

WATER PERMIT NO. 2692A-2

Name of Applicant: Steve Elshere Land Company

Address: 22134 199th St, Milesville SD 57553 Phone: 307 275-1557

Amount of Water Claimed: 7.87 cfs Total Acres: 552 acres

Source of Water Supply: tributaries to Straighthead Creek

Water to be used for: irrigation and hydropower County: Haakon

Type of Waste Disposal System:

Location: 4 miles north of Milesville

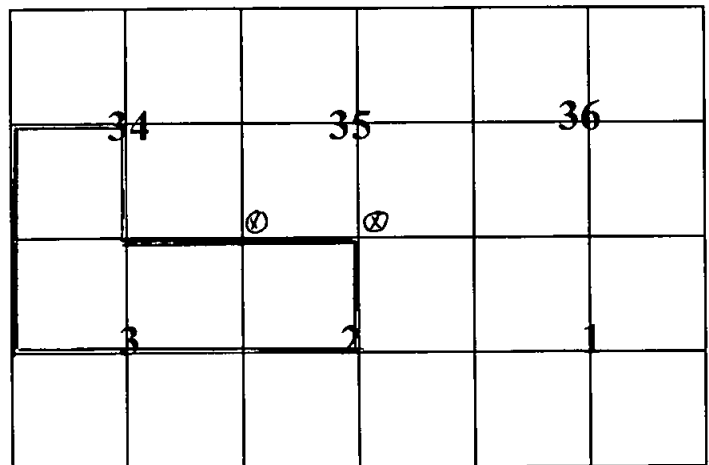
PRIORITY Date Received: 1-24-19 Application/License Fee: \$100

Corrected Application Received: Period of Annual Use: April 1 – Oct 31 (irrigation)
Jan 1 – Dec 31 (hydropower)

Remarks: Reinstatement of Water Permit No. 2692-2

Diversion Point: SW 1/4 SW 1/4 and SW 1/4 SE
1/4 Sec 35-T7N-R20E

Land to be Irrigated: N 1/2 Sec 3, NW 1/4 Sec 2;
T6N-R20E and SW 1/4 Sec 34-T7N-R20E



Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 2-4-19

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 2692A-2

Date of first receipt of application January 24, 2019.

Date of receipt of corrected application February 4, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2692A-2 to Steve Elshere Land Company, 22134 199th St, Milesville SD 57553 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2692A-2 is a reinstatement of cancelled Water Permit No. 2692-2. Water Permit No. 2692A-2 appropriates 7.87 cubic feet of water per second from springs and tributaries to Straighthead Creek located in the SW 1/4 SW 1/4 and SW 1/4 SE 1/4 Section 35-T7N-R20E for irrigation of 552 acres located in the N 1/2 Section 3 and NW 1/4 Section 2; all in T6N-R20E and the SW 1/4 Section 34-T7N-R20E. The water will also be used for hydropower generation. This site is located approximately 4 miles north of Milesville SD.
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 1 (irrigation) and January 1 – December 31 (hydropower).
3. The date from which applicant may claim right is January 24, 2019.
4. The date of approval of Permit No. 2692A-2 is May 28, 2019.
5. One-fifth of the construction is to be completed on or before November 28, 2021.
6. All construction is to be completed on or before May 28, 2024.
7. Water is to be put to beneficial use on or before May 28, 2028.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversions under this permit shall be in accordance with any written order issued by the Chief Engineer.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 20 2019
date



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

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2692A-2</u> (office use only) Hydrologic Unit <u>10120112</u>
	Basin <u>Lower Cheyenne</u>
	Newspaper <u>The Pioneer Review, Philip</u>
	<u>Capital Journal</u>

RECEIVED
JAN 24 2019
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.)

