

WATER PERMIT NO. 2703-2

Name of Applicant: Kurt Flesner

Address: 22301 Harding Grove Rd, Milesville SD 57553 Phone: 605 441-3514

Amount of Water Claimed: no add'l Total Acres: no add'l

Source of Water Supply: Straighthead Creek – 24.5 AF storage dam

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: storage dam for irrigation of Water Permit No. 2197B-2

Storage Dam: NE 1/4 NE 1/4 sec 12-T6N-R20E

Land to be Irrigated: NE 1/4 Sec 7-T6N-R21E

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: _____

		7			

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>2703-2</u> (office use only) Hydrologic Unit <u>10120112</u>
	Basin <u>Lower Cheyenne</u> <u>605-859-2516</u>
	Newspaper <u>Pioneer Press Box 788 Philip 57567</u> <u>605-224-7300</u>
	<u>Capital Journal Box 878 Pierre 57501</u>

RECEIVED
DEC 31 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.)

storage/regulating dam for irrigation of the portion of Water Permit No. 21978-2 being transferred to
Kurt Flesner

1. Name to Appear on Irrigation Permit Kurt 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 605 366-4360 Cell _____ Email _____

2. Amount of water claimed _____ *CFS or _____ **GPM 13.0 ***AF Total Acreage no add'l
(*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 with water impounded in the
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

NE 1/4 NE1/4 Section 12 T6N, R20E & W 1/2 NW 1/4 Section 7, T6N, R21E County Haakon

5. County or counties where water will be used Haakon

6. Annual period during which water is to be used year round for domestic - April 1 - September 30 (irrigation)

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
irrigation of the NE 1/4 Section 7, T6N, R21E	135		
transferred to my name			

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

Applying for a storage/regulating dam to utilize for my pump station for irrigation of 135 acres in the NE 1/4 Section 7

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

**SOUTH DAKOTA
WATER PERMIT NO. 2703-2**

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. 2703-2 to Kurt Flesner, 22031 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. 2703-2 authorizes a storage dam. Water Permit No. 2197B-2 authorizes 1.69 cubic feet of water per second from Straighthead Creek located in the NW 1/4 NW 1/4 Section 7-T6N-R21E to irrigate 135 acres located in the N 1/2 NE 1/4, SW 1/4 NE 1/4 Section 7-T6N-R21E. This permit authorizes a 13.0 acre feet in-channel storage dam located in NE 1/4 NE 1/4 Section 12-T6N-R20E and the W 1/2 NW 1/4 Section 7-T6N-R21W. The SE 1/4 NE 1/4 of Section 7 was not originally included as an area to be irrigated but is developed as part of the project within the acreage limitation of the permit. This permit does not authorize any increase in acreage or 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 (irrigation) and January 1 – December 31 (storage dam).
3. The date from which applicant may claim right is December 7, 2012.
4. The date of approval of Permit No. 2703-2 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. Water Permit No. 2703-2 authorizes an impoundment with a storage capacity of 13 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. Diversions from the dam to irrigate lands authorized by Water Permit No. 2197B-2 shall be in accordance with any written orders issued by the Chief Engineer.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

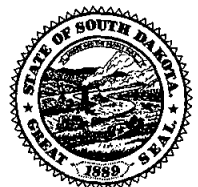
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

MAR 28 2013

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

- a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)
- b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____
- c) Well Depth ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____
- d) 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

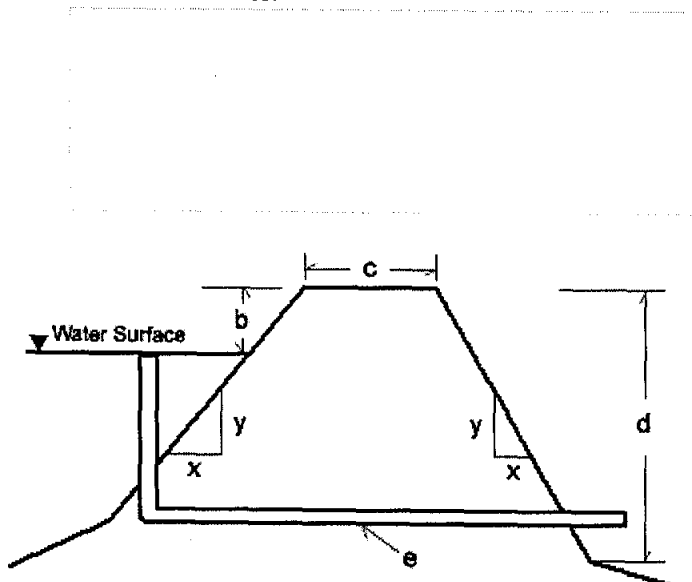
3. Dugout Information

- a) Surface Dimensions ____ 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 ft
- c) Crest Width 140 ft
Crest Length 700 ft
- d) Height 10 ft
- e) Primary Outlet Capacity ____
If pipe, diameter 36 in
- f) Secondary Spillway Capacity ____
Spillway Width 10 ft
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream 3 to 1
Downstream 3 to 1
- h) Surface Area of Impoundment 2.25 acres
- i) Storage 13 Acre Feet
- j) Drainage Area Above Dam 10² miles Acres



1,200 600 0 1,200 Feet

Water Permit No. 2197-2 is being split based on a transfer of ownership filed by Kurt Flesner. 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. Kurt Flesner is applying for a dam to be used for the pump site for his irrigation.

