

Considered: _____

WATER PERMIT NO. 2130-2

Phone: 685-1053

Name of Applicant: Michael Harris

Post Office Address: HC#1 Box 75, Martin, SD 57551

Amount of Water Claimed: 0.43 cfs Total Acres: 30 acres

Source of Water Supply: Dam

Water to be used for: irrigation County: Bennett

About 6 miles SW of Martin

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 4/9/90 Fee: \$150.00 Remarks _____

Corrected Application Received 4/17/90 Period of Annual Use May 1 - August 31

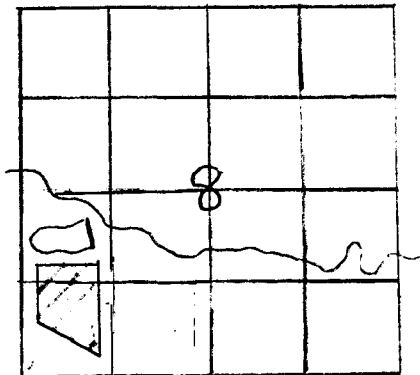
WATER QUALITY APPROVAL RECEIVED 5/14/90 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW1/4 SW1/4 Section 8-T36N-R38W

Land to be Irrigated: W1/2 SW1/4 Section 8

T36N-R38W



Well Log: Driller: N/A Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: ASCS Aerial PREPARED BY: Diane Gronlund Reviewed and the Number

Assigned on 5/14/90 By Eric Gronlund

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

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

(See instructions)

No. 2130-2 Hydrologic Unit 10140203
Basin White River
Newspaper Bennett Co. Booster II, Box 610 Martin 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 _____
- Applicant Michael R. Harris Phone No. 605-685-1053
- Office Address H.C. 1 Box 75 Martin State SD Zip Code 57551
(Street, RR or Box) (48 a-f storage) (City)
2. Amount of water claimed (c.f.s.) 0.43 Total acres irrigated 30 acres
3. Source of Water supply Dam Impoundment
4. Location of point of diversion East side NW 1/4 of SW 1/4, Towards
the SE corner Section 8 T36N-R38W
- County Bennett
5. Counties where water will be used Bennett
6. Annual period during which water is to be used May 1 through August 31
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.
<u>SW 1/4 Sec 8 T36N-R38W</u>	
<u>N 1/2 SW 1/4 of SW 1/4</u>	
<u>Sec 8 T36N-R38W</u>	<u>30</u>

Land Description	No. Acres Irr.
<u>NW 1/4 SW 1/4 Sec 8 T36N-R38W</u>	
<u>SW 1/4 SW 1/4 Sec 8 T36N-R38W</u>	<u>30</u>

Attach sheet if more space is needed

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

Pump water out of dam and distribute with side roll irrigation on alfalfa

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) Subscribed and sworn to before me this, 16th day of
County of Bennett, ss April, 1990.
Commission exp. 3-9-94. Samuel M. Long Notary Public

I, Michael R. Harris, 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 Michael R. Harris

Subscribed and sworn to before me this 16th day of April 1990

Nancy Sterkel Registrar of Deeds
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

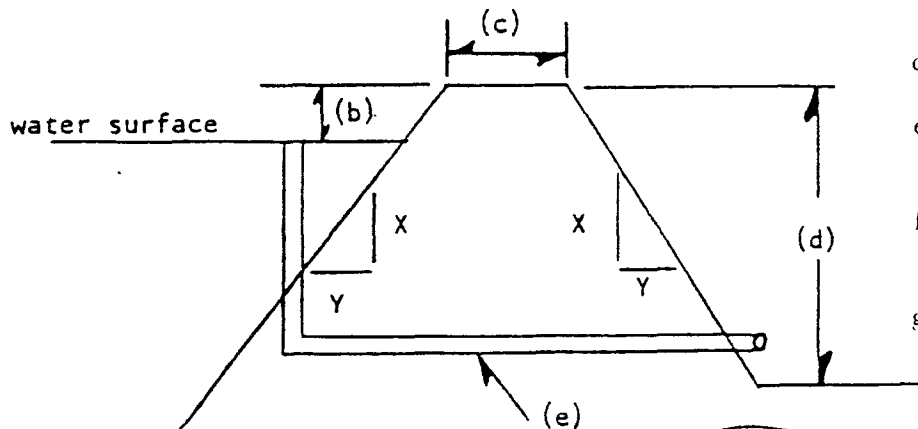
2. Dugout Information Estimates

- 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 5'6"
- c) Crest Width 17'
- Crest Length 175'
- d) Height 24'
- e) Primary Outlet Capacity _____
If Pipe, diameter 24"
- f) Secondary Spillway Capacity _____
Spillway width 40'
- g) X & Y Slope
Upstream 2:1
Downstream 2:1

Surface Area of Impoundment 4 ACRES

Storage 48 acre feet

Drainage area above dam 4 mi. long - 1 mi. wide

Michael R. Harris
Signature of Applicant



SOUTH DAKOTA
WATER PERMIT No. 2130-2 FOR IRRIGATION

Date of first receipt of application April 9, 1990.

