Considered: _____ WATER PERMIT NO. 2197-2

Phone: 544-3233

Name of Applicant: Gordon Flesner

Post Office Address: Box 45, Milesville SD 57553

Amount of Water Claimed: 3.0 Total Acres: 240

Source of Water Supply: spring water into Straighthead Cr & surface runoff

Water to be used for: irrigation County: Haakon

About 31 miles N of Philip

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

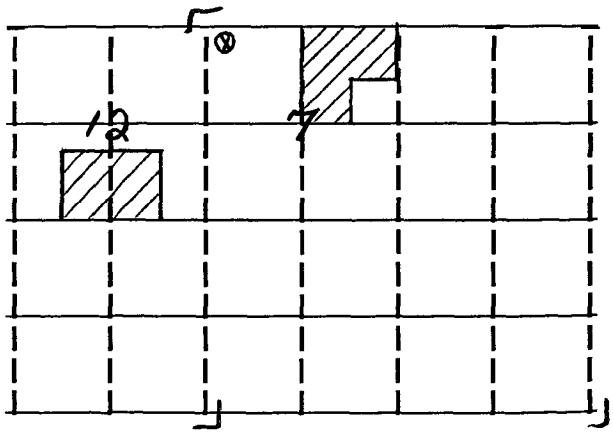
PRIORITY Date Received: 7-31-91 Fee: $275 Remarks _____

Corrected Application Received ~~8-20-91~~ 1-13-92 Period of Annual Use April 1- Sept 30

WATER QUALITY APPROVAL RECEIVED 9-12-91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW 1/4 NW 1/4 Sec 7-T6N-R21E



Land to be Irrigated: E 1/2 SW 1/4, W 1/2 SE 1/4 Sec 12-T6N-R20E; NE 1/4 Sec 7-T6N-R21E

Well Log: Driller: _____ Licensed YES ____ NO ____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: illegible Reviewed and the Number

Assigned on 9-13-91 By Karen Schlaak

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

(See instructions)

No. 2197-2 Hydrologic Unit 10120112
Basin Lower Cheyenne
Newspaper The Pioneer Review, Box 788, Philip 57567 (Thurs)

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

JUL 1991 DIVISION OF WATER RIGHTS Pierre, SD

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 _____

1. Name of Applicant Gordon Flesner Phone No. 544-3233
   Post Office Address Box 45 (Street, RR or Box) Milesville (City) State SD 57553 Zip Code
2. Amount of water claimed (c.f.s) 3.0 Total acres irrigated ~~220~~ 240
3. Source of Water supply Spring water into Straighthead Creek & Surface Runoff
4. Location of point of diversion NW¼ NW¼ Section 7, T6N, R21E
   County Haakon
5. Counties where water will be used Haakon
6. Annual period during which water is to be used April 1 - September 30
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.
SE¼ SW¼ Sect. 12 T6N R20E	40
S½ NE¼ SW¼ Sect. 12 T6N R20E	20
SW¼ SE¼ Sect 12 T6N R20E	40
S½ NW¼ SE¼ Sect 12 T6N R20E	20

Land Description	No. Acres Irr.
N½ NE¼ Section 7, T6N, R21E	80
SW¼ NE¼ " " "	40

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: X (waterspreading) Towline: _____ Center Pivot: _____ Gun: _____ Other: (Specify) _____
9. Crops to be Irrigated: alfalfa, western wheatgrass & intermediate wheat grass.
10. Give a description of proposed project. (Attach sheet if more space is needed)
    waterspreading by means of lip ditches
    water will be pumped to different locations and allowed to gravity over land.

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 Hughes)ss

I, Gordon Flesner, 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 [signature]

Subscribed and sworn to before me this 31st day of July 1991

Karen Schlaak
Notary Public

KAREN SCHLAAK
SEAL NOTARY PUBLIC SOUTH DAKOTA SEAL
My Commission Expires Apr. 1, 1993
4-87

SOUTH DAKOTA
WATER PERMIT No. 2197-2 FOR IRRIGATION

Date of first receipt of application July 31, 1991.
Date Soil/Water Compatibility Permit received September 12, 1991.
Date of return to applicant for corrections, amendments or changes August 1, 1991.
Date of receipt of corrected application January 13, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2197-2 to Gordon Flesner, Box 45, Milesville SD 57553 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. 2197-2 appropriates 3.0 cubic feet of water per second from Straighthead Creek to irrigate 240 acres by water-spreading. Water will be pumped from the creek. The point of diversion will be located in the NW 1/4 NW 1/4 Section 7-T6N-R21E. The land to be irrigated is located in the SE 1/4 SW 1/4, S 1/2 NE 1/4 SW 1/4, SW 1/4 SE 1/4, S 1/2 NW 1/4 SE 1/4 Section 12-T6N-R20E and the N 1/2 NE 1/4, SW 1/4 NE 1/4 Section 7-T6N-R21E.

2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.

3. The date from which applicant may claim right is January 13, 1992.

4. The date of approval of Permit No. 2197-2 is March 11, 1992.

5. One-fifth of the construction is to be completed on or before September 11, 1994.

6. All construction is to be completed on or before March 11, 1997.

7. Water is to be put to beneficial use on or before March 11, 2001.

8. 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.

