

Considered: _____

WATER PERMIT NO. 2102-2

~~HAP No.~~ 685-6098

Name of Applicant Livermont Bros., Inc.

Post Office Address HWC 2, Box 25, Vetal, SD 57551

Amount of Water Claimed 2 cfs Total Acres 124

Source of Water Supply Groundwater - two wells

Water to be used for irrigation County Bennett

About 1 1/2 miles N of Vetal, SD

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received Sept 29, 1989 Fee \$250.00 Remarks _____

Corrected Application Received _____ Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☐ NO ☐ REMARKS _____

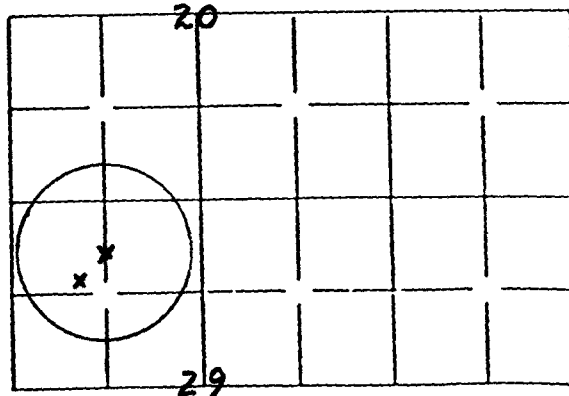
Diversion Point Well No. 1 - NW 1/4 NW 1/4 Section 29

T38N-R34W. Well No. 2 - NW 1/4 NW 1/4 Section 29

T38N-R34W

Land to be Irrigated NW 1/4, Section 29 and

5 1/2 SW 1/4, Section 20, all in T38N-R34W



Well Log: Driller Sargent Irrigation Co. Licensed YES ☒ NO ☐

Depth of Well 140 Feet REMARKS _____

Type of Map Aerial Photo PREPARED BY Earl Simmons Reviewed and the Number

assigned on OCT 2, 1989 By William D. Bragg

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

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

(See instructions)

No. 2102-2 Hydrologic Unit 10140202
Basin White River
Newspaper Bennett Co Booster II, Box 610 (Wed)
57551

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
Name of Applicant Livermont Bros. Inc. Phone No. 685-6098
Post Office Address HWC 2 Box 25, Vetat State SD 57551
(Street, RR or Box) (City) Zip Code



2. Amount of water claimed (c.f.s.) 2 Total acres irrigated 124
3. Source of Water supply Livermont Wells No. 1 and No. 2
4. Location of point of diversion Well #1 80 rods East, 42 rods South of the Northwest corner of NW 1/4, Sec. 29, T 38, R 34 -Well #2 60.6 rods E., 74 rods S. of NW corner of NW 1/4, Sec. 29, T 38-R34 County Bennett
5. Counties where water will be used Bennett
6. Annual period during which water is to be used April¹ thru October³¹
7. 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.
SW 1/4 of NW 1/4 Sec. 29	13.0
SE 1/4 of NW 1/4 Sec. 29	13.0
NW 1/4 of NW 1/4 Sec. 29	38.0
NE 1/4 of NW 1/4 Sec. 29	38.0

Land Description	No. Acres Irr.
SW 1/4 of SW 1/4, Sec. 20	11
SE 1/4 of SW 1/4 Sec. 20	11

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____ (Specify) _____
9. Crops to be Irrigated: Corn and Alfalfa
10. Give a description of proposed project. (Attach sheet if more-space is needed)

Farm irrigation for production of forage and feed grain; buried pipe, one well will be used if enough water is obtained; If not two wells will be dug.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Bennett) ss

I, Livermont Bros. Inc., the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Livermont Bros. Inc. by [Signature] X
Subscribed and sworn to before me this 28th day of September 1989
[Signature]
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction If two Wells are used, information applies to both.