Reinstatement of No. 2692-2

1. Name to Appear on Irrigation Permit Steve Elshere Land Company

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 22134 199th St Milesville SD 57553
(Address) (City) (State) (Zip Code)

Phone 309 275-1557 Mobile _____ Email _____

2. Amount of water claimed 7.87 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 552
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply fresh water spring tributaries to Straighthead Creek

4. Location of point of diversion SW1/4 SW1/4 sec 35-T7N-R20E
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

SW1/4 SE1/4 sec 35-T7N-R20E County Haakon

5. County or counties where water will be used Haakon

6. Annual period during which water is to be used Apr 1- Oct 1 (irrigation) & Jan 1 - Dec 31 (hydropower)

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
NE1/4 sec 3-T6N-R20E	138		
NW1/4 sec 3-T6N-R20E	138		
SW1/4 sec 34-T7N-R20E	138		
NW1/4 sec 2-T6N-R20E	138		

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

The idea is to use direct drive water wheel to pump water at the head of creek to the field. A lift of approx 75 ft and a linear distance of 3/4 mil to center pivot locations. In the 'off season' the water wheel will be used to generate electricity. Estimated time the pivot will pump is under 30 days a year at approx 700 gpm per pivot with no reservoir or well. Directly taken from the springs originating on own land (continued on add'l page)

I, STEVE ELSHERE OWNER, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

In cyclical 'dry' years, the addition of sometimes an inch of water makes all the difference. Reworking and planting again is not only costly but it is adding pollutants and additional chemicals to the environment with no yield. Fields are generally "over fertilized". The system will have no carbon print with gravity doing the work. Should the permit be granted, others with water could see to irrigate normal low yield fields cheaply. Most small to medium sized farm operations currently can't bear the cost of irrigation but the cost benefit from water wheel irrigation increases revenue increasing the tax base and so on. This water is underdeveloped across the US. The Federal Power Commission estimates that 470 billion kWh are unused in the US equaling 276 million barrels of oil annually. The Army Corps of Engineers identified 49,000 dams over 25 feet high. Of those only 1,400 are used for power generation. The power generating ability alone on Straighthead creek alone is almost unbelievable. With the water flow at 1400 gal this one water setup is 6000 ftlbs of torque with no loss of water. With the fall of the slope these 20' x 20' substations could be put sequentially. Each producing 40kv, when not pumping as mentioned, the increased revenue to anyone that puts a system in is around \$1.25 an hour constant also increasing the state tax base. About \$900 a month in revenue per unit at \$.03 kWh.

The first largest cost pivot would put around \$100,000 more money in the local economy as well.

By using very clean water at low rates the soil erosion is less with less silting which is more common in using running river water such as the Cheyenne and other similar rivers. Local people have stopped irrigating bottom lands because of it and the fuel cost while a creek runs into the very same river clean. If allowed to do this it could change dry land agriculture in the state wherever there is a water source for the better.

Water Permit Application for Steve Elshere Land Company



2,000 1,000 0 2,000 Feet



Eric Grönlund
Water Rights Program, DENR
based on representation by Steve Elshere

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **February 4**, 20 **19**

RECEIVED OF **Steven P. Elshere PO Box 551 Philip SD 57567**

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

Fee for Application for Permit No. <u>2692A-2</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
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	100 00

No. **09019**

By

Jeanne Goodman
Chief Engineer
vm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

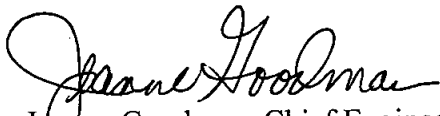
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2692A-2, Steve Elshere Land Company**

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. 2692A-2, Steve Elshere Land Company, 22134 199th Street, Milesville SD 57553.

The Chief Engineer is recommending REINSTATEMENT of Application No. 2692A-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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Diversions under this permit shall be in accordance with any written order issued by the Chief Engineer.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
May 9, 2019

REPORT ON WATER PERMIT APPLICATION NO. 2692A-2

Steve Elshere Land Company

February 21, 2019

Application No. 2692A-2, proposes to reinstate Water Permit No. 2692-2. Water Permit No. 2692-2 appropriates 7.87 cubic feet of water per second from springs and tributaries to Straighthead Creek located in the SW 1/4 SW 1/4 and SW 1/4 SE 1/4 Section 35-T7N-R20E for irrigation of 552 acres located in the N 1/2 Section 3 and NW 1/4 Section 2; all in T6N-R20E and the SW 1/4 Section 34-T7N-R20E. The water will also be used for hydropower generation. The permit was approved December 17, 2012, and the project was to be completed by December 17, 2017, with water being put to beneficial use by December 17, 2021. Application No. 2692A-2 proposes to reinstate Water Permit No. 2692-2 since the project has not been completed. This site is located approximately 4 miles north of Milesville SD.

