

NO. 386-2

Water Division No. 2 South Cheyenne District
(Blanks to be filled by the State Engineer.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant See three names listed directly below.

Postoffice address _____, County _____, State _____

I. ~~Is a corporation~~

- (a) ~~Name of same~~ JOHN D. Box 505
Forest H. Topaske, Orangetown, Iowa 51041
- (b) ~~Date and place of incorporation~~ Andrew J. Mosier, 3632 Tarkenton Lane,
937 North Lombard, Oak Park, Illinois
- (c) ~~Amount of capital stock~~ Geraldine L. Galiani, 2043-177th Place,
Harmond, Indiana Silver Springs, Maryland
- (d) ~~Amount paid in~~
- (e) ~~Names and addresses of directors~~

Transferred 2-19-80

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) Employment of others and direct labor
- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work No name

3. Quantity of water claimed 2.39 max allowable cubic feet per second.

4. Source of water supply Cheyenne River

5. Location of point of diversion In the Sec. NE 1/4, S9, T7S, R8E, B1M; South 12° 15' West

1473 feet from section corner common to Sections 3, 4, 9 and 10 on the left Fall River Co.

6. Annual periods during which water is to be used Spring, Summer and Fall

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated 167.40 acres.

(b) Legal subdivisions to be irrigated See attached sheet

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) none

II. Stockwatering, mining, milling, power

(a) Nature of use

(b) Amount of power to be generated

Amount claimed for engine cool

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned

(b) Legal subdivisions to be irrigated

Section 9:

Sec. 9, S9, T7S, R8E, B1M

Section 10:

Sec. 10, S9, T7S, R8E, B1M

Sec. 11, S9, T7S, R8E, B1M

Sec. 12, S9, T7S, R8E, B1M

Sec. 13, S9, T7S, R8E, B1M

Sec. 14, S9, T7S, R8E, B1M

Sec. 15, S9, T7S, R8E, B1M

Sec. 16, S9, T7S, R8E, B1M

Sec. 17, S9, T7S, R8E, B1M

Sec. 18, S9, T7S, R8E, B1M

Sec. 19, S9, T7S, R8E, B1M

Sec. 20, S9, T7S, R8E, B1M

Sec. 21, S9, T7S, R8E, B1M

Sec. 22, S9, T7S, R8E, B1M

Sec. 23, S9, T7S, R8E, B1M

Sec. 24, S9, T7S, R8E, B1M

Sec. 25, S9, T7S, R8E, B1M

Sec. 26, S9, T7S, R8E, B1M

Sec. 27, S9, T7S, R8E, B1M

Sec. 28, S9, T7S, R8E, B1M

Sec. 29, S9, T7S, R8E, B1M

Sec. 30, S9, T7S, R8E, B1M

Sec. 31, S9, T7S, R8E, B1M

Sec. 32, S9, T7S, R8E, B1M

Sec. 33, S9, T7S, R8E, B1M

Sec. 34, S9, T7S, R8E, B1M

Sec. 35, S9, T7S, R8E, B1M

Sec. 36, S9, T7S, R8E, B1M

Sec. 37, S9, T7S, R8E, B1M

Sec. 38, S9, T7S, R8E, B1M

Sec. 39, S9, T7S, R8E, B1M

Sec. 40, S9, T7S, R8E, B1M

Sec. 41, S9, T7S, R8E, B1M

Sec. 42, S9, T7S, R8E, B1M

Sec. 43, S9, T7S, R8E, B1M

Sec. 44, S9, T7S, R8E, B1M

Sec. 45, S9, T7S, R8E, B1M

Sec. 46, S9, T7S, R8E, B1M

Sec. 47, S9, T7S, R8E, B1M

Sec. 48, S9, T7S, R8E, B1M

Sec. 49, S9, T7S, R8E, B1M

Sec. 50, S9, T7S, R8E, B1M

Map # 415-2

8. Estimated cost of works:

(a) Head gates, \$ 200.00 (b) Pumping plant, \$ 1,000.00
 (c) Fluming, \$ 0.00 (d) Canal-earth, \$ 2,000.00, Reel, \$ 0.00
 (e) Other structures 0.00 Total, \$ 3,200.00

9. Description of diversion works:

1. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.) Diversion ditch diverts water 775' to pump where pump lifts it 30' to open ditch

II. Dimensions of works:

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope of back face.....; material used in construction.....
 (b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	Feet	ACRE-Feet CAPACITY

(c)* Head gate: Width.....two.....feet; height.....one.....feet;
 Material.....steel and concrete.....
 (d) Canal: Total length.....0.70.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE (%) PER MILE
At all points	1.5' feet	0 feet	6.0 feet	5.3 %
At	feet	feet	feet	feet
At	feet	feet	feet	feet
At	feet	feet	feet	feet
At	feet	feet	feet	feet
At	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 1/12 years.
 11. Time required for complete application of water to the proposed beneficial use 1/4 years.
 12. Choice of newspaper for publication of notice of intention to appropriate Hot Springs Star, Hot Springs, S. Dak.

