

WATER PERMIT NO. 2497-2

Name of Applicant: Marty Vanderploeg

Address: PO Box 188, Tuthill SD 57574

Phone: 605 685-1199

Amount of Water Claimed: 0.22 cfs

Total Acres: 26

Source of Water Supply: Little White River

Water to be used for: irrigation

County: Bennett

Type of Waste Disposal System:

Location: ½ east of Tuthill

PRIORITY Date Received: 12-19-02

Application/License Fee: \$200

Corrected Application Received: 12-27-02

Period of Annual Use: April 15 – September 30

Remarks: for watering tree belts and wildlife food plots

Diversion Point: NE ¼ SE ¼ Sec 24-T37N-R36W
and SW ¼ SW ¼ Sec 19-T37N-R35W

Land to be Irrigated: SW ¼, S ½ SE ¼, W ½ NE ¼
Sec 24-T37N-R36W and S ½ SW ¼ Sec 19-T37N-
R35W

Depth of Well: NA

Well Driller: : NA

Remarks:

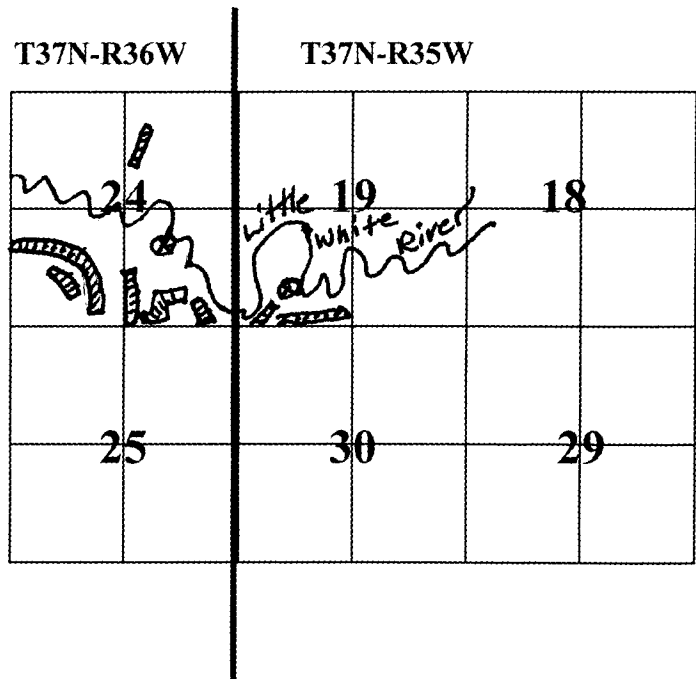
Type of Map: aerial

Prepared by: Patty Beck, Bennett Co CD

Reviewed and the Number Assigned on: 12-27-02

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 2497-2

Date of first receipt of application December 19, 2002.

Date of return to applicant for corrections, amendments or changes December 19, 2002.

Date of receipt of corrected application December 27, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2497-2 to Marty Vanderploeg, PO Box 188, Tuthill SD 57574 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. 2497-2 appropriates 0.22 cubic feet of water per second (cfs) from the Little White River located in the NE ¼ SE ¼ Section 24-T37N-R36W and SW ¼ SW ¼ Section 19-T37N-R35W to irrigate 26 acres of tree belts and wildlife food plots located in portions of the SW ¼, S ½ SE ¼, W ½ NE ¼ Section 24-T37N-R36W and S ½ SW ¼ Section 19-T37N-R35W.
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 15 – September 30.
3. The date from which applicant may claim right is December 19, 2002.
4. The date of approval of Permit No. 2497-2 is February 18, 2003.
5. One-fifth of the construction is to be completed on or before August 18, 2005.
6. All construction is to be completed on or before February 18, 2008.
7. Water is to be put to beneficial use on or before February 18, 2012.
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. Permit Nos. 2432-2, 2456-2 and 2497-2, combined authorize diversion of water each calendar year from the Little White River as follows: 0.22 cfs from April 15 through August 31; 0.89 cfs during the month of September; and 0.67 cfs from September 30 through April 14. The use of water must be for the purpose as specified on each water permit.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 13 2003

date



Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

No. 2497-2 (office use only)
Hydrologic Unit 10140202
Basin White River
Newspaper Bennett Co. Booster II, Martin

originally rec'd
12-19-02
RECEIVED
DEC 27 2002
**WATER RIGHTS
PROGRAM**

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant Marty Vanderploeg Phone 605 685-1199
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 188, Tuthill State SD 57574
(Street, RR. or Box and City) (Zip Code)
2. Amount of water claimed 0.22 *CFS or 100 **GPM ***AF Total Acreage 26
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Little White River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE 1/4 SE 1/4 Sec 24-T37N-R36W
And SW 1/4 SW 1/4 Sec 19-T37N-R35W
County Bennett
5. County or counties where water will be used Bennett
6. Annual period during which water is to be used April 15 - September 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4, S 1/2 SE 1/4, W 1/2 NE 1/4	26		
Sec 24-T37N-R36W			
S 1/2 SW 1/4 Sec 19-T37N-R35W			

8. Give a description of the project. (Attach sheet if more space is needed)

Using existing pumping sites on the Little White River, water will be used for watering 16 acres of new tree belts and watering of not more than 10 acres of wildlife food plots.

STATE OF SOUTH DAKOTA)
County of Bennett)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Martin Vanderploeg, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Martin Vanderploeg

Subscribed and sworn to before me this 24 day of December 2002



LEANNE SWENSON
MY COMMISSION EXPIRES
January 5, 2004

Leanne Swenson

Notary Public signature

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 27, 20 02

RECEIVED OF Marty Vanderploeg, PO Box 188, Tuthill SD 57574-0188

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

Fee for Application for Permit No. <u>5977-5</u> to Appropriate Water, to construct 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. <u>62254</u>	50	00
Fee for Filing Transfer Form _____		
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	200.00

No.

000468

By

Darland Ebele

Chief Engineer

gm



NHEL
NW
38.0 T464
1

2
38.9 T45
NHEL
W

2-291 Lloyd Clauser

37-35
3-75L
20256 Charles
T469

2-291 Lloyd Clauser

614
44.6
7 T1825

NHEL
W

32.0 T469
NHEL
2 NW

Atty Gen
District Manager
Bennett CO CD
11/19/02

20257 John Rippe

3-75L

2497-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 19, 2002

Martin Vanderploeg
5239 Zumwalt Station Rd
Ames IA 50014

Dear Leanne:

As stated in our phone conversation this morning, enclosed a partially completed *Application for a Permit to Appropriate Water for Irrigation*. Please review the application for accuracy, make any necessary changes and have it signed and notarized.

Also enclosed is your check for \$275. The application/license filing fee will be \$200.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

5239 Zumwalt Station Road
Ames, IA 50014
December 24, 2002

RECEIVED

DEC 27 2002

WATER RIGHTS
PROGRAM

Karen Schlaak
Water Rights Program
Department of Environment and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

Dear Karen:

Thanks so much for sending us the appropriate *Application for a Permit to Appropriate Water for Irrigation*. I really appreciate your help filling it out and the extra copy for the next time we need to do this. We've looked it over, and I've had it signed and notarized. A check for \$200 is enclosed to cover the application/filing fee.

You have always been so helpful; it's always a pleasure to deal with your office. If there are any questions, please just give me a call at 515-231-5568.

Best wishes for your holidays!

