

WATER PERMIT NO. 2702-2

Name of Applicant: Gordon Flesner

Address: 22301 Harding Grove Rd, Milesville SD 57553

Phone: 605 441-3514

Amount of Water Claimed: no add'l

Total Acres: 105

Source of Water Supply: Straighthead Creek

Water to be used for: irrigation

County: Haakon

Type of Waste Disposal System:

Location: 3 miles north of Milesville

PRIORITY

Date Received: 12-7-12

Application/License Fee: \$ 950

Corrected Application Received: 12-31-12

Period of Annual Use: April 1 – September 30

Remarks: additional acres to Waer Permit No. 2197A-2

Diversion Point: between NW 1/4 NW 1/4 Sec 7-

T6N-R21E and NE 1/4 NE 1/4 sec 12-T6N-R20E

Land to be Irrigated: E 1/2 NW 1/4 and W 1/2 NE
1/4 Sec 12-T6N-R20E

		12			7

Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-18-13

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

(office use only)
No. 2702-2 Hydrologic Unit 10120112
Basin Lower Cheyenne 605-859-2516
Newspaper Pioneer Review Box 788 Philip 57567
605-224-7300
Capital Journal Box 878 Pierre 57501

RECEIVED
DEC - 7 2012
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.)

additional acres to Water Permit No. 2197A-2 - the portion I retain after the NE 1/4 Section 7 is transferred to
Kurt Flesner (2197A-2)

1. Name to Appear on Irrigation Permit Gordon Flesner

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 22301 Harding Grove Rd Milesville SD 57553
(Address) (City) (State) (Zip Code)

Home Phone 605 Cell 605 441-3514 Email _____

2. Amount of water claimed no add'l *CFS or ***GPM ***AF Total Acreage 105
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Straighthead Creek

4. Location of point of diversion between NW 1/4 NW 1/4 Section 7, T6N, R21E and the NE 1/4 NE 1/4 Section
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

12 T6N, R20E County Haakon

5. County or counties where water will be used Haakon

6. Annual period during which water is to be used April 1 - September 30

7. List below each forty acre 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
NE 1/4 NW 1/4 Section 12, T6N, R20E	26.25		
SE 1/4 NW 1/4 Section 12, T6N, R20E	26.25		
NW 1/4 NE 1/4 Section 12, T6N, R20E	26.25		
SW 1/4 NE 1/4 Section 12, T6N, R20E	26.25		

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

Applying for additional acres without an increase in diversion rate authority.

The NE 1/4 portion of Section 7 authorized by this permit is being transferred to Kurt Flesner. The portion of Water Permit No. 2197-2 that remains in my name is 105 acres in Section 12 and a diversion rate of 1.31 cfs.

I, Gordon Flesner, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true.

2012-09

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)

**SOUTH DAKOTA
WATER PERMIT NO. 2702-2**

Date of first receipt of application December 7, 2012.

Date of return to applicant for corrections, amendments or changes December 18, 2012.

Date of receipt of corrected application December 31, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2702-2 to Gordon Flesner, 22301 Harding Grove Rd, 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. 2702-2 to irrigate 105 additional acres. Water Permit No. 2197A-2 authorizes 1.31 cubic feet of water per second from Straighthead Creek located in the NW 1/4 NW 1/4 Section 7-T6N-R21E for irrigation of 105 acres located in the E 1/2 SW 1/4 and the W 1/2 SE 1/4 Section 12-T6N-R20E. This permit authorizes irrigation of 105 additional acres located in the E 1/2 NW 1/4 and the W 1/2 NE 1/4 Section 12-T6N-R20E utilizing the Straighthead Creek diversion point which includes the NE 1/4 NE 1/4 Section 12-T6N-R20E. This permit does not authorize any increase in the authorized diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is December 7, 2012.
4. The date of approval of Permit No. 2702-2 is March 18, 2013.
5. One-fifth of the construction is to be completed on or before September 18, 2015.
6. All construction is to be completed on or before March 18, 2018.
7. Water is to be put to beneficial use on or before March 18, 2022.
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 orders 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: Garland Erbele

