notice is hereby given Raymond D Pravecak whose post office

address is RR #1, Box 91, Winner, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 (ground) ~~46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-38; (transfer lands) 46-5-33 thru 46-5-35~~ and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, ~~(future use) 74:02:01:23 thru 74:02:01:26 (10,000 AFA) 74:02:07:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use

2.34 cubic feet of water per second of time from a dam through the Dam up Dog Ear Creek Project, the point ~~(s)~~ of diversion which is ~~(are)~~ to be located in the SE 1/4 NE 1/4

of Section 10, Twp. 98N, Range 77W. Said water to be used for purpose of providing irrigation on portions of the following described land:

E 1/2 SW 1/4; W 1/2 SE 1/4; SW 1/4 NE 1/4 and SE 1/4 NW 1/4, Section 10, T98N, R77W

This Application No. 1829-2 will be considered by the Water Management Board at Meeting Room #1, Knelp Building, Church & Illinois, Pierre SD upon the 7th day of October, 1982

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

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

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

For the Water Management Board

cc: applicant
WNR-806-2/82

BETTY WESTLUND, Water Rights Specialist

No. 18-28-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Tripp) ss.

I, D. L. Whannan hereby

certify that the annexed printed copy of Notice of Intent to Appropriate Water was taken from the Winner 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 Winner

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

Sept. 22, 1982
Sept. 29, 1982

D. L. Whannan
(Signature)

Publisher
(Title)

Sept. 30, 1982
(Date Signed)

Cost of Printing: \$20.90

WNR-808-7/79
Proof of Publication



18-28-2
NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501
September 17, 1982

Notice is hereby given Raymond D. Pravecek whose post office address is RR # 1, Box 91, Winner, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use 2.34 cubic feet of water per second of time from a dam through the Dam up Dog Ear Creek Project, the point of diversion which is to be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Twp. 98N, Range

77W. Said water to be used for purpose of providing irrigation on portions of the following described land: E $\frac{1}{2}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, T98N, R77W

This Application No. 1829-2 will be considered by the Water Management Board at Meeting Room # 1, Kneip Building, Church & Illinois, Pierre, SD upon the 7th day of October, 1982 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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

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

For the Water Management Board

/ s/ Betty Westlund
BETTY WESTLUND,
Water Rights Specialist
(38-39)



Department of Water & Natural Resources

Joe Foss Building Division of Water Rights (605) 773-3352
Pierre, South Dakota 57501

October 18, 1982

Raymond D Pravecek
RR #1, Box 91
Winner SD 57580

Dear Mr. Pravecek:

This will notify you that the Water Management Board approved your Application No. 1829-2 at their October 7, 1982 Board meeting, subject to the receipt of the affidavit of publication.

Please send in the affidavit of publication so the permit can be issued.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

Equal Opportunity Employer

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights Division.
Pierre, South Dakota 57501

(605) 773-3352

November 23, 1982

Raymond Pravecek
RR #1, Box 91
Winner SD 57580

Dear Mr. Pravecek:

Enclosed herewith is your Water Right Permit No. 1829-2 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1829-2.

Also enclosed is FORM 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Management Board when you have completed the system and/or have put the water to beneficial use. The Board can then schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

PLEASE FILL OUT AND RETURN AT ONCE

This is the Water Management Board data sheet for recording 1986 irrigation estimates.

November, 1986

1829-2
RAYMOND D PRAVECEK
 RR #1 BOX 91
 WINNER
 SD 57580

TR/WH

SURFACE WATER (check one)
 GROUNDWATER

For Dept. use only

Number of acres actually irrigated _____

If you did not irrigate during 1986-check this box

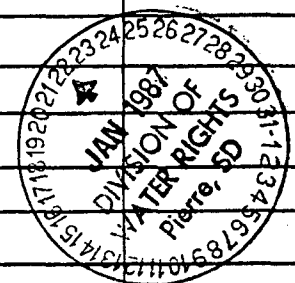
If your system has not been constructed-check this box

(home)

Type of Power	No. acres irrigated
1. Electric	_____
2. Gravity	_____
3. Gasoline	_____
4. Nat. Gas pipeline	_____
5. Diesel	_____
6. Propane	_____
7. Other	_____

Type of System	
1. Hand Moved Sprinklers	_____
2. Portable booms	_____
3. Center pivots (# of)	_____
4. Gated pipes	_____
5. Sidewheel	_____
6. Towlines	_____
7. Big gun	_____
8. Siphons	_____
9. Flood	_____
10. Other	_____

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimate Water Use					
				Crop	Acres	Water Used	Crop	Acres	Water Used
April									
May									
June									
July									
August									
Sept.									
Oct.									
Other Months									



Season Static Water Level: beginning _____ ft. end _____ ft. (groundwater only)

COMMENTS:

Complete and return to: WATER MANAGEMENT BOARD
 Water Rights Division
 Joe Foss Building
 Pierre SD 57501-3181

What is the Procedure to keep this Permit current But Not constructed?

