

WATER PERMIT NO. 2647-2

Name of Applicant: **Quinten Burull**

Address: **720 Van Antwerp, Chamberlain SD 57325**

Phone: **605 234-6083**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **90 acres**

Source of Water Supply: **existing dam and dugout authorized by Water Right No. 1415A-2**

Water to be used for: **irrigation**

County: **Lyman**

Type of Waste Disposal System:

Location: **about 10 miles southwest of Reliance**

PRIORITY

Date Received: **4-8-10**

Application/License Fee: **\$950**

Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

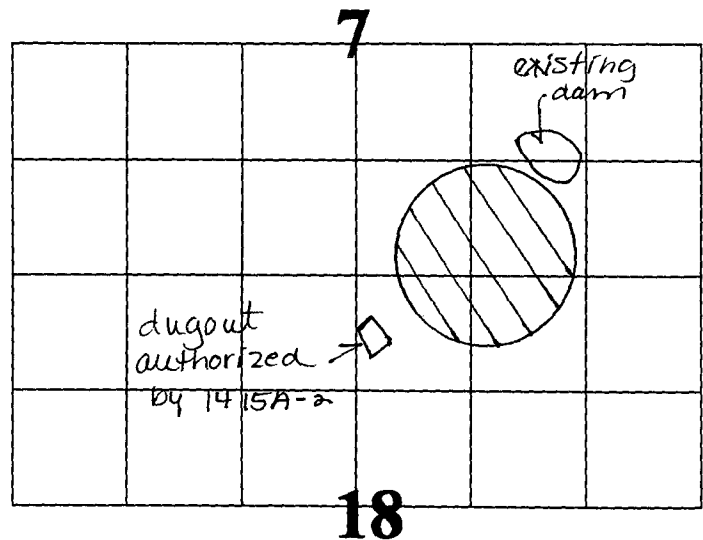
Remarks:

Diversion Point: **dam – E ½ SE ¼ Sec 7**

dugout – NW ¼ NE ¼ Sec 18; all in T103N-R74W

Land to be Irrigated: **S ½ SE ¼ Sec 7 and N ½ NE**

¼ Sec 18; all in T103N-R74W



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Daniel DuVall, NRCS**

Reviewed and the Number Assigned on: **4-9-10**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2647-2</u> (office use only) <u>10140204</u> Hydrologic Unit
	Basin <u>White River</u>
	Newspaper <u>Lyman Co. Herald PO Box 518</u>
	<u>605-895-6397</u> <u>Pasha 57568</u>

RECEIVED

APR - 8 2010

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.)

Apply for new acreage from a existing dam and to be able to utilize the existing dugout authorized by Water Right No. 1415A-2

1. Name of Applicant Quinten Burull Phone 234-6083
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 720 Van Antwerp Chamberlain SD 57325
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 90
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply existing dam and the dugout under Water Right No. 1415A-2
4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Lyman
dam SE 1/4 Section 7, T103N, R74W and (E 1/2 SE 1/4)
dugout NW 1/4 NE 1/4 Section 18, T103N, R74W
5. County or counties where water will be used Lyman
6. Annual period during which water is to be used April 1 through October 31
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
SE Section 7, T103N, R74W <u>SE 1/4 SE 1/4</u>	36.5		
SW Section 7, T103N, R74W <u>SW 1/4 SE 1/4</u>	22.5		
NE Section 18, T103N, R74W <u>NE 1/4 NE 1/4</u>	19.5		
NW Section 18, T103N, R74W <u>NW 1/4 NE 1/4</u>	11.5		

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

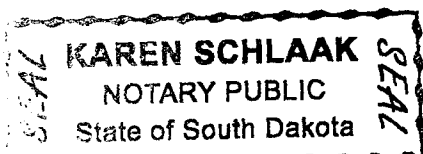
Requesting greater than the statutory limit. I contacted Morris Inc. regarding irrigation equipment and learned the pivot I intend to use will need 800 gpm to operate

STATE OF SOUTH DAKOTA

County of Hughes SS

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

I, Quinten Burull, 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 Quinten BurullSubscribed and sworn to before me this 8th day of April 20 10

Karen Schlaak
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 2647-2**

Date of first receipt of application April 8, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2647-2 to Quinten Burull, 720 Van Antwerp, Chamberlain SD 57325 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. 2647-2 appropriates 1.78 cubic feet of water per second of runoff from an existing dam (approximate 20 acre feet of water storage capacity) located in the E 1/2 SE 1/4 Section 7 and an existing dugout authorized by Water Right No. 1415A-2 located in the NW 1/4 NE 1/4 Section 18 to irrigate 90 acres located in the S 1/2 SE 1/4 Section 7 and the N 1/2 NE 1/4 Section 18; all in T103N-R74W.
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 – October 31.
3. The date from which applicant may claim right is April 8, 2010.
4. The date of approval of Permit No. 2647-2 is July 19, 2010.
5. One-fifth of the construction is to be completed on or before January 19, 2013.
6. All construction is to be completed on or before July 19, 2015.
7. Water is to be put to beneficial use on or before July 19, 2019.
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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2647-2 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 90 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
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