Date Soil/Water Compatibility Permit received May 14, 1990.

Date of return to applicant for corrections, amendments or changes April 11, 1990.

Date of receipt of corrected application April 17, 1990.

The Water Management Board approved Water Permit Application No. 2130-2 on July 25, 1990 for Michael Harris, HC 1, Box 75, Martin, 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. 2130-2 appropriates 0.43 cubic feet of water per second from a dam (48 acre-feet storage capacity) located in the NW1/4 SW1/4 Section 8 T36N-R38W to irrigate 30 acres. The land to be irrigated is located in the W1/2 SW1/4 Section 8 T36N-R38W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - August 31.
3. The date from which applicant may claim right is April 9, 1990.
4. One-fifth of the construction is to be completed on or before January 25, 1993.
5. All construction is to be completed on or before July 25, 1995.
6. Water is to be put to beneficial use on or before July 25, 1999.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

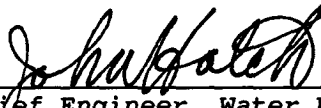
(continued)

Water Permit No. 2130-2

Page 2

3. Water may not be pumped from the dam for irrigation until water authorized by U.S. Withdrawal No. 3-2 has been received by the LaCreek National Wildlife Refuge.
4. Approval of Permit No. 2130-2 authorizes storage of up to 48 acre feet of water annually.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1990

(date)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412196

Pierre, April 10, 1990

RECEIVED OF Micheal Harris, HWC 1 Box 75, Martin, SD 57551

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

Fee for Application for Permit No. <u>2130-S</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
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	150 00

By John Hatch
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4493

WR#

OWNERS NAME: HARRIS, MICHAEL R. OWNERS ADDRESS: HC 1, Box 75
Martin, South Dakota 57551

COUNTY LAND LOCATED IN: Bennett PHONE: 685-1053

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION NW $\frac{1}{4}$ SW $\frac{1}{4}$ 8-T36N-R38W

Depth _____

Legal Description	Acres	Legal Description	Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8-T36N-R38W			
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 8-T36N-R38W	30		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: XXX CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: Alfalfa

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-0357

7. ADJUSTED (SAR): 0.47

5. SALINITY (EC X 10⁶): 160

8. PERCENT SODIUM 19.50

6. SODIUM (SAR): 0.41

Requirements:

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.