Owner or address change, if any:

SOUTH Dakota Department of
Water & Natural Resources

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

1829-2

February 2, 1987

Raymond D Pravecek
RR #1 Box 91
Winner, SD 57580

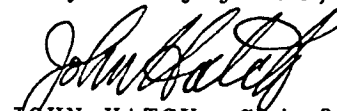
Dear Mr. Pravecek:

This letter is in response to the 1986 irrigation questionnaire you submitted for Water Permit No. 1829-2. You inquired as to what was needed to keep your permit current.

SDCL 46-2A-8 states that any construction necessary to put the water to beneficial use shall be completed within five years of approval of the permit. Water Permit No. 1829-2 was approved October 7, 1982. The date for completion of the works, as specified in Water Permit No. 1829-2 is October 7, 1987. Your permit is subject to cancellation if construction is not completed by October 7, 1987.

If you have any questions, please contact us.

Very truly yours,



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

JH:ks

#1808-2
#1829-2



Department of Water & Natural Resources

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

February 17, 1989

Raymond D. Pravecek
RR 1, Box 91
Winner, SD 57580

Dear Mr. Pravecek:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

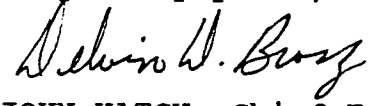


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

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

February 9, 1990

RAYMOND D PRAVECEK
RR 1 BOX 91
WINNER, SD 57580

NOTICE

RE: Violation of Water Permit No(s) 1829-2, 1769-2 and 1989 Irrigation Questionnaire Requirements

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1829-2, 1769-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board has directed that owners of water permits who have not submitted the 1989 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1829-2, 1769-2 qualification:

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

The hearing will also be to determine if Permit No. 1808-2 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City 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, the Water Management Board can:

1. Suspend Permit No(s). 1829-2, 1769-2 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s). 1808-2 also held by RAYMOND D PRAVECEK to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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 before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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



Department of Water & Natural Resources

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

February 16, 1990

1769-2
1808-2
1829-2

Ray Pravecek
RR 1, Box 91
Winner SD 57580

Dear Mr. Pravecek:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 1769-2, 1808-2 and 1829-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall /ks

RON DUVALL
Natural Resources Engineer
Water Rights Division

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

RAYMOND D PRAVECEK
RR 1 BOX 91
WINNER SD 57580

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 1808-2, 1769-2, 1829-2 and 1990 Irrigation Questionnaire Requirements

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1808-2, 1769-2, 1829-2. 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 permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 1769-2, 1829-2 qualification:

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

The hearing will also be to determine if Permit No(s) 1808-2 should be amended with the qualification to require the Questionnaire to be submitted each year. The hearing 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, the Water Management Board can:

1. Suspend Permit No(s) 1769-2, 1829-2 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s) 1808-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 before the February 27th hearing date, you will no longer be in violation of your permit and 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

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to: <p style="text-align: center;"> RAYMOND D PRAVECEK RR 1 BOX 91 WINNER SD 57580 </p>	4. Article Number <p style="text-align: center;">P 694 057 457</p> Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED .
5. Signature — Addressee <input checked="" type="checkbox"/> <i>Janna Pravecek</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent <input checked="" type="checkbox"/>	
7. Date of Delivery <i>2-5-91</i>	



GREAT FACES. GREAT PLACES.

February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

RAYMOND D. PRAVECEK
RR 1, BOX 91
WINNER, SD 57580

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 1808-2; & 1829-2

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 1808-2; & 1829-2. The request for the chemigation report(s) was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

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

The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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. Suspend Permit No(s). 1808-2; & 1829-2 until either the 1990 chemigation report(s) is submitted or for a period of up to one 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.

Very truly yours,

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

NOTE: If the chemigation report(s) is received in this office before the February 27th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

March 5, 1991

1769-2
1808-2
1829-2

Raymond D Pravacek
RR #1 Box 91
Winner, SD 57580

Dear Mr. Pravecek:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and chemical use data for Water Permit Nos. 1769-2, 1808-2 and 1829-2. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and Notice of failure to report chemical use. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

Conversation or File Documentation

NAME OF PERSON OR FILE: Raymond D Pravecek

ADDRESS: RR 1, Box 91, Winner COUNTY Tripp

DATE: March 27, 1991 TELEPHONE _____

RE: Status of Water Permit No. 1829-2

COMMENTS:

Mr. Pravecek called concerning the status of Water Permit No. 1829-2. According to Mr. Pravecek, the project has not been constructed but he is now interested in completing the project. I informed Mr. Pravecek that the construction period ended on October 7, 1987, and the permit is subject to cancellation due to nonconstruction. I sent Mr. Pravecek forms to reapply for a water permit.