JUL 28 2010

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

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

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

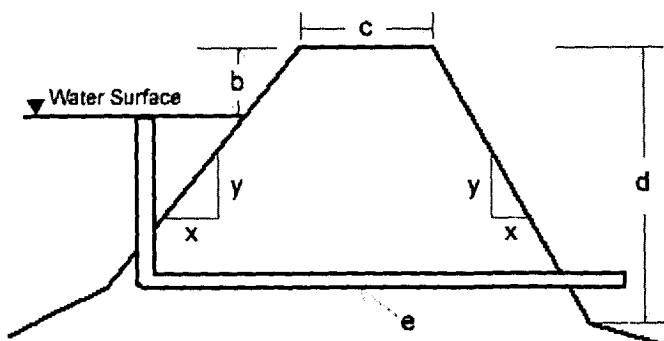
3. Dugout Information

- a) Surface Dimensions see Water Right No. 1415-2 Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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



- b) Freeboard 4
- c) Crest Width 12 feet
Crest Length approx. 1000 feet
- d) Height 12 feet
- e) Primary Outlet Capacity _____
If pipe, diameter earth spillway
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment 5
- i) Storage 20.0 Acre Feet
- j) Drainage Area Above Dam 300.0 Acres

T 669

T 669



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APR - 8 2010

WATER RIGHTS
PROGRAM

103-74

#1415-2

1415A-2 Timothy H. Heald
July 29, 1991

Soils Map for Water Right Permit

Date: 3/24/2010

Customer: QUINTEN BURULL

District: AMERICAN CREEK CONSERVATION DISTRICT

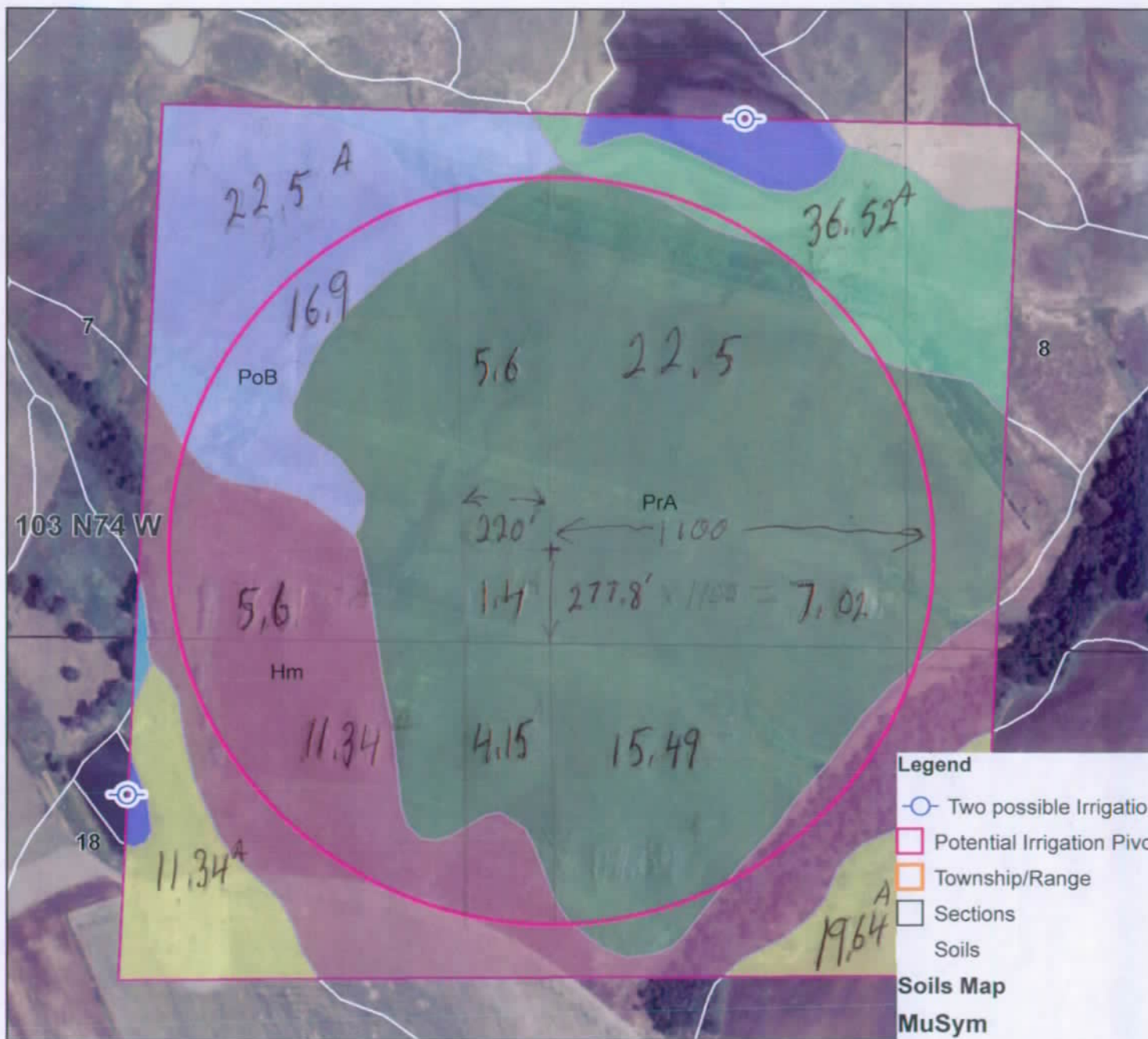
Approximate Acres: 90 acres with 1100' maximum radius