- a) Drill Hole Diameter 30" Depth 140'
- b) Casing Type steel Diameter 16" Thickness .219
- c) Screen Type steel Diameter 16" Thickness .219
- d) Gravel Pack Thickness 7" Length of Gravel Pack 130'
- e) Depth to Top of Water Bearing Material 20'
- f) Depth to Water (ground surface to water level) 30'
- g) Distance to nearest existing domestic well:
On applicants property 100 rods On property owned by others 320 rods



2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

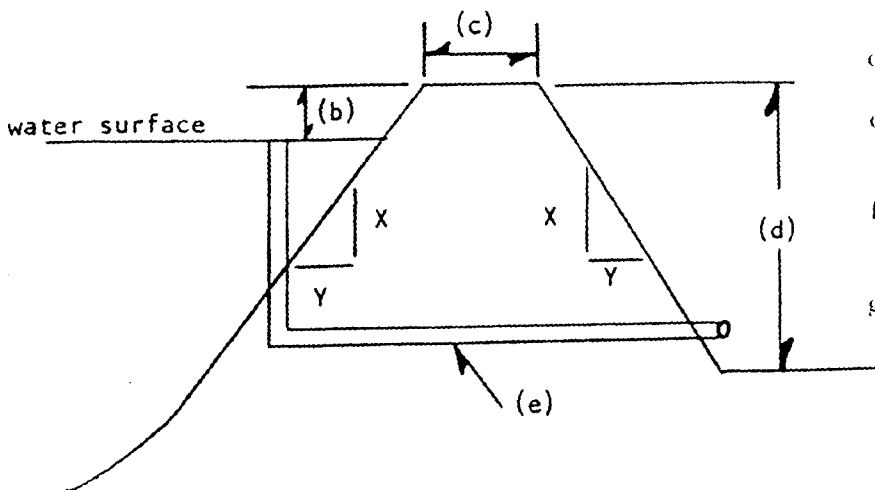
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Loisina Ben Lachry-Layne
Signature of Applicant

**SOUTH DAKOTA
WATER PERMIT No. 2102-2 FOR IRRIGATION**

Date of first receipt of application September 29, 1989.

Date Soil/Water Compatibility Permit received October 30, 1989.

The Water Management Board approved Water Permit Application No. 2102-2 on December 7, 1989 for Livermont Bros. Inc., HWC 2, Box 25, Vetal SD 57551 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2102-2 appropriates 1.77 cubic feet of water per second from 2 wells (Ogallala Aquifer) 140 feet deep to irrigate 124 acres. The wells are to be located in the N1/2 NW1/4 section 29 and the irrigated acreage is to be located in the NW1/4 section 29; S1/2 SW1/4 section 20; all in T38N-R34W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is September 29, 1989.
4. One-fifth of the construction is to be completed on or before June 7, 1992.
5. All construction is to be completed on or before December 7, 1994.
6. Water is to be put to beneficial use on or before December 7, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of Permit No. 2102-2 is for 1.77 cfs to irrigate 124 acres.
2. The wells authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
3. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

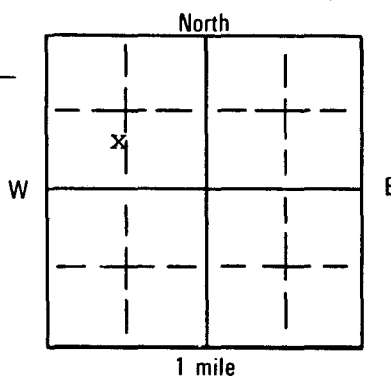
WATER MANAGEMENT BOARD

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

APR 6 1990
(date)

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 NW 1/4 Sec 29 Twp 38 Rg 35
4County
BennettPlease mark well
location with
an "X"Well Completion Date 2-26-90

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Reverse Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>42.05</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>50</u> FT	<u>32</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? Twenty FEETWhat is grouting material? CementIf cement, number of sacks? 6 Sack MixDescribe grouting procedure Tremie pipe pumped from
20' to ground surfaceWhat was grout weight? 16 LB/GALSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 16 IN Length 90 FEETMaterial SteelSlot Size 125 Set From 50 Feet To 140 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? Enviroplug CoarseDescribe packer(s) and location? Two feet of material
from 22 to 24 feetWas well disinfected upon completion? ☐ YES ☒ NOExplain Irrigation use onlyBacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Wayne LivemontAddress Vetal, SD

Well Log:

Depth

Formation	From	To
Sand, trace of clay	0	20
Coarse sand	20	40
Coarse sand	40	62
Clay	62	65
Coarse sand	65	78
Clay	78	85
Sand	85	93
Red clay & soft sandstone	93	100
Red clay & fine, soft sandstone	100	120
Soft brown sand w/clay layers	120	140

STATIC WATER LEVEL 31 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Pumped open discharge
☐ Bailed Describe: through turbine pump.
☐ Other 8" pipe. Clean, no sand.