WATER MANAGEMENT BOARD

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

JUL 16 1992
date

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, August 20, 19 91

RECEIVED OF Gordon or Trudy Flesner, Box 45, Milesville, SD 57553

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

Fee for Application for Permit No. 2197-2 to Appropriate Water, to construct works and to put water to beneficial use	275	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**	275	00

By [signature]
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

SEP 1991 DIVISION OF WATER RIGHTS Pierre, SD

Office Use Only
4645

WR#

OWNERS NAME: FLESNER, GORDON

OWNERS ADDRESS: BOX 45
MILESVILLE SD 57553

COUNTY LAND LOCATED IN: HAAKON PHONE: 544-3233

/X/STRAIGHTHEAD CREEK (Spring Water)

LEGAL DESCRIPTION:
☐ Well ☒ Surface

1. LOCATION NW¼ NW¼ 7-T6N-R21E

Depth

Legal Description	Acres	Legal Description	Acres
SE¼ SW¼ 12-T6N-R20E	40	N½ NE¼ 7-T6N-R21E	80
S½ NE¼ SW¼ 12-T6N-R20E	20	SW¼ NE¼ 7-T6N-R21E	40
SW¼ SE¼ 12-T6N-R20E	40		
S½ NW¼ SE¼ 12-T6N-R20E	20		

2. **TYPE OF IRRIGATION:** GRAVITY: X (WATERSPREADING) TOWLINE: ____ CENTER PIVOT: ____ GUN: ____ OTHER: (Specify) ____

3. CROPS TO BE IRRIGATED: ALFALFA, WESTERN WHEATGRASS & INTERMEDIATE WHEAT GRASS.

WATER QUALITY:

4. WATER SAMPLE NUMBER: 91-0425
5. SALINITY (EC X 10^6): 1250
6. SODIUM (SAR): 1.04
7. ADJUSTED (SAR): 2.53
8. PERCENT SODIUM 18.51

Requirements:

The area mapped as Ree-Vivian Complex, 6-15% slope, (99D) shall be restricted from irrigation on slopes greater than 9% slope.

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

Director, Division of Conservation

SEPTEMBER 10, 1991
Date

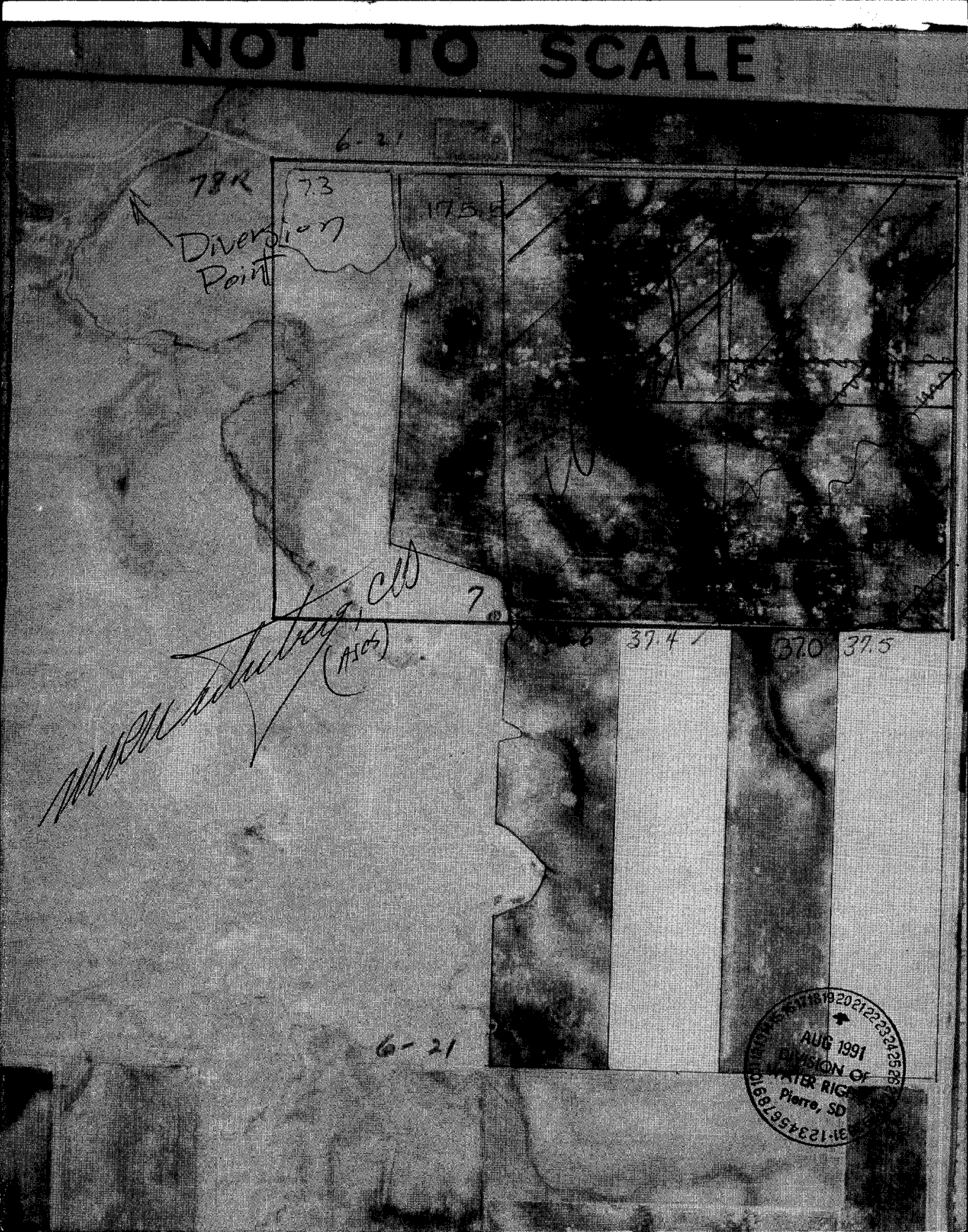
Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

1991 [illegible], CCD (ASCS)