Legal Description: Section 7 & 18 of 103N-74W

Field Office: KENNEBEC SERVICE CENTER

Agency: USDA-Natural Resources Conservation Service

Assisted By: DARREL D DU VALL



Legend

Two possible Irrigation sources

Potential Irrigation Pivot

Township/Range

Sections

Soils

Soils Map

MuSym

- W
- Bg
- Mr
- Hm
- PrA
- SeE
- SaE
- BuA
- PoB

250 0 250 500 750 1,000 Feet

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APR - 8 2010
WATER RIGHTS
PROGRAM



Darrel DuVall, NRES
3/24/10



G *f* *F* *ℓ* *E*
WEST



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/8, 20 10

RECEIVED OF Quint Burull 720 Van Antwerp Chamberlain SD 57325

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

Fee for Application for Permit No. <u>2647-2</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>2647-2</u>	200	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	950 00

No. 04526

By [Signature]

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2647-2, Quinten Burull**

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. 2647-2, Quinten Burull, 720 Van Antwerp, Chamberlain SD 57325.

The Chief Engineer is recommending APPROVAL of Application No. 2647-2 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2647-2 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 90 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 17, 2010

NOTE: During dry periods when irrigation is needed the most, the dugout and dam may not be capable of producing the amount of water needed for irrigation for Water Right No. 1415A-2 and this application.

REPORT ON WATER PERMIT APPLICATION NO. 2647-2

Quinten Burull
720 Van Antwerp
Chamberlain SD 57325

Water Permit Application No. 2647-2, Quinten Burull, proposes to appropriate 1.78 cubic feet per second (cfs) of water from one existing dam (approximately 20 acre-feet of water storage capacity) located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7 and an existing dugout authorized by Water Right No. 1415A-2 located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18 to irrigate 90 acres in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 18 all in; T103N-R74W.

The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The applicant requests this greater diversion rate because the pivot system to be used for the project needs the additional amount of water to operate.

The annual period of requested use is April 1st through October 31st.

Project Review

The applicant proposes to use an existing dam and an existing dugout for the water source. The existing dugout is authorized to divert 2.43 cfs of water covered under Water Right No. 1415A-2 to irrigate 170 acres in Section 18-T103N-R74W. The dam and dugout will be allowed to fill with ground water which is hydrologically connected to the White River and incidental surface water runoff. Water will then be pumped from the dam and dugout to irrigate 90 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 18; all in T103N-R74W. The applicant is requesting a diversion rate greater than the statutory 1 cfs per 70 irrigated acres. The applicant states on the application the he contacted a dealership and was informed the pivot system he intends to use will need 800 gpm to operate properly.

South Dakota Codified Law (SDCL) 46-5-6 states in part that... *The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints of water, or the type of soil so requires. However, no annual volume may be greater than three acre-feet per acre delivered to the land.*

Review of the Water Source and Existing Water Rights

The source of water is the shallow Quaternary alluvium aquifer (Qal) which is hydrologically connected to the White River as well as incidental surface water runoff. The alluvium is a surficial outwash (sand and gravel) under water table conditions. This is a relatively thin aquifer and the amount of saturated thickness can vary because of changing climatic conditions. This indicates that during periods of dry climatic conditions, the ability of the dam and dugout to produce the amount of water needed for the irrigation system could be affected.