Pumping Level Below Land Surface

62 ft. After 4 Hrs. pumped 300 GPM68' 6" ft. After 4 Hrs. pumped 350 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

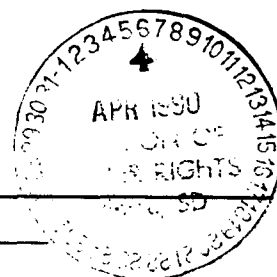
Well will be set up for 300 GPMThis well was drilled under license # 273

And this report is true and accurate.

Drilling firm Sargent Irrigation Co.

Signature of License Representative:

Signature of Well Owner:

Date Mar 30, 90

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4415

WR#

OWNERS NAME: Livermont Bros., Inc. OWNERS ADDRESS: HWC 2, Box 25
Vetal, SD 57551

COUNTY LAND LOCATED IN: Bennett PHONE: 605-685-6098

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION 1) 80 rods E., 42 Rods S of NW $\frac{1}{4}$ NW $\frac{1}{4}$ 29-T38N-R34W
Depth 2) 60.6 rods E., 74 rods S of NW $\frac{1}{4}$ NW $\frac{1}{4}$ 29-T38N-R34W

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 29-T38N-R34W	13	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20-T38N-R34W	11
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 29-T38N-R34W	13	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 20-T38N-R34W	11
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 29-T38N-R34W	38		
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 29-T38N-R34W	38		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ (Specify) _____
3. CROPS TO BE IRRIGATED: Corn and alfalfa

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0490 7. ADJUSTED (SAR): 0.68
5. SALINITY (EC X 10⁶): 280 8. PERCENT SODIUM: 13.98
6. SODIUM (SAR): 0.39

Requirements:

The area described as the blowout and deposit areas by Ed Ensz, SDS Soil Scientist, shall be leveled or maintained in permanent vegetation to address the short, steep slopes and potential for continued wind erosion.

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the division or the commission.

Director, Division of Conservation

Date

☒ APPROVED
☐ DISAPPROVED
☐ WAIVER

☒ REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411925

Pierre, October 2, 1989, 19 89

RECEIVED OF Livermont Brothers, HWC 2 Box 25 Vetat, SD 57551

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

Fee for Application for Permit No. <u>2102-2</u> to Appropriate Water, to construct works and to put water to beneficial use	25000
Fee for Application for Permit No. _____ to Appropriate Water for Future Use	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form	
Fee for Filing Extension Request	
Fee for Certified Copy of	
Fee for Print Copy of Map	
Fee for Certifying	
Fee for _____	
(Any Other Work Provided by Law)	
Total	25000

By John Hatch
Chief Engineer

1m307 - Wayne Luermont

20

2



1m307

Wayne Luermont

36.0

36.0

WELL #1
WELL #2
PIPELINE

13.0

13.0

Well #1

80 rods E, 40 rods S, at the northwest corner of NW 1/4, Sec 19, T-38-R-34

Well #2

60.6 rods E, 74 rods S at NW corner of NW 1/4, Sec 19, T-38-R-34

Carl L. Simmons, SCT
Soil Conservation Service

20

SARGENT IRRIGATION CO.

Broken Bow
308-872-6451

Gothenburg
308-537-3625

Bassett
402-684-3323

TEST WELL LOG

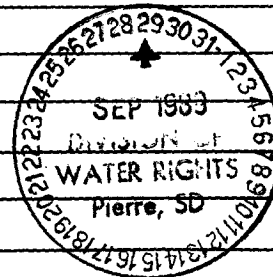
To: Wayne Sivermont

Date: Aug 74

Address: Hotel
2 North 1st St East Side road

0	20	Coarse Sand
20	40	Coarse Sand
40	60	Coarse Sand / trace gravel
60	80	Coarse Sand
80	100	Coarse Sand
100	120	1/2 Coarse Sand / 1/2 comp
120	140	chunky red rock
140	160	red rock
160	180	
180	200	11/10/13 PM 11/10/13 PM
200	220	
220	240	
240	260	11/10/13 PM more test to be run
260	280	
280	300	
300	320	
320	340	
340	360	
360	380	
380	400	
400	420	
420	440	
440	460	
460	480	
480	500	

Go Thomas



TEST LOG
AUGUST, 1974

Wayne Livermont
Vetal, South Dakota

2 north of Vetal, east side road
Vetal

0-40	coarse sand
40-60	coarse sand trace of gravel
60-116	coarse sand
116-120	clay
120-140	chunky red rock
140-160	red rock

Well-140 ft.
400 G.P.M.