STATE OF ~~South Dakota~~ Iowa ss.
 County of Sioux

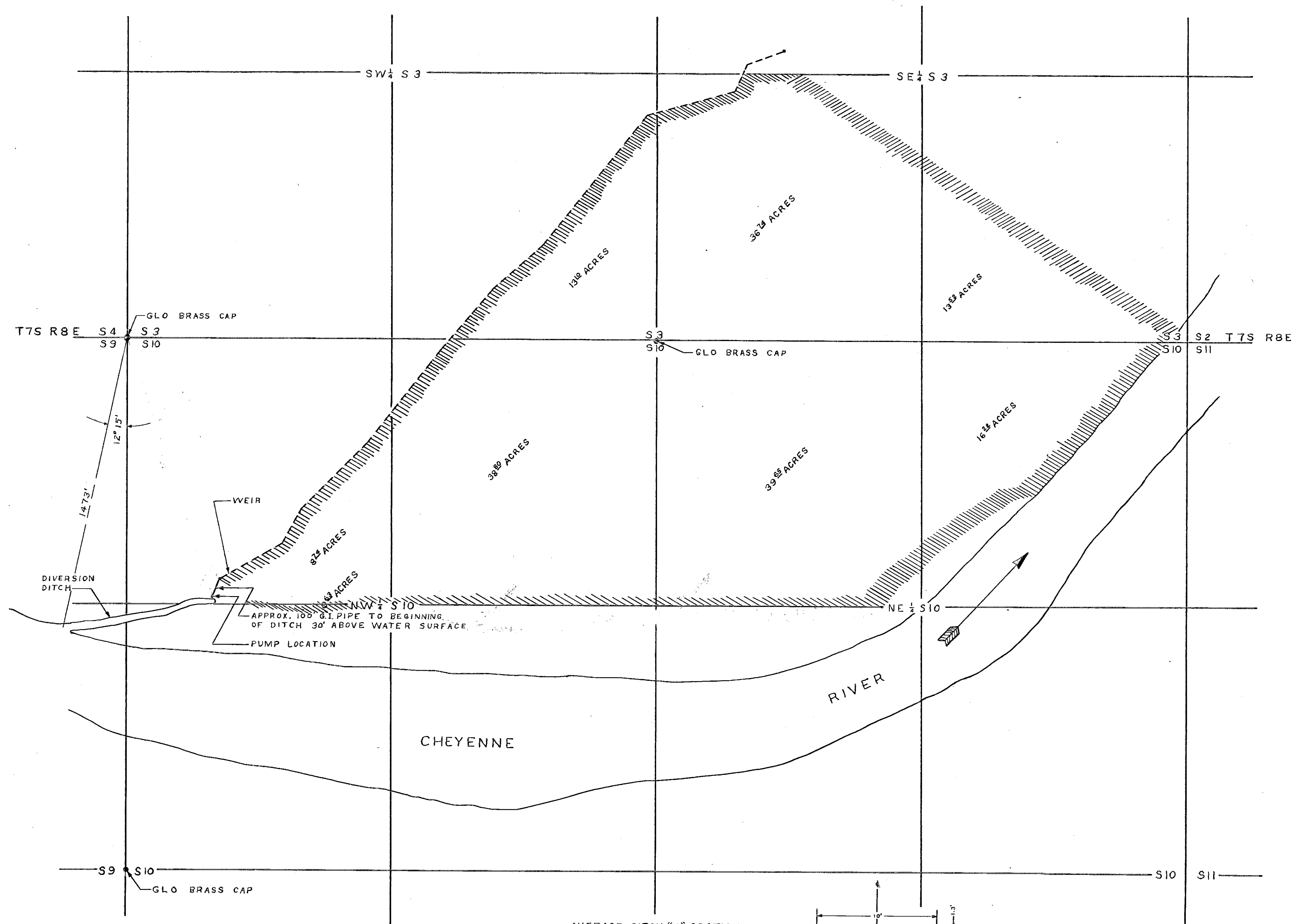
"I, Andrew J. Mosior, Geraldine L. Galiani and Forest E. ToPaske, being first duly sworn on my oath depose and say: That my relation to the above described, undertaking is that of owner, that I have read the above foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein stated and shown are true.

Forest M. ToPaske

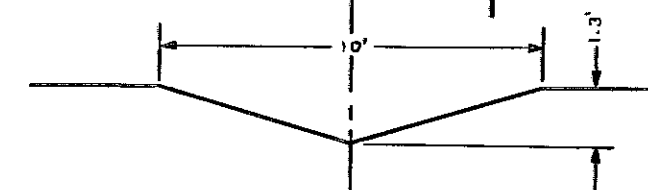
Signed *Geraldine L. Galiani*
Andrew J. Mosior

Subscribed and sworn to before me this 2th day of Ma 19.52

Hendrina Dykstra
 Notary Public (or other qualified officer.)



AVERAGE DITCH "X" SECTION



APPROXIMATE LENGTH — 4043'

AVERAGE SLOPE — 0.1%

BOUNDS OF LAND TO BE IRRIGATED
(167 1/2 ACRES)

LAND OWNERS —
SARAH MOSIER, FOREST M. TE PASKE, ANDREW MOSIER — ALL IN
EQUAL SHARE — S 1/2 OF THE S 1/2 AND THE NW 1/4 OF THE SE 1/4 OF
S 3 T 7 S R 8 E. — N 1/2 OF THE N 1/2 AND THE SW 1/4 OF THE NW 1/4
AND THE SE 1/4 OF THE NE 1/4 OF S 10 T 7 S R 8 E.