The Water Rights Program does not monitor observation wells completed into the alluvium in this area. However, the US Geological Survey (USGS) does maintain a stream flow gage on the White River near Oacoma, SD approximately 20 stream miles downstream of this application. USGS historical data from 1929 through 2008 for the White River near Oacoma, SD gage indicate there is a 50-percent probability monthly median flows could range from 78 to 508 cfs

or greater for any given April through October annual period. There is a 75-percent probability monthly median flows at this same location could range from 43 to 281 cfs or greater for the same period. The White River cannot be considered as a reliable recharge water source for the dam and dugout during dry climatic conditions. (Table 1)

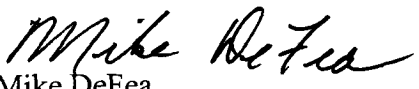
Table 1. Monthly Median Flows (cfs)

Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90%	14	22	149	180	152	134	21	20	25	38	45	19
75%	30	47	297	281	262	245	122	63	43	54	74	40
50%	60	95	625	498	456	508	229	140	78	92	106	70
25%	106	227	1375	999	1148	1214	486	296	183	185	161	116
10%	161	565	2687	2229	2742	3050	1103	633	415	383	346	202

There are three water rights downstream from the proposed project authorized to divert 4.76 cfs of water from either the White River or the alluvium. Due to adequate water in the White River, except during extremely dry climatic conditions, if approved, this permit would not be expected to adversely impact these existing rights.

Conclusion

1. Water Permit Application No. 2647-2, Quinten Burull, proposes to use an existing dam and an existing dugout for the water source. The dam and dugout will be allowed to fill with ground water and incidental surface water runoff. Water will then be pumped from the dam and dugout to irrigate 90 acres located in the S ½ SE ¼ Section 7 and the N ½ NE ¼ Section 18; all in T103N-R74W.
2. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 irrigated acres. The applicant requests this greater diversion rate because the pivot system he intends to use will need 800 gpm for the system to operate properly.
3. The source of water is the shallow Quaternary alluvium aquifer (Qal) which is hydrologically connected to the White River. The alluvium is a surficial outwash (sand and gravel) under water table conditions. This is a relatively thin aquifer and the amount of saturated thickness can vary because of changing climatic conditions. This indicates that during periods of dry climatic conditions, the ability of the dugouts to produce the amount of water needed for the irrigation system could be affected.
4. Due to adequate water in the White River, except during extremely dry climatic conditions, if approved, this permit would not be expected to adversely impact these existing rights.


Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program


Reviewed by: Mark Rath
Natural Resources Engineer Specialist
DENR, Water Rights Program

Publisher's Affidavit of Publication

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JUL 12 2010

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA)
COUNTY OF LYMAN)SS)

Connie Penny, of said county and state being duly sworn on her oath says: The Lyman County Herald is a weekly newspaper of general circulation and published in Presho, Lyman County, and State of South Dakota; and has been such newspaper during the times hereinafter mentioned; That said newspaper is a legal weekly, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of Lyman more than fifty-two successive weeks next prior to publication of the notice hereinafter mentioned and maintained at the place of publication; That I, the undersigned am editor of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed:

Notice of Application # 2647-2; #2648-2
108 Lines

a printed copy of which is hereto attached and published in the said newspaper for 2 consecutive week(s).

The first publication of said notice in said newspaper aforesaid was on Wednesday, the 30 day of June, A.D., 2010
and that the succeeding publications were severally
Wednesday, the 7 day of July, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010
Wednesday, the _____ day of _____, A.D., 2010

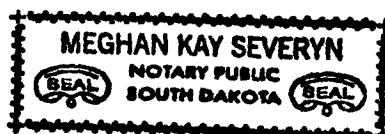
and the last publication on Wednesday, the 7 day of July, 2010,
that the full sum of fees charged for publishing the same, to-wit; the sum of \$ 64.35 insures solely to the editor of The Lyman County Herald.
That no agreement or understanding for any division thereof had been made with any other person, and that no part thereof has been agreed to be paid to any person whatsoever.

Connie Penny
[Signature]
Notary Public

Subscribed and sworn to before me this 8 day of July, 2010
My Commission expires _____, 20____

Meghan Kay Severyn
My Commission Expires
March 12, 2015

~~Meghan Kay Severyn~~
~~My Commission Expires~~
~~March 12, 2015~~



NOTICE OF APPLICATION NOS. 2647-2 and 2648-2 to Appropriate Water

Notice is given that Quinten Burull, 720 Van Antwerp, Chamberlain SD 57325 has filed the following applications for a water permit. Application No. 2647-2 proposes to appropriate 1.78 cubic feet of water per second (cfs) of runoff from an existing dam (approximate 20 acre feet of water storage capacity) located in the E 1/2 SE 1/4 Section 7 and an existing dugout authorized by Water Right No. 1415A-2 located in the NW 1/4 NE 1/4 Section 18 to irrigate 90 acres located in the S 1/2 SE 1/4 Section 7 and the N 1/2 NE 1/4 Section 18; all in T103N-R74W.

Application No. 2648-2 proposes to appropriate 1.78 cfs of runoff from an existing dugout authorized by Water Right No. 1397-2 located in the Government Lot 1 (NE 1/4 NE 1/4) Section 10 and a new dugout located in the Government Lot 3 (NE 1/4 SE 1/4) Section 10 to irrigate 90 acres located in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 10 and Government Lot 2 (NE 1/4 NW 1/4) and Government Lot 1 (NW 1/4 NE 1/4) Section 15; all in T103N-R74W.