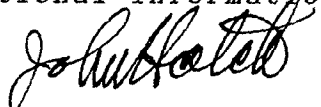
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2102-2, Livermont Bros., Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2102-2, Livermont Bros., Inc., HWC 2, Box 25, Vetal SD.

The Chief Engineer is recommending APPROVAL of Application No. 2102-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Approval of Permit No. 2102-2 is for 1.77 cfs to irrigate 124 acres.
2. The wells authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
3. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
October 25, 1989

Report on Water Permit No. 2102-2
Livermont Brothers Inc.
October 11, 1989

Water Permit Application No. 2102-2 proposes to appropriate 1.77 cfs of water from two wells 140 feet deep to irrigate 124 acres. The wells would be located 80 rods east, 42 rods south and 60.6 rods east, 74 rods south of the NW Corner of the NW1/4 of Section 29 in T38N-R34W. The land to be irrigated is located in the NW1/4 of Section 29 and the S1/2 SW1/4 of Section 20; all in T38N-R34W.

Aquifer - Ogallala (OGLL)

The Ogallala Formation underlies about 80 percent of the High Plains and is the principle geologic unit in the High Plains Aquifer. The Ogallala Aquifer consists primarily of clays, silts, sands and gravels that were deposited by streams that flowed eastward from the mountains. The aquifer rests unconformably upon the Arikaree Formation and is under water table conditions.

In Bennett County South Dakota the Ogallala Aquifer underlies approximately 280,960 acres and contains approximately 2,809,600 acre feet of recoverable water (Allen). Normal annual precipitation in the area is 18 inches per year. Recharge is estimated at 2.5 inches per year (Rahn), giving a total of 58,533 acre feet of annual recharge in the immediate area of Bennett County. The saturation thickness for the Ogallala ranges from 200 to 400 feet in this area (Gutentag).

The Division of Water Rights monitors observation wells in the area. One well (BT-76A) is approximately 1.5 miles away and two other wells (BT-76B, BT-77B) are within 3 miles of the proposed wells. These observation wells are measured monthly and show only slight fluctuations due to existing pumping and changes in climatic conditions (Water Rights).

Review of Existing Water Permits

There are two wells (Permit Nos. 1680-2A and 977-2) that are within two miles of the proposed wells. These two wells are south of the proposed wells and together appropriate 6.05 cfs of water. Since the authorized wells are approximately two miles away, it is not expected that there will be any interference from the proposed wells. As such, the applications proposed wells should not interfere with existing rights.

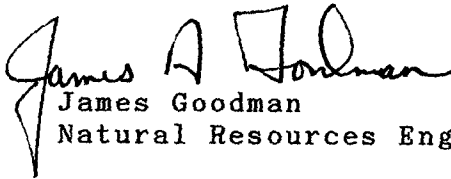
Conclusions

1. Water is available from the Ogallala Aquifer.

2. The aquifer is under water table conditions and interference is not expected to be a problem.
3. Water levels in nearby observation wells indicate that present pumping is not significantly affecting area water levels.
4. The wells must be completed in accordance with SD Well Construction Standards.
5. The rate of diversion for the two wells cannot exceed 1 cfs per 70 acres.

Jody Kazmierczak
Natural Resources Engineer I

Approved By:


James Goodman
Natural Resources Engineer IV

Bibliography

Allen, J.C., Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, South Dakota, 1984.

Gutentag, Edwin D., Frederick J. Heimes, Noel C. Krothe, Richard R. Luckey and John B. Weeks, Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas and Wyoming, United States Government Printing Office, Washington, 1984.

Rahn, Perry H. and Howard A. Paul, "Hydrogeology of a Portion of the Sand Hills and Ogallala Aquifer, South Dakota and Nebraska", Groundwater, Volume 13, Number 5, September-October 1975.

Water Rights, Observation Wells in Bennet County, SD DWR, Division of Water Rights, Joe Foss Building, Pierre, SD, 1985-1989.



