

**WATER PERMIT NO. 2755-2**

Name of Applicant: Riverwalk Landing LLC

Address: 1000 N Garfield, Pierre SD 57501

Phone: 605 224-6345

Amount of Water Claimed: 0.044 cfs

Total Acres: 1.04 acres

Source of Water Supply: Missouri River

Water to be used for: irrigation

County: Stanley

Type of Waste Disposal System:

Location: Ft. Pierre

PRIORITY Date Received: 8-3-16

Application/License Fee: \$ 500 (refund \$300)

Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: NE 1/4 NE 1/4 Sec 28-T5N-R31W

Land to be Irrigated: NE 1/4 NE 1/4 Sec 28-T5N-R31W

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

**28**

Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 8-3-16

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_

## FORM 2: Application for irrigation in South Dakota

(type or print)

|                                                                                                         |                                                                        |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Mail to:<br><br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>2755-2</u> (office use only)<br>Hydrologic Unit <u>10140101</u> |
|                                                                                                         | Basin <u>Missouri River</u>                                            |
|                                                                                                         | Newspaper <u>Capital Journal- Pierre</u>                               |
|                                                                                                         | <u>605-224-7301</u>                                                    |

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WATER RIGHTS  
PROGRAM

## Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. \_\_\_\_\_  
 (Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit Riverwalk Landing, LLC

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

Mailing Address 1000 N. Garfield Ave. Pierre SD 57501  
 (Address) (City) (State) (Zip Code)

Phone 605 224-6345 Mobile 605 222-1462 Email glennis@zmidwest.com

2. Amount of water claimed 0.044 \*CFS or 20 \*\*GPM \*\*\*AF Total Acreage 1.04  
 (\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Lake Sharpe/Missouri River

4. Location of point of diversion 1 pump Lat 44.37 Long 100.37 (approx). Sec 28, T5N, R31E, B.H.M.

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

C NE 1/4 NE 1/4

County Stanley

5. County or counties where water will be used Stanley

6. Annual period during which water is to be used April 1 - October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.  
 (Attach sheet if more space is needed)

| Land Description                                                             | Acres | Land Description | Acres |
|------------------------------------------------------------------------------|-------|------------------|-------|
| Landscape plantings & sod around Marina & buildings within Riverwalk Landing | 1.04  |                  |       |
| <u>NE 1/4 NE 1/4 Sec 28 - T5N - R31E</u>                                     |       |                  |       |
|                                                                              |       |                  |       |

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

Riverfront development including the Drifters Bar & Grille and a marina and associated building(s).

I, Glennis Zarecky Glennis Zarecky Member, the applicant, certify under  
 Name of Person Title (if applicable)

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

**SOUTH DAKOTA  
WATER PERMIT NO. 2755-2**

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Date of first receipt of application August 3, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2755-2 to Riverwalk Landing LLC, c/o Glennis Zarecky, 1000 N Garfield Ave, Pierre SD 57501 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. 2755-2 appropriates 0.044 cubic feet of water per second (20 gallons per minute) from the Missouri River located in the NE 1/4 NE 1/4 Section 28 to irrigate 1.04 acres located in the E 1/2 NE 1/4 Section 28-T5N-R31E.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is August 3, 2016.
4. The date of approval of Permit No. 2755-2 is September 6, 2016.
5. One-fifth of the construction is to be completed on or before March 6, 2019.
6. All construction is to be completed on or before September 6, 2021.
7. Water is to be put to beneficial use on or before September 6, 2025.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