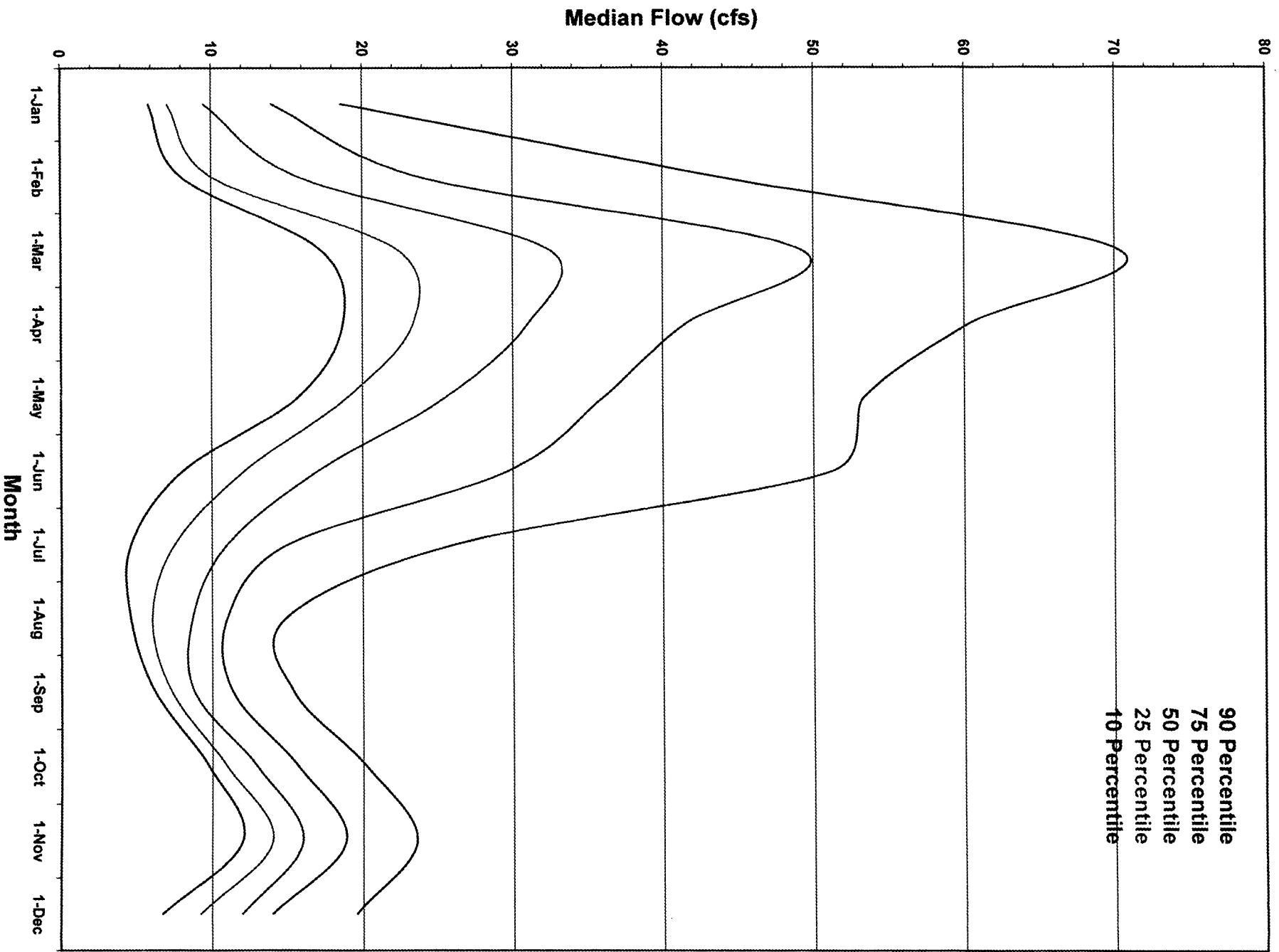
Sincerely,



Leanne Swenson
Personal Assistant

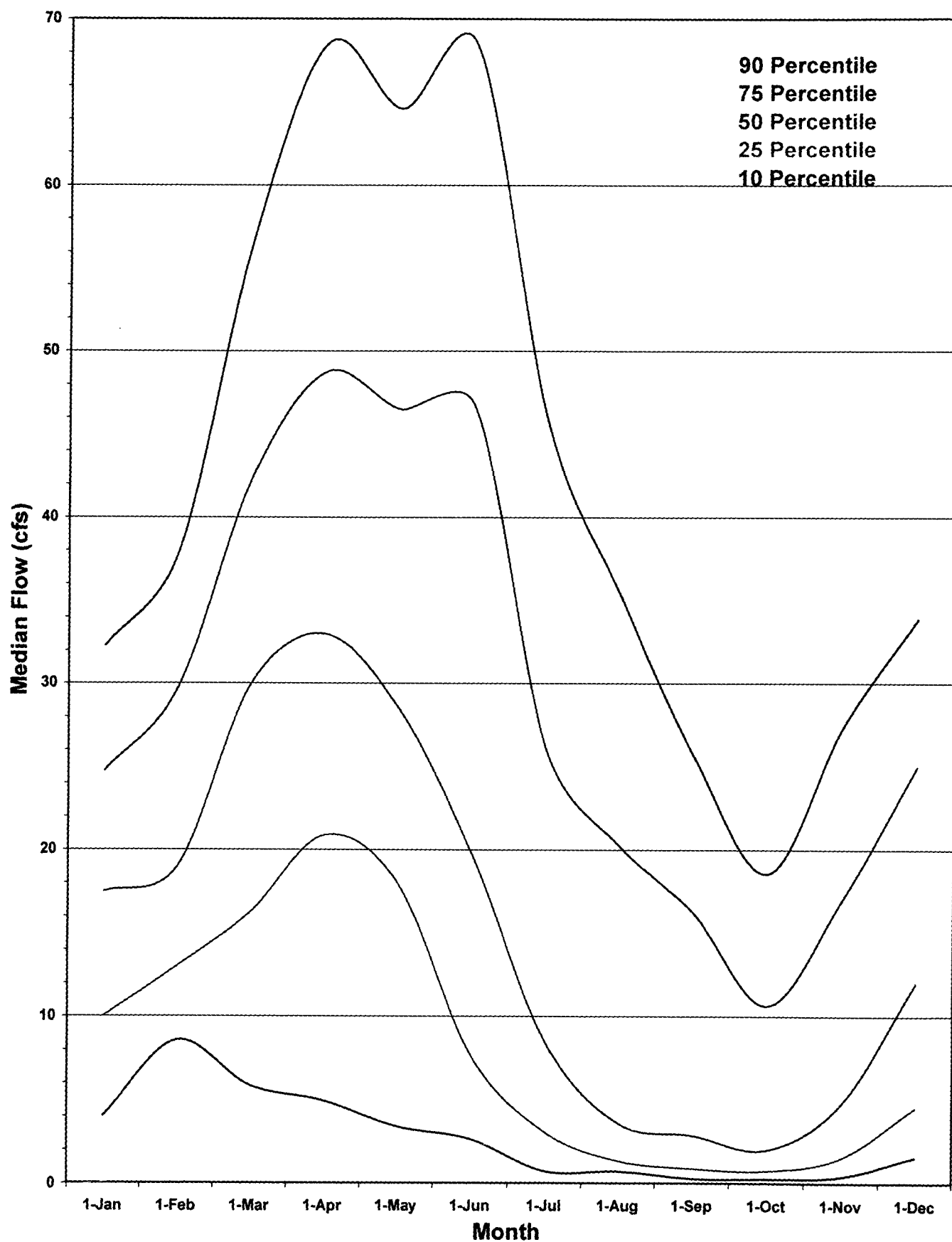
Enclosure

**Little White River
Martin 1963-2000**



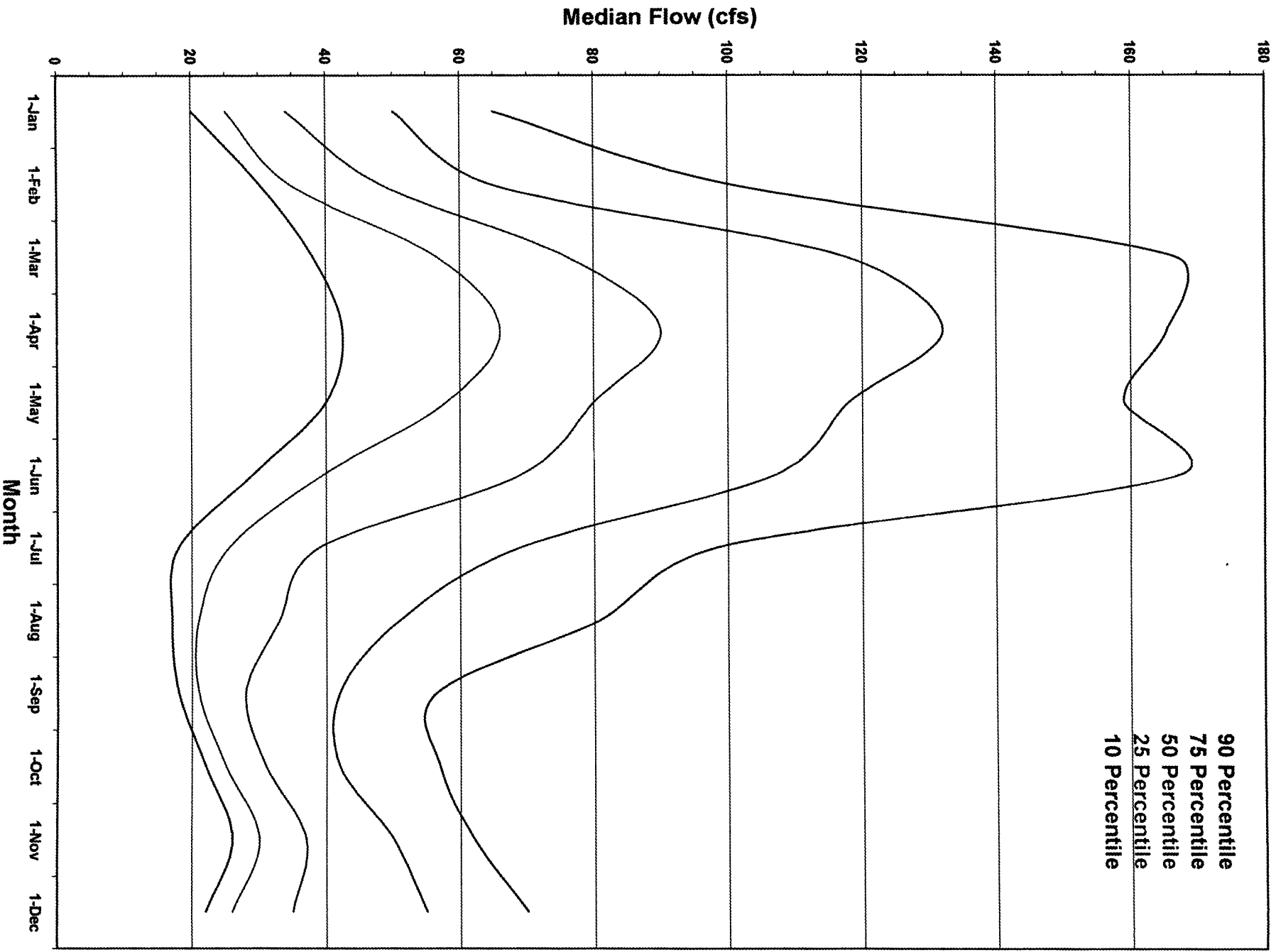
Plot Data	1-Jan	1-Feb	1-Mar	1-Apr	1-May	1-Jun	1-Jul	1-Aug	1-Sep	1-Oct	1-Nov	1-Dec
10 Percentile	6	8	17	19	16	8	5	5	6	10	12	7
25 Percentile	7	10	22	23	19	12	8	6	7	11	14	9
50 Percentile	10	16	33	31	26	17	11	9	9	13	16	12
75 Percentile	14	24	49	42	36	30	15	11	11	16	19	14
90 Percentile	19	44	70	60	53	51	26	15	15	20	24	20

Lake Creek
Below Refuge
1962-2000



Plot Data	1-Jan	1-Feb	1-Mar	1-Apr	1-May	1-Jun	1-Jul	1-Aug	1-Sep	1-Oct	1-Nov	1-Dec
10 Percentile	4	9	6	5	3	3	1	1	0	0	0	2
25 Percentile	10	13	16	21	18	8	3	1	1	1	2	5
50 Percentile	18	19	30	33	29	20	9	4	3	2	5	12
75 Percentile	25	30	42	49	47	47	26	20	16	11	17	25
90 Percentile	32	38	57	69	65	69	46	35	26	19	27	34

**Little White River
Vetal 1959-2001**



Plot Data	1-Jan	1-Feb	1-Mar	1-Apr	1-May	1-Jun	1-Jul	1-Aug	1-Sep	1-Oct	1-Nov	1-Dec
10 Percentile	20	30	38	43	40	29	18	17	18	22	26	22
25 Percentile	25	35	57	66	58	40	26	21	21	25	30	26
50 Percentile	34	48	76	90	80	69	39	33	28	31	37	35
75 Percentile	50	65	118	132	118	107	69	51	42	42	50	55
90 Percentile	65	100	167	166	159	168	99	81	57	57	62	70

WATER PERMIT APPLICATION No. 2497-2

Martin J. Vanderploeg

**PO Box 188
Tuthill, SD 57574
(605)685 1199**

**5239 Zumwalt Station Rd
Ames, IA 50014
(515)231 5568**

Water Permit Application No. 2497-2, Martin J. Vanderploeg, proposes to appropriate 0.22 cubic feet of water per second (cfs) from the Little White River in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24 T37N R36W and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19 T37N R35W, Bennett County, SD to irrigate 26-acres of tree belts and wildlife food plots. The tree belts and wildlife food plots are located in portions of the SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, and the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 24 T37N R36W; and the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 19 T37N R35W. (Attachment 2) Annual use would be from April 15 to September 30.

Project Review

The applicant presently holds four (4) water use permits from the State of South Dakota for fish and wildlife propagation in the Lacreek National Wildlife Refuge vicinity. Two (2) of the permits are for Little White River water and two (2) are for ground water. These four (4) permits authorize the storage of water in oxbows, sloughs, and dugouts with surface water withdrawals occurring during the September 1 through April 30 period. This project proposes to extend the applicant's wildlife habitat improvement efforts by establishing and irrigating tree belts and food plots in the area.