The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres on each of these applications.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2647-2 & 2648-2 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 these applications, as recommended,

unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 July 19, 2010.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

6/30/10 & 7/7/10

Published twice at the total approximate cost of \$70.29.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 21, 2010

Lyman County Herald
PO Box 518
Presho SD 57568

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 2647-2 & 2648-2 to Appropriate Water to be published twice. Please publish the first notice on June 30, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Quinten Burull, 720 Van Antwerp, Chamberlain SD 57325 (Ph # 605-234-6083).

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-----

Nos. 2647-2 & 2648-2

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

Date _____

We are in receipt of your letter of June 21, 2010 enclosing Notice to Appropriate Water by Application Nos. 2647-2 & 2648-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 21, 2010

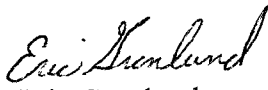
Quinten Burull
720 Van Antwerp
Chamberlain SD 57325

Dear Mr. Burull:

Water Permit Application Nos. 2647-2 & 2648-2 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Lyman County Herald printed at Presho SD (Ph # 605-895-6397). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports 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 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. 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
eric.gronlund@state.sd.us

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on June 30, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 2647-2 and 2648-2 to Appropriate Water

Notice is given that Quinten Burull, 720 Van Antwerp, Chamberlain SD 57325 has filed the following applications for a water permit. Application No. 2647-2 proposes to appropriate 1.78 cubic feet of water per second (cfs) of runoff from an existing dam (approximate 20 acre feet of water storage capacity) located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7 and an existing dugout authorized by Water Right No. 1415A-2 located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18 to irrigate 90 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 18; all in T103N-R74W.

Application No. 2648-2 proposes to appropriate 1.78 cfs of runoff from an existing dugout authorized by Water Right No. 1397-2 located in the Government Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Section 10 and a new dugout located in the Government Lot 3 (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ~~3~~) Section 10 to irrigate 90 acres located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 and Government Lot 2 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and Government Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) Section 15; all in T103N-R74W.

The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres on each of these applications.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2647-2 & 2648-2 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 July 19, 2010.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.



JUL 28 2010

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Quinten Burull
720 Van Antwerp
Chamberlain SD 57325

Dear Burull:

Enclosed are Water Permit Nos. 2647-2 & 2648-2 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

2647-2

RECEIVED

NOV 19 2010

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 11-17-10

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

FROM:

Quinten Burall

(name)

720 Van Antwerp

(address)

Chamberlain, SD 57325

(city, state, zip)

605-234-6083

(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. 2647-2 states that the water use system is to be constructed by

July 19 2015 , and water is to be put to beneficial use by July 19, 2019 .

(date)

(date)

The water use system was completed on Nov. 9, 2010 .

(date)

Applying the water to beneficial use was completed on Nov. 10 2010 .

(date)

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

Quinten Burall
(signature)



RECEIVED

JAN - 5 2016

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2647-2

Date: January 5, 2016

I/We request that Water Right/Permit No. 2647-2 formerly owned by:
Quinten Burull, 720 Van Antwerp, Chamberlain, SD 57325 be transferred to:

New Owner Name: Cody Burull

Address: 25299 Deer Valley Rd

City, State, Zip Reliance SD 57569 Telephone No. 680-6083

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

Section 7-103N-R74W
SE 1/4 - 51.5 acres
Section 18-T103N-R74W
NE 1/4 - 117 acres
Section 18-T103N-R74W
Lots 1 through 5 - 81.5 acres

☒ I understand that the validity of Water Right/Permit No. 2647-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

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


(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/5, 20 16

RECEIVED OF Cody Burull

25299 Dear Valley Rd

Reliance SD 57569

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2647-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. 07620

By *Jane Handman*
Chief Engineer

Water Permit No. 2647-2
White River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, **October 22, 2015**, made a thorough examination of the water use system constructed by **Quinten Burull** of **720 Van Antwerp, Chamberlain, SD 57325** holder of Permit No. **2647-2**, bearing the priority of **April 8, 2010** authorizing the diversion of **1.78** cu. ft. per second of water from the **White River** for **Irrigation use** purposes, in **Lyman** County.