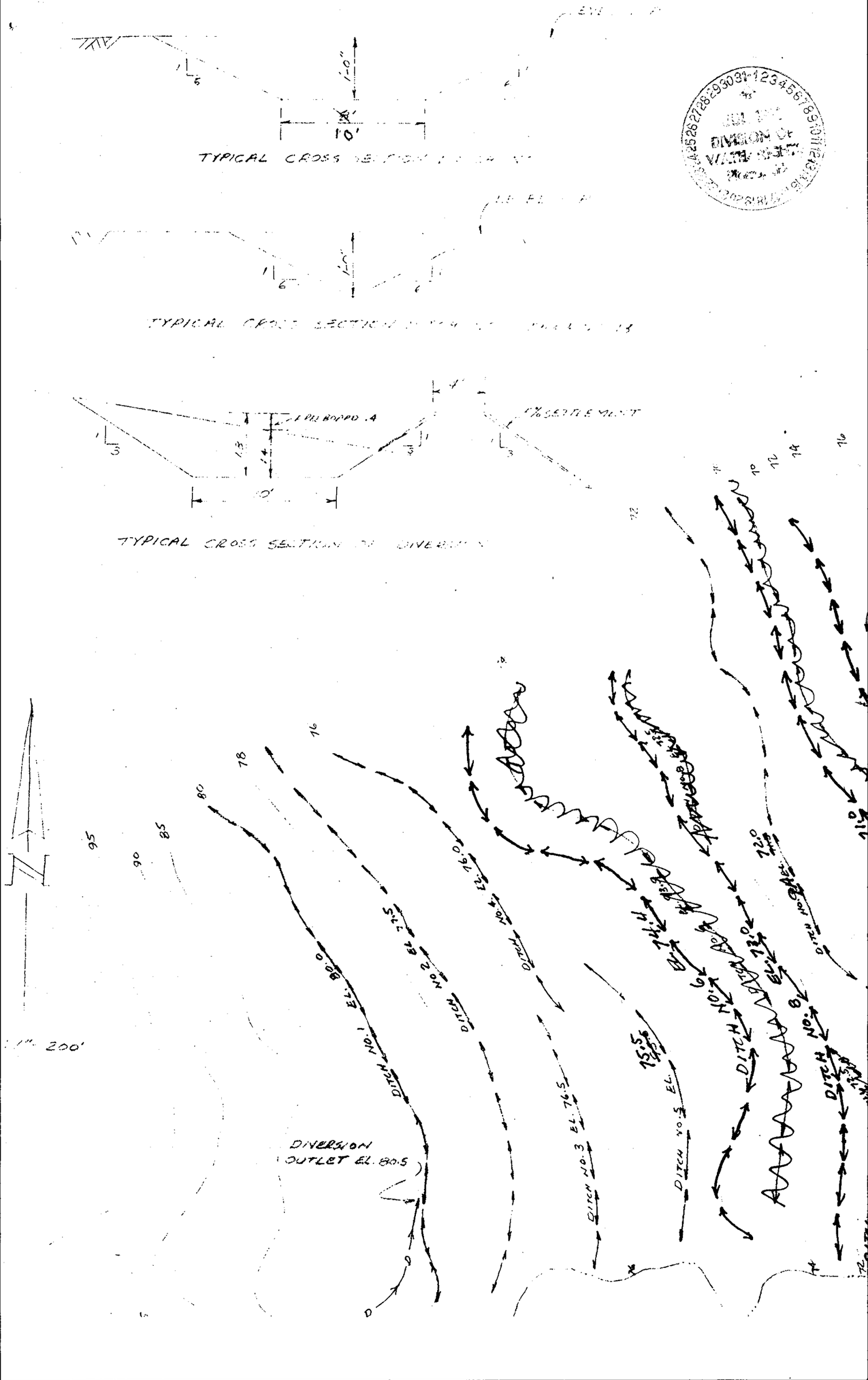
NOT TO SCALE

AUG 1991
DIVISION OF
WATER RIGHTS
Pierre, SD

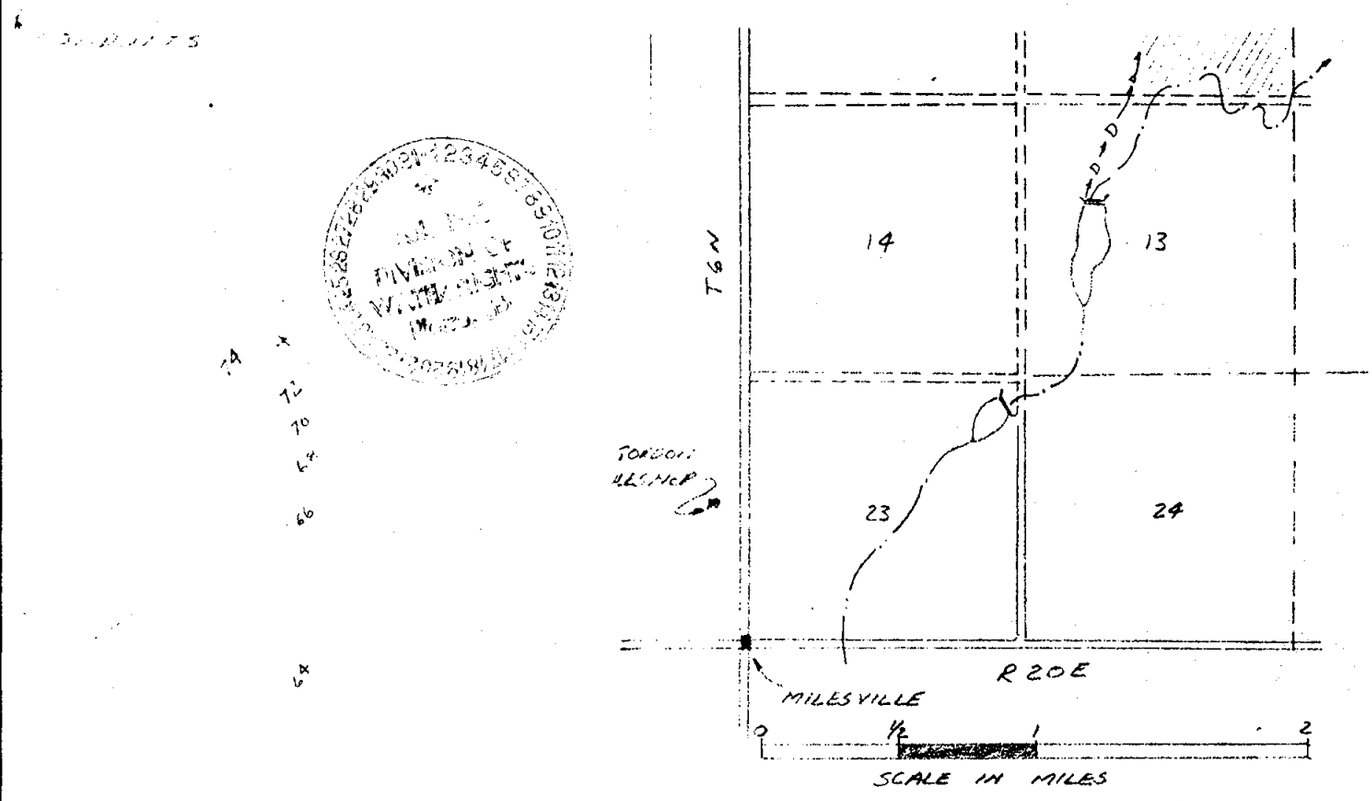
NOT TO SCALE



AUG 1991
DIVISION OF
WATER RIGHTS
Pierre, SD



JUL 1976 DIVISION OF WATER RIGHTS



LOCATION MAP

TABLE OF QUANTITIES

ITEM NO.	ITEM		UNIT	QUANTITY
1.	EXCAVATION	DITCH NO.1	C.Y.	800
		DITCH NO.2	C.Y.	410
		DITCH NO.3	C.Y.	160
		DITCH NO.4	C.Y.	240
		DITCH NO.5	C.Y.	215
		DITCH NO.6	C.Y.	430
		DITCH NO.7	C.Y.	100
		DITCH NO.8	C.Y.	150
		DITCH NO.9	C.Y.	550
		DITCH NO.10	C.Y.	560
		DITCH NO.11	C.Y.	500
		DITCH NO.12	C.Y.	500
		DITCH NO.13	C.Y.	350
		OUTLET CHANNEL	C.Y.	2600
		DIVERSION	C.Y.	1800
2.	PIPE - 43"X27" ARCH 14 GA. 30' LONG		EA	2
3.	CONCRETE (HEADWALL)		C.Y.	3.4
4.	STEEL REINFORCEMENT		LBS.	220
5.	FLOOD GATE		EA.	1

WATERSPREADING
GORDON FLESNER
SE4 - SEC. 12 T6N, R20E
Haakon Co. S. Dak.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed V. Seaman	Date 1/84	Approved by Vincent A. Seaman	
Drawn V. Seaman	1/84	Title Civil Engineering Tech	
Traced		Title	
		Sheet	Drawing No.

South Dakota

GREAT FACES. GREAT PLACES.

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

August 1, 1991

Gordon Flesner
Box 45
Milesville SD 57553

Dear Mr. Flesner:

In regard to your water permit application received on July 31, 1991, the following information needs to be submitted in order to process your application.

1. A map outlining the lands to be irrigated and showing the location of the diversion point in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).

2. A soils map is required of the land to be irrigated in order to proceed with the Soil/Water Compatibility permit. Eric stated you had a soils map with you in the office, but must have taken it back with you.

3. The filing fee of $275 is required.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

South Dakota

GREAT FACES. GREAT PLACES.

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

September 24, 1991