Water Source

The water source for this proposed project is the Little White River in Bennett County, SD adjacent to Lacreek National Wildlife Refuge. The Little White River rises in southeastern Shannon County and flows east through Bennett County then north through Todd and Mellette Counties joining with the White River south of Murdo, SD.

Lacreek National Wildlife Refuge was established in 1935 as a refuge and breeding ground for migratory birds and other wildlife. The refuge lies in the shallow Lake Creek valley on the northern edge of the Nebraska Sandhills and includes 16,410 acres of native sandhills, sub-irrigated meadows, impounded fresh water marshes, and tall and mixed grass prairie uplands. The Little White River Reservoir just north of the Lacreek National Wildlife Refuge stores water for recreational purposes and for diversion into the refuge as required.

The Nebraska Sandhills region is approximately 19,300 square miles of sand dunes stretching 265 miles across Nebraska. It is the largest sand dune area in the Western Hemisphere and is one of the largest grass-stabilized dune regions in the world. Precipitation in the Sandhills ranges from an average annual total of 23 inches in the east to slightly less than 17 inches in the extreme west. The Sandhills are generally viewed as a semiarid region where sandy soils, low precipitation, and high evaporation rates support primarily dry grassland. Paradoxically, the Sandhills also are known as a land of lakes and wetlands. While many of the interdunal valleys are dry, many others contain lakes, marshes, and wet meadows. The Sandhills lie over a groundwater reservoir that holds about half of all the groundwater found in Nebraska, an estimated 700-800 million acre-feet of water.

Attachment 1 presents a map of the general area showing the locations of this proposed project, the U.S. Geological Survey (USGS) gaging stations, the Little White River Reservoir, Lacreek National Wildlife Refuge, and the hydrology of the area.

Historical data (Table 1) for the Martin, SD USGS gaging station on the Little White River upstream of the Little White River Reservoir and this proposed project show there is a 50-percent probability the median flow in the river could range from 9 to 31-cfs or greater for any given April through September yearly period. There is a 75-percent probability the median flow in the Little White River at this same location could be in the 6 to 23-cfs range or greater for the same period of any given year. Monthly stream flows at the site of the proposed project should be comparable to those recorded at this gaging station.