MAP OF PROPOSED IRRIGATION PROJECT FOR PART OF
NW 1/4 AND N 1/2 NE 1/4 ALL IN S 10
T 7 S R 8 E BHM AND SE 1/4 SW 1/4 AND S 1/2
SE 1/4 ALL IN S 3 T 7 S R 8 E BHM
DATE: 24 Oct 1951 DRAWN BY: Frank R. Brady
REG. LAND SURVEYOR
SCALE: 1" = 300'

SURVEYORS CERTIFICATE:
I, FRANK R. BRADY, REGISTERED LAND SURVEYOR, DO
HEREBY CERTIFY THAT, AT THE DIRECTION OF
GILBERT OELLRICH, I HAVE SURVEYED THE PROPOSED
IRRIGATION PROJECT AS SHOWN ON THIS MAP.
THE ANGLES AND DISTANCES ARE AS SHOWN.
DATE: 25 Oct 1951 Frank R. Brady
REG. LAND SURVEYOR

NOTARY PUBLIC:
BE IT KNOWN THAT ON THIS 25th DAY OF Oct 1951
BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED
FRANK R. BRADY KNOWN TO ME TO BE THE
PEARSON WHO EXECUTED THE ABOVE CERTIFICATE.
MY COMMISSION EXPIRES 1-1-52 Frank R. Brady
NOTARY PUBLIC

(Water Right No. 386-2)
Map No. 415-2

Remarks by State Engineer:

Final action was not taken on the application by the State Engineer. This permit is now issued under the "vested right" portion of the Water Laws upon receipt of affidavits from the owners as to beneficial use of the water.

STATE OF SOUTH DAKOTA

County of Hughes ss. Pierre, South Dakota, July 18, 1960

This is to certify that the foregoing application was received at this office at 9:00 o'clock a m. upon the 30 day of September, 1952 and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.

Burt J. Jones
Water Rights Specialist
State Engineer.

Number of permit 386-2
Date of first receipt of application February 28, 1952
Date of return to applicant for correction March 3, 1952
Date of receipt of corrected application September 9, 1952
Date from which applicant may claim right February 28, 1952
Approved July 25, 1960, Recorded in Book 6 Page 96

This is to certify that I have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

- 1st. The equivalent of at least one-fifth, of the work above specified is ~~to be~~ completed ~~on or~~ before June 30, 1955.
- 2nd. The whole of said work is ~~to be~~ completed ~~on or before~~ June 30, 1955.
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Completed, 1955.
- 4th. The water appropriated shall be used for the purpose of irrigation.

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.39 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

during annual irrigation season

Witness my hand this 25th day of July, 1960

Certificate of Construction issued July 25, 1960 J. B. Jones State Engineer.
Water License issued July 25, 1960 State Water Resources Commission
by

STATE OF SOUTH DAKOTA

WATER LICENSE No... 386-2...

WHEREAS, On the 28th day of February A. D. 1952Forest M. Tepaske, Orange City, Iowa Andrew J. Mosier, 937 North Lombard, Oak Park, Illinois, Geraldine L. Galiani 1043-177th place, Hammond, Indiana~~XXXXXX~~ ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~duly made application (No. 386-2) to us for a permit to use 2.39cubic feet per second of the waters of the Cheyenne RiverCounty of Fall River, State of South Dakota, for irrigation

purposes; and

WHEREAS, On the 25th day of July A. D. 1960Permit No. 386-2 was issued to said applicant on a vested right basis recognisingcompletion of the works of diversion therein described ~~XXXXXXXXXX~~ ~~XXXXXX~~~~XXXXXX~~ and for the application to beneficial use of saidwater ~~XXXXXXXXXX~~ ~~XXXXXX~~ ~~XXXXXXXXXX~~

and,

WHEREAS, On the 18th day of July A. D. 1960the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.39cubic feet per second of said waters, as evidenced by our Certificate No. 386-2dated July 25, 1960 confirming the completion of works of sufficient capacity fordiverting and conveying to the place of intended use 2.39 cubic feet per second of water, with date ofpriority of February 28, 1952 ~~XXXXXX~~ and,WHEREAS, On the 18th day of July A. D. 1960proof was duly made of the application to beneficial use of 2.39 cubic feet per second of said water;on portions of Sections 3 and 10 T 7S R 8E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,

We hereby grant and confirm to Forest M. Tepaske, Andrew J. Mosier, Geraldine L. Galiani

the holder and owner of said permit No. 386-2

a water right, dating from February 28, 1952 to the use of 2.39

cubic feet per second of the waters of The Cheyenne River

in the County of Fall River and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SE 1/4 NE 1/4 Section 9,

T 78 R 8E

and conducted to and upon portions of Sec 3 & 10, T 78 R 8E more specifically described

in the Certificate of Completion of Works

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,

this 25th day of July A. D. Nineteen

Hundred and sixty

State Water Resources Commission

By:

J.W. GRIMES ^{pp} Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 386-2Water Division No. 2 S. Cheyenne River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Forest M. Tepuska, Andrew J. Monier, Geraldine L.Gallani~~of~~~~County of~~~~State of~~the holder of Permit No. 386-2, issued upon ApplicationNo. 386-2, bearing date of priority of February 28, 1952, authorizing the diversion of2.39 cu. ft. per second of the waters of the Cheyenne RiverCounty of Fall River, State of South Dakota, at a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T 74 R 8Efor irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are ~~found~~ **recognized as** satisfactory

~~conditions~~ for diverting and conveying to the place of intended use 2.39 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: all in T 7S R 8ESec 3 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 13.10 acresSW $\frac{1}{4}$ SE $\frac{1}{4}$ 16.74 acresSE $\frac{1}{4}$ SE $\frac{1}{4}$ 13.52 acresSec 1 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 8.74 acresNE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.80 acresSW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.63 acresNW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.65 acresNE $\frac{1}{4}$ NE $\frac{1}{4}$ 16.22 acres167.40 acresWitness my hand this 25th day of July A. D. 1960

State Water Resources Commission

By:

J.W. GRIMES pp Chief Engineer, Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Fall River } ss.

Charles T. Leonard being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the.....

Hot Springs Star..... a newspaper which during the whole time of publication of said notice herein-after stated, has been and is printed and published in the

City of Hot Springs..... County of Fall River..... and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

Oct. 16, 1952.....

Oct. 23, 1952.....

Oct. 30, 1952.....

Nov. 6, 1952.....

in each and every issue of the full number thereof, the first publication being made on the 16th day of October.....

19..... and the last publication on the 6th day of

November..... 19 52., upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was..... the printer x and publisher x of

the said newspaper.

Charles T. Leonard

Subscribed and sworn to before me this 6th day of November..... A. D. 19 52

Notary Public..... Fall River..... County, S. D.

252

APPROPRIATION OF WATER
 No. 386-2
 (First publication Oct. 16, 1952)
 Office of State Engineer
 Pierre, S. Dak., October 6, 1952
 Notice is hereby given that Forest M. Tepaske, Orange City, Ia., Andrew J. Mosier, 937 N. Lombard, Oak Park, Ill., Geraldine L. Stull, 1018 17th Place, Hammond, Indiana, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 7.4 cubic feet of water per second of time from the Cheyenne River, the point of diversion of which is to be located on the left bank of said stream in the S33 of the NE1 of Section 9 Twp. 7S. Range 8E. Said water to be used for the purpose of providing irrigation on the following described land: S1 SE1 and SE1 SW1 Sec. 3; N1 NW1 SW1 NW2 N1 NE1 Sec. 10, T 7S. R. 8E. The application will be taken up by the State Engineer at his office at Pierre for consideration upon the 17th day of November, 1952, at 2:00 P. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further the information presented. Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LOUCKS
 State Engineer
 Oct. 16-23-30 Nov. 6 47

RECEIVED
 MAR 13 1952
 OFFICE OF STATE ENGINEER
 PIERRE, S. DAK.

State Publishing Company, Pierre

9--Notice of Intention to appropriate Water

No. 3062

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, S. Dak., October 6, 1952

Notice is hereby given that Forest E. Tomack, (Frank City, Ia., Andrew J. Kousler,
237 N. Lombard, Oak Park, Ill., Geraldine A. Gagliardi have
made an application in accordance with
the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.1
cubic feet of water per second of time from the Nebraska River through the
Nebraska River, the point of diversion of which is to be located on the left
bank of said stream in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2
Twp. 7N Range 8E. Said water to be used for the purpose of providing irrigation on the fol-
lowing described land:

SE $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 3, N $\frac{1}{2}$ $\frac{1}{2}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 10, T. 7N., R. 8E.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the
17th day of November, 1952, at 2:00 P.M. All persons who believe that their prior
rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public wel-
fare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day
above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the considera-
tion of any or all information presented.

THOMAS L. JOHNS
State Engineer

HOGART

Eng.

cc: A. G. Wilson

Frank Brady

Location No. 386 - 2

Water Division No. 2 South Cheyenne Water District

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Forest M. TePaske, Orange City, Iowa
Andrew J. Mosier, 1000 No. Oak Park Ave., Oak Park, Ill.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. Not a corporation; 2 individual owners.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. System has been used for past six years, constituting a vested right.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Cheyenne River

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Diversion ditch which diverts water 775" to sump where pump lifts its water 30 " to an open ditch. Canal length 0.76 mile. Operated for past six years.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water is used for irrigating 167.40 acres of lands in following sections: Section 3, Twp. 7 S., Range 8 E. B.H.M. 63.36 Acres.
Section 10, Twp. 7 S., Range 8 E. B.H.M. 104.04 Acres.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 2.4 Cubic Feet per second.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Present owners acquired land by inheritance from Dan Mosier, late of Fall River County, South Dakota.