A pivot is in place in the NE 1/4 Section 7.



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 12-31, 20 12

RECEIVED OF Kurt Flesner, 22301 Hardinggrove Rd, Milesville SD 57553

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

Fee for Application for Permit No. <u>2703-2</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>2703-2</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	700000

No. **05820**

By

Harland Erbele
Chief Engineer

K5



**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:

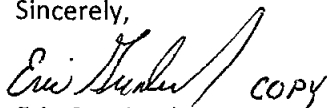
On December 7, 2012, you came to the Water Rights Program's office to complete a notice of transfer of ownership for a portion of Water Right No. 2197-2 and submit an water permit application for a small dam on Straighthead Creek to act as a regulating pond for the irrigation system. At the time you 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,

 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. 2703-2, Kurt 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. 2703-2, Kurt Flesner, 22301 Harding Grove Rd, Milesville SD 57553.

The Chief Engineer is recommending APPROVAL of Application No. 2703-2 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. Water Permit No. 2703-2 authorizes an impoundment with a storage capacity of 13 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. Diversions from the dam to irrigate lands authorized by Water Permit No. 2197B-2 shall be in accordance with any written orders issued by the Chief Engineer.
4. 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. 2703-2

For Kurt Flesner
February 13, 2013

Application No. 2703-2 proposes a storage dam on Straighthead Creek for use in conjunction with Water Permit No. 2197B-2. Water Permit No. 2197B-2 authorizes 1.69 cubic feet of water per second (cfs) from Straighthead Creek located in the NW¼, NW¼ Section 7, T6N-R21E to irrigate 135 acres located in the N½ NE¼, SW¼ NE¼ Section 7, T6N-R21E. This application proposes to construct a 13 acre foot in-channel storage dam located in the NE¼ NE¼ Section 12, T6N-R20E and the W½ NW¼ Section 7, T6N-R21E. This public notice also serves as notice that the SE¼ NE¼ of Section 7 was not originally included as an area to be irrigated but is developed as part of the project within the acreage limitation of the permit. 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 2703-2 proposes to construct a 13 acre foot in-channel storage dam to what is already authorized by Water Permit No. 2197B-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

for Eric Thonley

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

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}SS

COUNTY OF HAAKON

}

RECEIVED

MAR - 6 2013

WATER RIGHTS
PROGRAM

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-Kurt Flesher

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 \$29.24 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

NOTICE OF
APPLICATION NO.
2703-2 to
Appropriate Water

Notice is given that Kurt Flesher, 22301 Hardingrove Rd., Milesville, SD 57553, has filed an application for a water permit to add a storage dam. Water Permit No. 2197B-2 authorizes 1.69 cubic feet of water per second from Straighthead Creek located in the NW1/4NW1/4 Section 7-T6N-R21E to irrigate 135 acres located in the N1/2NE1/4, SW1/4NE1/4 Section 7-T6N-R21E. This application proposes construct a 13.0 acre feet in-channel storage dam located in NE1/4NE1/4 Section 12-T6N-R20E and the W1/2NW1/4 Section 7-T6N-R21W. This public notice also serves as notice that the SE1/4NE1/4 of Section 7 was not originally included as an area to be irrigated but is developed as part of the project within the acreage limitation of the permit. This application, if approved, does not authorize any increase in acreage or authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2703-2 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 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. Pimer
Secretary, Department of Environment
and Natural Resources

[Published March 7, 2013, at the total approximate cost of \$29.24]

RECEIVED

Form 8

MAR 21 2013

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

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 \$35.06

Marylinn Baker
(Signature)

Bookkeeper
(Title)

3-18-13

(Date Signed)

NOTICE OF
APPLICATION
NO. 2703-2 to
Appropriate
Water

Notice is given that Kurt Flesner, 22301 Harding Grove Rd, Milesville SD 57553 has filed an application for a water permit to add a storage dam, Water Permit No. 2197B-2 authorizes 1.69 cubic feet of water per second from Straighthead Creek located in the NW 1/4 NW 1/4 Section 7-T6N-R21E to irrigate 135 acres located in the N 1/2 NE 1/4, SW 1/4 NE 1/4 Section 7-T6N-R21E. This application proposes construct a 13.0 acre foot in-channel storage dam located in NE 1/4 NE 1/4 Section 12-T6N-R20E and the W 1/2 NW 1/4 Section 7-T6N-R21W. This public notice also serves as notice that the SE 1/4 NE 1/4 of Section 7 was not originally included as an area to be irrigated but is developed as part of the project within the acreage limitation of the permit. This application, if approved, does not authorize any increase in acreage or authorized diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2703-2 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 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.