Inspection contact & relationship to permit holder, if applicable: **Cody Burull (473-6083, cell 680-6083)**

A. Works used to divert the water:

Pump:

- 1) Make **Berkley**
- 2) Model **B4JOBH**
- 3) Capacity **1,100** GPM

Motor:

- 1) Make **John Deere**
- 2) Model No. **6.8 liter**
- 3) Horsepower rating **Unknown** hp

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

- 1) Type **Buried Pipe**

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make **Reinke**
- 2) Number of towers **6**
- 3) End gun **Y**
- 4) High or low pressure **Low**
- 5) Capacity **800** GPM

Chemigation Equipment:

- 1) Does chemigate **N**

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Dugout: Approximately 635 feet south and 2,270 feet east of the NW corner of Section 18-T103N-R74W

(N 43.72966, W -99.73225) (NW ¼ NE ¼)

Dam: Approximately 1,555 feet north and 815 feet west of the SE corner of Section 7-T103N-R74W

(N 43.73579, W -99.72583) (NE ¼ SE ¼)

The works are capable of diverting and conveying to the place of use 2.43 cu. ft. per second of water which is to be used for Irrigation use. Water has been put to beneficial use to the maximum extent as follows:

Water Permit No. 2647-2 (Priority Date: April 8, 2010, 1.78 cfs):

Section 18-T103N-R74W

NE ¼ NE ¼ - 18 acres

NW ¼ NE ¼ - 10.5

Total: 80 acres

Section 7-T103N-R74W

SE ¼ SE ¼ - 32 acres

SW ¼ SE ¼ - 19.5 acres

Water Permit No. 1415A-2 (Priority Date: April 14, 1976, 2.43 cfs):

Section 18-T103N-R74W

NE ¼ NE ¼ - 4.5 acres

NW ¼ NE ¼ - 20 acres

SW ¼ NE ¼ - 40 acres

SE ¼ NE ¼ - 24 acres

Section 18-T103N-R74W

Lot 1 - 4.5 acres

Lot 2 - 23 acres

Lot 3 - 12 acres

Lot 4 - 31 acres

Lot 5 - 11 acres

Total: 170 acres

comprising a total of 250 acres of land and the license should be issued for 2.43 cfs.

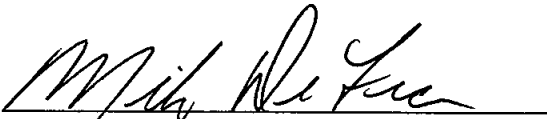
All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

Water Permit No. 2647-2 authorizes the appropriation of 1.78 cfs of water from an existing dam and dugout authorized by Water Right No. 1415A-2 for irrigation of 90 acres located in the S ½ SE ¼ Section 7 and N ½ NE ¼ Section 18; all in T103N-R74W. Water Right No. 1415A-2 authorizes the diversion of 2.43 cfs for irrigation of 170 acres in Section 18-T103N-R74W.

At the time of the licensing inspection, water was only pumped from the dugout for irrigation of 80 acres. One pump, capable of producing 2.43 cfs of water, supplies water to the irrigation systems authorized by both Water Permit No. 2647-2 and Water Right No. 1415A-2 through separate irrigation systems. The pumping system is not capable of supplying water to both systems simultaneously. The dam can also supply water to the dugout through buried pipe if necessary. A "Location Notice" is on file dated August 21, 1952, claiming 16 acre-feet of water annually.

Water Permit No. 2647-2 and Water Right No. 1415A-2 should be incorporated to reflect the system as developed while each retaining their priority dates of April 8, 2010, and April 14, 1976.