[Signature]
Director, Division of Conservation

April 30, 1990

Date

XXX APPROVED

DISAPPROVED

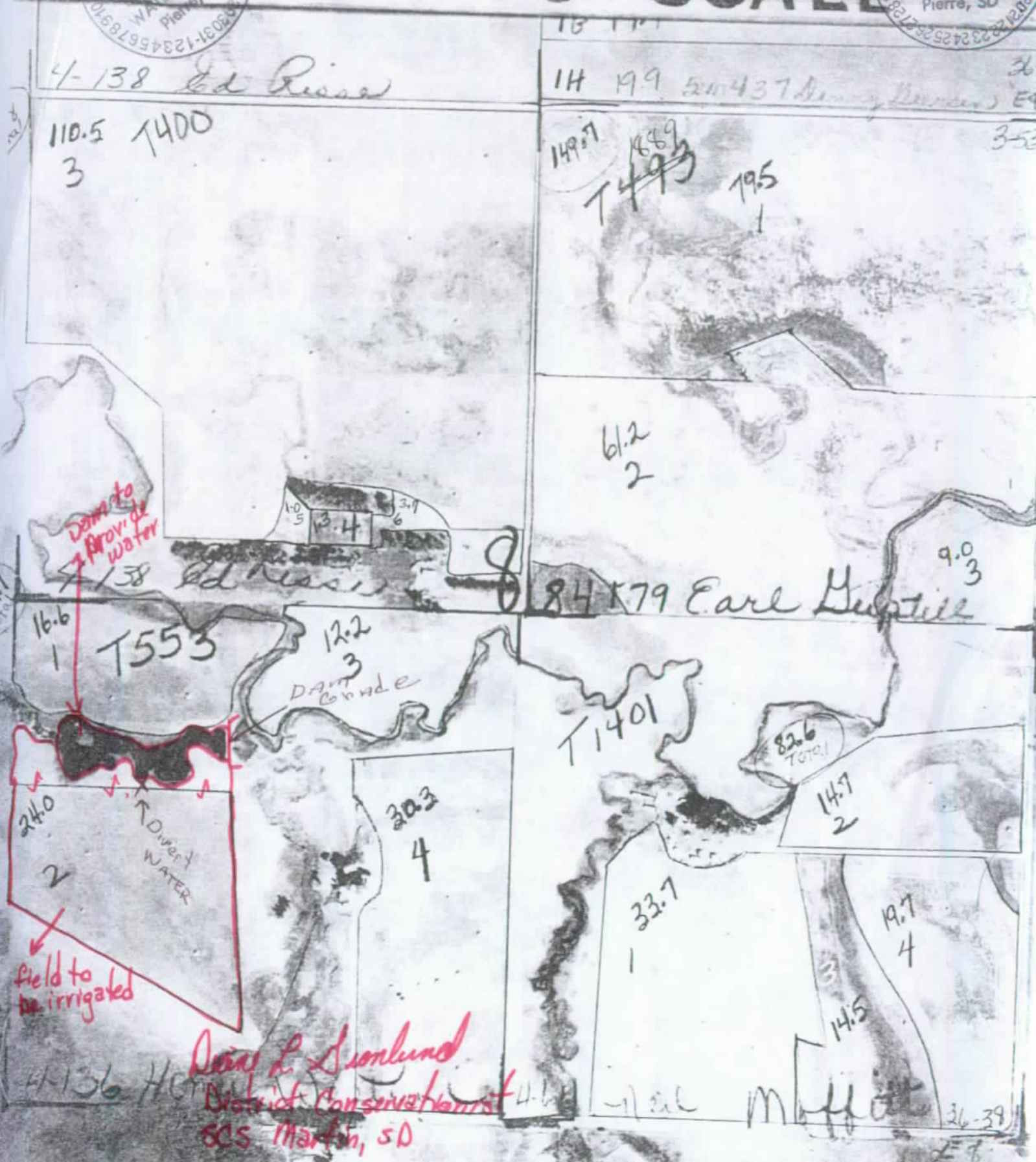
WAIVER

XXX REQUIREMENTS

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



NOT TO SCALE



Devin L. Lundlund
District Conservationist
SCS Martin, SD



Department of Water & Natural Resources

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

April 11, 1990

Michael Harris
HWC 1 Box 75
Martin, SD 57551

Dear Mr. Harris:

This letter is in response to your water permit application received on April 9, 1990. The following information needs to be submitted in order to process your application.

- 1) The application must be notarized by a notary public. The register of deeds can not sign the application unless he is a notary and affixes his seal to the application.
- 2) Please mark an "X" at the point along the dam where you plan to divert water.

The water permit application can not be considered by the Water Management Board until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Please address the above listed item and your application will be processed.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enc.

Conversation or File Documentation

NAME OF PERSON OR FILE: MICHAEL R HARRISADDRESS: MARTIN SD COUNTY BENNETTDATE: 5/29/90 TELEPHONE 605-685-1053RE: WATER SOURCE FOR FILLING DAM

COMMENTS:

MR HARRIS STATED THAT THE DAM IS IN EXISTENCE
AND THAT IT WAS CONSTRUCTED BY HIS GRAND FATHER.

WATER SOURCE TO FILL THE DAM IS FROM SULFACE
RUNOFF AND FROM SPRINGS LOCATED ABOVE THE DAM

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: Pat Plath



United States Department of the Interior
FISH AND WILDLIFE SERVICE

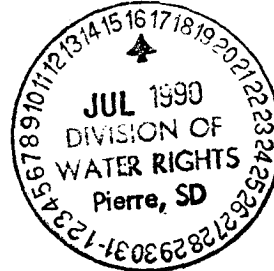


IN REPLY REFER TO:

BA/EN
WR
Mail Stop 60190

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228



JUL 13 1990

Chief Engineer
South Dakota Department of
Water and Natural Resources
Water Rights Division
Foss Building, 523 E. Capitol
Pierre, South Dakota 57501

RE: NOTICE OF HEARING on Application No. 2130-2 to Appropriate Water

Dear Sir:

The U. S. Fish and Wildlife Service (Service) holds U.S. Withdrawal Permit No. 3-2 which claims all unappropriated water of the Little White River, including tributaries, to the junction with Lake Creek for use on the LaCreek National Wildlife Refuge, to which the source of this application is tributary.

We have reviewed the subject Notice of Hearing and support the Chief Engineer's recommendation to approve with qualifications; specifically Qualification No. 3. However, this recommendation states "Water may not be pumped from the dam for irrigation until water authorized by U.S. Withdrawal No. 2-2 has been received by the LaCreek National Wildlife Refuge." The Withdrawal cited in this qualification should be U.S. Withdrawal No. 3-2 NOT Withdrawal No. 2-2. "

The Service requests that the Water Management Board approve this application only if this corrected qualification is included.