Garland Erbele, Chief Engineer

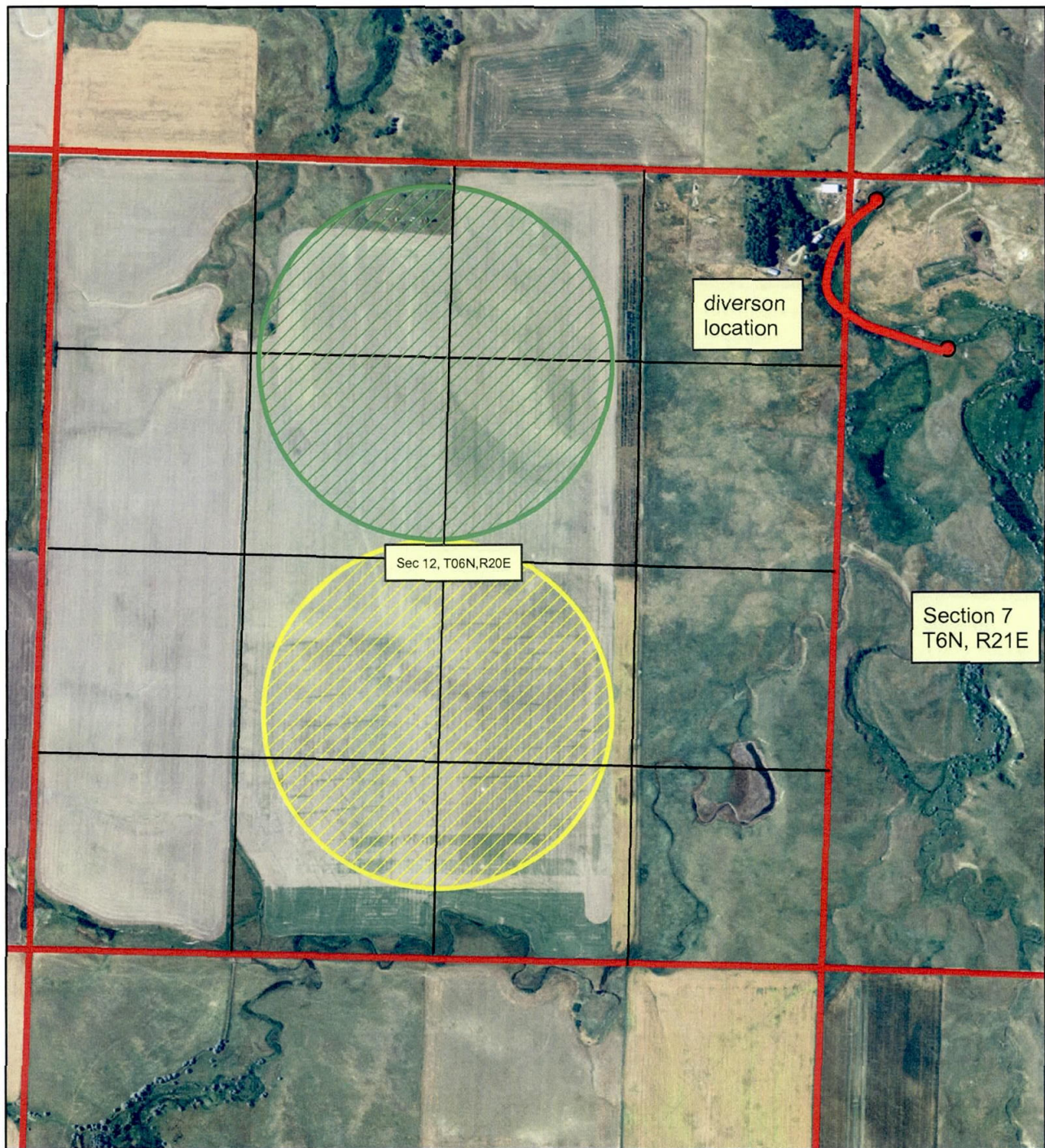
Water Rights Program

Department of Environment and Natural Resources

MAR 28 2013

date





1,200 600 0 1,200 Feet

Water Permit No. 2197-2 is being split based on a transfer of ownership filed by Kurt Flwsner. 135 acres in the NE 1/4 Section 7 and proportionate diversion rate authority are being transferred to Kurt Flesner with the remaining 105 acres being retained by Gordon Flesner. Gordon Flesner is then applying for 95 additional acres without an increase in the diversion rate authority from Straighthead Creek.