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. The water has been used for crop irrigation during the spring, summer and fall seasons, as needed

(Sign.) Forest M. TePaske

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Orange City, County of Sioux

State of South Dakota, on this 14th day of June A. D. 1960

Henrietta Rensink
Witnesses. Notary Public, Sioux County, Iowa
My commission expires July 4, 1960

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. -----	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water ----- c. f. s.	
Source -----	
County -----	
Purpose -----	
Place of Use -----	
Date of recording -----	
Received and filed -----	

Oral So Dakota
August 22 - 1961

Dear Sir:

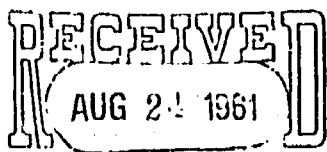
In regard to Water License No 386 - 2
issued to Forest Tepash, Ardian Miron & Geraldine
L. Galione, February 28, 1952 to use 2.39 cubic feet
per second of water of the Chageme River for irrigation

We are using the water right as of now. started
the pump July 21, 1961

Sincerely

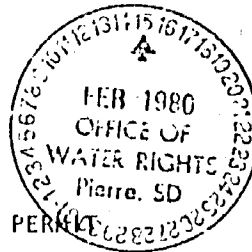
Max Curtis Hageman

Oral South Dakota



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

FORM 20



NO. 386-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to the lands described as follows:

167.40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, all in Sec. 3. and NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 10,

T7S, 8E

formerly owned by Forest M. TePaske, Andrew J. Mosier, Geraldine L. Galian!

has been transferred to John D TePaske, Box 505, Orange City, IA 51041 + Andrew J.

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 386-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of the Board of Water Management as evidence of the change of ownership.

3622
Tuckerton
Lane,
Silver
Springs,
Maryland
20910

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

Town
STATE OF SOUTH DAKOTA }
County of Sioux } ss.

I, Forest M. TePaske being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Forest M. TePaske
(Signed)

Subscribed and sworn to before me this 11th day of February, 1980.

John D. TePaske
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7322

PIERRE, February 15, 1980

RECEIVED OF John D ~~XXXXX~~ TePaske, Box 555, Orange City, IA 51051

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filling transfer of water right No. 386-2	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer

✓ JOHN HATCH (gy)

Water Rights Division - DVMR
Conversation or File Documentation

File No. 386-2
0585-2

NAME OF PERSON OR FILE: John D. Tepaske
ADDRESS: Box 505, Orange City, IA 51091 COUNTY Fall River, S.D.
DATE: Dec. 3, 1988 TELEPHONE 712-737-3511
RE: Water Right 386-2 and Water Right Filing 0585-2

COMMENTS:

I spoke with Mr. Tepaske by telephone on Nov. 21, 1983 and again on Dec 3, 1988 concerning Water Right 386-2 and its relation to 0585-2. As far as Mr. Tepaske knew the project has been in use continuously since 1903. He did not know why a new application was filed in 1952.

I also spoke with Mr. William Fitzger on Nov. 8, 1988. Mr. Fitzger farms the land for Mr. Tepaske. Mr. Fitzger stated that he knows that the land was irrigated in the 1920's. The application was submitted in 1952 and was not approved until 1960. There is nothing in the file that gives a reason for this delay in approval.

on Dec. 3, 1988, Mr. Tepaske stated that Dan Mosier was his Grandfather. Mr. Tepaske ~~insists~~ believes that the May 6, 1903 priority date should apply.

Since Water Right Filing 0585-2 and Water Right 386-2 are very similar, I would recommend that Water License 386-2 be reissued with a priority date of May 6, 1903 and incorporating Water Right Filing 0585-2

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Alvin D. Berg, P.E.
Hydrologist

State of South Dakota

RE-ISSUANCE OF Water License No. 386-2

(1) Forest H. TePaske, Andrew J. Mosler and Geraldine L. Gallani

of were Issued Vested Right

Water License made Application No. 386-2 July 25, 1960 for a water right permit to appropriate

2.39 cubic feet per second of water from the Cheyenne River

Fall River County, South Dakota for Irrigation purposes.

Vested Right Water License Permit No. 386-2 with a priority date of February 28, 1952

was approved and issued to applicant(s) for diversion of water recognizing construction of the described water supply system to be completed on or before and for the application to beneficial use of said water on or before

Vested Right No. 386-2 was transferred February 15, 1980 to John D. TePaske, Orange City, Iowa and Andrew J. Mosler, Silver Springs, Maryland.

The lands authorized for Irrigation under Vested Right No. 386-2 are also described in Water Right Filing No. 0585-2. Based on conversations with Mr. John TePaske and Mr. William Fitzer, who farms the land for Mr. TePaske, the land has been irrigated since 1903 when Filing No. 0585-2 was filed. Since the lands under Vested Right No. 386-2 have been irrigated since 1903 and are described in the Filing, Vested Right 386-2 is being reissued to incorporate Water Right Filing No. 0585-2 with a priority date of May 6, 1903.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.39 cubic feet per second of water for beneficial use. The location of the diversion point(s) is a point in the SE 1/4 of Section 9 T7S, R8E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land, all in T7S, R8E

Section 3	SE $\frac{1}{4}$ SW $\frac{1}{4}$	13.10 Acres	(CD)
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.74 Acres	(DC)
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	13.52 Acres	(DD)
Section 10	NW $\frac{1}{4}$ NW $\frac{1}{4}$	8.74 Acres	(BB)
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	38.80 Acres	(BA)
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.63 Acres	(BC)
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.65 Acres	(AB)
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	16.22 Acres	(AA)
	TOTAL	167.40 ACRES	