Table 1. Little White River Martin, SD Monthly Median Flow (cfs)

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	6	8	17	19	16	8	5	5	6	10	12	7
25	7	10	22	23	19	12	8	6	7	11	14	9
50	10	16	33	31	26	17	11	9	9	13	16	12
75	14	24	49	42	36	30	15	11	11	16	19	14
90	19	44	70	60	53	51	26	15	15	20	24	20

Historical data (Table 2) for the Lake Creek USGS gaging station downstream of Lacreek National Wildlife Refuge show there is a 50-percent probability the median flow in the creek could range from 3 to 33-cfs or greater for any given April through September yearly period. There is a 75-percent probability the median flow in the Little White River at this same location could be in the 1 to 21-cfs range or greater for the same period of any given year. The confluence of the Little White River and Lake Creek is downstream of the proposed project site.

Table 2. Lake Creek below Refuge Monthly Median Flow (cfs)

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	4	9	6	5	3	3	1	1	0	0	0	2
25	10	13	16	21	18	8	3	1	1	1	2	5
50	18	19	30	33	29	20	9	4	3	2	5	12
75	25	30	42	49	47	47	26	20	16	11	17	25
90	32	38	57	69	65	69	46	35	26	19	27	34

Historical data (Table 3) for the Vetel, SD USGS gaging station downstream of this proposed project show there is a 50-percent probability the median flow in the river could range from 28 to 90-cfs or greater for any given April through September yearly period. There is a 75-percent probability the median flow in the Little White River at this same location could be in the 21 to 66-cfs range or greater for the same period of any given year.

Table 3. Little White River, Vetel, SD Monthly Median Flow (cfs)

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	20	30	38	43	40	29	18	17	18	22	26	22
25	25	35	57	66	58	40	26	21	21	25	30	26
50	34	48	76	90	80	69	39	33	28	31	37	35
75	50	65	118	132	118	107	69	51	42	42	50	55
90	65	100	167	166	159	168	99	81	57	57	62	70

The USGS historical data show that baseflows in the area's streams are moderately stable even during periods of diminished precipitation. There is reasonable probability that non-appropriated water is available downstream of the Little White River Reservoir.

Existing Water Rights

In November 1971 the Water Rights Commission, predecessor to the Water Management Board, placed Application No. 1096-2, Bruce Crosswait, in deferred status due to lack of water availability in the Little White River. On December 5, 2001 the Water Management Board denied Application No. 1096-2 because the original applicant no longer owned the land and the concern that the proposed diversion would impact the Little White River Hydroelectric Plant water right. Application No. 1096-2 was for irrigation with the diversion point from the Little White River upstream of the senior U.S. Fish and Wildlife Service's diversion from the Little White River Reservoir authorized by U.S. Withdrawal 3-2. U.S. Withdrawal 3-2 authorizes the diversion of all non-appropriated flows of the Little White River into Lacreek National Wildlife Refuge. Historically, the Service has not diverted all of the non-appropriated Little White River flow into the refuge.

The only other water rights for diversion of water from the Little White River downstream of the reservoir to the Lake Creek confluence are held by the applicant. Permit No. 2432-2 authorized the appropriation of 0.45-cfs from the Little White River to fill four (4) oxbows, total storage 32 acre-feet, from October 1 to December 15 annually for fish and wildlife propagation. Permit No. 2456-2 authorized an additional 0.22-cfs diversion of water from the Little White River to fill a dugout and slough, total storage 20 acre-feet, and extending the period of use for Permit Nos. 2432-2 and 2456-2 to September 1 through April 30. Permit Nos. 2432-2 and 2456-2 have four (4) and two (2) diversion points respectively from the Little White River and authorize a total combined diversion rate of 0.67-cfs of Little White River water. (Attachment 2) This application proposes to use the Permit No. 2456-2 diversion points.

The majority of water rights (7.89-cfs total) downstream of this proposed project and the USGS Vetol, SD gaging station are for irrigation purposes. The non-consumptive use of 240-cfs (WR No. 2213-2) for a hydroelectric dam at White River, SD needs to be examined by staff personnel to determine the current status of this water right.

Conclusions

1. Water Permit Application No. 2492-2, Martin J. Vanderploeg, proposes to appropriate 0.22-cfs from the Little White River in Bennett County, SD to irrigate 26-acres of tree belts and wildlife food plots. Annual use would be from April 15 to September 30.
2. USGS historical data show baseflows in the area's streams are moderately stable during the normal irrigation season even during periods of diminished precipitation. There is reasonable probability that non-appropriated water is available downstream of the Little White River Reservoir to the Lake Creek confluence during the requested use period.
3. The applicant presently holds Little White River water permits whose periods of use along with this application overlap during the month of September. The lowest historical median flow recorded in September at the USGS Martin, SD gaging station is 3-cfs.

4. The applicant's total diversion rate of Little White River water should not exceed 0.22-cfs from April 15 to August 31, 0.89-cfs during the month of September, and 0.67-cfs from September 30 to April 14.

Mark D. Rath
For Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

Reviewed by:
Mark D. Rath
Mark D. Rath
Natural Resources Engineering Specialist
DENR Water Rights Program

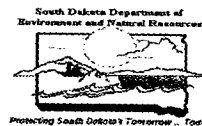
References

- South Dakota Department of Environment and Natural Resources, Water Rights Program Records
- USGS National NWISWeb Water Information System, Historical Stream Flow for South Dakota
- An Atlas of the Sand Hills, Ann Bleed and Charles Flowerday, Editors
- Resource Atlas No. 5a, Conservation and Survey Division, Institute of Agriculture and Natural Resources, University of Nebraska-Lincoln. 1990