Permit No. 1829-2 should be cancelled due to nonconstruction.

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

NAME: 

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 1829-2, RAYMOND D PRAVECEK

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit No. 1829-2.

The Chief Engineer is recommending cancellation of the above Water Permit because the project had not been constructed prior to the completion date specified on the permit. In a March 27, 1991 telephone conversation with Ron Duvall, Natural Resources Engineer, Mr. Pravecek stated he had not constructed the project.

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with a large loop at the beginning.

RON DUVALL, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
June 6, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

June 6, 1991

NOTICE OF CANCELLATION

TO: Raymond D Pravecek, RR #1 Box 91, Winner, SD 57580

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

SUBJECT: Cancellation of Water Permit No. 1829-2

The Water Management Board will consider cancellation of Water Permit No. 1829-2 at 10:00 am, on July 24, 1991, at the Governor's Inn, Kneip Room, 700 West Sioux Avenue, Pierre SD.

The hearing(s) 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.

The Chief Engineer of the Water Rights Division is recommending cancellation of Water Permit No. 1829-2 because the project has not been constructed. The time limit for completion of the works, as specified on the permit, lapsed October 7, 1987.

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 Water Permit No. 1829-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by Water Permit No. 1829-2. 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 July 12, 1991. 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 Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

(continued)
June 6, 1991
Raymond D Pravecek
Page 2

These hearings are adversary proceedings. 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.

Further information on the proposed cancellation or to assure access to the hearing by the handicapped can be obtained by contacting the Water Rights Division, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) for assistance prior to the hearing. 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 held October 2-3, 1991, in Pierre, SD. Any request for extension must be filed with the Chief Engineer by July 12, 1991.

Please note: Cancellation of this permit does not prohibit you from making a new application for this project in the future.

July 9, 1991.

TO: Ron Duvall, Natural Resources Engineer IV
for John Hatch, Chief Engineer
Water Rights Division



FROM: Raymond D. Pravecek, RR #1, Box 91, Winner, SD 57580

SUBJECT: Cancellation of Water Permit No. 1829 - 2

Dear Mr. Duvall,

With reference to the above cancellation, we would like you to consider #3 - delay action on - for the following reasons:

At the time of the application, we owned the quarter that we lived on and that the dam was to be built on. This quarter was the NE $\frac{1}{4}$ -10-98-77. We also had a verbal agreement with my uncle, Oscar Pravecek, to buy the remaining 3 quarter of this section. Due to Oscar's wife being diagnosed with cancer in 1982 and subsequently her passing away, Oscar decided not to sell. When we applied, we acted on the verbal agreement that we would be able to purchase the remaining land that the water would be backed up on and also where the irrigating would take place.

After several attempts to buy this land and Oscar not wanting to let it go, we were resigned to the fact that it would just take time. We were told that we would have the first chance at buying it as there are no children in Oscar's family as we have lived here since they retired from the farm in 1972.

When Oscar returned from Arizona this past spring he approached us about buying the land. When we had our telephone conversation in March, I was not aware of his offer. We have since had the land reappraised and are currently in the process of getting a contract drawn up.

At this time we would very much appreciate your consideration of a extension on the above water permit #1829-2 to give us time to get it orgazined again.

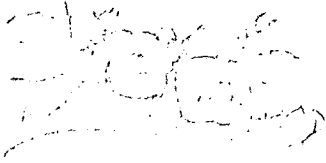
If you have any questions or if I need to come and see you, just give me a call at 842-3505.

Sincerely,

Raymond D. Pravecek

RDP/jmp

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 1991

NOTICE

Raymond D Pravecek
RR #1 Box 91
Winner, SD 57580

Dear Mr. Pravecek:

This will notify you that the Water Management Board cancelled your Water Permit No. 1829-2 for nonconstruction. This action was taken under the conditions outlined in our notice to you dated June 6, 1991.

Your letter dated July 9, 1991 was given to the Board for consideration. The reasons you cited did not constitute legal excuse which would have prevented construction.

If you have any questions concerning the action the Board has taken with regard to cancellation of your Water Permit, please contact us.

Very truly yours,

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