Gordon Flesner
Box 45
Milesville SD 57553

Dear Mr. Flesner:

In regard to your water permit application received on July 31, 1991, after a review of the soil/water approval the following discrepancy was found. The application states that you intend to irrigate the N 1/2 NE 1/4 and the SW 1/4 NE 1/4 Section 7-T6N-R21E (copy enclosed). The lands to be irrigated as outlined on the aerial photo appear to be the W 1/2 NE 1/4 and the SE 1/4 NE 1/4 Section 7-T6N-R21E (copy enclosed. Which lands do you intend to irrigate?

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

Water Rights Division - DWNR

File No. 2179-2

Conversation or File Documentation

NAME OF PERSON OR FILE: Gordon Rusner

ADDRESS: Box 45, Milesville COUNTY Haakon

DATE: 1-13-91 TELEPHONE

RE: Pending application

COMMENTS:

Mr. Rusner stated in regard to my letter dated 9-24-91 that the legal discription for the lands he intends to irrigate in Sec 7-T6N-R21E ~~is~~ are as stated on the application, the N½ NE¼ and the SW¼ NE¼. The lands outlined on the aerial photo are incorrect.

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: Karen Schlaak

4/82

Report on Water Permit Application No. 2197-2
Gordon Flesner
January 22, 1992

Background

Water Permit Application No. 2197-2 requests appropriation of 3.0 cubic feet of water per second (cfs) from Straighthead Creek. The point of diversion is located in the NW1/4 NW1/4 Section 7, T6N-R21E, in Haakon County. Water will be used to irrigate 240 acres located in the SE1/4 SW1/4, S1/2 NE1/4 SW1/4, SW1/4 SE1/4, S1/2 NW1/4 SE1/4 Section 12, T6N-R20E; and the N1/2 NE1/4, SW1/4 NE1/4 Section 7, T6N-R21E.

Discussion

Straighthead Creek is a tributary of the Cheyenne River. There are no flow records for the creek. Water will be pumped from the creek. A water spreading system will be used to apply water to the land. There are no water permits/rights on the creek downstream from the proposed diversion point.