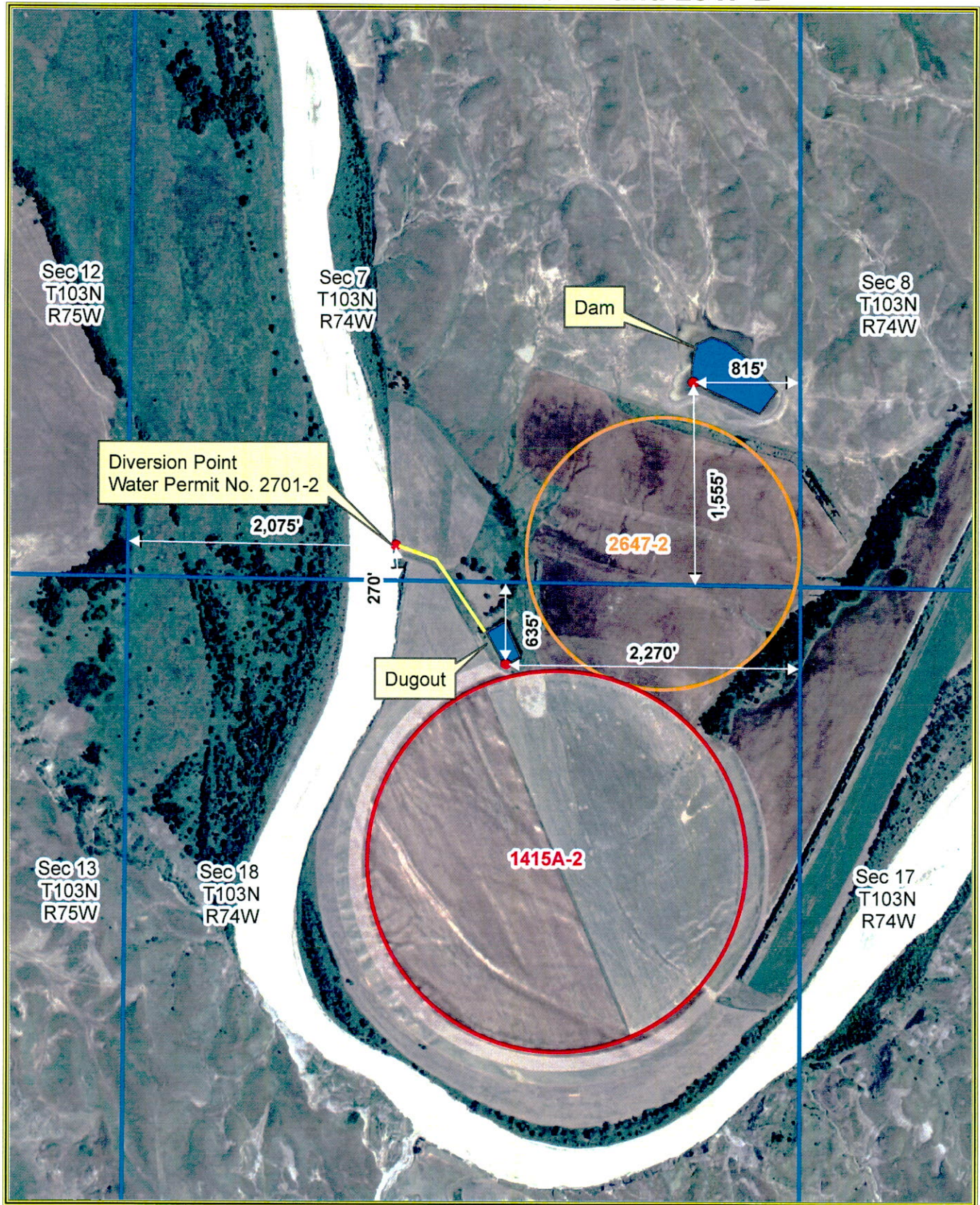
Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: **December 30, 2015**

Cody Burull

Water Permit Nos 2701-2 and 2647-2



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
December 23, 2015

0 0.125 0.25 0.5
Miles



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow...Today

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2647-2

(1) Quinten Burull, Chamberlain SD made Application No. 2647-2, April 8, 2010 for a water permit to divert 1.78 cubic feet of water per second (cfs) from runoff into an existing dam and dugout located in Lyman County, South Dakota for irrigation purposes. Permit No. 2647-2, with a priority date of April 8, 2010 was approved July 19, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 19, 2015 and for the application to beneficial use of said water on or before July 19, 2019.

Water Right No. 1415A-2, with a priority date of April 14, 1976, authorizes diversion of 2.43 cfs from the same dam and dugout for irrigation of 170 acres. Water Permit No. 2647-2 authorized an additional 1.78 cfs and irrigation of an additional 90 acres.

The pivots are not capable of running at the same time. The maximum diversion to the larger pivot is 2.43 cfs and 1.78 cfs to the smaller pivot. The applicable portions of Water Right No. 1415A-2 are being incorporated into this Water License No. 2647-2.

On January 5, 2016, the water rights were transferred to Cody Burull, 25299 Deer Valley Rd, Reliance, SD.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 2.43 cubic feet of water per second for beneficial use. The location of the diversion points are:

- **Dugout:** Approximately 635 feet south & 2,270 feet east of the NW corner of Section 18, T103N, R74W; (N 43.72966, W -99.73225) (NW ¼ NE ¼)
- **Dam:** Approximately 1,555 feet north & 815 feet west of the SE corner of Section 7, T103N, R74W (N 43.73579, W -99.72583) (NE ¼ SE ¼)

(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 the following land:

Section 7, T103N, R74W	SE ¼ SE ¼	32.0 acres	April 8, 2010 priority date
	SW ¼ SE ¼	19.5 acres	April 8, 2010 priority date
Section 18, T103N, R74W	NE ¼ NE ¼	22.5 acres	April 8, 2010 priority date (18 acres)
			April 14, 1976 priority date (4.5 acres)
	NW ¼ NE ¼	30.5 acres	April 8, 2010 priority date (10.5 acres)
			April 14, 1976 priority date (20 acres)
	SW ¼ NE ¼	40.0 acres	April 14, 1976 priority date
	SE ¼ NE ¼	24.0 acres	April 14, 1976 priority date
	Lot 1	4.5 acres	April 14, 1976 priority date
	Lot 2	23.0 acres	April 14, 1976 priority date
	Lot 3	12.0 acres	April 14, 1976 priority date
	Lot 4	31.0 acres	April 14, 1976 priority date
	Lot 5	11.0 acres	April 14, 1976 priority date
	Total	250.0 acres	