(4) Pursuant to §46-5-30.1 John D. TePaske and Andrew J. Mosler
of Box 505, Orange City, Iowa 51041
the holder(s) and/or owner(s) of Vested Right Permit No. 386-2 is issued a license to appropriate water, the right to use
2.39 cubic feet per second of water from the Cheyenne River with a priority date
of May 6, 1903 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Vested Right Permit No. 386-2 and subject
to South Dakota State Law

John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

December 7, 1984



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone: (605) 773-3352

No. 386-2
0585-2

December 13, 1984

John C. TePaske &
Andrew J. Moslar
Box 505
Orange City, Iowa 53041

Dear Sirs:

Enclosed herewith is, ^{Reissued} Water License No. 386-2. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

Water Right Filing No. 0585-2 is Incorporated In Vested Right No. 386-2.

WNR-817 3/83
Transmittal of Water License



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 19, 1990

NOTICE

TO: Cheyenne River Irrigators

FROM: John Hatch, Chief Engineer
Division of Water Rights *[Signature]*

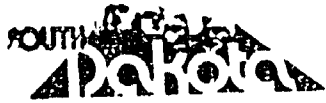
SUBJECT: Shutoff Order for water rights in the Cheyenne River reach from the Angostura Dam to Rapid Creek with priority dates after 1965.

Due to the present low flow conditions in the Cheyenne River, the following water rights must cease withdrawals of water from the Cheyenne River for the remainder of this irrigation season. This order is effective July 21, 1990. Additional shutoffs may be necessary if conditions show the need.

PERMIT NO.	NAME	PRIORITY DATE
1241A-2	Chauncey D. Taylor, Hermosa	02/06/75
1241B-2	Donald R. Thorson, Scenic	02/06/75
2061-2	Rittberger Beef & Dairy, Buffalo Gap	08/22/88
1923-2	Rittberger Beef & Dairy, Buffalo Gap	03/15/85
1613-2	Rittberger Beef & Dairy, Buffalo Gap	10/28/77
2059-2	Fred Weibert, Hermosa	06/27/88
1408-2	RIBOB-ELJIM-KADEN, Rapid City	06/06/77
1754-2	Earl Stombaugh, Buffalo Gap	01/27/81
1109-2	Lloyd Neugebauer, Oral	04/21/72
1882-2	Poland/Donna March, Hot Springs	05/29/84
1024-2	Clarence Werner, Hermosa	05/22/70

If you have any questions, please contact Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501.
Phone (605) 773-3352.

cc: Water Right Holders on the Cheyenne River in the Reach from Angostura Dam to Rapid Creek Confluence



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 14, 1991

286-2

John/Mosier Tepaske
Box 505
Orange City, Ia 51051

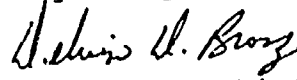
Dear Mr. Tepaske:

I am contacting irrigators and water users below Angostura Reservoir to advise of the low water level conditions in Angostura Reservoir and of potential water use restrictions from the Cheyenne River. Due to the continuing drought, Angostura Reservoir is receiving below normal inflows. As of February 27, 1991 the water level in the reservoir was at elevation 3170.25 feet above mean sea level (msl). Full elevation of the reservoir is 3187.2 msl.

Flow conditions in the Cheyenne River will be monitored during the coming irrigation season. Low flows may require that shut off orders be issued to junior water right holders to protect senior water rights. Low water levels in Angostura and the potential for low flows in the Cheyenne should be considered when planning for the coming water use and irrigation season.

Junior Water Rights above Angostura were shut off during 1989 and will remain shut off until Angostura fills again. If you have any questions, please contact Mark Rath or Del Brosz (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division
605-773-3352

SOUTH DAKOTA

VESTED WATER RIGHT NO. 386-2 FOR IRRIGATION

Date of Claim February 28, 1952.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 386-2 for irrigation purposes for John D Tepaske & Andrew J Mosier, Box 505, Orange City IA 51041 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 386-2 appropriates 2.39 cubic feet of water per second from the Cheyenne River located in the SE 1/4 NE 1/4 Section 9 to irrigate 167.4 acres located in the SE 1/4 SW 1/4, S 1/2 SE 1/4 Section 3, N 1/2 NW 1/4, SW 1/4 NW 1/4, N 1/2 NE 1/4 Section 10; all in T7S-R8E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is May 6, 1903.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Validation of No. 386-2 incorporates the applicable portions of Water Right Filing No. 0585-2 into No. 386-2 and cancels the abandoned or forfeited portions of Water Right Filing No. 0585-2.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

DEC 24 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



386-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

DEC 24 1992

John D Tepaske & Andrew J Mosier
Box 505
Orange City IA 51041

Dear Mr. Tepaske and Mr. Mosier:

The Water Management Board has validated the enclosed Vested Water Right No. 386-2. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure



386-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: JOHN D TEPASKE
BOX 505
ORANGE CITY IA 51041

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 386-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 cases hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 386-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

386-2

4a. Article Number

P 906 559-973

JOHN D TEPASKE
BOX 505
ORANGE CITY IA 51041

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-1-97

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

John Tepaske

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

386-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 2, 1993

386-2

John D Tepaske
Box 505
Orange City, IA 51041

Dear Mr. Tepaske:

I am writing to acknowledge receipt your 1992 irrigation questionnaire for Water Right No. 386-2. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire.