Permit No. 2492-2
Martin J. Vanderploeg

Little White River USGS
Gaging Station - Martin

Little White River Reser
Lacreek National Wildli
Refuge Diversion Chann



Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

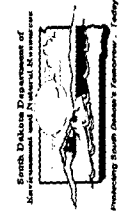
Attachment 1

Permit No. 2492-2
Martin J. Vanderploeg

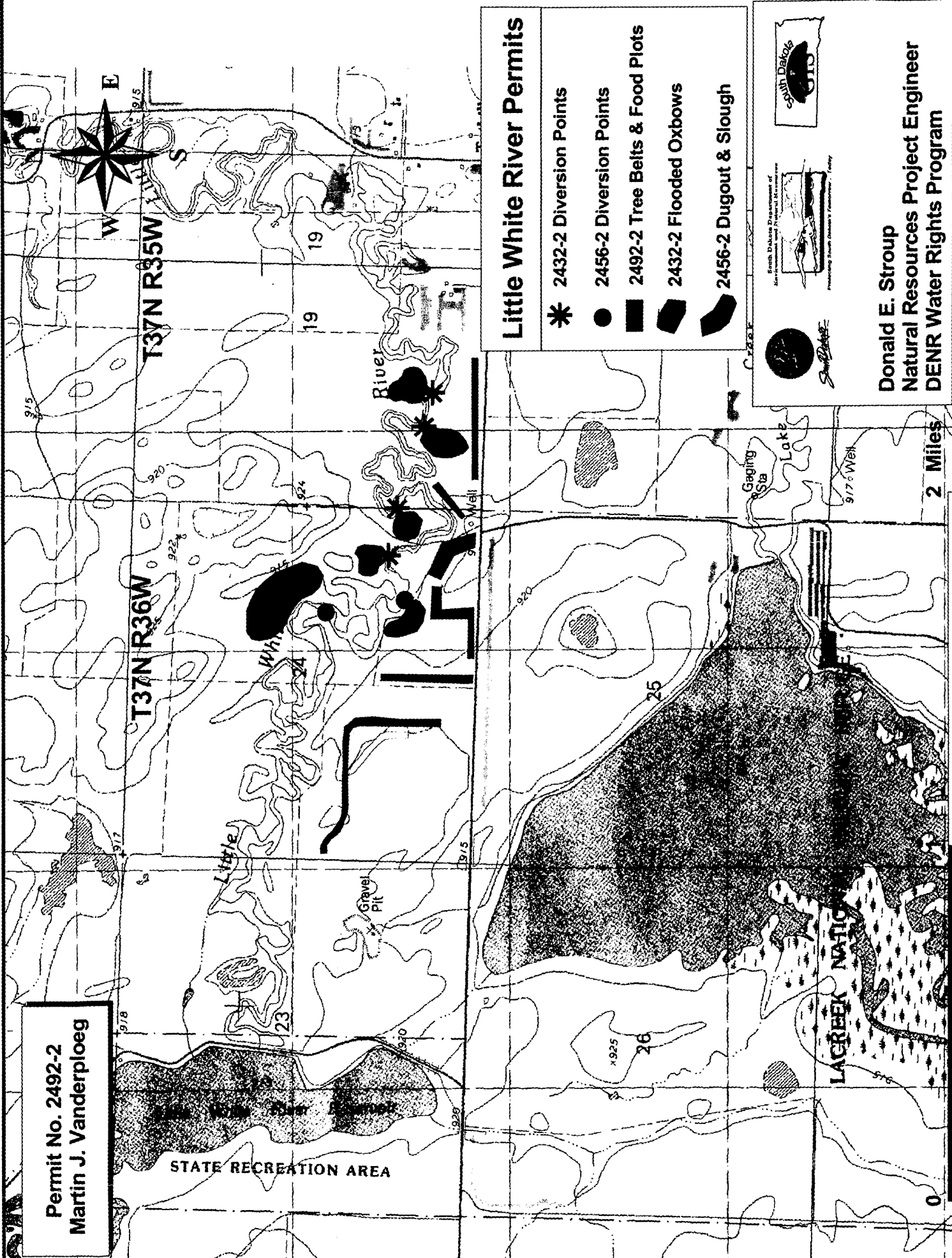
STATE RECREATION AREA

Little White River Permits

- * 2432-2 Diversion Points
- 2456-2 Diversion Points
- 2492-2 Tree Belts & Food Plots
- ▨ 2432-2 Flooded Oxbows
- ▩ 2456-2 Dugout & Slough



Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2497-2, Martin J. Vanderploeg**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2497-2, Martin J. Vanderploeg, 5239 Zumwalt Station Road, Ames, IA 50014.

The Chief Engineer is recommending APPROVAL of Application No. 2497-2 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) it is in the public interest with the following qualifications:

1. Permit Nos. 2432-2, 2456-2 and 2497-2, combined authorize diversion of water each calendar year from the Little White River as follows: 0.22 cfs from April 15 through August 31; 0.89 cfs during the month of September; and 0.67 cfs from September 30 through April 14. The use of water must be for the purpose as specified on each water permit.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

for Eric Erbele
Garland Erbele, Chief Engineer
January 16, 2003

Affidavit of Publication

State of South Dakota

SS.

County of Bennett

Tim Huether

being duly sworn, says: the Bennett County Booster II is, and during all the time herinafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-, as amended published at Martin, Bennett County, South Dakota; that affiant is and during all of said times was, an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for 2 successive issues, bearing the following dates:

January 29, 2003

February 5, 2003

 , 20

 , 20

 , 20

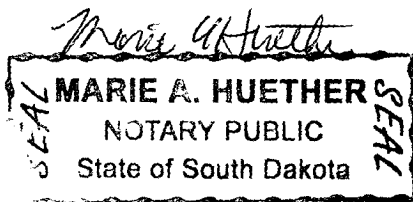
 , 20

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 41.59, inures solely to the benefit of the publisher of said newspaper, that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Tim Huether

Subscribed and sworn to before me this 7 day of

February, 2003



My Commission Expires
July 6, 2007

RECEIVED

FEB 11 2003

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 2497-2 to Appropriate Water

Notice is give that Marty Vanderploeg, PO Box 188, Tuthill, SD 57574 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from the Little White River located in the NE1/4SE1/4 Section 24-T37N-R36W and SW1/4SW1/4 Section 19-T37N-R35W to irrigate 26 acres of tree belts and wildlife food plots located in portions of the SW1/4, S1/2SE1/4, W1/2NE1/4 Section 24-T37N-R36W and S1/2SW1/4 Section 19-T37N-R35W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2497-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 February 18, 2003.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

January 21, 2003

Marty Vanderploeg
PO Box 188
Tuthill SD 57574

Dear Mr. Vanderploeg:

Water Permit Application No. 2497-2 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 (Ph # 605-685-6866). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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
Natural Resources Engineer
(605) 773-3352

enclosures

c: Leanne Swenson, 5239 Zumwalt Station Rd., Ames IA 50014

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.

Instruction to Newspaper - Publish first Notice on January 29, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2497-2 to Appropriate Water

Notice is given that Marty Vanderploeg, PO Box 188, Tuthill SD 57574 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from the Little White River located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24-T37N-R36W and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19-T37N-R35W to irrigate 26 acres of tree belts and wildlife food plots located in portions of the SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 24-T37N-R36W and S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 19-T37N-R35W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2497-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 February 18, 2003.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2003

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

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2497-2 to Appropriate Water to be published twice. Please publish the first notice on January 29, 2003 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 Marty Vanderploeg, PO Box 188, Tuthill, SD 57574 (Ph # 605-685-6866).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2497-2

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

Date _____

We are in receipt of your letter of January 21, 2003 enclosing Notice of Hearing to Appropriate Water by Application No. 2497-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



MAR 13 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Marty Vanderploeg
PO Box 188
Tuthill SD 57574

Dear Mr. Vanderploeg:

Enclosed is Water Permit No. 2497-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

c: Leanne Swenson, 5239 Zumwalt Station Rd., Ames IA 50014

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

Date 11/15/04

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: MARTIN VANDERPLUEG
(name)

Box 188
(address)

TUTHILL SD 57574
(city, state, zip)

605-685-1199
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2497-2 states that the water use system is to be constructed by

March 13, 2008, and water is to be put to beneficial use by March 13, 2008
(date) (date)

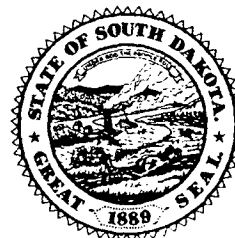
The water use system was completed on Aug 18, 2004
(date)

Applying the water to beneficial use was completed on Aug 18, 2004
(date)

You may schedule an investigation so that the water license may be issued.

M Vanderploeg
(signature)

7-98

RECEIVED**FEB 28 2005**WATER RIGHTS
PROGRAM



**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 4, 2005

2497-2

Marty Vanderploeg
Box 188
Tuthill SD 57574-0188

Dear Mr. Vanderploeg:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form for Water Permit No. 2497-2.

The form you submitted indicates that you have completed your water use system and are ready for inspection. I'll add your permit to the list of systems ready for inspection. The intervening time between your notification to our office and the actual inspection has no bearing on your water permit. You have complied with all the requirements thus far.

I am returning your copy of the water permit to you for your files. Thank you and if you have any questions, let me know.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 28, 2008

1309-2
2497-2

Martin J Vanderploeg
22958 293rd St
Martin SD 57551-5930

Dear Mr. Vanderploeg:

Enclosed is a "Notice" dated October 24, 2008 concerning the 2008 irrigation questionnaires. The notice was originally mailed to PO Box 188, Tuthill, SD. The post office notified us that your address has changed and I will update our records accordingly.

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

enclosures

Permit No. 2497-2, Martin Vanderploeg
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, **October 25, 2005**, made a thorough examination of the water use system constructed by **Martin Vanderploeg** of **PO Box 188, Tuthill SD 57574** holder of Permit No. **2497-2**, bearing the priority of **December 19, 2002** authorizing the diversion of **0.22 cfs** of the waters of **Little White River** 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:

The Little White River diversion works consists of a permanent intake (wet well design) and a wheel mounted portable pump/motor. The wet well design consists of a pump from Mid America vertical pump powered by a 15 hp US Electric motor. The portable system consists of a 6" Cornell pump power by a 27.5 hp Deutz motor

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

Water from the permanent diversion works is conveyed to a manifold system that is operated to direct flow to where water is desired, either for irrigation of tree belts or to maintain ponds (authorized by Water Permit Nos. 2432-2 and 2456-2). The portable pump system diverts water for irrigation of two of the shelter belts or one of the ponds.