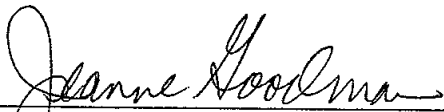
April 14, 1976 priority date established under Water Right No. 1415A-2 (170 acres)
April 8, 2010 priority date established under Water Permit No. 2647-2 (80 acres)

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Cody Burull, 25299 Deer Valley Rd, Reliance, SD, 57569 the holder and/or owner of Incorporated Water Right No. 2647-2 is issued a license to appropriate water, the right to use 2.43 cubic feet of water per second from runoff into a dam and dugout with priority dates of April 8, 2010 (80 acres) and April 14, 1976 (170 acres) 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. 2647-2 and subject to the following qualifications:

- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 2647-2 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 80 acres with a volume not to exceed 2 acre feet of water per acre per year. ***This qualification pertains to the acreage developed under No. 2647-2 only and has been reduced to the amount irrigated from the smaller pivot.***
- This water right is subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 06 2016

date





2647-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

SEP 06 2016

1415A-2
2647-2
2701-2

Cody Burull
25299 Deer Valley Rd
Reliance SD 57569

Dear Mr. Burull:

Enclosed are Water License Nos. 2647-2 and 2701-2. They are the final water right documents completing your process of obtaining Water Rights. Included with the licenses is a map prepared by the staff engineer who conducted the field investigation.

Upon licensing, the applicable portions of Water Right No. 1415A-2 and Water Permit No. 2647-2 were incorporated into one license authorizing diversion of water from runoff into a dugout and storage dam. No. 2701-2 authorizes diversion of water from the White River to irrigate the same land and was licensed separately.

Each year when irrigation questionnaires are mailed to you, you will get two forms for the same land and the difference will be the source of water. The information for each will need to be reported separately.

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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



2647-2
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 26, 2018

NOTICE

TO: CODY BURULL, 25299 DEER VALLEY RD, RELIANCE, SD 57569

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1397-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2647-2 & 2701-2 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 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) 2647-2 & 2701-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1397-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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.

2647-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2018

1397-2
2647-2
2701-2

Cody Burull
25299 Deer Valley Rd
Reliance SD 57569

Dear Mr. Burull:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 1397-1, 2647-2 and 2701-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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



2647-2
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: CODY BURULL, 25299 DEER VALLEY RD, RELIANCE, SD 57569

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1397-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2647-2 & 2701-2 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) 2647-2 & 2701-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1397-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **February 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 questionnaires 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: ASAVPD**

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 2020

1397-2
2647-2
2701-2

Cody Burull
25299 Deer Valley Rd
Reliance SD 57569

Dear Mr. Burull:

I am writing to acknowledge receipt of the information for your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 1397-2, 2647-2 and 2701-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: CODY BURULL, 25299 DEER VALLEY RD, RELIANCE, SD 57569

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1397-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2647-2 & 2701-2 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) 2647-2 & 2701-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1397-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **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 questionnaires 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: RSBYHR**

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.

2647-2



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2647-2
**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 AMENDMENT AND ONE YEAR SUSPENSION**

TO: Cody Burull, 25299 Deer Valley Rd, Reliance SD 57569

FROM: Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Amendment of Water Right No. 1397-2 and One Year Suspension of Water Right Nos. 2647-2 & 2701-2

On March 2, 2022, the Water Management Board took the following actions on Water Right Nos. 1397-2, 2647-2 & 2701-2

The Board amended Water Right No. 1397-2 to add the following qualification effective immediately:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The Board also ordered:

Effective April 4, 2022, Water Right Nos. 2647-2 and 2701-2 be suspended for the 2022 irrigation season for failure to submit the 2021 irrigation questionnaires.

If the 2021 irrigation questionnaires are received prior to April 4, 2022, the suspensions will not take effect.

Suspension of a water 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 questionnaires are submitted by April 4, 2022.

After April 4, 2022, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2021 irrigation questionnaires 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 questionnaires. 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)

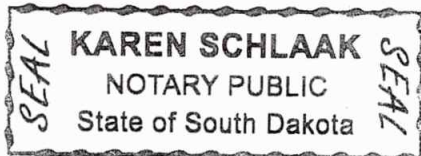
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COUNTY OF HUGHES)

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



Karen Schlaak
 Notary Public
 My Commission expires April 1, 2025





2647-2
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 15, 2022

2647-2
2701-2

Cody Burull
25299 Deer Valley Rd
Reliance SD 57569

Dear Mr. Mr. Burull:

On March 2, 2022, the Water Management Board ordered Water Right Nos. 2647-2 and 2701-2 be suspended if the 2021 irrigation questionnaires were not received prior to April 4, 2022. The questionnaire information for your water rights has been received.

Since the irrigation questionnaires are on file, no violations have occurred, and no suspensions 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