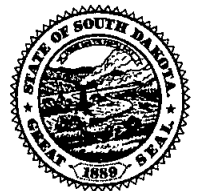
**QUALIFICATION**

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

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

SEP 14 2016  
date



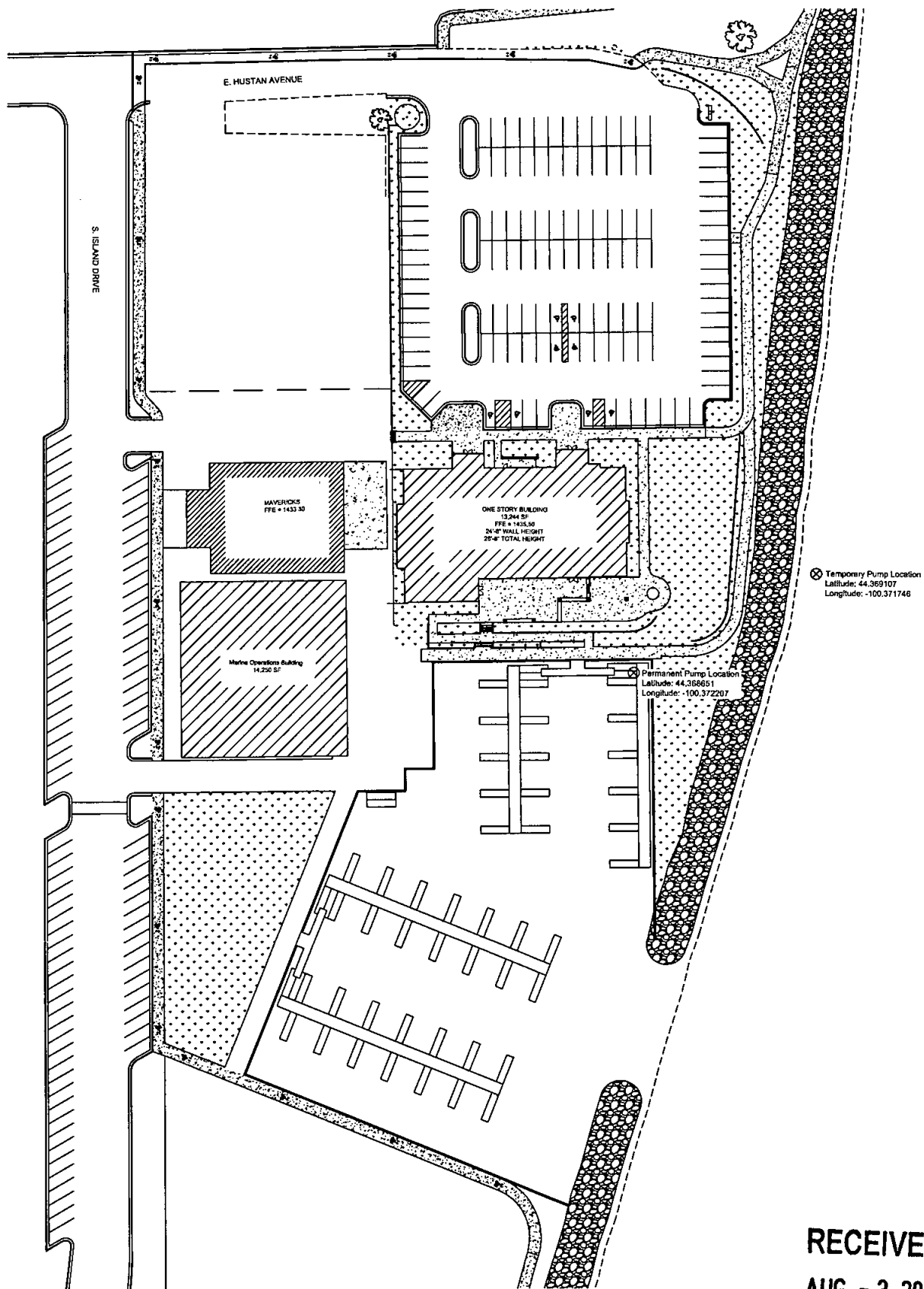


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# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/3, 20 16

RECEIVED OF Riverwalk Landing LLC 1000 N Garfield Ave Pierre SD 57501

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 | 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. _____            |       |        |
| 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 | 500 00 |

No. **07886**

By *James Hossman*  
Chief Engineer

| Entity Detail                    | File Annual Report | Statement of Change       | Forms                                                 |
|----------------------------------|--------------------|---------------------------|-------------------------------------------------------|
| Name                             |                    | RIVERWALK LANDING, L.L.C. | <a href="#">Obtain a Certificate of Good Standing</a> |
| Business ID                      |                    | DL019006                  |                                                       |
| Incorporation/Qualification Date |                    | 5/27/2009                 |                                                       |
| Home State                       |                    | SOUTH DAKOTA              |                                                       |
| Status                           |                    | Good Standing             |                                                       |
| Last Annual Report               |                    | 2016                      |                                                       |
| Business Type                    |                    | Domestic LLC              |                                                       |
| Stock Info                       |                    |                           |                                                       |

Registered Agent      Documents

**Registered Agent Name & Address**

GLENNIS ZARECKY  
1000 N. GARFIELD AVE.  
PIERRE, SD 57501

## Gronlund, Eric

---

**From:** Glennis Zarecky <Glennis@zmidwest.com>  
**Sent:** Friday, August 05, 2016 9:59 AM  
**To:** Gronlund, Eric  
**Subject:** RE: water permit application

Eric,

My apology for the delayed response...I have been having e-mail issues this week!