The yellow pivot is a general depiction of the original authorized acres and the gre'en pivot will be the new acres.

Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
based on representation made by
Mr. Flesner on December 7, 2012



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/10, 20 12

RECEIVED OF Gordon Flesner 22301 Harding Grove RD Milesville SD 57553

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

Fee for Application for Permit No. <u>720 2702-2</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>2702-2</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. **05749**

By

Shalal Erskine
Chief Engineer

McMath, Genny

From: Gronlund, Eric
Sent: Monday, December 10, 2012 11:27 AM
To: McMath, Genny; Schlaak, Karen; Rath, Mark; Schaal, Tim
Subject: WP 2197-2, Flesner in Haakon Cty o Straighthead Creek

This is a water permit (never been licensed) to irrigate 240 acres from Straighthead Creek dating back to 1992. Gordon and Kurt Flesner came into the office Friday afternoon. Gordon Flesner claims that all 240 acres have been irrigated by flood irrigation. Recently, Kurt Flesner purchased the NE ¼ Section 7 and has put up a pivot capable of 135 acres. He will be filing a notice of transfer of ownership for this share of the water permit. Of note, the permit authorized 120 acres in the NE ¼ Section 7 and 120 acres in the S ½ Section 12. However, the transfer will be for 135 in the NE ¼ in Section 7 and the balance being retained by Gordon Flesner. Under 46-5-30.5 this acreage discrepancy can be handled at licensing but I'm not certain how we handle the transfer.

I then helped Kurt Flesner with an application for a small (24.5 ac-ft) regulating dam on Straighthead Creek for his pump site. He will be submitting along with the transfer of ownership once he gets his dam specification on Form 2A done. A very rough estimate of the drainage area above the dam is about 10 square miles. He talked about have a standard primary and then a box culvert secondary sized to be bigger than the downstream road culvert.

Gordon Flesner then applied for an additional 95 acres in Section 12 to the 105 acres he retained under No. 2197-2.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 18, 2012

Kurt Flesner
22301 Harding Grove Rd
Milesville SD 57553

Dear Mr. Flesner:

On December 7, 2012, you came to the Water Rights Program's office to complete a notice of transfer of ownership for a portion of Water Right No. 2197-2 and submit an water permit application for a small dam on Straighthead Creek to act as a regulating pond for the irrigation system. At the time you did not have specifics on the proposed dam construction. You planned to complete this information and submit the application and filing fee. To date, the Water Rights Program has not received this information. Specifically what is to be submitted includes:

- 1) The water permit application for the dam with the proposed dam construction portion of Form 2A (Supplemental Information) completed.
- 2) The application filing fee for the application and notice of transfer of ownership. If I recall correct the total amount is \$750.

The Water Rights Program can not split ownership of Water Permit No. 2197-2 between you and your dad until the filing fee is submitted.

If you have any questions, please give me a call.

Sincerely,

Eric Gronlund COPY

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us



**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. 2702-2, Gordon Flesner**

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. 2702-2, Gordon Flesner, 22301 Harding Grove Rd, Milesville SD 57553.

The Chief Engineer is recommending APPROVAL of Application No. 2702-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) as conditioned 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 orders 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.

Garland Erbele, Chief Engineer
February 22, 2013

REPORT ON APPLICATION NO. 2702-2

For Gordon Flesner

February 1, 2013

Application No. 2702-2 proposes to irrigate 105 additional acres to what is already authorized by Water Permit No. 2197A-2. Water Permit No. 2197A-2 authorizes 1.31 cubic feet of water per second (cfs) from Straighthead Creek located between the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T6N-R21E for irrigation of 105 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12, T6N-R20E. This application proposes to irrigate 105 additional acres while still utilizing the existing Straighthead Creek diversion point which includes the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12 T6N-R20E. This application, if approved, does not authorize any increase in the authorized diversion rate.

WATER SOURCE AND EXISTING WATER PERMITS/RIGHTS

Straighthead Creek is located in northern Haakon County flowing in a northwest direction until it joins the Cheyenne River approximately 4 miles north of Milesville, SD. Straighthead Creek has a drainage basin that covers approximately 22,000 acres. There are no flow measuring devices located on Straighthead Creek to provide any historical flow analysis, although, the 22,000 acre drainage basin should be sufficient enough to provide the necessary flows to meet the needs of existing irrigators and downstream domestic use.