Department of Water & Natural Resources

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

October 26, 1989

Bennett Co. Booster II
Box 610
Vetal, SD 57551

ATTN: Legal Department

Enclosed is a Notice of Hearing on Application No. 2102-2 to be published twice. Please publish the first notice on or before November 1, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Livermont Bros., HCW 2 Box 25, Vetal, SD 57551.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

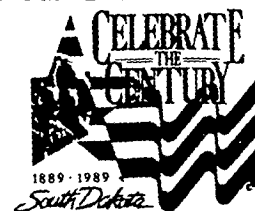
No. _____

Date _____

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

Name _____

Newspaper _____





Department of Water & Natural Resources

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

October 26, 1989

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

Wayne Livermont
Livermont Bros., Inc.
HWC 2 Box 25
Vetal, SD 57551

Dear Mr. Livermont:

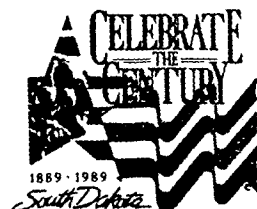
Water Permit Application No. 2102-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Bennett Co. Booster II printed at Vetal SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Instruction to Newspaper - Publish first Notice on or before November 1, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2102-2 to Appropriate Water

Notice is given that Livermont Bros., Inc., HWC 2, Box 25, Vetat, SD 57551 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from two wells (Ogallala Aquifer) 140 feet deep to irrigate 124 acres. The wells are to be located in the N1/2 NW1/4, Section 29 and the acreage to be irrigated is located in the NW1/4 Section 29 and S1/2 SW1/4 Section 20; all in T38N-R34W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2102-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on December 6, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 24, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 24, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Bennett)

I, Mary E. Long
 certify that the attached printed Notice was taken
 from the Bennett County Booster II

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 Martin

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

November 1, 1989

November 8, 1989

Mary E. Long
 (Signature)
Publisher
 (Title)
11/8/89
 (Date Signed)

Cost of Printing: 36.86



NOTICE OF HEARING
 on Application No. 2102-2 to
 Appropriate Water

Notice is given that Livermont Bros., Inc., HWC 2, Box 25, Vetat, SD 57551 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from two wells (Ogallala Aquifer) 140 feet deep to irrigate 124 acres. The wells are to be located in the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 29 and the acreage to be irrigated is located in the NW $\frac{1}{4}$ Section 29 and S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 20; all in T38N-R34W.

Pursuant to SDCL 46-2a-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2102-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on December 6, 1989 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 24, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)." The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 24, 1989.

This application is made pursuant to SDCL 46-1-1 through 46-1-9, 46-1-12 through 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 through 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 through 46-5-11, 46-5-13 through 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 through 74:02:01:15.
 21-22



Department of Water & Natural Resources

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

APR 6 1990

Livermont Bros., Inc.
HWC 2 Box 25
Vetal, SD 57551

Dear Sirs:

Enclosed is Water Permit No. 2102-2 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is stylized with a large, looped "J" and a cursive "Hatch".

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

enclosures

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

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



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

Date SEPT 24, 1990

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: LIVERMONT Bros HWC 2 Box 25 VETAL, S.D. 57551
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 2102-2.

Water Permit No. 2102-2 states that the diversion system is to be constructed by DEC 7, 1994, and that the water it put to beneficial use by DEC 7, 1998.

The diversion system was completed on MAR 30, '90.
Applying the water to beneficial use was completed on MAY 1 90.

You may schedule an inspection so that the Water License may be issued.

Livemont Bros by Wayne Livemont
signature



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 28, 1995

2102-2

Steve Livermont
Livermont Brothers, Inc.
HC 2, Box 24
Vetal, SD 57551-9711

Dear Mr. Livermont:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2102-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

414611

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 8, 19 95

RECEIVED OF Livermont Brothers, Inc., HWC 2 Box 25, Vetat, SD 57551

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2102-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch/gmk
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 6, 1995

2102-2

Steve Livermont
Livermont Brothers, Inc
HC 2 Box 24
Vetal, SD 57551-9711

Dear Mr. Livermont:

Thank you for the prompt return of the \$50.00 fee for inspection and issuance of Water License No. 2102-2. The water license is being processed and will be mailed to you under separate cover.

The enclosed hydrographs of observation wells BT-76A and BT-77B and the map showing the location of the wells, were intended to be mailed out with the letter requesting the license fee and were somehow overlooked. I apologize for the delay in mailing them to you.

If you have any questions concerning the enclosed hydrographs, please contact Tim Schaal at (605) 773-3352.