C. Works used to apply water to beneficial use:

The lines for irrigation and maintaining the ponds are buried 3" and 4" lines. Water is diverted directly to ponds or to the irrigation system consisting of set lines with riser sprinkler heads rated a 2 – 3 gallons per minute.

The system is in the following condition **good**. The point of diversion are:

				Surface Area (acres)	Storage (ac-ft)
Little White 1	1,475 North	2,060 West	from SE corner Sec. 24, T37N, R36W		
Little White 2	780 North	785 East	from SW corner Sec. 19, T37N, R35W		

Lat/Lon for Little White River diversion points

LW 1 N43.16140 W-101.52115

LW 2 N43.15948 W-101.51082

(continued)

The works are capable of diverting and conveying to the place of use 0.49* cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

SW ¼ Section 24, T37N, R36W 12 acres

SE ¼ Section 24, T37N, R36W 11 acres

SW ¼ Section 19, T37N, R35W 3 acres

* Under pressure which occurs when irrigation is occurring the system is capable of 0.27 cfs if both pumps are operating.

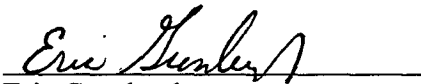
This breakdown of acres is a best estimate based on 1) information provided by the applicant, 2) viewing the orthoquadrangle using ArcMap, and 3) calculating the area based on tree belt dimensions.

comprising a total of 26 acres of land and the license should be issued for 0.22 cfs cfs

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: December 14, 2005

NOTE: The permanent diversion point is a shared diversion point for filling the ponds authorized by this permit and maintaining the ponds authorized by Permit Nos. 2432-2 and 2456-2. In addition, the portable pump is also capable of filling the pond in the SW ¼ of Section 19 or irrigating the tree belt in the SW ¼ Section 19, T37N, R35W and the SE ¼ Section 24, T37N, R36W.



Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

CHEMIGATION EQUIPMENT: None

PERMIT QUALIFICATIONS:

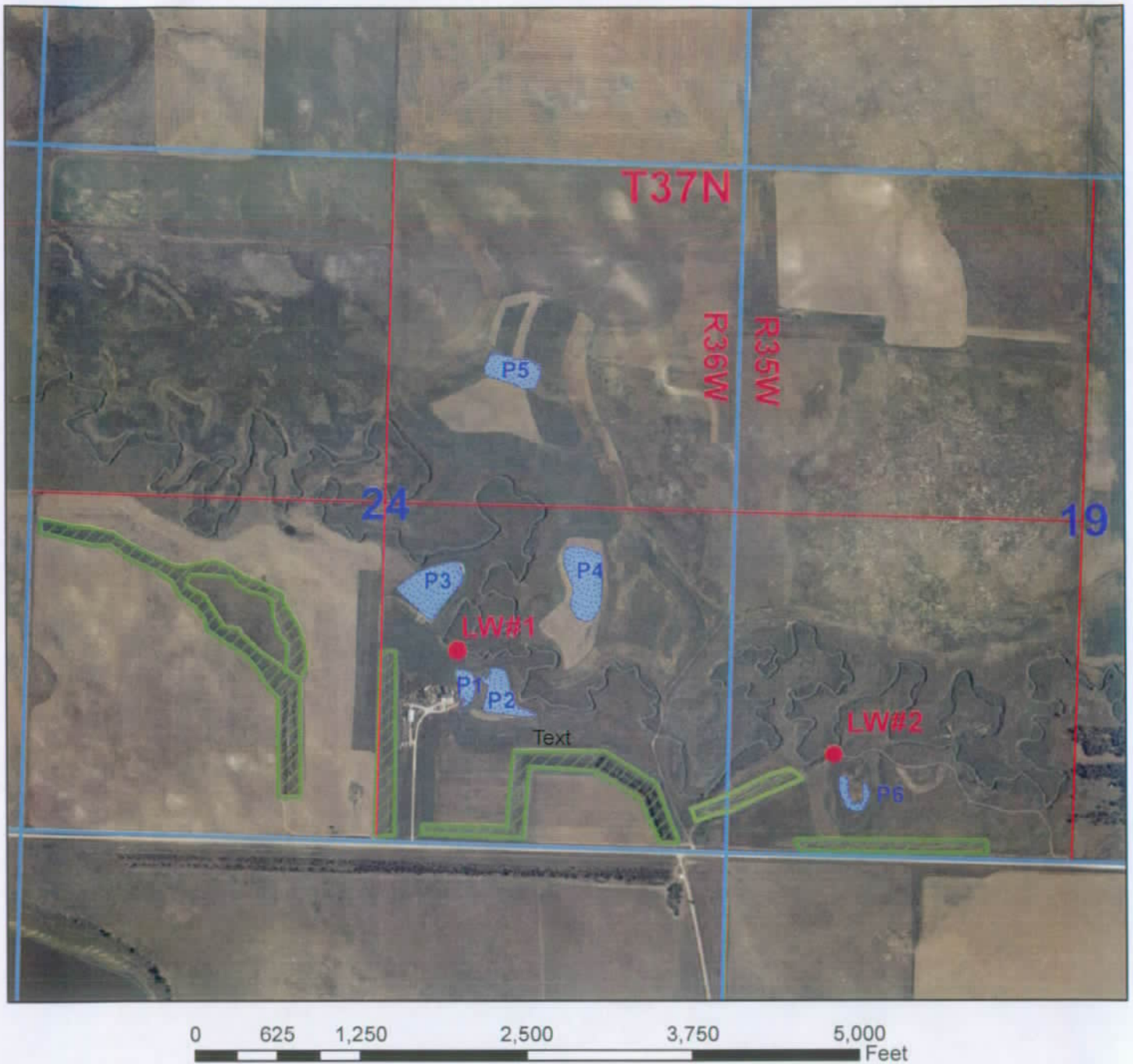
- 1) Special qualifications to permit being abided by **Yes – the condition on the period of the year when diversions may take place could not be thoroughly investigated. Diversions were not taking place at time of investigation**
- 2) All structures, wells and lands on map **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **Yes**

COMMENTS:

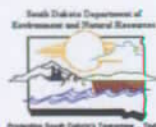
Little White diversion No. 2 is used for the filling Pond 6 (authorized by Permit Nos. 2432-2 and 2456-2) and the two tree belts located in the SW ¼ of Section 19, T37N, R35W

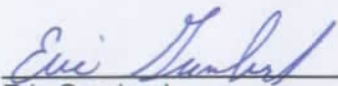
Little White diversion No. 1 utilizes a wet well design. At the time of the on-site visit the diversion work were out of service so repairs could be made to the pump.

The pumps are capable producing more when diverting directly to ponds than when under pressure for irrigation. For instance, Mr. Vanderploeg indicates the LW 2 pump/motor is throttled back to 150 gpm but when under pressure for irrigation produces up to 120 gpm.



See Attachment for Legal Description of Little White River Diversion Points and Ponds




Eric Gronlund
Water Rights Program, DENR
Licensing Investigation - October 25, 2005



Little White River Diversion No. 1 (well well design – can see vertical motor in background)
The primary focus of this picture is the manifold system by which the permit holder can direct water to the pond or for irrigation of the trees as they desire.



Pump for Little White River Diversion No. 1 (out from wet well for maintenance)



Little White River Diversion No. 2 (portable pump)



Pond No. 1 as seen from the house

FIELD INVESTIGATION REPORT FOR PERMIT No. 2497-2

DATE OF INVESTIGATION:	October 25, 2005
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Martin Vanderploeg PO Box 188 Tuthill SD 57574
DIVERSION POINT LEGAL LOCATION	See map and attachment

Other permit(s) associated with the project: Water Permit Nos. 2432-2 and 2456-2 share the same diversion points from the Little White River

WELL INFORMATION: not applicable to permits

White River Diversion Point Pump and Motor Information

LW1	Pump	Motor	LW2	Pump	Motor
	Mid America	US Electric		Cornell (6")	Deutz
Model/Serial No.	MA 45897-01	A6428			F2L912
HP		15			27.5
Capacity	70 gpm under pressure			50 gpm (pressure) 150 gpm to ponds	

DISTRIBUTION LINES OR CANALS:

- 1) Type aluminum
- 2) Size 3 and 4 inches 3) Length not measured

SYSTEM TYPE: consists of a network of underground pipelines. To irrigate tree belts water is conveyed to above ground 3 – 4 inch aluminum pipes. There are riser pipes with a nozzle capable of 2 – 3 gpm.