Conclusions

1. Water will be used whenever it is available.

2. Presently no water permits/rights exist on the creek.

3. If Water Permit Application No. 2197-2 is approved the following qualifications should be included on the permit:

   a) Water must be bypassed for downstream domestic water uses (livestock water).

   b) The irrigation questionnaire must be submitted annually.

MRAhadi

M. RASSOOL AHADI
Natural Resources Engineer III

Approved by:

Delvin D. Brosz

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2197-2, Gordon Flesner

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2197-2, Gordon Flesner, Box 45, Milesville, SD 57553.

The Chief Engineer is recommending DEFERRAL of Application No. 2197-2 to allow additional time to review application.

See report on application for additional information.

JOHN HATCH, Chief Engineer
November 8, 1991

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION NO. 2197-2, Gordon Flesner

Pursuant to SDCL 46-2A-2, the following is a revised recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2197-2, Gordon Flesner, Box 45, Milesville, SD 57553.

The Chief Engineer is recommending APPROVAL of Application No. 2197-2 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.

See report on application for additional information.

JOHN HATCH, Chief Engineer
January 23, 1992

South Dakota

GREAT FACES. GREAT PLACES.

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

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

February 3, 1992

Gordon Flesner
Box 45
Milesville, SD 57553

Dear Mr. Flesner:

Water Permit Application No. 2197-2 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 Pioneer Review printed at Philip, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

South Dakota

GREAT FACES. GREAT PLACES.

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

February 3, 1992

The Pioneer Review
Box 788
Philip, SD 57567

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2197-2 to be published twice. Please publish the first notice on February 13, 1992, 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 Gordon Flesner, Box 45, Milesville, SD 57553.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

No._____

Date_____

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

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

Instruction to Newspaper - Publish first Notice on February 13, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2197-2 to Appropriate Water

Notice is given that Gordon Flesner, Box 45, Milesville, SD 57553 has filed an application for a water permit to appropriate 3.0 cubic feet per second from Straighthead Creek to irrigate 240 acres by waterspreading. Water will be pumped from creek. The point of diversion will be located in the NW 1/4 NW 1/4 Section 7-T6N-R21E. The land to be irrigated is located in the SE 1/4 SW 1/4, S 1/2 NE 1/4 SW 1/4, SW 1/4 SE 1/4, S 1/2 NW 1/4 SE 1/4 Section 12-T6N-R20E and the N 1/2 NE 1/4, SW 1/4 NE 1/4 Section 7-T6N-R21E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2197-2 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 2, 1992. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 2197-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 11, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the March 11, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The March 11, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by March 2, 1992.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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.

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

Iss

COUNTY OF HAAKON

Andrea Cook, of said County and State, being duly sworn, on oath says: **THE PIONEER REVIEW** is a weekly newspaper of general circulation, printed and published in **PHILIP**, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said **PIONEER REVIEW** is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bona fide subscribers; that I, the undersigned, am Editor, of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed Notice of Hearing, a printed copy of which is hereto attached, was printed and published in said newspaper for two successive issues, the first publication being on the 13th day of February, 19 92 and the last publication on the 20th day of February, 19 92; that $ 57.42 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Andrea Cook

Subscribed and swore to before me this 28th day of February, 19 92.

Belle Lavallette

Notary Public, Haakon County
My Commission Expires
September 30,1994

MAR 1992
DIVISION OF
WATER RIGHTS
Pierre, SD

Notice of Hearing

NOTICE OF HEARING on Application No. 2197-2 to Appropriate Water

Notice is given that Gordon Flesner, Box 45, Milesville, SD 57553 has filed an application for a water permit to appropriate 3.0 cubic feet per second from Straighthead Creek to irritate 240 acres by waterspreading. Water will be pumped from creek. The point of diversion will be located in the NW1/4 NW 1/4 Section 7-T6N-R21E. The land to be irrigated is located in the SE1/4 SW1/4, S1/2 NE1/4 SW1/4, SW1/4 SE1/4, S1/2 NW1/4 SE1/4 Section 12-T6N-R20E and the N1/2 NE1/4, SW1/4 NE1/4 Section 7-T6N-R21E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2197-2 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 2, 1992. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 2197-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for March 11, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the March 11,1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The March 11, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person op-

posing the application. The request for an automatic delay must be filed by March 2, 1992.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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.

[Publish February 13 & 20, 1992]

GREAT FACES. GREAT PLACES.

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

JUL 1 6 1992

Gordon Flesner
Box 45
Milesville, SD 57553

Dear Mr. Flesner:

Enclosed is Water Permit No. 2197-2 authorizing construction of your water diversion system and beneficial use of the water, 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,

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

February 4, 1997

NOTICE

TO: GORDON FLESNER, HCR 1 BOX 45, MILESVILLE, SD 57553

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

SUBJECT: Violation of Water Permit No(s). 2197-2

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s)2197-2. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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) 2197-2 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 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) 2197-2 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 28, 1997, 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:

GORDON FLESNER
RCR 1 BOX 45
MILESVILLE SD 57553

4a. Article Number
P378 081 433

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
12 Feb-91

5. Received By: *(Print Name)*
GORDON FLESNER

6. Signature *(Addressee or Agent)*
X [signature]

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

GREAT FACES. GREAT PLACES.

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

February 26, 1997

2197-2

Gordon Flesner
HCR 1 Box 45
Milesville, SD 57553

Dear Mr. Flesner:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, **Notice of Violation of Water Permit No. 2197-2.**

I completed a questionnaire for you based on our February 26th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

Genny McMath

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

2197-2

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: GORDON FLESNER, HCR 1 BOX 45, MILESVILLE, SD 57553

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s)2197-2. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 2197-2 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, March 3, 1999 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) 2197-2 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 1, 1999, 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:

GORDON FLESNER
HCR 1 BOX 45
MILESVILLE SD 57553

4a. Article Number
Z 119 141 557

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
1-27-99

5. Received By: *(Print Name)*
Trudy Flesner

6. Signature: *(Addressee or Agent)*
X Trudy Flesner

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

PS Form **3811,** December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 28, 1999

2197-2

Gordon Flesner
HCR 1 Box 45
Milesville, SD 57553

Dear Mr. Flesner:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit No. 2197-2.