The questionnaire was received prior to the Water Management Board meeting, and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



386-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: JOHN D TEPASKE, PO BOX 505, ORANGE CITY, IA 51041 0505

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 386-2. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 386-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

386-2

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: JOHN D TEPASKE PO BOX 505 ORANGE CITY IA 51041 0505		4a. Article Number P 378 080 703	
		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
5. Received By: (Print Name) Kay Kleinhesselink		7. Date of Delivery 1-25-99	
6. Signature: (Addressee or Agent) x Kay Kleinhesselink		8. Addressee's Address (Only if requested and fee is paid)	

PS Form 3811, December 1994 102595-99-B-0229 Domestic Return Receipt

Is your RETURN Addressed on the reverse side?

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 2, 1999

386-2

John D Tepaske
PO Box 345
Orange City, IA 51041-0345

Dear Mr. Tepaske:

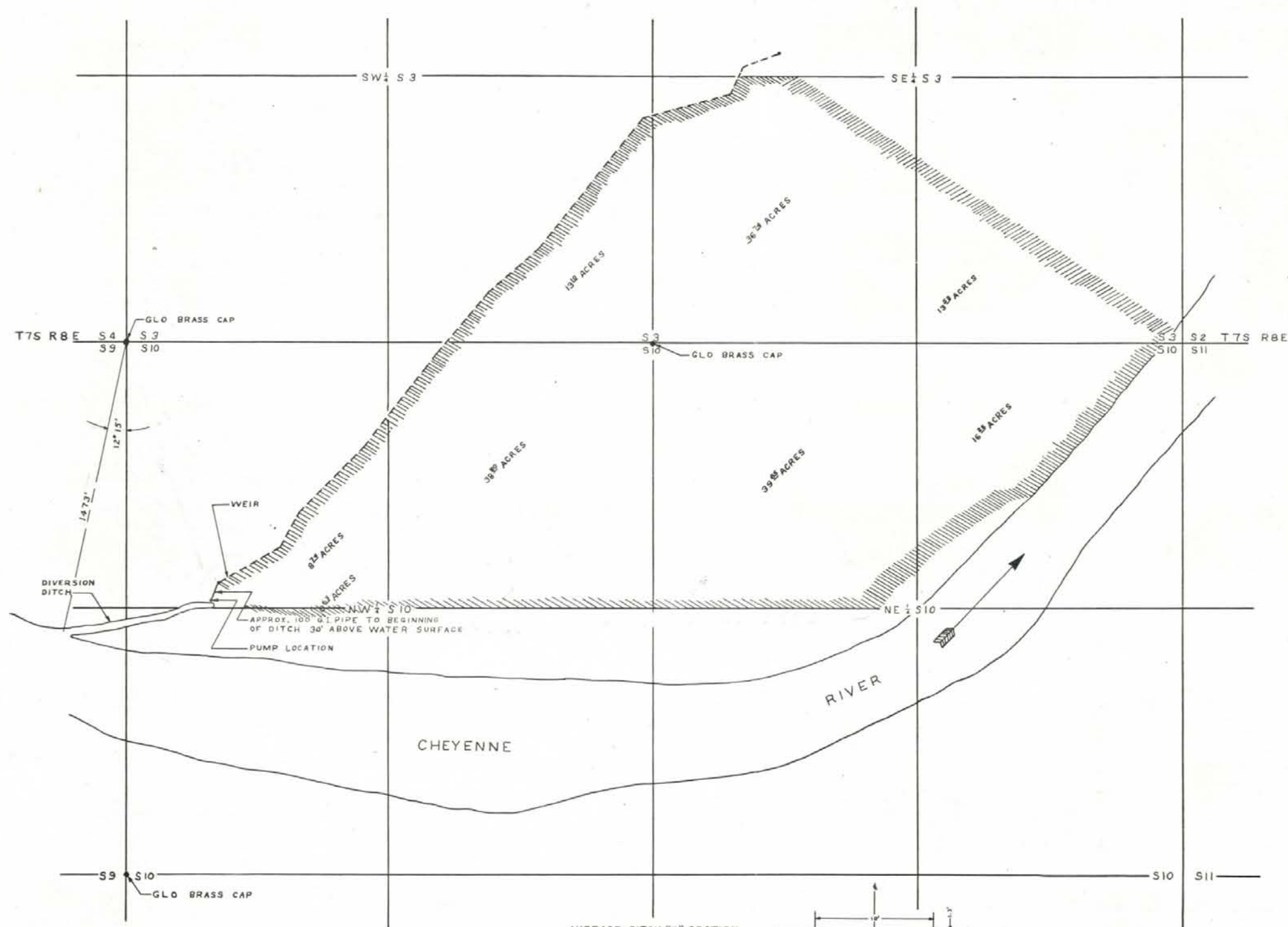
I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 386-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



MAP OF PROPOSED IRRIGATION PROJECT FOR PART OF
NW 1/4 AND NE 1/4 ALL IN S 10
T 7 S R 8 E BHM AND SE 1/4 SW 1/4 AND S 1/2
SE 1/4 ALL IN S 3 T 7 S R 8 E BHM
DATE: 24 Oct 1951 DRAWN BY: *Frank R. Brady*
REG. LAND SURVEYOR
SCALE: 1" = 300'