Legal Descriptions for Little White River Diversions and Ponds authorized by Water Permit Nos.
2432-2, 2456-2, 2497-2, Martin Vanderploeg

				Surface Area (acres)	Storage (ac-ft)
Little White 1	1,475 North	2,060 West	from SE corner Sec. 24, T37N, R36W		
Little White 2	780 North	785 East	from SW corner Sec. 19, T37N, R35W		
Pond 1	1,225 North	2,000 West	from SE corner Sec. 24, T37N, R36W	0.7	2.8
Pond 2	1,175 North	1,750 West	from SE corner Sec. 24, T37N, R36W	1.6	6.0
Pond 3	1,965 North	2,280 West	from SE corner Sec. 24, T37N, R36W	2.9	2.9
Pond 4	2,040 North	1,100 West	from SE corner Sec. 24, T37N, R36W	3.0	3.0
Pond 5	1,600 South	1,715 West	from NE corner Sec. 24, T37N, R36W	1.8	1.8
Pond 6	380 North	945 East	from SW corner Sec. 19, T37N, R35W	0.6	0.6

Lat/Lon for Little White River diversion points

LW 1 N43.16140 W-101.52115
LW 2 N43.15948 W-101.51082

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

Date Oct. 25 2005

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Marty Vanderploeg
(name)

(address)

(city, state, zip)

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2497-2 states that the water use system is to be constructed by

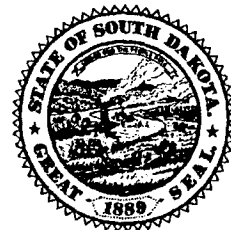
_____, and water is to be put to beneficial use by _____
(date) (date)

The water use system was completed on 1/1/03
(date)

Applying the water to beneficial use was completed on 9/15/03
(date)

You may schedule an investigation so that the water license may be issued.

Martin Vanderploeg





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 20 2010

2497-2

Marty Vanderploeg
22958 293rd St
Martin SD 57551-5930

Dear Mr. Vanderploeg:

Enclosed is your Water License No. 2497-2. The license includes a map prepared by the staff engineer who conducted the field investigation. Water License No. 2497-2 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.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2497-2**

(1) Marty Vanderploeg, 22958 293rd St, Martin SD 57551-5930 made Application No. 2497-2, December 19, 2002 for a water permit to divert 0.22 cubic feet of water per second from the Little White River, Bennett County, South Dakota for irrigation purposes. Permit No. 2497-2, with a priority date of December 19, 2002 was approved February 18, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 18, 2008 and for the application to beneficial use of said water on or before February 18, 2012.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.22 cubic feet of water per second for beneficial use.

The location of the diversion points are as follows:

- Little White Div pt #1: 1,475 feet north and 2,060 feet west of the SE corner of Section 24, T37N, R36W (NE ¼ SE ¼);
- Little White Div pt #2: 780 feet north and 785 feet east of the SW corner of Section 19, T37N, R35W (SW ¼ SW ¼).

Note: Diversion point #1 is a shared diversion point for filling the ponds authorized by this water right and maintaining the ponds authorized by Water Right Nos. 2432-2 and 2456-2.

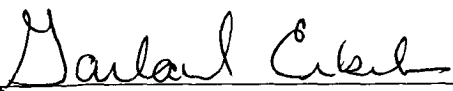
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate tree belts and wildlife food plots located as follows:

SW ¼ Section 24, T37N, R36W	12 acres
SE ¼ Section 24, T37N, R36W	11 acres
SW ¼ Section 19, T37N, R35W	3 acres
Total	26 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Marty Vanderploeg, 22958 293rd St, Martin SD 57551-593 the holder and/or owner of Water Right No. 2497-2 is issued a license to appropriate water, the right to use 0.22 cubic feet of water per second from the Little White River with a priority date of December 19, 2002 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2497-2 and subject to the following qualifications:

- Water Right Nos. 2432-2, 2456-2 and 2497-2 combined authorize diversion of water each calendar year from the Little White River as follows: 0.22 cfs from April 15th through August 31st; 0.89 cfs during the month of September and 0.67 cfs from September 30th through April 14th. The use of water must be for the purpose as specified on each water right.
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



Garland Erbe, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 20 2010

date





2497-2
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 25, 2019

NOTICE

TO: MARTY VANDERPLOEG, 22958 293RD ST, MARTIN, SD 57551 5930

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2497-2. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 2497-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2497-2 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 6, 2019** 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.

2497-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 2019

2497-2

Marty Vanderploeg
22958 293rd St
Martin SD 57551-5930

Dear Mr. Vanderploeg

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 2497-2. 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



2497-2
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 23, 2020

NOTICE

TO: MARTY VANDERPLOEG, 22958 293RD ST, MARTIN, SD 57551 5930

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2497-2. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 2497-2 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2497-2 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 **February 26, 2020** 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: <https://denr.sd.gov/iq> using this password: MFZSTZ**

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.

2497-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 2020

No. 2497-2

MARTY VANDERPLOEG
22958 293RD ST
MARTIN SD 57551

Dear Mr. Vanderploeg:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit No. 2497-2. 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 cursive script that reads 'Genny McMath'.

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

2497-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: MARTY VANDERPLOEG, 22958 293RD ST, MARTIN, SD 57551 5930

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2497-2. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 2497-2 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 2497-2 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 3, 2021** 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: <https://denr.sd.gov/iq> using this password: OTDBPT**

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.

2497-2

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Your item was delivered to an individual at the address at 10:43 am on January 29, 2021 in MARTIN, SD 57551.

 **Delivered**

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MARTIN, SD 57551

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Product Information		MARTY VANDERPLOEG 22958 293RD ST MARTIN SD 57551 5930	
		PS Form 3800, April 2015 PSN 7530-02-000-9047	See Reverse for Instructions



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2021

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Marty Vanderploeg, 22958 293rd St., Martin SD 57551

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 2497-2

On March 3, 2021, the Water Management Board ordered:

Effective April 3, 2021, Water Right No. 2497-2 be suspended for the 2021 irrigation season for failure to submit the 2020 irrigation questionnaire.

If the 2020 irrigation questionnaire is received prior to April 3, 2021, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2021 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2021 unless the 2020 irrigation questionnaire is submitted by April 3, 2021.

After April 3rd, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2020 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 5-6, 2021 in Pierre, SD. The letter should include your reasons for not completing the 2020 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.