I completed a questionnaire for you based on our January 28th telephone conversation. The questionnaire reflects that you gravity irrigated 94 acres in 1998. 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

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

2197-2

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

GREAT FACES. GREAT PLACES.

January 14, 2000

NOTICE

TO: GORDON FLESNER, HCR 1 BOX 45, MILESVILLE, SD 57553

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2197-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(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) 2197-2 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 2197-2 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 28, 2000, 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.

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GORDON FLESNER
HCR 1 BOX 45
MILESVILLE SD 57553

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* Trudy Flesner

B. Date of Delivery 1-28-00

C. Signature

X Trudy Flesner

☒ Agent
☐ Addressee

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* Z 227 670 451

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 21, 2000

2197-2

Gordon Flesner
HCR 1 Box 45
Milesville, SD 57553

Dear Mr. Flesner:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 2197-2.

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

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

2197-2

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2002

NOTICE

TO: GORDON FLESNER, HCR 1 BOX 45, MILESVILLE, SD 57553

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2197-2. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 2197-2 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 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 2197-2 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 8, 2002, 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.

2197-2

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GORDON FLESNER
HCR 1 BOX 45
MILESVILLE SD 57553

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* Trudy Flesner

B. Date of Delivery 1-17-02

C. Signature

X Trudy Flesner

☒ Agent
☐ Addressee

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

JAN 2002
WATER RIGHTS PROGRAM
Pierre, SD

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. 7001 2510 0004 4797 4371

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 11, 2002

2197-2

Gordon Flesner
HCR 1 Box 45
Milesville, SD 57553

Dear Mr. Flesner:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit No. 2197-2.

I completed a questionnaire for you based on our March 11th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

Genny McMath

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

2197-2

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

GREAT FACES. GREAT PLACES.

January 17, 2003

NOTICE

TO: GORDON FLESNER, HCR 1 BOX 45, MILESVILLE, SD 57553

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2197-2. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 2197-2 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 5, 2003 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) 2197-2 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 28, 2003**, 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.

UNITED STATES POSTAL SERVICE®

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5331

Your item was delivered at 11:39 am on January 18, 2003 in MILESVILLE, SD 57553. The item was signed for by T FLESNER.

Request Delivery Record >

Track & Confirm

Enter label number:

Track & Confirm FAQs

POSTAL INSPECTORS
Preserving the Trust

site map contact us government services

Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 5331

Po: ...iling.
A:

GORDON FLESNER
HCR 1 BOX 45
MILESVILLE SD 57553

Postmark Here

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

CHECK ONE (POSTAL USE ONLY)

☐ Priority Mail
☐ Package Services

PS Form 153, February 2001 **(See Reverse)**

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 10, 2003

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Gordon Flesner, HCR 1 Box 45, Milesville SD 57553

FROM: Garland Erbele Chief Engineer
Water Rights Program Garland Erbele

SUBJECT: One Year Suspension of Water Permit No. 2197-2

Pursuant to the provisions of the notice dated January 17, 2003, and following the hearing March 5, 2003, the Water Management Board has ordered:

> **That Water Permit No. 2197-2 be suspended until December 31, 2003, for failure to submit the 2002 irrigation questionnaire.**

Suspension of a water permit or right means water may not be pumped during the 2003 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2002 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 7, 2003 in Pierre, SD. The letter should include your reasons for not completing the 2002 irrigation questionnaire.

Our records indicate the land was last irrigated in 1994. If you no longer irrigate and do not wish to retain the water permit, let us know and the water right can be scheduled for cancellation consideration before the Water Management Board. Cancellation of the permit would eliminate the need for annual submission of the irrigation questionnaire.

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

Query - Microsoft Visual FoxPro

File Edit View Tools Program Table Window Help

Year	Permit_n	Basin	Man	County	Fname	Lname	Co	Cor	Address2	City	State	Zip	Water_used	Not_irrig	Not_constr	Prmt_ra
1992	2197-2	LC		HK	GORDON	FLESNER			BOX 45	MILESVILLE	SD	57553			X	3
1993	2197-2	LC		HK	GORDON	FLESNER			BOX 45	MILESVILLE	SD	57553				3
1994	2197-2		T		GORDON	FLESNER			HCR 1 BOX 45	MILESVILLE	SD	57553				
1995	2197-2		T		GORDON	FLESNER								X		
1996	2197-2		T		GORDON	FLESNER			HCR 1 BOX 45	MILESVILLE	SD	57553		X		
1997	2197-2		T		GORDON	FLESNER			HCR 1 BOX 45	MILESVILLE	SD	57553		X		
1998	2197-2		T		GORDON	FLESNER			HCR 1 BOX 45	MILESVILLE	SD	57553		X		
1999	2197-2		T		GORDON	FLESNER			HCR 1 BOX 45	MILESVILLE	SD	57553		X		
2000	2197-2		T		GORDON	FLESNER			HCR 1 BOX 45	MILESVILLE	SD	57553		X		
2001	2197-2		T		GORDON	FLESNER			HCR 1 BOX 45	MILESVILLE	SD	57553		X		

Query Record: 33835/63730 Record Unlocked

Start | Inbox - Microsoft Outlook | Query - Microsoft Vis... | Document1 - Microsoft ... | Microsoft Visual FoxPro | USPS - Track & Confirm -... | « 11:40 AM

Office Microsoft

2197-2

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 25, 2003

MEMO

To: **File # 2197-2**
Donald E. Stroup

From: Donald E. Stroup, DENR Natural Resources Project Engineer

Subject: Examination of Cancelled/Suspended Water Rights

In August of 2003 I made an on-site examination and found no irrigation taking place or evidence that the acreage had been irrigated this year.