SURVEYORS CERTIFICATE:
I, FRANK R. BRADY, REGISTERED LAND SURVEYOR, DO
HEREBY CERTIFY THAT, AT THE DIRECTION OF
GILBERT OELLRICH, I HAVE SURVEYED THE PROPOSED
IRRIGATION PROJECT AS SHOWN ON THIS MAP.
THE ANGLES AND DISTANCES ARE AS SHOWN.
DATE: 25 Oct 1951 *Frank R. Brady*
REG. LAND SURVEYOR

NOTARY PUBLIC:
BE IT KNOWN THAT ON THIS ____ DAY OF ____ 1951
BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED
FRANK R. BRADY KNOWN TO ME TO BE THE
PERSON WHO EXECUTED THE ABOVE CERTIFICATE.
MY COMMISSION EXPIRES ____
NOTARY PUBLIC

AVERAGE DITCH "X" SECTION



APPROXIMATE LENGTH — 4043'

AVERAGE SLOPE — 0.1%

BOUNDS OF LAND TO BE IRRIGATED
(167 1/2 ACRES)

LAND OWNERS —
SARAH MOSIER, FOREST M. TE PASKE, ANDREW MOSIER — ALL IN
EQUAL SHARE — S 1/2 OF THE S 1/2 AND THE NW 1/4 OF THE SE 1/4 OF
S 3 T 7 S R 8 E. N 1/2 OF THE N 1/2 AND THE SW 1/4 OF THE NW 1/4
AND THE SE 1/4 OF THE NE 1/4 OF S 10 T 7 S R 8 E.



Water Right No. 386-2

Map No. 415-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "Realtime streamflow data via satellite".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



386-2
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: JOHN D TEPASKE, PO BOX 95, ORANGE CITY, IA 51041 0095

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 has not been submitted for Permit No(s) 386-2 as required by administrative rule 74:02:01:14.02. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 386-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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.



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Product & Tracking Information

Available Actions

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
January 20, 2016 , 2:29 pm	Delivered	ORANGE CITY, IA 51041

Your item was delivered at 2:29 pm on January 20, 2016 in ORANGE CITY, IA 51041.

January 19, 2016 , 9:31 am	Available for Pickup	ORANGE CITY, IA 51041
January 19, 2016 , 9:18 am	Arrived at Unit	ORANGE CITY, IA 51041
January 19, 2016 , 5:54 am	Departed USPS Facility	SIOUX FALLS, SD 57104
January 17, 2016 , 11:23 pm	Arrived at USPS Origin Facility	SIOUX FALLS, SD 57104
January 16, 2016 , 11:30 pm	Departed USPS Facility	HURON, SD 57399
January 15, 2016 , 9:31 pm	Arrived at USPS Origin Facility	HURON, SD 57399
January 15, 2016 , 6:05 pm	Departed Post Office	PIERRE, SD 57501
January 15, 2016 , 1:06 pm	Acceptance	PIERRE, SD 57501

Track Another Package

Tracking (or receipt) number

Track

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CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

1-20-16

Postmark
Here

JOHN D TEPASKE
PO BOX 95
ORANGE CITY IA 51041 0095



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

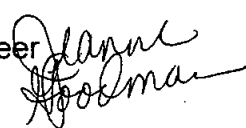
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 3, 2016

NOTICE OF ENTRY OF ORDER TO AMEND WATER RIGHT

TO: John D Tepaske, PO Box 95, Orange City IA 51051 0095

FROM: Jeanne Goodman, Chief Engineer 
Water Rights Program

SUBJECT: Amendment to Water Right No. 386-2

On March 3, 2016, the Water Management Board amended Water Right No. 386-2 to add the following qualification:

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

This action was taken for your failure to return the 2015 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.



USPS Tracking®



Customer Service ›
Have questions? We're here to help.



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Tracking Number: 70151520000331799434

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

Available Actions

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
March 8, 2016 , 2:55 pm	Delivered	ORANGE CITY, IA 51041

Your item was delivered at 2:55 pm on March 8, 2016 in ORANGE CITY, IA 51041.

March 5, 2016 , 9:26 am	Available for Pickup	ORANGE CITY, IA 51041
March 5, 2016 , 1:19 am	Departed USPS Origin Facility	SIOUX FALLS, SD 57104
March 4, 2016 , 11:06 am	Arrived at USPS Origin Facility	SIOUX FALLS, SD 57104
March 3, 2016 , 11:57 pm	Departed USPS Facility	HURON, SD 57399
March 3, 2016 , 10:19 pm	Arrived at USPS Origin Facility	HURON, SD 57399
March 3, 2016 , 2:00 pm	Acceptance	PIERRE, SD 57501

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City

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386-2
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: JOHN D TEPASKE, PO BOX 95, ORANGE CITY, IA 51041 0095

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) 386-2. 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) 386-2 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) 386-2 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: UIAFZT**

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.

386-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 4, 2020

386-2

John D Tepaske
PO Box 95
Orange City IA 51041-0095

Dear Mr. Tepaske:

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

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 386-2. 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