If you prefer, I can issue a new check. Let me know if that is easier for DENR.

The plan is to have the marina excavated and the permanent pump set by this time next year. The temporary diversion would end at that time.

I wasn't able to find exactly where our section lines were in relation to the property. The southern portion will have potential for landscape between the riprap and the marina sea wall and then in the green space between the marina and Island Drive. Let me know if I need to revise the legal to include the southern area or if we could just expand the description next year after we have the landscape in and know for sure that it is needed?

Thank you,

*Glennis Zarecky*  
RIVERWALK LANDING, LLC  
1000 N. Garfield Ave.  
Pierre, SD 57501  
(605)224-6345

**From:** Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]  
**Sent:** Wednesday, August 03, 2016 2:57 PM  
**To:** Glennis Zarecky <[Glennis@zmidwest.com](mailto:Glennis@zmidwest.com)>  
**Subject:** water permit application

Glennis – took a quick look at the application for completeness prior to handing to a staff engineer for review. A couple of things:

1. Since the proposed diversion rate is 20 gpm, the application/licensing filing fee totals \$300 instead of the \$500 submitted. DENR will refund \$200.
2. The map indicates a temporary diversion from the river and that ultimately there will be a permanent diversion point within the marina area. Is that the case? If so, how long with the temporary diversion be in place? I assume until the marina area is excavated and connected to the river to accommodate the permanent diversion/intake works.
3. The application states the legal description being in Section 28, T5N, R31E. Is it correct to say the diversion point and acres to be irrigated are in the NE ¼ NE ¼ of this section? I do note that the southern area outlined on the map is in the SE ¼ NE ¼ of Section 28 but that appears to be an area that is excavated and will have boat slips so I presume this part will not be irrigated.

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352  
[Eric.gronlund@state.sd.us](mailto:Eric.gronlund@state.sd.us)



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 2755-2, Riverwalk Landing LLC**

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. 2755-2, Riverwalk Landing LLC, c/o Glennis Zarecky, 1000 N Garfield Avenue, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 2755-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer  
August 15, 2016

REPORT ON WATER PERMIT APPLICATION NO. 2755-2  
River Walk Landing LLC  
August 5, 2016

Application No. 2755-2 Riverwalk Landing LLC proposes to appropriate 0.044 cubic feet of water per second (20 gallons per minute) from the Missouri River located in the NE 1/4 NE 1/4 Section 28 to irrigate 1.04 acres located in the NE 1/4 NE 1/4 Section 28-T5N-R31E.

Review of the Water Source

The water source for this application is the Missouri River impounded on Lake Sharpe behind Big Bend Dam. The U.S. Army Corps of Engineers (USACE) constructed Big Bend Dam in the early 1960's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams, Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point, are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. Specifically Lake Sharpe Reservoir impounds approximately 1.7 million acre-feet of water (MAF) with normal operations. Water availability is not a concern when using the natural flows of the Missouri River as a source. An estimation of the Missouri River natural flows at a location approximately 5 miles upstream of this project (Figure 1) can be derived from a research study the USGS completed in 2001 (Jacobson et. al. 2001).