2197-2

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: GORDON FLESNER, HCR 1 BOX 45, MILESVILLE, SD 57553

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2197-2. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 2197-2 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 2, 2005 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) 2197-2 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation, the Water Rights Staff recommendation to the Board will be that your water permit be suspended for three years.**
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 25, 2005**, 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.

UNITED STATES POSTAL SERVICE®

2197-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0353

Your item was delivered at 11:56 am on January 21, 2005 in MILESVILLE, SD 57553. The item was signed for by G FLESNER.

Shipment Details >

Track & Confirm

Enter label number:

Track & Confirm FAQs

Notification Options

- Track & Confirm by email What is this? Go >
- Request Proof of Delivery What is this? Go >

POSTAL INSPECTORS
Preserving the Trust

site map contact us government services

Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER: 2301 3460 0000 8516 0353

GORDON FLESNER
HCR 1 BOX 45
MILESVILLE SD 57553

e mailing.

Waiver of Signature ☐ YES ☐ NO

Postmark Here

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

CHECK ONE (POSTAL USE ONLY)

☐ Priority Mail®
☐ Package Services

PS Form 153, July 2001 (See Reverse)

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 25, 2005

2197-2

Gordon Flesner
HCR 1 Box 45
Milesville SD 57553

Dear Mr. Flesner:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit No. 2197-2.

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

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

2197-2

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2006

NOTICE

TO: GORDON FLESNER, HCR 1 BOX 45, MILESVILLE, SD 57553

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2197-2. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 2197-2 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 2197-2 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, Water Rights Staff will be recommending to the Board that your water right be suspended for three years.**
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 24, 2006**, 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.

UNITED STATES POSTAL SERVICE

2197-2

Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4893

Your item was delivered at 11:26 am on January 26, 2006 in MILESVILLE, SD 57553. The item was signed for by G FLESNER.

Shipment Details >

Notification Options

- Track & Confirm by email What is this? Go >
- Request Proof of Delivery What is this? Go >

Track & Confirm

Enter label number:

Track & Confirm FAQs

POSTAL INSPECTORS
Preserving the Trust

site map contact us government services

Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 4893

GORDON FLESNER
HCR 1 BOX 45
MILESVILLE SD 57553

e mailing.

Waiver of Signature ☐ YES ☐ NO

Postmark Here

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

CHECK ONE (POSTAL USE ONLY)
- ☐ Priority Mail™ Service
- ☐ First-Class Mail® parcel
- ☐ Package Services parcel

PS Form 153, May 2002 **(See Reverse)**

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 6, 2006

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: Gordon Flesner, HCR Box 45, Milesville SD 57553

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Three Year Suspension of Water Permit No. 2197-2

On March 2, 2006, the Water Management Board ordered:

> **That effective April 3, 2006, Water Permit No. 2197-2 be suspended for the 2006, 2007 and 2008 irrigation seasons for failure to submit the 2005 irrigation questionnaire.**
>
> **If the 2005 irrigation questionnaire is received prior to April 3, 2006, the suspension will not take effect.**

Suspension means water may not be pumped during the 2006, 2007 or 2008 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaire is submitted by April 3rd.

After April 3rd, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2005 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 3, 2006, in Pierre, SD. The letter should include your reasons for not completing the 2005 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 at (605) 773-3352, if you have any questions.

2197-2

CERTIFICATION

I hereby certify that on March 6, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 6, 2006 addressed as stated below:

Notice of Amendment:
Rick Lantgen, Prairie Winds Golf Club, PO Box 681, Watertown SD 57201 ***(1612-3 & 1997-3)***
Don Hight Partnership, 14116 N Hwy 79, Piedmont SD 57769 ***(1040-1)***
Edward Patrick Henry, PO Box 11, Whiteclay NE 69365-0011***(672-2)***

Notice of Three Year Suspension:
J V Kenneally, PO Box 50, Raymond SD 57258-0050 ***(3198A-3)***
James Jenkins, HCR 1 Box 20, Raymond SD 57258-9530 ***(4957-3)***
Gordon Flesner, HCR Box 45, Milesville SD 57553 ***(2197-2)***
Michael A Koslowski, 13329 443rd Ave., Waubay SD 57273 ***(5353-3)***
Dennis & Jackie McDowell, 227 W Lakeshore Dr, Carrollton GA 30117 ***(2480A-3)***

Notice of One Year Suspension:
Jesse Wright, 10 Bittersweet Ln, Atkinson NH 03811 ***(1172-3)***
Stuart & Pamela Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701 ***(2106-2)***
Susan Porter, Manager, 28271 370th Ave, Geddes SD 57342 ***(962A-1)***
Richard T Peterson, 29B Ranch Oak Place, Sioux Falls SD 57110 ***(686-3)***
Calvin & Jana Meyers, 1409 Willow Creek Estates, Belle Fourche SD 57717 ***(402-1)***
John Larabee, LSW of South Dakota LLC, 42557 295th St, Scotland SD 57059 ***(375-2)***
Robert Hattum, 21744 West Bend Rd, Harrold SD 57536 ***(6168-3)***
Bret, Gary & Kristine Fliehs, 39865 137th St, Groton SD 57445 ***(5640-3)***
Harlan Eisenbraun, 21362 Creighton Rd., Wall SD 57790 ***(495-2)***

Notice of One Year Suspension of Water Permit and Amendment of Water Right
Percy Tjeerdsma, 41175 309th St, Springfield SD 57062 (***6413-3 – suspend; 3581-3 – amend)***