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Public Notice

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. Firner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$35.06.



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. 2703-2 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 Kurt Flesner, 22301 Harding Grove Rd, Milesville SD 57553 (Ph # 605-366-4360).

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

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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

Kurt Flesner
22301 Harding Grove Rd
Milesville SD 57553

Dear Mr. Flesner:

Water Permit Application No. 2703-2 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. 2703-2 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2703-2 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 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

Kurt Flesner
22301 Harding Grove Rd
Milesville SD 57553

Dear Mr. Flesner:

Enclosed is Water Permit No. 2703-2 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



2703-2
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: KURT 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) 2197B-2 & 2703-2. 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) 2197B-2 & 2703-2 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) 2197B-2 & 2703-2 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 9, 2016

2197B-2
2703-2

Kurt 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. 2197B-2 and 2703-2. 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



2703-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: KURT 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 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2197B-2 & 2703-2. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2197B-2 & 2703-2 qualification:

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

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

1. Suspend or cancel Permit No(s) 2197B-2 & 2703-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>.

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

2703-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2019

2197B-2
2703-2

Kurt Flesner
22301 Harding Grove Rd
Milesville SD 57553

Dear Mr. Flesner:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit Nos. 2197B-2 and 2703-2. 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: KURT 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) 2197B-2 & 2703-2. 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) 2197B-2 & 2703-2 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) 2197B-2 & 2703-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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.



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

January 20, 2022

NOTICE

TO: KURT FLESNER, 22301 HARDING GROVE RD, MILESVILLE, SD 57553
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) 2197B-2 & 2703-2. 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) 2197B-2 & 2703-2 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) 2197B-2 & 2703-2 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: EJLHO**

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.

2703-2



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

February 1, 2022

2197B-3
2703-2

Kurt Flesner
22301 Harding Grove Rd
Milesville SD 57553

Dear Mr. Flesner:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires. Thank you for coming to Pierre to visit about them.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit Nos. 2197B-2 and 2703-2. 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

November 14, 2024

2197A-2

2703-2

Gordon Flesner
22301 Harding Grove Rd
Milesville SD 57553

Dear Mr. Flesner:

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 you reported that Water Right/Permit Nos. 2197A-2 & 2703-2, currently held by Kurt Flesner, should be transferred to yourself. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for each permit/right, for you to complete and return in the pre-paid envelope.

Please return the forms with a check for \$100.00 (\$50.00/transfer) made payable to "SD Water Rights Program" to cover the transfer fees. If you would prefer to pay by card, you may call our Fiscal Office at 605.773.5559. These forms will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue the irrigation on these pieces of land, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2703-2
2197B-2
Date: 12/10/24

I/We request that Water Right/Permit No. 2703-2
2197B-2

formerly owned by: Kurt Flesner

be transferred to: (name & address) Gordon Flesner 22301

Hardingrae Rd. Milesville S.D. 57553

Telephone No. 605-44-3514

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

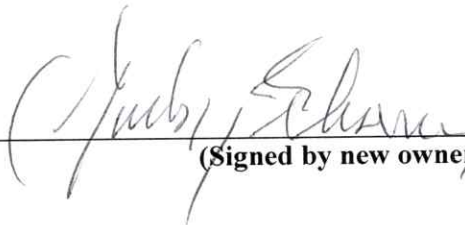
(2197B-2) 35 ac N¹/₂ NE¹/₄ & SW¹/₄ NE¹/₄ Sec 7-T6N-R21E
(2703-2) storage dam

I/We understand that the validity of Water Right/Permit No. 2197B-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Gordon Flesner, 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 Agriculture and Natural Resources

Date December 10th, 2024

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. _____ 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 #2197B-2	\$50.00
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	\$50.00

By Eric Gerald
Chief Engineer

SR



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 10, 2024

2197B-2
2703-2

Gordon Flesner
22301 Harding Grove Rd
Milesville SD 57553

Dear Mr. Flesner:

I would like to take this opportunity to thank you for stopping into the DANR office to complete the "Notice of Transfer of Ownership" form for Water Right No. 2197B-2, previously held in the name of your son, Kurt Flesner. Enclosed is a receipt of payment for your records.

Water Permit No. 2703-3, authorizing the storage dam and its use for irrigation remains in his name, however, upon inspection and licensing of the dam, both Permit No. 2703-2 and Water Right No. 2197B-2 will be incorporated into one license under your name, thus negating the need for additional payment or paperwork.

As a reminder, so long as you use the water beneficially, as stated in the water right/permit, 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 water right/permit will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

enclosure