Sincerely,

William A. Godby
Regional Engineer



Department of Water & Natural Resources

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

July 17, 1990

Michael Harris
HC#1 Box 75
Martin, SD 57551

Dear Mr. Harris:

Enclosed is a revised recommendation of the Chief Engineer for your Water Permit Application No. 2130-2. Also, I have attached a letter from the U.S. Fish & Wildlife Service regarding your permit application.

Feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enc.

cc: William Godby, Fish & Wildlife Service

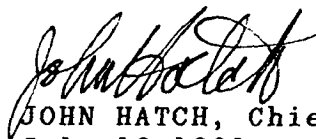
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2130-2, Michael Harris

Pursuant to SDCL 46-2A-2, the following is the Revised recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2130-2, Michael Harris, HCl Box 75, Martin SD.

The Chief Engineer is recommending APPROVAL of Application No. 2130-2 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water may not be pumped from the dam for irrigation until water authorized by U.S. Withdrawal No. 3-2 has been received by the LaCreek National Wildlife Refuge.
4. Approval of Permit No. 2130-2 authorizes storage of up to 48 acre feet of water annually.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
July 16 1990

Report On Application No. 2130-2
Michael R. Harris
May 29, 1990

Application No. 2130-2, Michael R. Harris, proposes to appropriate 0.43 cubic feet of water per second (cfs) from an existing dam to irrigate 30 acres. The dam has a storage capacity of 48 acre-feet (ac-ft) of water and is located in the NW1/4 SW1/4 of Section 8-T36N-R38W. The acreage to be irrigated is in the W1/2 SW1/4 of Section 8-T36N-R38W. The dam and the proposed irrigated acreage are located approximately 9 miles southwest of Martin, SD.

Water Source

The water source is from an unnamed stream which flows into the dam which is classified as a category three dam. There is no location notice on file for this dam. Flows in the stream are from surface runoff and from springs. The unnamed stream is a tributary to the Little White River. Diversion of water for irrigation is from the dam.

Review of Existing Water Rights

The United States Department of the Interior, Fish and Wildlife Service holds U.S. Withdrawal Permit No. 3-2, which claims all unappropriated water of the Little White River, including tributaries, to the junction with LaCreek in T37N-R35W. The unnamed stream on which the proposed diversion point for Application No. 2130-3 is located, is a tributary of the Little White River and is included under U.S. Withdrawal 3-2.

The median of yearly mean discharges measured at a USGS gaging station located on the Little White River approximately 15 miles below the proposed diversion point and approximately 5 miles above the U.S. Fish and Wildlife Service's diversion ditch into LaCreek National Wildlife Refuge is 19 cfs. The median of yearly mean discharges measured at a USGS gaging station located below LaCreek National Wildlife Refuge on Lake Creek is 17 cfs. Lake Creek flows into the Little White River.

There are no other existing water permits on the Little White River between the junction of Lake Creek with the Little White River and the junction of the unnamed stream with the Little White River.

Conclusion

1. There is water available for this application.

2. The permit application if approved should include the following qualifications:

- A. Low flow bypass for domestic use.
- B. There should be no storage or diversion of water until water authorized by U.S. Withdrawal No. 3-2 has been received by the Refuge.
- C. The irrigation questionnaire must be submitted each year.

Mark D. Rath /ks
Mark D. Rath
Natural Resources Engineer II

approved by

Delvin D. Brosz /ks
Delvin D. Brosz
Natural Resources Engineer IV

References

1. U.S. Geological Survey. 1988. Water Resources Data South Dakota Water Year 1988. U.S. Geological Survey Water-Data Report SD-88-1.

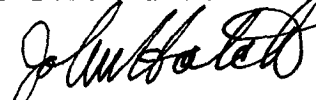
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2130-2, Michael Harris

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. 2130-2, Michael Harris, HCl Box 75, Martin SD.

The Chief Engineer is recommending APPROVAL of Application No. 2130-2 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water may not be pumped from the dam for irrigation until water authorized by U.S. Withdrawal No. 2-2 has been received by the LaCreek National Wildlife Refuge.
4. Approval of Permit No. 2130-2 authorizes storage of up to 48 acre feet of water annually.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
June 15, 1990



Department of Water & Natural Resources

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

June 19, 1990

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

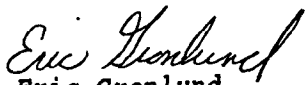
Michael R. Harris
HC 1 Box 75
Martin SD 57551

Dear Mr. Harris:

Water Permit Application No. 2130-2 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 Martin 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,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

June 19, 1990

Bennett Co. Booster II
Box 610
Martin SD 57551-0610

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 2130-2 to be published twice. Please publish the first notice on or before June 27, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Michael R. Harris, HC 1 Box 75, Martin, 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,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

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.