Sincerely,

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

enclosures

Permit No. 2102-2
White River- Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day, June 13, 1995, made a thorough examination of the water use system constructed by Livermont Bros. Inc. of HWC 2 Box 25, Vetal SD 57551 holder of Permit No. 2102-2, bearing the priority of September 29, 1989 authorizing the diversion of 1.77 cu. ft. per second of the waters of groundwater for irrigation purposes, in Bennett County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water: Well #1--20 HP U.S. Electric motor, ID No. F415/SO6R342R017F with Sargent Pipe Co. turbine pump, Serial No. 02890, 3 stage, 300 gpm capacity. Well #2--30 HP U.S. Electric motor, ID No. F405/TO2S338R028F with Sargent Pipe Co. turbine pump, Serial No. 03490, 4 stage, 500 gpm capacity.
- B. Works used to transport water to place of use:
620 feet buried 6 inch PVC pipe
- C. Works used to apply water to beneficial use:
8 tower T & L hydraulic drive center pivot

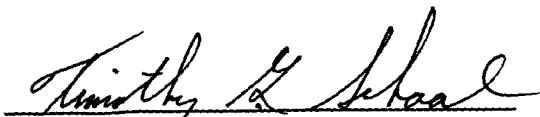
The system is in the following condition GOOD. The point of diversion is located Well #1--1320 ft. east & 695 ft. south of the NW corner of Sec. 29-T38N-R34W (NW 1/4 NW 1/4) and Well #2--1000 ft. east & 1220 ft. south of the NW corner of Sec. 29-T38N-R34W (NW 1/4 NW 1/4). The works are capable of diverting and conveying to the place of use 1.77 (800 gpm) cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

NW 1/4 NW 1/4 Sec.29	38 Acres	SW 1/4 SW 1/4 Sec.20	11 Acres
NE 1/4 NW 1/4 "	38 "	SE 1/4 SW 1/4 "	11 "
SW 1/4 NW 1/4 "	13 "		
SE 1/4 NW 1/4 "	13 "		
<u>All in T38N-R34W</u>			

comprising a total of 124 acres of land and the license should be issued for 1.77 cfs.

Applicable permit qualifications have been complied with: Yes ☒

Exceptions to compliance are: None Date Report Completed: August 14, 1995



Timothy G. Schaal, P.E.
 Natural Resources Engineer III

REPORT ON INSPECTION OF PERMIT NO. 2102-2

Other permit(s) associated with the project:

DATE OF INSPECTION: June 13, 1995

NAME & ADDRESS OF INSPECTION CONTACT/ Wayne Livermont, HWC 2 Box 25 Vetal SD 57551

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE:

NAME & ADDRESS OF PERMIT HOLDER: same as above

DIVERSION POINT LEGAL LOCATION: Well #1--1320 ft. east & 695 ft. south and Well #2--1000 ft. east & 1220 ft. south of the NW corner of Sec. 29-T38N-R34W (NW 1/4 NW 1/4)

WELL INFORMATION:

- 1) Well Drilling Firm: Sargent Irrigation Company
- 2) No. of Wells 2
- 3) Depth(s) feet both wells 140 feet
- 4) Well log is available yes
- 5) Comment:

Casing:

- 1) Diameter inches both wells 16 inch
- 2) Length feet 50 feet
- 3) Type steel

Screen:

- 1) Type perforated steel
- 2) Length feet both wells 90 feet
- 3) Static water level feet

Pump:

- | | | |
|-----------------|-----------------------------------|----------------------------------|
| 1) Make | <u>Well #1-- Sargent Pipe Co.</u> | <u>Well #2--Sargent Pipe Co.</u> |
| 2) Model | <u>Serial No. 02890</u> | <u>Serial No. 03490</u> |
| 3) Size | <u>3 stage, 10 inch</u> | <u>4 stage, 10 inch</u> |
| 4) Capacity GPM | <u>300 gpm</u> | <u>500 gpm</u> |

Motor:

- 1) Make Both wells--U.S. Electric
- 2) Model No. Well #1--ID No. F415/SO6R342R017F, Well #2--ID No. F405/TO2S338R028F
- 3) Horsepower rating Well #1--20 hp , Well #2 --30 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Buried PVC
- 2) Size 6 inches
- 3) Length 620 feet

SYSTEM TYPE:

Center pivot:

- 1) Make T & L Hydraulic
- 2) Overall length 1310 feet
- 3) Number of towers 8
- 4) Distance between towers 160 feet
- 5) End gun N
- 6) High or low pressure Low
- 7) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate No
- 11) Comments : None

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by Yes
- 3) All structures, wells and lands on map Yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

CHECK LIST FOR FIELD INSPECTION

Permit Number 2102-2 Livermint Bros Date 6/13/95

Other permit(s) associated with the project _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

1. Diversion point legal location: Well #1 - 1320' East & 695' South,
Well #2 - 1000' East & 1220' South of the NW corner of
Sec. 29-T38N-R34W (NW 1/4 NW 1/4)