Application No. 2692A-2 is a request to reinstate Permit No. 2692-2 is made pursuant to SDCL 46-2A-8.1 provides that that the Water Management Board may reinstate any water permit with a priority date after March 31, 1977, if unappropriated water is available and construction necessary to put water to beneficial use was not completed pursuant to SDCL 46-2A-8 and 46-5-26. Any application under this section shall be made within three years of the expiration of the original construction period pursuant to SDCL 46-2A. The priority date for the application to reinstate a permit shall be the date the application to reinstate is filed. In this case the existing permit was to be completed by December 17, 2017. This application was filed within the three year expiration of the original construction period. The criteria for reinstatement are whether unappropriated water is available and the construction necessary to put water to beneficial use was not completed.

Review of the Proposed Project

The applicant originally applied for Water Permit No. 2692-2 in September of 2012, which was issued on December 17, 2012. The construction period for completion of this project expired on December 17, 2017. The applicant initiated this water permit reinstatement process when he contacted DENR Water Rights staff after the construction period had expired.

The applicant intends to use a direct drive water wheel to pump water at a diversion rate of up to 7.87 cfs to irrigate 552 acres using a center pivot irrigation system from springs and tributaries to Straighthead Creek. The applicant is also proposing to utilize the water wheel, when not irrigating, to generate electricity.

Review of the Water Source and Existing Water Rights

Water for this project is from springs and tributaries to Straighthead Creek which is a direct tributary to the Cheyenne River located approximately 4 miles north of this project. There are four existing water rights/permits appropriating 3 cfs from Straighthead Creek upstream from

this project. Approval of this application would not be expected to adversely affect existing rights.

Water Permit No. 2692-2 held by this applicant failed to meet the requirement that construction be completed by December 17, 2017. Application No. 2692A-2 cannot be approved until No. 2692-2 is cancelled.

Water Permit No. 2692-2 was issued with the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
- Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- This permit is subject to the irrigation water use questionnaire being submitted each year.

If Water Permit No. 2692A-2 is approved, it should contain these same qualifications.

Conclusions

1. This application proposes to appropriate 7.87 cubic feet of water per second (cfs) from springs and tributaries from Straighthead Creek for irrigation purposes.
2. Water for this project is from springs and tributaries to Straighthead Creek which is a direct tributary to the Cheyenne River.
3. Approval of this application is not expected to adversely affect existing rights.
4. If approved Water Permit No. 2692A-2 should contain the following qualifications:
 - Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
 - Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
5. This permit is subject to the irrigation water use questionnaire being submitted each year.
6. Application No. 2692A-2 cannot be approved until No. 2692-2 is cancelled.



Mark D. Rath

Natural Resources Engineer III



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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 NEWSPAPERS RIGHT AWAY.**

May 9, 2019

Steve Elshere Land Company
22134 199th St
Milesville SD 57553

Dear Mr. Elshere:

Water Permit Application No. 2692A-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Pioneer Review printed at Philip SD (Ph # 605 859-2516) and the Capitol Journal printed at Pierre SD (Ph # 605 224-7301). You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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

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.

NOTICE OF APPLICATION NO. 2692A-2 to Reinstate Water Permit No. 2692-2

Notice is given that Steve Elshere Land Company, 22134 199th St, Milesville SD 57553 has filed an application for a water permit to reinstate Permit No. 2692-2. Permit No. 2692-2 appropriated 7.87 cubic feet of water per second from springs and tributaries to Straighthead Creek located in the SW 1/4 SW 1/4 and SW 1/4 SE 1/4 Section 35-T7N-R20E for irrigation of 552 acres located in the N 1/2 Section 3 and NW 1/4 Section 2; all in T6N-R20E and the SW 1/4 Section 34-T7N-R20E. The water will also be used for hydropower generation. The permit was approved December 17, 2012, and the project was to be completed by December 17, 2017, with water being put to beneficial use by December 17, 2021. Application No. 2692A-2 proposes to reinstate Water Permit No. 2692-2 since the project has not been completed. This site is located approximately 4 miles north of Milesville SD.