Eric Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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

Karen Schlaak
Notary Public

SEAL KAREN SCHLAAK NOTARY PUBLIC State of South Dakota SEAL

My Commission Expires
April 1, 2007

2197-2

INTERNAL MEMORANDUM

TO: Water Right Files

FROM: Aaron Tieman, Natural Resource Engineer Aaron R. Tieman

SUBJECT: Irrigation

During the summer of 2006, several on-site field investigation were conducted to determine if Water Management Board action to suspend irrigation for the 2006 irrigation season was being complied with. A list of these permits is given below:

Inspections Summer 2006

Permit No.	County	Date	Description
375-2	Shannon	9/13/2006	No irrigation system in place or visible.
402-1	Butte	7/20/2006	No visual signs of irrigation/system.
686-3	Minnehaha	7/18/2006	Housing development, no visible signs of water use/irrigation or system in place.
843-1	Meade	7/20/2006	No irrigation system in place or visible.
932-~~3~~2	Jones	7/19/2006	No visible signs of water use or irrigation system.
1172-3	Spink	5/11/2006	No system visible, pasture is all grassland.
1237-3 1395-3	Charles Mix	7/19/2006	No visible signs of water use/irrigation system.
2116-~~3~~	Gregory	7/19/2006	No system in place, no irrigation.
2197-~~3~~2	Haakon	7/20/2006	No visible irrigation system or water use of any kind.
2480A-3	Beadle	5/11/2006	Center pivot in place with no towers, drainage pattern may limit pivot rotation.
3198A-3	Clark	5/11/2006	Pivot in place in SE ¼ - No visible signs of irrigation.
4957-3	Clark	5/11/2006	No system visible, planted with wheat.
5124-3	Davison	7/18/2006	System not in working condition (wind damaged).
5353-3	Day	5/10/2006	Well under water – No visible system in place.
5640-3	Marshall	5/10/2006	Unable to locate due to water over roads.

2197-2

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 22, 2010

NOTICE

TO: GORDON FLESNER, 22295 HARDINGROVE RD, MILESVILLE, SD 57553 3071

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2197-2. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 2197-2 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 10, 2010** 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) 2197-2 in accordance with applicable provisions of SDCL 46-1-12. **Due to past violations the Water Rights Program will be recommending cancellation of this water permit.**
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 5, 2010**, 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 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: https://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.

2197-2

Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 8825**
Service(s): **Signature Confirmation™**
Status: **Delivered**

Your item was delivered at 12:11 PM on January 23, 2010 in PHILIP, SD 57567. The item was signed for by G FLESNER.

Track & Confirm

Enter Label/Receipt Number.

Go >

Detailed Results:

- **Delivered, January 23, 2010, 12:11 pm, PHILIP, SD 57567**
- **Out for Delivery or Available at PO Box, January 23, 2010, 9:16 am, PHILIP, SD 57567**
- **Sorting Complete, January 23, 2010, 8:46 am, PHILIP, SD 57567**
- **Arrival at Post Office, January 23, 2010, 8:44 am, PHILIP, SD 57567**

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. Go >

Proof of Delivery

Verify who signed for your item by email, fax, or mail. Go >

Copyright© 2010 USPS. All Rights Reserved. No FEAR Act EEO Data FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8825

GORDON FLESNER
22295 HARDINGROVE RD
MILESVILLE SD 57553 3071

Waiver of Signature ☐YES ☐NO

Postmark Here

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

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

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 28, 2010

2197-2

Gordon Flesner
22295 Hardingrove Rd
Milesville SD 57553-3071

Dear Mr. Flesner:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit No. 2197-2.

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

2197-2

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, 2012

NOTICE

TO: GORDON FLESNER, 22295 HARDINGROVE RD, MILESVILLE, SD 57553 3071

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2197-2. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 2197-2 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 2197-2 in accordance with applicable provisions of SDCL 46-1-12; **Due to past violations, the Water Rights Program will be recommending cancellation of this water permit.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, 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.

2197-2

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 31, 2012

2197-2

Gordon Flesner
22295 Hardingrove Rd
Milesville SD 57553 3071

Dear Mr. Flesner:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit No. 2197-2. 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

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

ATTACHMENT TO
WATER PERMIT NO. 2197-2

Water Permit No. 2197-2 appropriates 3.0 cubic feet of water per second (cfs) from Staighthead Creek to irrigate 240 acres by water spreading. Water will be pumped from the creek. The point of diversion will be located in the NW ¼ NW ¼ Section 7, T6N, R21E. The land to be irrigated is located in the SE ¼ SW ¼, S ½ NE ¼ SW ¼, SW ¼ SE ¼, S ½ NW ¼ SE ¼ Section 12, T6N, R20E and the N ½ NE ¼, SW ¼ NE ¼ Section 7, T6N, R21E.

Based on an ownership change filed December 7, 2012, Water Permit No. 2197-2 has been divided and reissued as follows:

Water Permit No. 2197A-2, Gordon Flesner, 22301 Harding Grove Rd, Milesville, SD 57553: appropriates 1.31 cfs from Straighthead Creek to irrigate 105 acres. The point of diversion will be located in the NW ¼ NW ¼ Section 7, T6N, R21E. The land to be irrigated is located in the SE ¼ SW ¼, S ½ NE ¼ SW ¼, SW ¼ SE ¼, S ½ NW ¼ SE ¼ Section 12, T6N, R20E.

Water Permit No. 2197B-2, Kurt Flesner, 22301 Harding Grove Rd, Milesville, SD 57553: appropriates 1.69 cfs from Straighthead Creek to irrigate 135 acres. The point of diversion will be located in the NW ¼ NW ¼ Section 7, T6N, R21E. The land to be irrigated is located the N½ NE ¼, SW ¼ NE ¼ Section 7, T6N, R21E.