2. Well Information: Well Drilling Firm Sargent

No. of Wells 2 Depth(s) Both - 140 feet

a) Casing 1) diameter 16 inches b) Screen 1) type Perforated Steel

2) length 50 feet 2) length 90 feet

3) type Steel c) Pump 1) make Sargent

d) Static Water Level _____ feet 2) ^{Serial} ~~model~~ #1-02890
#2-03490

e) Motor: 3) size #1-10 SA inches
#2-10 SC

1) make U.S. Electric 4) capacity #1-300 GPM
#2-500

2) ^{ID} ~~model~~ No. #1-F415/S06R342R017F 5) turbine pump - No. of stages #1-3
#2-F405/T02S338R028F #2-4

3) horsepower rating Well #1 - 20 Hp 6) operating pressure _____ PSI
Well #2 - 30 Hp

3. Distribution lines or canals:

a) type Buried PVC b) size 6" c) length 620 ft.

4. System Type:

a) Sideroll:

1) length _____ feet

2) diameter of pipe _____ inches

3) sprinkler spacing _____ feet

b) Towline:

1) length _____ feet

2) sprinkler spacing _____ feet

4. System Type (continued):

c) Siphons:

1) size _____ inches

2) number _____

e) Center pivot:

1) make Til Hyd. Drive

2) overall length 1310 feet

3) number of towers 8

4) distance between towers 160 feet

5) end gun No (Y/N)

6) high or low pressure Low

7) capacity 800 GPM

d) Gated pipe:

1) length _____ feet

2) diameter _____ inches

3) spacing of gates _____ inches

f) Gun:

1) make _____

2) nozzle size _____ inches

3) capacity _____ GPM

4) hose size _____ inches

5) hose length _____ feet

5. Dam Information:

a) height to crest _____ feet

b) height to primary spillway _____ feet

c) height to secondary spillway _____ feet

d) crest width _____ feet

e) crest length _____ feet

f) spillway length _____ feet

g) spillway width _____ feet

h) approx. storage _____ ac-ft

i) approx. storage to crest _____ ac-ft

j) date constructed _____

k) outlet tubes:

1) diameter _____ inches

2) type _____

3) valved _____ (Y/N)

4) valve type _____

5) location on structure _____

l) category of dam _____ (I,II,III)

m) inspection sheet completed _____ (Y/N)

n) name of contractor _____

6. Chemigation Equipment:

b) main line check valve _____ (Y/N)

d) low pressure drain _____ (Y/N)

f) interlock type _____

g) injection pump type _____ h) injection check valve _____ (Y/N)

i) injection line check valve or positive displacement pump _____ (Y/N)

j) all chemigation equipment appears to be installed in proper position and comply with chemigation laws and rules _____ (Y/N)

k) comments :

a) does chemigate No (Y/N)

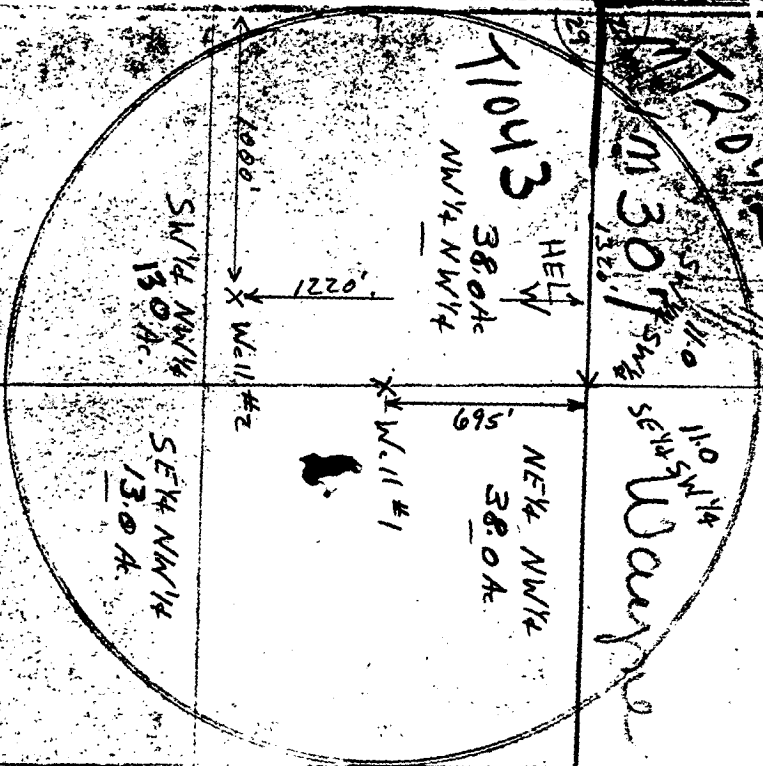
c) inspection port/air relief _____ (Y/N)

e) discharge is 20' from source _____ (Y/N)