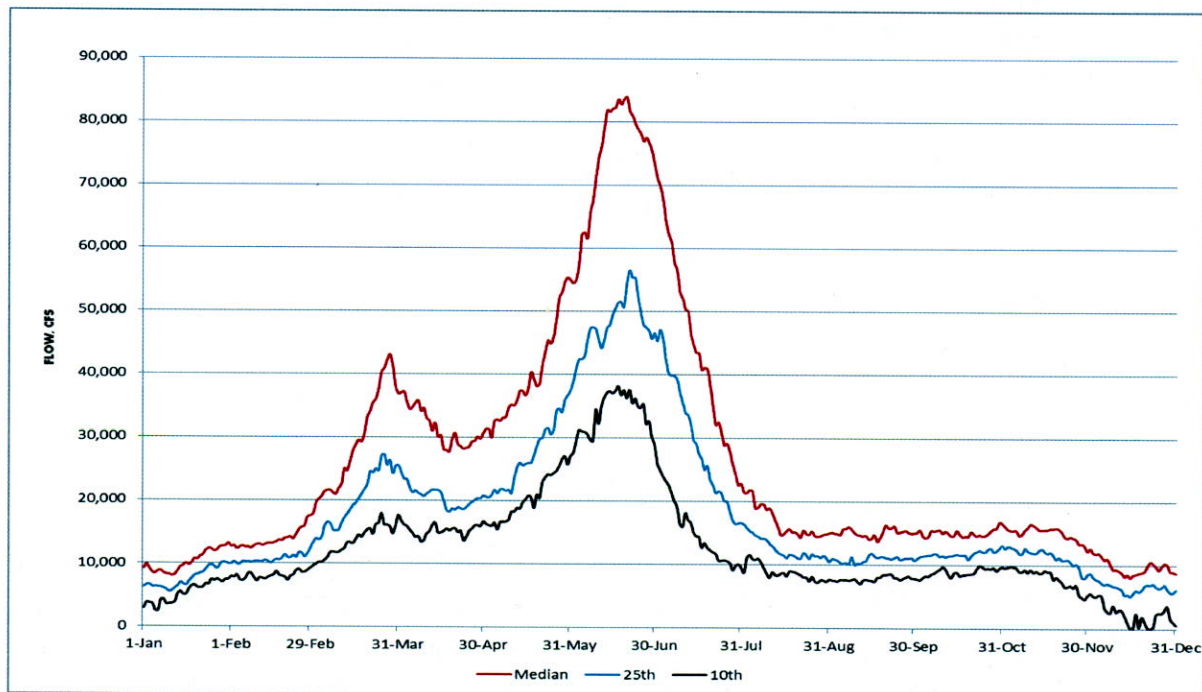


Figure 1. Natural Flow Hydrograph for the Missouri River at Oahe Dam; Robert B. Jacobson and Jeanne Heuser, U.S. Geological Survey, Columbia, MO. 2001.

Even at the 10<sup>th</sup> percentile flow level, this hydrograph demonstrates there is ample natural flow available, if this project is approved, during the irrigation season of April through November. Water availability is not a concern when using the natural flows of the Missouri River as a source.

#### Review of the Proposed Project and Existing Water Rights

There are 264 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1271.44 cfs (Water Rights, 2016). As demonstrated in Figure 1, during the proposed irrigation season of April through October, there will be sufficient natural flow water available to supply this project and not adversely affect other existing water rights.

#### Conclusions

1. This application proposes to irrigate 1.04 acres at a diversion rate of 0.044 cfs.
2. The water source for this project is from the natural flow of the Missouri River in the reservoir reach of Lake Sharpe immediately downstream from Oahe Dam.
3. Water availability for this project will not be a problem.
4. Approval of this permit would not adversely affect existing water rights.



Mark D. Rath

Natural Resources Engineering III

#### References

Jacobson R.B. and Heuser J. 2001. Visualization of Flow Alternatives, Lower Missouri River  
U.S. Geological Survey Open-file Report OF02-122. U.S. Geological Survey.

Water Rights. 2016. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg.,  
Pierre, SD.

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AUG 29 2016

WATER RIGHTS  
PROGRAM

Form 8

## 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:

August 24, 2016  
Cost of Printing \$25.10

Marylinn Baker  
(Signature)

Bookkeeper  
(Title)

8-25-16  
(Date Signed)

be scheduled and  
the Water Man-  
agement Board  
will consider this  
application. Notice  
of the hearing will  
be given to the ap-  
plicant and any  
person filing a pe-  
tition.

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

SNAXLP 15143  
11dy 8/24

NOTICE OF  
APPLICATION  
NO. 2755-2 to  
Appropriate  
Water

Published once at  
the total approxi-  
mate cost of  
\$25.10.

Notice is given  
that Riverwalk  
Landing LLC c/o  
Glenn Zarocky,  
1000 N Garfield  
Ave, Pierre SD  
57501 has filed an  
application for a  
water permit to ap-  
propriate 0.044  
cubic feet of water  
per second (20  
gallons per min-  
ute) from the Mis-  
souri River located  
in the NE 1/4 NE  
1/4 Section 28 to  
irrigate 1.04 acres  
located in the E  
1/2 NE 1/4 Sec-  
tion

28-T5U-R31E.  
Pursuant to  
SDCL 46-2A-2,  
the Chief Engineer  
recommends AP-  
PROVAL of Appli-  
cation No. 2755-2  
with qualifications,  
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. The Chief En-  
gineer's recom-  
mendation with  
qualifications, the  
application, and  
staff report are  
available at  
<http://denr.sd.gov/>  
public or contact  
Eric Gronlund for  
this information, or  
other information,  
at the Water  
Rights Program  
address provided  
below.

Any person 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 Septem-  
ber 6, 2016.

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.