There is one existing downstream water right which is authorized to appropriate 7.87 cfs from Straighthead Creek which is located downstream of the proposed project. This application is proposing to irrigate additional acreage without increasing the authorized diversion rate therefore no adverse effects are expected for existing water rights.

During extremely dry conditions water availability may become an issue; if approved this permit would be subject to any orders issued by the Chief Engineer in order to protect downstream domestic use and prior water rights. Since the additional 105 acres proposed by this application will have a junior priority date, if water availability becomes a problem that portion of the project would be the first water right shut off if orders were issued.

CONCLUSIONS:

1. Application 2702-2 proposes to irrigate 105 additional acres to what is already authorized by Water Permit No. 2197A-2.
2. This application, if approved, does not authorize any increase in the authorized diversion rate.
3. Straighthead Creek's basin size of 22,000 acres should be sufficient enough to provide necessary flows to accommodate existing irrigators and downstream domestic use.
4. During extremely dry conditions water availability may become an issue; if approved this permit would be subject to any orders issued by the Chief Engineer in order to protect downstream domestic use and prior water rights.
5. No existing water rights on Straighthead Creek should be adversely affected by this proposed project.

Aaron R. Tieman

Aaron R. Tieman
Natural Resources Engineer II

Approved by

Eric Thronlund

for Mark D. Rath
Natural Resources Engineer III

BIBLIOGRAPHY

Water Rights, 2013, Water Rights Data, SD DENR, DES, Water Rights Program,
Pierre, SD, 57501.

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

}

}SS

COUNTY OF HAAKON

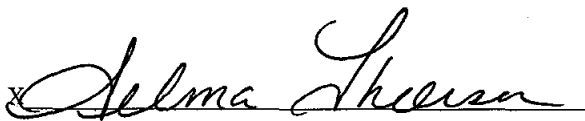
}

Selma Thorson of said County and State, being duly sworn on oath says: PIONEER REVIEW is a weekly newspaper of general circulation, printed and published in PHILIP, in said County and State and has been such newspaper during the times thereafter mentioned; that the said PIONEER REVIEW is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am Billing Manager of said newspaper, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed:

DENR

Notice-Application-Gordon Fleshner

A printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive issues, the first publication being on the 7th day of March, 2013, and the last publication on the 7th day of March, 2013, that \$26.71 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to me before this 7th day of March 2013.



Notary Public, State of South Dakota

My Commission Expires

Jan. 24th, 2014

RECEIVED

MAR - 8 2013

WATER RIGHTS
PROGRAM

NOTICE OF
APPLICATION NO.
2702-2 to
Appropriate Water

Notice is given that Gordon Flesner, 22301 Hardinggrove Rd., Milesville, SD 57553, has filed an application for a water permit to irrigate 105 additional acres. Water Permit No. 2197A-2 authorizes 1.31 cubic feet of water per second from Straighthead Creek located in the NW1/4NW1/4 Section 7-T6N-R21E for irrigation of 105 acres located in the E1/2 SW1/4 and the W1/2SE1/4 Section 12-T6N-R20E. This application proposes to irrigate 105 additional acres located in the E1/2NW1/4 and the W1/2NE1/4 Section 12-T6N-R20E utilizing the Straighthead Creek diversion point which includes the NE1/4NE1/4 Section 12-T6N-R20E. This application, if approved, does not authorize any increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2702-2 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the application 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.

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 March 18, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal

counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

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

[Published March 7, 2013, at the total approximate cost of \$26.71]

RECEIVED

MAR 21 2013

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS

County of Hughes)

I, Marylinn 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:

3-7-13

Cost of Printing \$33.83

Marylinn Baker
(Signature)

Bookkeeper
(Title)

3-18-13
(Date Signed)

SNAXLP 12062

1 day 37

NOTICE OF AP-
PLICATION NO.