2497-2

Certification

I hereby certify that on March 4, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 4, 2021 regarding Water Management Board action taken March 3, 2021 for Irrigation Questionnaire violations addressed as stated below:

Amendments:

No. 1994-3: Albert Hattum, 21862 W Bend Rd, Harrold SD 57536
No. 4332-3: Kash Van Dyke, 22071 486th Ave, Elkton SD 57026

One Year Suspensions:

No. 515-3: Bruce D Peterson, 3600 S Slaten Park Dr, Sioux Falls SD 57103
Daniel Benson, 45586 US Hwy 18, Hurley SD 57036
No. 577-1: Max & Brenda Bowen, 17600 Kentucky Pl, Mud Butte SD 57758
No. 5524-3: Wade & Todd Druin, 30911 457th Ave, Volin SD 57072-6322
No. 1554A-1: Franklin Dyck, 313 Pierre St, Vale SD 57788
No. 1935-1: Brian Dyck, 313 Pierre St, Vale SD 57788
No. 2675-3: Beau Gregg, 22289 Mint Rd, Harrold SD 57536
Nos. 6822-3, 8070-3 & 8071-3: Roger Hansen, Hansen Properties, PO Box B, Centerville SD 57014
No. 1150-2: O M Iwan & Sons, 24912 Rocky Ford Rd, Midland SD 57552
Nos. 4678-3 & 6960-3: Craig Jepsen, Jepsen Farms, 505 Larson St SW, Hutchinson MN 55350-2108
Nos. 5566-3, 7615-3 & 7616-3: Wayne Reiersen, 30048 Reiersen Pl, Pollock SD 57648
No. 2350-3: Bill Boyer, River View Farms, PO Box 486, Alcester SD 57001-0486
No. 2497-2: Marty Vanderploeg, 22958 293rd St., Martin SD 57551

Three Year Suspensions:

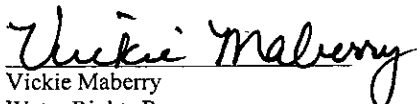
No. 4472-3: Darrel Biddle, 37461 287th St, Geddes SD 57342
No. 7970-3: David Hoops, PO Box 462, Huron SD 57350-0462

Suspend/Amend

Nos. 6565-3, 6566-3, 6817-3, 6818-3, 6819-3, 7003-3, 7383-3, 7693-3, 7994-3, 974-3 & 1813-3:
• Roger Hansen, Hansen Ventures LLC, 700 W Broadway, Centerville SD 57014

Nos. 4705-3, 7924-3, 3803-3 & 4448-3A

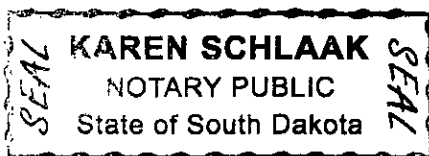
- Brandon Ritter, 30489 115th St, Mound City SD 57646
- Iverson Farms, A Ltd Partnership, 30856 119th St, Mound City SD 57646


Vickie Maberry
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of March, 2021.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025



2497-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 2021

2497-2

Marty Vanderploeg
22958 293rd St
Martin SD 57551-5930

Dear Mr. Vanderploeg:

On March 3, 2021, the Water Management Board ordered Water Right No. 2497-2 suspended if the 2020 irrigation questionnaire was not received prior to April 3, 2021. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred, and no suspension will take place. You may irrigate during the 2021 irrigation season.

If you have any questions, please contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

2497-2



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

January 20, 2022

NOTICE

TO: MARTY VANDERPLOEG, 22958 293RD ST, MARTIN, SD 57551 5930
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2497-2. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 2497-2 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2497-2 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 2, 2022** 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: <https://danr.sd.gov/iq> using this password: PIKBF**

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.

2497-2

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In transit

Delivered 

DATE	TIME	LOCATION	STATUS
Jan 24	11:02 AM	Martin, SD, United States	Delivered, left with individual
Jan 23	12:00 AM		In transit to next facility
Jan 21	8:53 PM	Huron Sd Distribution Center	Departed USPS regional facility
Jan 20	9:42 PM	Huron Sd Distribution Center	Arrived at USPS regional facility

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MARTY VANDERPLOEG
22958 293RD ST
MARTIN SD 57551 5930

shipping and
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PS Form 3800, April 2015 PSN 7530-02-000-9047

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2497-2
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2022

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Marty Vanderploeg, 22958 293rd St, Martin SD 57551-5930

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 2497-2

On March 2, 2022, the Water Management Board ordered:

Effective April 4, 2022, Water Right No. 2497-2 be suspended for the 2022 irrigation season for failure to submit the 2021 irrigation questionnaire.

If the 2021 irrigation questionnaire is received prior to April 4, 2022, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2022 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2022 unless the 2021 irrigation questionnaire is submitted by April 4, 2022.

After April 4th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2021 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 4-5, 2022, in Pierre, SD. The letter should include your reasons for not completing the 2021 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.

CERTIFICATION

I hereby certify that on March 3, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelopes containing a "Notice" dated March 3, 2022, concerning Board action to amend and/or suspend water rights to the following:

Amendments:

No. 3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
 No. 2460-3: Ryan Patterson, 10946 425th Ave., Britton SD 57430
 Patterson Farm Inc, 42474 SD Hwy 10, Britton SD 57430

Amend & Suspend:

Nos. 1397-2, 2647-2 & 2701-2: Cody Burull, 25299 Deer Valley Rd, Reliance SD 57569

Nos. 2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:

- David Ulvestad, 46720 201st St., Bruce SD 57220
- Darwin Ulvestad, 46679 201st St, Bruce SD 57220

Three year suspensions:

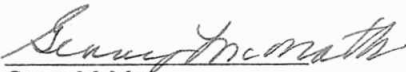
No. 410B-2: Kathi Koester, PO Box 206, Custer SD 57730-0206
 Nos. 1350-3 & 6042-3: Scott Jensen, 24348 478th Ave., Dell Rapids SD 57022

One year suspensions:

No. 6947-3: Joe Adler, 48353 149th St, Milbank SD 57252
 Nos. 6263-3 & 8041-3: George G Hofer, Cedar Grove Colony, 36926 266th St, Platte SD 57369
 No. 881-2: Ryan Edwards, 25331 Yellow Eagle Rd, White River SD 57579
 No. 6316-3: Howard Athletic Club Inc., 508 E Farmer Ave., Howard SD 57349-9017
 Nos. 2851-3 & 4955-3: David Huber, 16010 413th Ave., Conde SD 57434

Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3: Joey Waldner Colony, 40068 Huron Colony Lane, Huron SD 57350-8001

Nos. 7286-3 & 7543-3: Brian Kozak, 30620 417th Ave., Tyndall SD 57066
 No. 5665-3: Pat Mentele, PO Box 41, Woonsocket SD 57385-0041
 No. 8326-3: Jerry D Nelsen, 45125 291st St., Viborg SD 57070
 No. 7005-3: Troy Randall, Randall Enterprise LLC, 24250 479th Ave., Dell Rapids SD 57022 6139
 No. 2497-2: Marty Vanderploeg, 22958 293rd St, Martin SD 57551-5930
 No. 8265-3: Carl Pulvermacher, Wiskota Farm, 14050 SD Hwy 25, Webster SD 57274
 Nos. 516-1 & 715-1: Lawrence Woodward, PO Box 220, Dupree SD 57623-0220



Genny McMath
 Program Assistant-Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

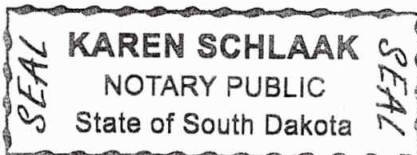
Sworn to, before me, this 3rd day of March, 2022.



Karen Schlaak

Notary Public

My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 5, 2022

2497-2

Marty Vanderploeg
22958 293rd St
Martin SD 57551-5930

Dear Mr. Mr. Vanderploeg:

On March 2, 2022, the Water Management Board ordered Water Right No. 2497-2 be suspended if the 2021 irrigation questionnaire was not received prior to April 4, 2022. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred, and no suspension will take place. You may irrigate during the 2022 irrigation season.

If you have any questions, please contact us.

Sincerely,

Ron Duvall
Water Rights Permitting Administrator
Water Rights Program
(605) 773-3352

2497-2



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

January 20, 2023

NOTICE

TO: MARTY VANDERPLOEG, 22958 293RD ST, MARTIN, SD 57551 5930

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2497-2. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 2497-2 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2497-2 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 8, 2023** 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: <https://danr.sd.gov/iq> using this password: LAPCTR**

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



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

February 13, 2023

2497-2

Marty Vanderploeg
22958 293rd St
Martin SD 57551-5930

Dear Mr. Vanderploeg:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 2497-2. 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
Genny.mcmath@state.sd.us



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

January 19, 2024

NOTICE

TO: MARTY VANDERPLOEG, 22958 293RD ST, MARTIN, SD 57551 5930

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2497-2. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 2497-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2497-2 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 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JBLAWA**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 1, 2024

2497-2

Marty Vanderploeg
22958 293rd St
Martin SD 57551

Dear Mr. Vanderploeg:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 2497-2. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
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