100922

SE 1/4 NW 1/4
Wagner

Greenfield



29

7384-10344

3-153
51934

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2102-2

(1) Livermont Bros. Inc., HC 2, Box 24, Vetal SD 57551-9711 made Application No. 2102-2, for a water permit to appropriate 1.77 cubic feet of water per second from groundwater (two wells), Bennett County, South Dakota for irrigation purposes. Permit No. 2102-2, with a priority date of September 29, 1989 was approved December 7, 1989 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before December 7, 1994 and for the application to beneficial use of said water on or before December 7, 1998.

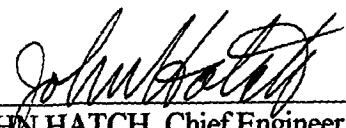
The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on September 25, 1990. The "*Notice*" stated the diversion system was completed on March 30, 1990 and the water placed to beneficial use on May 1, 1990.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.77 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 1320 feet east and 695 feet south of the northwest corner of Section 29 (NW 1/4 NW 1/4); Well #2 - 1000 feet east and 1220 feet south of the northwest corner of Section 29 (NW 1/4 NW 1/4); all in T38N-R34W.

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

Section 29-T38N-R34W	NW 1/4 NW 1/4	38 acres
"	NE 1/4 NW 1/4	38 acres
"	SW 1/4 NW 1/4	13 acres
"	SE 1/4 NW 1/4	13 acres
Section 20-T38N-R34W	SW 1/4 SW 1/4	11 acres
"	SE 1/4 SW 1/4	11 acres
TOTAL		124 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Livermont Bros. Inc., HC 2, Box 24, Vetal SD 57551-9711 the holders and/or owners of Water Permit No. 2102-2 are issued a license to appropriate water, the right to use 1.77 cubic feet of water per second from groundwater (two wells) with a priority date of September 29, 1989 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2102-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 1995

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

2102-2

Steve Livermont
Livermont Bros., Inc.
HC 2, Box 24
Vetal, SD 57551-9711

Dear Mr. Livermont:

Enclosed is Water License No. 2102-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414611 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2102-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

rd
enclosures



2102-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: LIVERMONT BROTHERS INC, DEAN LIVERMONT, 28658 237th AVE, MARTIN, SD 57551

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2102-2. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2102-2 qualification:

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

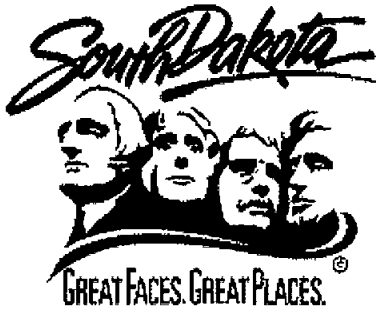
The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According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

1. Suspend or cancel Permit No(s) 2102-2 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 before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2015

2102-2

Dean Livermont
Livermont Brothers Inc
28658 237th Ave
Martin SD 57551

Dear Mr. Livermont:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 2102-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 14, 2025

NOTICE

TO: LIVERMONT BROTHERS INC, DEAN LIVERMONT, 28658 237TH AVE, MARTIN, SD 57551

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2102-2. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 2102-2 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2102-2 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 before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: AHWIVK**

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



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

January 14, 2025

NOTICE

TO: LIVERMONT BROTHERS INC, DEAN LIVERMONT, 28658 237TH AVE, MARTIN, SD 57551

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2102-2. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 2102-2 qualification:

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

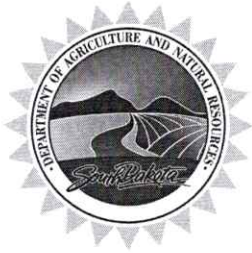
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1. Suspend or cancel Permit No(s) 2102-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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 before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: AHWIVK**

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 27, 2025

2102-2

Livermont Brothers Inc
c/o Dean or Nate Livermont
28658 237th Ave
Martin SD 57551

Dear Mr. Livermont:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 2102-2. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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