2702-2 to

Appropriate
Water

Notice is given
that Gordon
Flesner, 22301
Harding Grove
Rd, Milesville SD
57553 has filed an
application for a
water permit to ir-
rigate 105 addi-
tional acres. Wa-
ter Permit No.
2197A-2 author-
izes 1.31 cubic
feet of water per
second from
Straighthead
Creek located in
the NW 1/4 NW
1/4 Section
7-T6N-R21E for ir-
rigation of 105
acres located in
the E 1/2 SW 1/4
and the W 1/2 SE
1/4 Section
12-T6N-R20E.

This application
proposes to ir-
rigate 105 addi-
tional acres lo-
cated in the E 1/2
NW 1/4 and the W
1/2 NE 1/4 Sec-
tion 12-T6N-R20E
utilizing the
Straighthead
Creek diversion
point which in-
cludes the NE 1/4
NE 1/4 Section
12-T6N-R20E.
This application, if
approved, does
not authorize any
increase in the
authorized diver-
sion rate.

Pursuant to
SDCL 46-2A-2,
the Chief Engineer
recommends AP-
PROVAL of Appli-
cation No. 2702-3
because 1) unap-
propriated water is
available, 2) exist-
ing rights will not
be unlawfully im-
paired, 3) it is a
beneficial use of
water, and 4) it is
in the public inter-
est. In accordance
with SDCL
46-2A-23, the
Chief Engineer will
act on this appli-
cation, as recom-
mended, unless a
petition is filed op-
posing the appli-
cation or the appli-
cant files a petition
contesting the
Chief Engineer's
recommendation.
If a petition oppos-
ing the application
or contesting the
recommendation
is filed, then a
hearing will be
scheduled and the
Water Manage-
ment Board will
consider this ap-
plication. Notice of
the hearing will be
given to the appli-

1 day, March 7, 2013

800 Public Notice

cant and any per-
son filing a peti-
tion.

Any person inter-
ested in opposing
or supporting this
application or rec-
ommendation
must file a written
petition with
BOTH the appli-
cant and Chief En-
gineer. The appli-
cant must file a
petition if contest-
ing the Chief En-
gineer's recommen-
dation. The Chief
Engineer's ad-
dress 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 ei-
ther an interested
person or the ap-
plicant must be
filed by March 18,
2013.

The petition may
be informal, but
must include a
statement describ-
ing the petitioner's
interest in the ap-
plication, the peti-
tioner's reasons
for opposing or
supporting the ap-
plication, and the
signature and
mailing address of
the petitioner or
the petitioner's le-
gal counsel, if le-
gal counsel is ob-
tained. Contact
Eric Gronlund at
the above Water
Rights Program
address to request
copies of informa-
tion pertaining to
this application.
Steven M. Pirner,
Secretary, Depart-
ment of Environ-
ment and Natural
Resources.

Published once at
the total approxi-
mate cost of
\$33.83.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 26, 2013

Pioneer Review
PO Box 788
Philip SD 57567

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2702-2 to Appropriate Water. Please publish the notice once on March 7, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Gordon Flesner, 22301 Harding Grove Rd, Milesville SD 57553 (Ph # 605-441-3514).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 26, 2013

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2702-2 to Appropriate Water. Please publish the notice once on March 7, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

February 26, 2013

Gordon Flesner
22301 Harding Grove Rd
Milesville SD 57553

Dear Mr. Flesner:

Water Permit Application No. 2702-2 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 Capital Journal printed at Pierre SD (Ph # 605-224-7300). You will need to contact the newspaper(s) 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 newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish the Notice on March 7, 2013. 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 NO. 2702-2 to Appropriate Water

Notice is given that Gordon Flesner, 22301 Harding Grove Rd, Milesville SD 57553 has filed an application for a water permit to irrigate 105 additional acres. Water Permit No. 2197A-2 authorizes 1.31 cubic feet of water per second from Straighthead Creek located in the NW 1/4 NW 1/4 Section 7-T6N-R21E for irrigation of 105 acres located in the E 1/2 SW 1/4 and the W 1/2 SE 1/4 Section 12-T6N-R20E. This application proposes to irrigate 105 additional acres located in the E 1/2 NW 1/4 and the W 1/2 NE 1/4 Section 12-T6N-R20E utilizing the Straighthead Creek diversion point which includes the NE 1/4 NE 1/4 Section 12-T6N-R20E. This application, if approved, does not authorize any increase in the authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2702-3 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