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

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before June 27, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2130-2 to Appropriate Water

Notice is given that Michael Harris, HC 1 Box 75, Martin SD 57551 has filed an application for a water permit to appropriate 0.43 cubic feet of water per second from a dam (48 acre-feet storage capacity) located in the NW1/4 SW1/4 Section 8-T36N-R38W to irrigate 30 acres. The land to be irrigated is located in the W1/2 SW1/4 Section 8-T36N-R38W

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2130-2 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 Bldg., 523 E Capitol, Pierre SD on July 25, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 13, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

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

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Bennett) ss.

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:

6/27/90

7/4/90

Mary E. Long
 (Signature)

Owner
 (Title)

7/5/90
 (Date Signed)

Cost of Printing: 38.82



NOTICE OF HEARING **On Application No. 2130-2** **To Appropriate Water**

Notice is given that Michael Harris, HC 1 Box 75, Martin, SD 57551 has filed an application for a water permit to appropriate 0.43 cubic feet of water per second from a dam (48 acre-foot storage capacity) located in the NW 1/4 SW 1/4 Section 8-T36N-R38W to irrigate 30 acres. The land to be irrigated is located in the W 1/2 SW 1/4 Section 8-T36N-R38W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2130-2 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 Bldg., 523 E Capitol, Pierre, SD on July 25, 1990 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 July 13, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)." The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

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

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



Department of Water & Natural Resources

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

SEP 12 1990

2130-2

Michael Harris
HC 1 Box 75
Martin SD 57551

Dear Mr. Martin:

Enclosed is Water Permit No. 2130-2 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 cursive script, appearing to read "John 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MICHAEL R HARRIS
HC 1 BOX 75
MARTIN SD 57551

NOTICE

RE: Violation of Water Permit No(s) 2130-2

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 2130-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2130-2 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 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) 2130-2 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 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1992

2130-2

Mike Harris
HC 1 Box 75
Martin, SD 57551

Dear Mr. Harris:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Permit No. 2130-2. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

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

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MICHAEL R HARRIS
HC 1 BOX 75
MARTIN, SD 57551

Ben Harris

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P906557 799

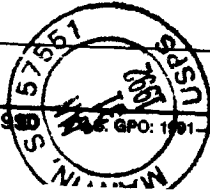
4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, November 1980



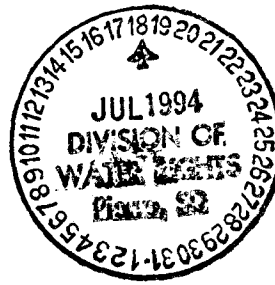
GPO: 1981-287-086

DOMESTIC RETURN RECEIPT

Chief Engineer

I bought this
quonset and would
like to have this
transferred to me
and what I have
to do to keep it
up

Ed Rine



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 11, 1994

2130-2

Ed & Gloria Risse
HWC 3 Box 46
Martin, SD 57551

Dear Mr. & Mrs. Risse:

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Permit No. 2130-2. As I discussed with Gloria by telephone today, the transfer form you originally submitted should have been signed by both of you (as the new owners) instead of by the former owners, Michael and Ann Harris.

Please sign the enclosed form in the presence of a notary public and return it to our office as soon as possible. Another filing fee of \$2.50 will not be necessary.

Thank you for your assistance in this matter. If you have any questions, please contact me.

Sincerely,

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

enclosure

7/16/94

Have signed the enclosed form, and such is returned for your further handling.

Ed and Gloria Risse

RECEIPT

414212

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 11, 19 94

RECEIVED OF Ed Risse, HWC 3 Box 46, Martin, 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. _____		
Fee for Filing Transfer Form <u>Vested Water Right No. 2130-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hald
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. ~~768-2~~ ~~4493~~
2130-2

Date: July 6, 1994



I/We request that Vested Water Right No. ~~768-2~~ ~~4493~~ 2130-2

formerly owned by: Michael R. Harris

be transferred to: (name & address) Ed Risse and Gloria Risse, husband and wife, wros,
of HWC 3, Box 46, Martin, SD 57551 (Telephone No) 605-462-6441

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

SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 8 Twp 36 NR 38 W; and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 8 Twp 36 NR 38 W;
Bennett Co., S.D. (30 acres)

I/We understand that the validity of Vested Water Right No. ~~768-2~~ ⁴⁴⁹³ 2130-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Bennett)

Michael R. Harris and
I/We Ann K. Harris being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Michael R. Harris
(Signed)

Subscribed and sworn to before me this 6th day of July, 19 94.

Luella Cozad
(Notary Public)

My commission expires: 3/11/2001

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 11, 1994

2130-2

Ed & Gloria Risse
HWC 3 Box 46
Martin, SD 57551

Dear Mr. & Mrs. Risse:

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Permit No. 2130-2. As I discussed with Gloria by telephone today, the transfer form you originally submitted should have been signed by both of you (as the new owners) instead of by the former owners, Michael and Ann Harris.

Please sign the enclosed form in the presence of a notary public and return it to our office as soon as possible. Another filing fee of \$2.50 will not be necessary.

Thank you for your assistance in this matter. If you have any questions, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2130-2

Date: 7-16-94

We request that Water Permit No. 2130-2

formerly owned by: Michael R Harris be transferred to: Ed Risse and Gloria Risse, husband & wife, wros,
of HWC 3 Box 46, Martin, SD 57551 Telephone: 605-562-6441

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

SW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T36N, R38W

I\We understand that the validity of Water Permit No. 2130-2 has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Bennett)

I\We Ed Risse and Gloria Risse being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Ed Risse Gloria Risse
(Signed)

Subscribed and sworn to before me this 16th day of July, 19 94.

Luella Cozad
(Notary Public)

My commission expires: 3/11/2001

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 26, 1994

No. 2130-2

Ed and Gloria Risse
HWC 3, Box 46
Martin, SD 57551

Dear Mr. and Mrs. Risse:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 2130-2.

Our records now show you as the owner of Water Permit No. 2130-2.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: ED & GLORIA RISSE, HWC 3 BOX 46, MARTIN, SD 57551

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2130-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 2130-2 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2130-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ED & GLORIA RISSE
HWC 3 BOX 46
MARTIN SD 57551

4a. Article Number

2119 141 496

4b. Service Type

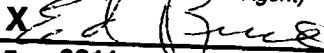
- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1-14-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)



8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 15, 1998

2130-2

Ed & Gloria Risse
HWC 3 Box 46
Martin, SD 57551

Dear Mr. & Mrs. Risse:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 2130-2.

I completed a questionnaire for you based on your January 15th telephone conversation with Cheryl Frost from our office. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1998

2130-2

Ed and Gloria Risse
HWC 3, Box 46
Martin, SD 57551

Dear Mr. And Ms. Risse:

The investigation of your water use system was conducted on November 19, 1997, by Tim Schaal, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 2130-2. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation 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**

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

Water Rights Program

South Dakota Department of Environment and Natural Resources

42 415650

Pierre, February 18, 19 98

RECEIVED OF Ed ~~and~~ Gloria Risse, HC 1, Box 146, Martin, 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. 2130-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John Hatch

Permit No. 2130-2
White River - Water District

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

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

I have this day, November 19, 1997, made a thorough examination of the water use system constructed by Ed & Gloria Risse of HWC 3 Box 46, Martin, SD 57551 holder of Permit No. 2130-2, bearing the priority of April 9, 1990 authorizing the diversion of 0.43 cu. ft. per second and/or the storage of 48 acre-feet of the waters of runoff 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:

Berkley 9 inch centrifugal pump, Model No. B37RM CCW, Serial No. 7375607 driven with 80 Hp John Deere 4010 tractor PTO

B. Works used to transport water to place of use:

Approximately 1100 feet of 6 inch aluminum pipe

C. Works used to apply water to beneficial use:

Rainbow Big Gun, Serial No. 0-316

The system is in the following condition Good. The point of diversion is located 1750 ft. north & 700 ft. east of the SW corner of Section 8-T36N-R38W (NW ¼ SW ¼). The works are capable of diverting and conveying to the place of use 0.89 (400 gpm) cu. ft. per second of water and/or storing 48 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 8-T36N-R38W

NW ¼ SW ¼--13 acres

SW ¼ SW ¼ --17

comprising a total of 30 acres of land and the license should be issued for 0.43 cfs and/or 48 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: January 13, 1998



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

REPORT ON INSPECTION OF PERMIT NO. 2130-2

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: November 19, 1997

NAME & ADDRESS OF INSPECTION CONTACT/ Ed Risse

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Ed & Gloria Risse

DIVERSION POINT LEGAL LOCATION: 1750 ft. north & 700 ft. east of the SW corner of Section 8-T36N-R38W (NW ¼ SW ¼)

Pump:

- 1) Make Berkley Centrifugal
- 2) Model B37RM CCW
- 3) Size 9 inch
- 4) Capacity 400 GPM

Motor:

- 1) Make John Deere PTO
- 2) Model No. 4010
- 3) Horsepower rating 80 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type aluminum
- 2) Size 6 inches
- 3) Length 1100 feet

Gun:

- 1) Make Rainbow Big Gun
- 2) Nozzle size _____ inches
- 3) Capacity 400 GPM
- 4) Hose size _____ inches

DAM INFORMATION: (ID No. 2337, Harris Dam)

- 1) Height to crest 24 feet
- 2) Height to primary spillway 18.5 feet
- 3) Height to secondary spillway 21 feet
- 4) Crest width 17 feet
- 5) Crest length 175 feet
- 6) Spillway length XXX feet
- 7) Spillway width 40 (with 24" primary) feet
- 8) Approx. storage (Normal) 48 acre-feet
- 9) Approx. storage (Maximum) 96 acre-feet
- 10) Date constructed: 1940

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

NOT TO SCALE



Water Permit No. 2/30-239

Timothy L. School
January 13, 1998

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2130-2

(1) Michael R Harris, Martin SD made Application No. 2130-2, April 9, 1990 for a water permit to divert 0.43 cubic feet of water per second and to store 48 acre-feet of water annually from runoff, Bennett County, South Dakota for irrigation purposes. Permit No. 2130-2, with a priority date of April 9, 1990 was approved July 25, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 25, 1995 and for the application to beneficial use of said water on or before July 25, 1999.

On July 18, 1994, Water Permit No. 2130-2 was transferred to Ed and Gloria Risse.

(2) It is certified that the permit holders have 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 0.43 cubic feet of water per second and to store 48 acre-feet of water annually for beneficial use. The location of the diversion point is 1,750 feet north and 700 feet east of the southwest corner of Section 8-T36N-R38W (NW 1/4 SW 1/4).

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

Section 8-T36N-R38W	NW 1/4 SW 1/4	13 acres
	SW 1/4 SW 1/4	17 acres
Total		30 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ed and Gloria Risse HC 1 Box 146, Martin SD 57551 the holders and/or owners of Water Permit No. 2130-2 are issued a license to appropriate water, the right to use 0.43 cubic feet of water per second and to store 48 acre-feet annually from runoff with a priority date of April 9, 1990 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. 2130-2 and subject to South Dakota State Law.


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

FEB 27 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1998

2130-2

Ed and Gloria Risse
HC 1, Box 146
Martin, SD 57551

Dear Mr. And Ms. Risse:

Enclosed is Water License No. 2130-2 and Receipt No. 415650 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 2130-2 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

ks
enclosures



2130-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 21, 2003

2130-2

Ed & Gloria Risse
HC 1 Box 146
Martin SD 57551

Dear Mr. & Mrs. Risse:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire for Water Right No. 2130-2. You indicated some of the acres were irrigated. In order for the questionnaire to be considered complete, we need to have you fill out the back side of the form.

Please include the approximate number of acres, crop type, pump rate (in gallons per minute), days per month and hours per day that the system was running. Even though you may not have been able to irrigate very much due to it being very hot and dry, what little you could irrigate is important to us in calculating how much water was used from a specific source.

Please complete the form and return it to us by December 1st. If you have any questions, please contact me.

Sincerely,

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

enclosures



2130-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 23, 2009

NOTICE

TO: ED & GLORIA RISSE, 22138 BUD RD, MARTIN, SD 57551 5913

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2130-2. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 2130-2 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 11, 2009** 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) 2130-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/efrms/secure/efrms/E0455V7-IQ.pdf>

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.

2130-2

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Signature Confirmation	
SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 7293	ED & GLORIA RISSE 22138 BUD RD MARTIN SD 57551 5913
	Waiver of Signature ☐ YES ☐ NO
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**DEPARTMENT of ENVIRONMENT
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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 28, 2009

2130-2

Ed & Gloria Risse
22138 Bud Rd
Martin SD 57551 5913

Dear Mr. & Mrs. Risse:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 2130-2.

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,

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

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



2130-2

**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 21, 2011

NOTICE

TO: ED & GLORIA RISSE, 22138 BUD RD, MARTIN, SD 57551 5913

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2130-2. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 2130-2 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 9, 2011** 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) 2130-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, 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.

2130-2

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ED & GLORIA RISSE
22138 BUD RD
MARTIN SD 57551 5913

Waiver of Signature ☐ YES ☐ NO

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and NATURAL RESOURCES**

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www.state.sd.us/denr

January 27, 2011

2130-2

Ed Risse
22138 Bud Rd
Martin SD 57551 5913

Dear Mr. Risse:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 2130-2. 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,

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

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



2130-2

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 24, 2013

NOTICE

TO: ED RISSE, 22138 BUD RD, MARTIN, SD 57551 5913

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2130-2. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 2130-2 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 2130-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2013

2130-2

Ed Risse
22138 Bud Rd
Martin SD 57551 5913

Dear Mr. Risse:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 2130-2. 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,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: ED RISSE, 22138 BUD RD, MARTIN, SD 57551 5913

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2130-2. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2130-2 qualification:

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

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

1. Suspend or cancel Permit No(s) 2130-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

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PS Form 3800, August 2006

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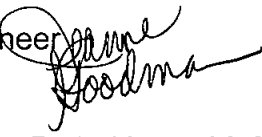
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March 7, 2014

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Ed Risse, 22138 Bud Rd, Martin SD 57551 5913

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 2130-2

On March 6, 2014, the Water Management Board ordered:

Effective April 6, 2014, Water Right No. 2130-2 be suspended for the 2014 irrigation season for failure to submit the 2013 irrigation questionnaire.

If the 2013 irrigation questionnaire is received prior to April 6, 2014 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2014 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2014 unless the irrigation questionnaire is submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2013 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 7-8, 2014 in Pierre, SD. The letter should include your reasons for not completing the 2013 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

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

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March 8, 2014	Depart USPS Sort Facility	HURON, SD 57399
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Form 3800, August 2014 See Instructions for Instructions	



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 24, 2015

2130-2

Tom & Sandee Yordy
21436 297th St
Martin SD 57551

Dear Mr. & Mrs. Yordy:

I am writing in regard to the notation made on the 2015 irrigation questionnaire indicating an ownership change was needed for Water Right No. 2130-2.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right and map for your records. If you have any questions concerning the water right or completion of the transfer form, please let me know.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 1, 2016

2130-2

Tom & Sandee Yordy
21436 297th St
Martin SD 57551

Dear Mr. & Mrs. Yordy:

On November 24, 2015, I wrote to you regarding an ownership change needed for Water Right No. 2130-2. This was done based on the 2015 irrigation questionnaire. To date, we have not received the transfer form back from you.

In the event you do not have the original form, enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions concerning the water right or completion of the transfer form, please let me know.

Sincerely,

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

enclosures

RECEIVED

MAY - 9 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2130-2

Date: 5/6/16

I/We request that Water Right No. 2130-2

formerly owned by: Ed & Gloria Risse

be transferred to: (name & address)

Sandee & Tom Yordy
21436 297th St
Martin, SD 57551

Telephone No. 605 685 6399

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

30 acres - W 1/2 SW 1/4 Section 8, T36N, R38W

I/We understand that the validity of Water Right No. 2130-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

Sandee & Tom Yordy

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

Sandra S Yordy
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/9, 20 16

RECEIVED OF Thomas Yordy 21436 297th St Martin 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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2130-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07842**

By *James Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 10, 2016

2130-2

Tom & Sandee Yordy
21436 297th St
Martin SD 57551

Dear Mr. & Mrs. Yordy:

Thank you for following up on the ownership change for Water Right No. 2130-2. The transfer has been completed. Water Right No. 2130-2 formerly held by Ed and Gloria Risse is now listed in your names.

For informational purposes, under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

Enclosed for your records is Receipt No. 07842 in the amount of \$50 which you paid for filing the ownership change. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures



2130-2
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 20, 2017

NOTICE

TO: SANDEE & TOM YORDY, 21436 297TH ST, MARTIN, SD 57551
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2130-2. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 2130-2 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 2130-2 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 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 26, 2017

2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551

Dear Mr. & Mrs. Yordy:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 2130-2. 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

October 22, 2025

2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551

Dear Mr. & Ms. Yordy:

The Water Rights Program is in receipt of the 2025 Irrigation Questionnaire you submitted for Water Right Nos. 2130-2, which authorizes the irrigation of 30 acres located in the W ½ SW ¼ Section 8, T36N, R38W, Bennett County, South Dakota.

On this year's questionnaire, and others, you have reported that the irrigation system is no longer in place. Based on previous year's reporting, this is likely due to the authorized dam having washed out. SDCL 46-5-37 allows for up to three years of non-use before a water permit/right is subject to cancellation. Irrigation under Water Right No. 2130-2 was last reported in 2006.

After reviewing the reported history of water use, or absence thereof, for Water Right No. 2130-2, I would ask that you please contact me to discuss the possible cancellation of this water right.

Sincerely,

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Sandee & Tom Yordy, 21436 297th St, Martin SD 57551

DATE: 10/30/2025

TELEPHONE: +1 605-488-0428

RE: Cancellation of WR No. 2130-2

COMMENTS:

After receiving the 2025 Irrigation Questionnaire for 2130-2, I wrote to Sandee & Tom in hopes of discussing the extended period of non-use.

Sandee called me this morning and confirmed that irrigation practiced had been abandoned. She said that dam had washed out years ago, the irrigation system was removed from the property, and she was agreeable to cancellation of the water right.

I told her that cancellation of the water right would not prevent future applications for the same project from being considered, let her know a Notice would be mailed prior to any Board action, and welcomed her to call with any additional questions. She was very pleasant.



Amanda Dewell
Water Rights Program