Application No. 2692A-2 to reinstate Permit No. 2692-2 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available when construction, necessary to put water to beneficial use, is not completed within the five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. xx with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 May 28, 2019.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, May 09, 2019 9:20 AM
To: legals@capjournal.com
Subject: 2692A-2, Steve Elshere Land Company
Attachments: 2692A-2public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on May 16, 2019.

Steve Elshere Land Company, 22134 199th St, Milesville SD 57553 (309 275-1557) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, May 09, 2019 9:19 AM
To: 'ads@pioneer-review.com'
Subject: FW: 2692A-2, Steve Elshere Land Company
Attachments: 2692A-2public.short.docx; FORM8.FRM.doc

From: Schlaak, Karen
Sent: Thursday, May 09, 2019 9:16 AM
To: newsdesk@pioneer-review.com
Subject: 2692A-2, Steve Elshere Land Company

Attached is a notice to be published on May 16, 2019.

Steve Elshere Land Company, 22134 199th St, Milesville SD 57553 (309 275-1557) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



WATER RIGHTS PROGRAM

**NO. 2692A-2 TO REINSTATE WATER
PERMIT NO. 2692-2**

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommenda-

RECEIVED

JUN 03 2019

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marylin Baker

certify that the attached printed Notice was taken
from the Capital Journal

printed and published in Pierre

County of Hughes and
state of South Dakota. The notice was published

in the newspaper on the following date:
5-16-19

Cost of Printing \$ 43.40

Marylin Baker
(Signature)

Business Manager
(Title)

5-30-19
(Date Signed)

SNAXLP 17075
11dy 5/16
NOTICE OF
APPLICATION
NO. 2692A-2 to
Reinstate Water Permit
No. 2692-2

Notice is given that Stove
Fishers Land Company,
22134 180th St, Milesville
SD 57553 has filed an ap-
plication for a water permit
to reinstate Permit No.
2692-2. Permit No. 2692-2
appropriated 7.87 cubic
feet of water per second
from springs and tributaries
to Straighthead Creek lo-
cated in the SW 1/4 SW 1/4
and SW 1/4 SE 1/4 Section
35-17N-R20E for irrigation
of 552 acres located in the
N 1/2 Section 3 and NW
1/4 Section 2, all in T6N-
R20E and the SW 1/4 Sec-
tion 34-17N-R20E. The wa-
ter will also be used for hy-
dropower generation. The
permit was approved De-
cember 17, 2012, and the
project was to be complet-
ed by December 17, 2017,
with water being put to ben-
eficial use by December 17,
2021. Application No.
2692A-2 proposes to rein-
state Water Permit No.
2692-2 since the project
has not been completed.
This site is located approx-
imately 4 miles north of
Milesville SD.

Application No. 2692A-2 to
reinstate Permit No. 2692-2
is made pursuant to SDCL
46-2A-8.1 which allows for
reinstatement with a new
priority date, if unappropri-
ated water is available
when construction, neces-
sary to put water to benefi-
cial use, is not completed
within the five years of ap-
proval of the permit.

Pursuant to SDCL 46-2A-
2, the Chief Engineer rec-
ommends APPROVAL of
Application No. xx with
qualifications because 1) un-
appropriated water is
available, 2) existing rights
will not be unreasonably im-
paired, 3) it is a beneficial
use of water, and 4) it is in
the public interest. The
Chief Engineer's recom-
mendation with qualifica-
tions, the application, and
staff report are available at
<http://denr.sd.gov/public> or
contact Eric Gronlund for
this information, or other in-
formation, at the Water
Rights Program address
provided below.

Any person interested in
opposing or supporting this
application or recommen-
dation must file a written
petition with BOTH the ap-
plicant and Chief Engineer.
The applicant must file a
petition if contesting the
Chief Engineer's recom-
mendation. The Chief Engi-
neer's address is "Water
Rights Program, Foss
Building, 823 E Capitol,
Pierre SD 57501 (605 773-
3352)" and the applicant's
mailing address is given
above. A petition filed by ei-
ther an interested person or
the applicant must be filed
by May 28, 2019.