MAR 28 2013

Gordon Flesner
22301 Harding Grove Rd
Milesville SD 57553

Dear Mr. Flesner:

Enclosed is Water Permit No. 2702-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures



2702-2

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 15, 2016

NOTICE

TO: GORDON FLESNER, 22301 HARDING GROVE RD, MILESVILLE, SD 57553

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2197A-2 & 2702-2. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 2197A-2 & 2702-2 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 2197A-2 & 2702-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



2702-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 26, 2016

2197A-2
2702-2

Gordon Flesner
22301 Harding Grove Rd
Milesville SD 57553

Dear Mr. Flesner:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit Nos. 2197A-2 and 2702-2. 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

Note: We have not yet received the two irrigation questionnaires from Kurt Flesner.



2702-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: GORDON FLESNER, 22301 HARDING GROVE RD, MILESVILLE, SD 57553
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2197A-2 & 2702-2. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2197A-2 & 2702-2 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2197A-2 & 2702-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



2702-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 9, 2017

2197A-2
2702-2

Gordon Flesner
22301 Harding Grove Rd
Milesville SD 57533

Dear Sir:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 2197A-2 and 2702-2. 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



2702-2

**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: GORDON FLESNER, 22301 HARDING GROVE RD, MILESVILLE, SD 57553

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2197A-2 & 2702-2. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 2197A-2 & 2702-2 qualification:

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

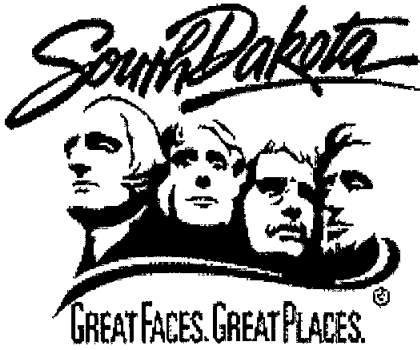
The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 2197A-2 & 2702-2 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 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 questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



2702-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 2018

2197A-2
2702-2

Gordon Flesner
22301 Harding Grove Rd
Milesville SD 57553

Dear Mr. Flesner:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit Nos. 2197A-2 and 2702-2. 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



2702-2
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: GORDON FLESNER, 22301 HARDING GROVE RD, MILESVILLE, SD 57553
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) 2197A-2 & 2702-2. 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) 2197A-2 & 2702-2 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) 2197A-2 & 2702-2 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: VLNOMQ**

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

February 26, 2020

2197A-2
2702-2

Gordon Flesner
22301 Harding Grove Rd
Milesville SD 57553

Dear Mr. Flesner:

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 Permit Nos. 2197A-2 and 2702-2. 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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: GORDON FLESNER, 22301 HARDING GROVE RD, MILESVILLE, SD 57553

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2197A-2 & 2702-2. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2197A-2 & 2702-2 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2197A-2 & 2702-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/ig> using this password: NHJXOK**

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.

2702-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2021

Kurt and/or Gordon Flesner
22301 Harding Grove Rd
Milesville SD 57553

RE: Irrigation questionnaires for Water Permit Nos. 2197A-2, 2197B-2, 2702-2 & 2703-2

Dear Sirs:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires. The forms were received online on March 2nd.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for the above listed permits. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 6, 2024

2702-2

2197A-2

Gordon Flesner
22301 Harding Grove Rd
Milesville SD 57553

Dear Mr. Flesner:

I write to you today in response to the 2024 Irrigation Questionnaire information submitted for Water Permit Nos. 2197A-2 & 2702-2.

Water Permit No. 2197A-2 (copy enclosed) authorized diversion of 1.31 cubic feet of water per second (590 gpm) from Straighthead Creek for irrigation of 105 acres located within portions of Section 12, T6N, R20E.

Water Permit No. 2702-2 (copy enclosed) authorized irrigation of 105 acres located within portions of Section 12, T6N, R20E, in addition to what was already authorized by Permit No. 2197A-2.

On this year's questionnaires you reported the irrigation of 133.1 acres on each permit. If an additional 56.2 acres have been developed for irrigation, additional permitting would be required.

Please contact me to either revise your 2024 Irrigation Questionnaires or discuss additional permitting.

Sincerely,

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

enclosure