If the applicant  
does not contest  
the recommenda-  
tion of the Chief  
Engineer and no  
petition to oppose  
the application is  
received, the  
Chief Engineer  
shall act on the  
application pursu-  
ant to the recom-  
mendation with no  
hearing held be-  
fore the Water  
Management  
Board. If a petition  
opposing the ap-  
plication or con-  
testing the recom-  
mendation is filed,  
then a hearing will

## Schlaak, Karen

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**From:** Schlaak, Karen  
**Sent:** Tuesday, August 16, 2016 8:00 AM  
**To:** legals@capjournal.com  
**Subject:** 2755-2, Riverwalk Landing LLC  
**Attachments:** 2755-2publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on August 24, 2016.

Riverwalk Landing LLC, c/o Glennis Zarecky, 1000 N Garfield Ave, Pierre SD 57501 (605 224-6345) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

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

*Karen Schlaak*  
Water Rights Program  
523 E Capitol Ave  
Pierre SD 57501  
Phone: 605 773-3352



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

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

August 15, 2016

Riverwalk Landing LLC  
Glennis Zarecky  
1000 N Garfield Ave  
Pierre SD 57501

Dear Ms. Zarecky:

Water Permit Application No. 2755-2 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 Capital Journal printed at Pierre SD (Ph # 605-224-7301). 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*  
Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures

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

NOTICE OF APPLICATION NO. 2755-2 to Appropriate Water

Notice is given that Riverwalk Landing LLC c/o Glennis Zarecky, 1000 N Garfield Ave, Pierre SD 57501 has filed an application for a water permit to appropriate 0.044 cubic feet of water per second (20 gallons per minute) from the Missouri River located in the NE 1/4 NE 1/4 Section 28 to irrigate 1.04 acres located in the E 1/2 NE 1/4 Section 28-T5N-R31E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2755-2 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 6, 2016.

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

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

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

September 13, 2016

**PAYMENT REQUEST FORM**

**PAYEE:** Riverwalk Landing LLC  
1000 N Garfield Ave  
Pierre SD 57501

**FROM:** DENR Water Rights Program  
523 E. Capitol Ave  
Pierre, SD 57501-3181

**DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER**

refund on Water Permit 2755-2 ( overpayment)

**AMOUNT:** \$200.00

**FUNDING SOURCE:**

**GENERAL:** X

**FEDERAL:**

**OTHER:**

**COMMENTS:**

**AUTHORIZATION:**



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

SEP 14 2016

Riverwalk Landing LLC  
c/o Glennis Zarecky  
1000 N Garfield Ave  
Pierre SD 57501

Dear Ms. Zarecky:

Enclosed is Water Permit No. 2755-2 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The application was submitted with a fee of \$500.00. The application /license fee for Permit No. 2755-2 is \$300.00. Therefore, \$200.00 will be refunded to you. The refund check should be received within a couple of weeks.

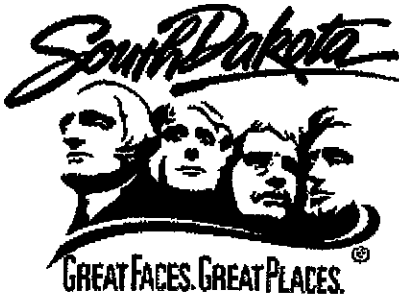
Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return the completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the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

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

enclosures



2755-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 23, 2020

NOTICE

TO: RIVERWALK LANDING LLC, GLENNIS ZARECKY, 1000 N GARFIELD AVE, PIERRE, SD 57501

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) 2755-2. 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) 2755-2 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:

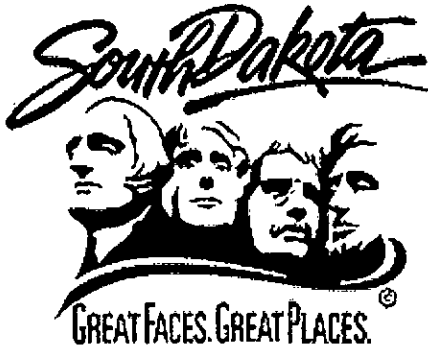
1. Suspend or cancel Permit No(s) 2755-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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](mailto: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: VUEWQY**

**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.

2755-2



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

February 19, 2020

2755-2

Glennis Zarecky  
Riverwalk Landing LLC  
1000 N Garfield Ave  
Pierre SD 57501

Dear Ms. Zarecky:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit No. 2755-2. 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](mailto:genny.mcmath@state.sd.us)