The petition may be infor-
mal, but must include a

Legal Notice

statement describing the
petitioner's interest in the
application, the petitioner's
reasons for opposing or
supporting the application,
and the signature and mail-
ing address of the petition-
er or the petitioner's legal
counsel, if legal counsel is
obtained.

If the applicant does not
contest the recommenda-
tion of the Chief Engineer
and no petition to oppose
the application is received,
the Chief Engineer shall act
on the application pursuant
to the recommendation with
no hearing held before the
Water Management Board.
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 this application.
Notice of the hearing will be
given to the applicant and
any person filing a petition.

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

Published once at the total
approximate cost of \$43.40.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUN 20 2019

Steve Elshere Land Company
22134 199th St
Milesville SD 57553

Dear Mr. Elshere:

Enclosed is Water Permit No. 2692A-2 authorizing construction of the 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,

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

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

enclosures



2692A-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: STEVE ELSHERE LAND COMPANY, 22134 199TH ST, MILESVILLE, SD 57552

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) 2692A-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) 2692A-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) 2692A-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: OVXIMI**

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

2692A-2

Steve Elshere Land Company
22134 199th St
Milesville SD 57552

Dear Mr. Elshere:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit No. 2692A-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, appearing to read "Genny McMath". The signature is written in a cursive, flowing style.

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

2692A-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: STEVE ELSHERE LAND COMPANY, 22134 199TH ST, MILESVILLE, SD 57552

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) 2692A-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) 2692A-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) 2692A-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: XYGPBQ**

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.

2692A-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 24, 2022

2692A-2

Steve Elshere Land Company
22134 199th St
Milesville SD 57552

Dear Mr. Elshere:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit No. 2692A-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

October 23, 2025

2692A-2

Steve Elshere Land Company
PO BOX 131
PHILIP SD 57567

Dear Mr. Elshere:

Enclosed is a "Notice" dated October 8, 2025, concerning the 2025 Irrigation Questionnaire.

The notice was originally mailed to you at 22134 199th St, Milesville SD 57552. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaire or submit your report online at <https://danr.sd.gov/iq/> using this password **APGCHM**.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

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

enclosures

553 NFE 1141925C0010/21/25
RETURN TO SENDER
ELSHERE
PO BOX 131
PHILIP SD 57567-0131
RETURN TO SENDER
|||



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 9th, 2026

2692A-2

Thor Roseth
PO Box 541
Philip, SD 57567

Dear Mr. Roseth:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we spoke with Steve Elshere on the phone, and he stated that you now own this property. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

If you have any questions or concerns, please give me a call. My direct number is 605.773.8204

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

enclosure

PAID

JAN 20 2026

Ck# 2465

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 2692A-2 Rec't#

Date:

I/We request that Water Right/Permit No. 2692A-2 formerly owned by:
Elshere Land Company

be transferred to:

New Owner Name:

Address:

City, State, Zip

Ther Roseth Land LLC
PO Box 541 mobile: 605-685-5826
Philip SD 57567 email: therroseth@yahoo.com

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

552 acres located in N1/2 Sec 3 & NW1/4 Sec 2; all in T6N-R20E & SW1/4 Sec 34-T7N-R20E

RECEIVED

JAN 20 2026

OFFICE OF
WATER

☒ I understand that the validity of Water Right/Permit No. 2692A-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, Ther Roseth Land LLC, 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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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

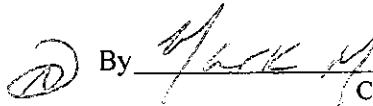
South Dakota Department of Agriculture and Natural Resources

Date January 20, 2026

RECEIVED OF Thor Roseth Land LLC PO Box 451 Philip SD 57567

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form #2692A-2 _____	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By  Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 21st, 2026

2692A-2

Thor Roseth Land LLC
PO Box 541
Philip, SD 57567

Dear Mr. Roseth,

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fee you submitted for Permit No. 2692A-2. Enclosed is a receipt of payment for your records.

Permit No. 2692A-2, previously held by Elshere Land Company, is now listed under you. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Permit (copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Permit will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Permit No. 2692A-2 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure