

1074-3

1. Considered 3-11, 1961
2. Name of Applicant George W. Kern
3. Post Office Address Omaha Nebraska
4. Amount of Water Claimed 3.0
5. Source of water supply Missouri River (H. Randall)
6. Water to be used for Irrigation
Acres to be irrigated 220

7. Water to be diverted and used in Chas. Mix County about
9.5W Miles of Lake Audus

8. Proof of Publication Received ~~1~~ 1
Not Received _____

9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

Check 361-3 first.



1074-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 30, 2006

Tom Varilek
29274 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

I am contacting you in regard to ownership of land described in Water Right Nos. 1074-3, 1508-3A, 2089-3, 2272-3 and 2566-3. The water rights are still listed in your dad's name and need to be updated to reflect current ownership.

In the event you no longer have the original forms sent to you in February and August of 2005, I am enclosing another set. Please review the forms and complete as needed. Upon completion, please return the forms to our program with a required filing fee of \$2.50 each (total of \$12.50).

It is important that the water rights reflect proper ownership. If you have sold the land and are no longer the contact person, please let me know.

Sincerely,

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

enclosures



1074-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 8, 2006

Tom Varilek
29274 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

I am writing to acknowledge receipt of the ownership changes and filing fees you submitted for transferring Water Right Nos. 1074-3, 1508-3A, 2089-3, 2272-3 and 2566-3. The transfers have been completed for all except No. 1074-3. The water rights, formerly held by Elvern Varilek are now listed in your name.

With regard to Water Right No. 1074-3, since you and Michael each own a portion of the land; the water right will be divided and reissued to reflect separate ownership. The reissued licenses will be sent to you as soon as they are completed.

Enclosed are Receipt Nos. 02537, 02538, 02539 and 02540 in the amounts of \$2.50 each. The receipts are for the filing fees you paid for the ownership changes.

If you have any questions, please contact me.

Sincerely,

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

enclosures

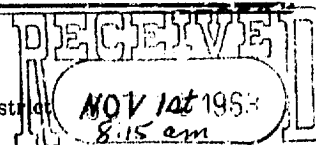
WATER RIGHT NO. 1074-3

(DIVISION OF WATER LICENSE NO. 1074-3 INTO 1074A-3 & 1074B-3)

The original license authorized irrigation of 230 acres in portions of the SW $\frac{1}{4}$ Section 30 and N $\frac{1}{2}$ Section 31, T96N, R66W.

Due to ownership changes, the water right was divided and reissued to reflect separate ownership.

- **No. 1074A-3 – Michael Varilek, 29208 374th Ave, Geddes SD 57342:** authorizing diversion of 2.22 cfs from the Missouri River to irrigate 170 acres in the SW $\frac{1}{4}$ Section 30 and N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T96N, R66W;
- **No. 1074B-3 – Tom Varilek, 29274 374th Ave, Geddes SD 57342:** authorizing diversion of 0.78 cfs from the Missouri River to irrigate 60 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T96N, R66W.

No. 1074-3Water Division No. 3 Missouri River District
(Blanks to be filled by the Engineer for the W. R. C.)**APPLICATION FOR PERMIT**STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**To Appropriate Water within the State of South Dakota**

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

1. Name of applicant George W. Kern- Elvern Varilek
Geddes
 Postoffice address 529 N. 25th St. Omaha, Nebraska, County Douglas, State Nebraska-SD 57342

I. If a corporation

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

REMARKS

Maps have been hereto filed with Commission.

(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)
 (Tenant: Lee R. Scott, Geddes, S. Dak.)
 (Leased) Tenant owns equipment, and already has water right of his own.
 (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work G. Kern No. 1
 3. Amount of water claimed three cubic feet per second
 4. Source of water supply Missouri River
 5. Location of point of diversion (2 tracts) Tract 1 - SW 1/4 30, and NW 1/4 31, all 96-66;
with diversion point approximately along North edge of field on SW 1/4 30; Tract 2
NE 1/4 31, 96-66. on North bank River, Chas. Mix County.
 6. Annual period or periods during which water is to be used March through November.

7. To be used for:

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

- (a) Number of acres to be irrigated 220 acres.

(b) Legal subdivisions to be irrigated SW 1/4 30, NW 1/4 31, NE 1/4 31, 96-66.
 (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, fish culture, fire protection and public recreation:

- (a) Nature of use none
 Name any of the above uses claimed

- (b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

- (c) Location of plant _____

- (d) Method of developing power _____

- (e) Point where water will be returned to stream _____

Map No 270-3

8. Estimated cost of work:
- (a) Head Gates, \$-----
- (b) Pumping plant, \$2500.00
- (c) Fluming, \$----- (d) Canal-earth, \$-----
- (e) Other structures pipe 2000 feet \$280.00
- Rock, \$-----
- Total, \$5000.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pump directly from Missouri River

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 at back face-----material used in construction-----
- (b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

EXPLANATORY REMARKS BY APPLICANT

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY
	TRACTS 1 and 2, as aforesaid:		
	TRACT No. 1. Diversion point: Water to enter premises from tenant's premises, Lee T. Scott who owns SE 25-96-67. Pipe line to be set in route Twp. road and enter on to applicant's premises at corner NW 34 3-96-66.		
	TRACT NO. 2. Diversion point: water to be taken in deep draw, along North fence line at NW 31-96-66, and enter applicants premises along North fence line at Northwest corner of NE 31-96-66. (This land belongs to U.S.A. under control of South Dakota, Fish, Game & Parks)		

NOTE
Diversion points

- (c)* Head gate: Width-----feet; height-----feet; Material-----
- (d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	feet	feet	feet	feet
At-----Mile	feet	feet	feet	feet
At-----Mile	feet	feet	feet	feet
At-----Mile	feet	feet	feet	feet
At-----Mile	feet	feet	feet	feet
At-----Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work (note)-----years. Tenant now has equipment.

11. Time required for complete application of water to the proposed beneficial use ready 1 years.

12. Choice of newspaper for publication of notice of intention to appropriate Lake Andes Wave, Lake Andes, S. Dak.

STATE OF SOUTH DAKOTA } ss.
County of Charles Mix }

I, George W. Kern, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed George W. Kern

Subscribed and sworn to before me this 28th day of October, 1963

Notary Public (or other qualified officer)

Mount has equipment on land, and in order to use the same, the following
Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, March 13, 1964

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock
9 a.m. upon the 1st day of November, 1963

State Water Resources Commission

By:

for Sturton Jones
Chief Engineer, Executive Officer

Number of permit 1074.3

Date of first receipt of application November 1, 1963

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right November 1, 1963

Approved March 11, 1964, Recorded in Book 8 Page 165

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we 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 _____

September 11, 1964

2nd. The whole of said work is to be completed on or before March 11, 1965

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

March 11, 1965

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 3.00 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 March 11, 1965; said water to be used during the following described annual period:

March thru November

Witness my hand this 13th day of March, 1964

State Water Resources Commission

By:

J. O. C. C. C.
Chief Engineer, Executive Officer

Certificate of Construction issued July 5, 1966

Water License issued July 5, 1966

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1074-3

WHEREAS, On the 1st day of November 63
George W. Kern

of Omaha County of Douglas and State of
Nebraska duly made application (No. 1074-3) to us for a permit to use 3.0
cubic feet per second of the waters of the Missouri River
County of Charles Mix, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 13th day of March 64
Permit No. 1074-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 11th
March A. D. 1965 and for the application to beneficial use of said
water on or before the 11th day of March 65
and,

WHEREAS, On the 14th day of June 66
the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.0
cubic feet per second of said waters, as evidenced by our Certificate No. 1074-3
dated July 5, 1966 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 3.0 cubic feet per second of water, with date of
priority of November 1, 1963 and,

WHEREAS, On the 14th day of June 66
proof was duly made of the application to beneficial use of 3.0 cubic feet per second of said water:
for irrigating 230 acres in portions of Sections 30 and 31, T96N, R66W

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 **George W. Kern**

of **Omaha, Nebraska** the holder and owner of said permit No. **1074-3**

a water right, dating from **November 1, 1963** to the use of **3.0**

cubic feet per second of the waters of **the Missouri River**

in the County of **Charles Mix** and State of South Dakota, or so much thereof as may be

necessray for the purposes hereinbelow mentioned, to be diverted ~~at~~ **between points S52° 45'W, 2371 feet and N 42° 15'W, 3440' from the E $\frac{1}{4}$ corner, Section 25, T96N, R67W**

and conducted to and upon **portions of Sections 30 and 31, T96N, R66W, 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 **5th** day of **July** A. D. Nineteen
Sixty-Six
Hundred and

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

Permit No. 1074-3Water Division No. 3 Missouri River
Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That George W. Kern

of Omaha, County of Douglas, and State of Nebraska, the holder of Permit No. 1074-3, issued upon Application No. 1074-3, bearing date of priority of November 1, 1963, authorizing the diversion of 3.0 cu. ft. per second of the waters of the Missouri River

County of Charles Mix, State of South Dakota, ~~xx~~ between points S 52° 45' W 2371 feet, and N 42° 15' W, 3440 feet from the E $\frac{1}{4}$ corner, Section 25, T96N, R67W, (concurrent with Lee Scott #1, Water Right #227-3) for 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 in satisfactory condition for diverting and conveying to the place of intended use 3.0 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 T96N, R66W

Section 30, SW $\frac{1}{4}$ 160 acres

Section 31, N $\frac{1}{2}$ N $\frac{1}{2}$, NW $\frac{1}{2}$ NW $\frac{1}{2}$ 10 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres

E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres

230 acres

Witness my hand this 5th day of July A. D. 1966

State Water Resources Commission

By: J. W. CRIMES
Chief Engineer, Executive Officer

on or before
(First Publication February 12, 1964)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 31, 1964

Notice is hereby given that George W. Kern whose postoffice address is Omaha, Nebraska ~~XXXXX~~, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.0 cubic feet of water per second of time from the Missouri River through the O. Kern #1, the point of diversion of which is to be located on the north bank of said stream/ in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31 portions of Twp. 96N Range 66W. Said water to be used for the purpose of providing irrigation on the following described land:
SW $\frac{1}{4}$ Section 30, N $\frac{1}{2}$ Section 31, T96N, R66W

~~XXXXXX~~ ~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 11th day of March, 1964, at 2 P. M. All interested persons may appear and be heard.

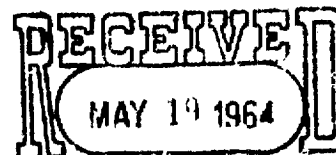
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

CC: A. P. Breen, Publisher
Lake Andes Wave
Lake Andes, S. Dak.

BURTON F. JONES
Water Right Specialist

Permit No. 1074-3Water Division No. 3 Missouri River Water DistrictSTATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA**NOTICE OF COMPLETION OF WORKS**

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) 529 N. 75th. St., Omaha, Nebr.(Date) April 20, 1964

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____
_____ 3.0 _____ cu. ft. per second of the waters of the state from River
through the _____
for Irrigation _____ purposes
_____ in accordance with the terms and con-
ditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is _____

George W. Kern

2. The postoffice address of such person or the place of business of such corporation is 529 N. 75th. St.,
Omaha,
County of Douglas State of Nebraska

3. The number of such permit is 1074-3 and the date set for the completion of such work is

March 11, 1965

4. Said water to be used for Irrigation _____ purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of
water which said works are capable of conducting to the place of intended use, in accordance with the plans ac-
companying the application for such permit, is 3.0 _____ cubic feet per second.

6. The amount of land for which said water is available is 230 _____ acres,

particularly described as follows: Tract No. 1: SW $\frac{1}{4}$ 30, and N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ 31, Twp. 96, r. 66;
and Tract No. 2 NE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ 31-96-66. PRESENT ARRANGEMENT: Lee R. Scott,
of Geddes, South Dakota, who holds his own water rights, is irrigating tract no. 1,
from his lands to adjacent property of applicant herein. Tract No. 2 will not be ready
for irrigation until next farm season. Scott owns all equipment, and same has been
approved. It is anticipated that he will be farming as a tenant for a number of years.
Applicant herein has no equipment to buy for an indefinite period of time.
I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

George W. Kern

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
19____, I have this day made a thorough examination of the diversion works constructed by _____
GEORGE W. KERN, of OMAHA, NEBRASKA
_____, County of South Dakota, holder of Permit No. 1074-3, issued
upon Application No. 1074-3, bearing date of priority of NOVEMBER 1, 1963, authorizing the
diversion of 3.0 cu. ft. per second of the waters of MISSOURI RIVER for IRRIGATION
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 8" BERKELY PUMP, MODEL B6JRM,
POWERED WITH 281 INTERNATIONAL INDUSTRIAL
MOTOR RATED @ 42 H.P. 1/2 MILE OF 10" & 1000'
OF 8" GATED PIPE W/ 40" GATES.

and the system is in the following condition: EXCELLENT

The point of diversion is located CONCURRENT WITH LEE SCOTT
#1 DIVERSION UNDER PERMIT 227-3

The works are capable of diverting and conveying to the place of use 3.0 cu. ft. per second of water,
which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are: _____

_____ comprising a total of 220 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial use, comprises: _____

Witness my hand, this 14TH day of _____

JUNE

A. D. 1966

—SEAL—

Examining

OFFICER.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Charles Mix } ss.

E. Brown & Palmer being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

Lake Andes Wave, a newspaper which during the whole itme of publication of said notice herein after stated has been and is printed and published in the

City of Lake Andes County of Charles Mix and State of South Dakota;

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

Feb. 6, 1964

Feb 13, 1964

Feb 20, 1964

Feb 27, 1964

in each and every issue of the full number thereof, the first publication being made on the 6th day of February 1964 and the last publication on the 27th day of

February 1964, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was owner & publisher the printer and publisher of the said newspaper.

E. Brown & Palmer

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., January 31, 1964.

Notice is hereby given that George W. Kern whose post-office address is Omaha, Nebraska, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.0 cubic feet of water per second of time from the Missouri River through the G. Kern No. 1, the point of diversion of which is to be located on the north bank of said stream between a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and a point in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, Twp. 96N, Range 66W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW $\frac{1}{4}$ Section 30, N $\frac{1}{2}$ Section 31, T96N, R66W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 11th day of March, 1964, at 2 p.m. All interested persons may appear and be heard.

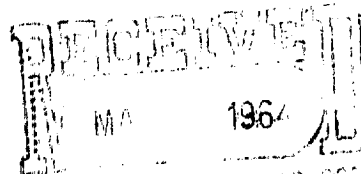
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
Commission

By: BURTON F. JONES
Water Right Specialist

Feb. 6-13-20-27

Subscribed and sworn to before me this 4th day of March A. D. 1964



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAK.

Notary Public Charles Mix County, S. D.

DEPARTMENT OF THE ARMY
EASEMENT FOR RIGHT OF WAY
(PIPELINE)

1074-3

ON FORT RANDALL DAM AND LAKE FRANCES CASE PROJECT, SOUTH DAKOTA

No. DA-25-666-GIVEN-67-382

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in him by Title 10, United States Code, Section 2669, hereby grants to

GEORGE W. KIERN of Omaha, Nebraska

hereinafter designated as the grantee, for a period ~~terminating~~ coextensive with the ~~xxxxxx years from the date hereof, commencing from the date hereof, for a period of~~ terms of the water right from the date hereof, an easement for a right of way for the installation, maintenance and operation of two (2) irrigation pipelines and pumping units

over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A" entitled "Fort Randall Reservoir Segment "B" dated 10-16-4 attached hereto and made a part hereof, and described as follows:

Parcel No. 1 - A strip of land 33 feet wide being 16.5 feet on each side of a centerline beginning 11.0 feet south of the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 96 North, Range 66 West, thence west to the inundated portion of Fort Randall Reservoir, a distance of 1,155 feet, more or less.

Parcel No. 2 - A strip of land 33 feet wide being 16.5 feet on each side of a centerline beginning at a point 8.0 feet east of the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 96 North, Range 66 West; thence south to the inundated portion of Fort Randall Reservoir, a distance of 330 feet, more or less. Both parcels being West of the 5th Principal Meridian, Charles Mix County, South Dakota.

The above described lands contain 1.125 acres, more or less.

THIS EASEMENT is granted subject to the following conditions:

1. The grantee shall pay to the United States compensation in the amount of One Hundred Twenty-five and No/100 Dollars (\$125.00)

, payable in advance. Compensation shall be made payable to the Treasurer of the United States and forwarded by the grantee to the District Engineer, U.S. Army Engineer District, Omaha, 6012 U. S. Post Office and Courthouse, 215 North 17th Street, Omaha, Nebraska 68102

2. The installation and/or operation and maintenance of said line shall be accomplished without cost or expense to the United States under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter designated as "said officer", and in such manner as not to endanger personnel or property of the United States on the said United States land or obstruct travel on any road thereon. The grantee shall have the right of ingress and egress for such purposes.

3. The use and occupation of said land incident to the exercise of the privileges hereby granted shall be subject to such rules and regulations as the said officer may from time to time prescribe.

4. The grantee shall supervise the said line and cause it to be inspected at reasonable intervals, and shall immediately repair any leaks found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said line and the making of any repairs thereto, the premises shall be restored immediately by the grantee, at the grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of the said officer.

5. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises, shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.

6. The United States reserves to itself the right to construct, use, and maintain across, over, and/or under the right of way hereby granted, electric transmission, telephone, telegraph, water, gas, gasoline, oil and sewer lines, and other facilities, in such manner as not to create any unreasonable interference with the use of the right of way herein granted.

7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, or for injuries to the person of the grantee (if an individual), nor for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to government activities, and the grantee shall hold the United States harmless from any and all such claims.

8. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said line.

9. That the grantee shall furnish through said line such service as may be required from time to time for governmental purposes on said land, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.

10. In the event all or any portion of said land occupied by said line shall be needed by the United States, or in the event the existence of said line shall be considered detrimental to governmental activities, the grantee shall, from time to time, upon notice so to do, and as often as so notified, remove said line and related facilities to such other location or locations on said land as may be designated by said officer, and, in the event said line shall not be removed or relocated within ninety (90) days after any aforesaid notice, the United States may cause the same to be done at the expense of the grantee.

11. This easement may be terminated by the Secretary of the Army upon a reasonable notice to the grantee if the Secretary of the Army shall determine that the right of way hereby granted interferes with the use or disposal of said land or any part thereof by the United States, or it may be terminated by the Secretary of the Army for failure, neglect, or refusal by the grantee fully and promptly to comply with any and all of the conditions of this grant, or for nonuse, or for abandonment.

12. Upon the expiration or termination of this grant, the grantee shall, without expense to the United States, and within such time as the Secretary of the Army may indicate, remove the said line from said land and restore the premises hereby authorized to be used and occupied to a condition satisfactory to the said officer. In the event the grantee shall fail, neglect, or refuse to remove the said line and so restore the premises, the United States shall have the option either to take over the said line as the property of the United States, without compensation therefor, or to remove the said line and perform the restoration work as aforesaid at the expense of the grantee, and in no event shall the grantee have any claim for damages against the United States or its officers or agents, on account of the taking over of said line or on account of its removal.

13. The conditions of this instrument shall extend to and be binding upon and shall inure to the benefit of the heirs, representatives, successors, and assigns of the grantee.

14. That it is understood that this instrument is effective only insofar as the rights of the United States in the said property are concerned; and that the grantee shall obtain such permission as may be necessary on account of any other existing rights.

15. That this easement and right of way for a water pipeline and pumping units is granted for the exercise of established water rights. It is understood and agreed that no right to use water from the reservoir is created by this grant.

That Condition No. 15 was added prior to execution of this easement.

This easement is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF I have hereunto set my hand this 25th
day of November 1964, by direction of the Assistant
Secretary of the Army.

Sherry B. Myers
Sherry B. Myers
Staff Asst (Regl Property)
Mil Const and Recd
Property OASA (I&L)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7992

PIERRE, February 18, 1961

RECEIVED OF Elvern Varilek, Geddes, SD 57342
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 filing _____ transfer of WRA 1074-3	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

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 2-18-81

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

PORTIONS OF SECTION 30 & 31, T96N, R66W,
DESCRIBED IN PERMIT NO 1074-3

formerly owned by GEORGE KERN

has been transferred to ELVERN VARILEK, GEDDES, SD

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

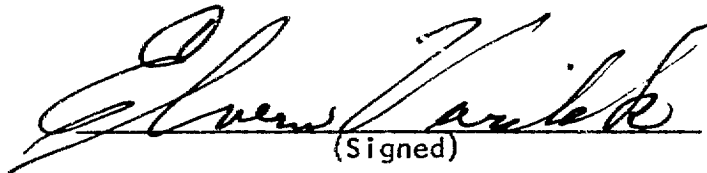
Water Right Permit No. 1074-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of HUGHES) ss.

I, ELVERN VARILEK 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.


(Signed)

Subscribed and sworn to before me this 18TH Day of FEBRUARY, 1981.

(Notary Public)

SOUTH DAKOTA Department of
Water & Natural Resources

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

April 15, 1985

Elvern & Margret Varilek
Geddes, SD 57342

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 2089-3, 4683-3, 2566-3, 2272-3, 1404-3, 1787-3, 201-3, 2090-3, 1074-3, 1508-3, & 1415-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2089-3, 4638-3, 2566-3, 2272-3, 1404-3, 1787-3, 201-3, 2090-3, 1074-3, 1508-3, & 1415-3 to require the Irrigation Water Use Questionnaire to be submitted each year;

2. Postpone any action;

3. Take no action.

The hearing(s) 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.

Sincerely,

John Hatch
John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Elvern & Margaret Varilek
Geddes, SD 57342

FROM: John Hatch, Chief Engineer
Water Rights Division

A handwritten signature in cursive script that reads "John Hatch".

SUBJECT: Amendment to Water Permit No(s). 2090-3, 1074-3, 1404-3, 2566-3,
2089-3, 2272-3, 201-3, 1787-3, 4638-3, 1508-3, 1415-3,

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2090-3, 1074-3, 1404-3, 2566-3, 2089-3, 2272-3, 201-3, 1787-3, 4638-3, 1508-3A, 1415-3A to add the following qualifications:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 2090-3, 1074-3, 1404-3, 2566-3, 2089-3 2272-3, 201-3, 1787-3, 4638-3, 1508-3, 1415-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2090-3, 1074-3, 1404-3, 2566-3, 20 2272-3, 201-3, 1787-3, 4638-3, 1508-3, 1415-3 to add to the following qualification:

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

South Dakota
Department of
Water & Natural Resources

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

March 23, 1987

ELVERN VARILEK
GEDDES, SD 57342

NOTICE

Re: Violation of Water Permit No(s). 1787-3, 1074-3, 2089-3, 2090-3, 1404-3, 1508-3A, 201-3, 4638-3, 2566-3, 2272-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1787-3, 1074-3, 2089-3, 2090-3, 1404-3, 1508-3A, 201-3, 4638-3, 2566-3, 2272-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1787-3, 1074-3, 2089-3, 2090-3, 1404-3, 1508-3A, 201-3, 4638-3, 2566-3, 2272-3 qualification:

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

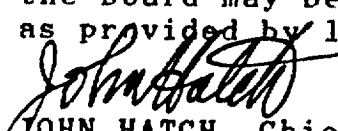
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 1787-3, 1074-3, 2089-3, 2090-3, 1404-3, 1508-3A, 201-3, 4638-3, 2566-3, 2272-3 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

May 4, 1987

201-3	1074-3
1404-3	1415-3A
1508-3A	1787-3
2089-3	2090-3
2272-3	2566-3
4638-3	

Elvern Varilek
Geddes, SD 57342

Dear Mr. Varilek:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. The questionnaires were completed with the information you supplied over the phone. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 201-3, 1074-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3, and 4638-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch".

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



Department of Water & Natural Resources

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

January 29, 1988

ELVERN VARILEK
GEDDES, SD 57342

NOTICE

Re: Violation of Water Permit No(s). 2089-3, 2090-3, 201-3, 1074-3, 1508-3A, 4638-3, 1404-3, 2272-3, 2566-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 2089-3, 2090-3, 201-3, 1074-3, 1508-3A, 4638-3, 1404-3, 2272-3, 2566-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2089-3, 2090-3, 201-3, 1074-3, 1508-3A, 4638-3, 1404-3, 2272-3, 2566-3 qualification:

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

The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 2089-3, 2090-3, 201-3, 1074-3, 1508-3A, 4638-3, 1404-3, 2272-3, 2566-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

March 9, 1988

201-3	1074-3
1415-3A	1404-3
1508-3A	1787-3
2272-3	2089-3
2090-3	2566-3
4638-3	

Elvern Varilek
Geddes SD 57342

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 201-3, 1074-3, 1415-3A, 1404-3, 1508-3A, 1787-3, 2272-3, 2089-3, 2090-3, 2566-3, 4638-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name was deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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



Department of Water & Natural Resources

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

February 9, 1990

ELVERN VARILEK
GEDDES, SD 57342

NOTICE

RE: Violation of Water Permit No(s). 4638-3, (1074-3), 2272-3, 2089-3, 2090-3, 2566-3, 201-3, 1404-3, 1508-3A

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 4638-3, 1074-3, 2272-3, 2089-3, 2090-3, 2566-3, 201-3, 1404-3, 1508-3A. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4638-3, 1074-3, 2272-3, 2089-3, 2090-3, 2566-3, 201-3, 1404-3, 1508-3A qualification:

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

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 4638-3, 1074-3, 2272-3, 2089-3, 2090-3, 2566-3, 201-3, 1404-3, 1508-3A until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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



Department of Water & Natural Resources

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

February 23, 1990

201-3 1074-3
1404-3 1415-3A
1254-3 1508-3A
1787-3 2089-3
2090-3 2272-3
2566-3 4638-3

Elvern Varilek
Geddes SD 57342

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for the permits listed above. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Bon Duvall /ks

RON DUVALL
Natural Resources Engineer
Water Rights Division

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

ELVERN VARILEK
GEDDES SD 57342

NOTICE

RE: Violation of Water Permit No(s) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, 4638-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, 4638-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, 4638-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

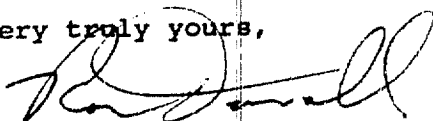
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, 4638-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 21, 1991

Elvern Varilek
Geddes, SD 57342

RE: Irrigation Questionnaires for Water Permit Nos. 201-3,
1074-3, 1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3,
2090-3, 2272-3, 2566-3, and 4638-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for the above listed Water Permits. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



ELVERN VARILEK
GEDDES SD 57342

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

RE: Violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, 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 SDCL 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) 201-3, 1074-3, 1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 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 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1992

Elvern Varilek
Geddes, SD 57342

RE: Irrigation Questionnaires for Permit Nos. 201-3, 1074-3,
1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3, 2090-3,
2272-3, 2566-3, and 4638-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for the above Water Permits or Rights. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were completed in the office prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



1074-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: ELVERN VARILEK
GEDDES SD 57342

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

RE: Violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3,
1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 qualification:

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

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 case hearings pursuant to SDCL 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) 201-3, 1074-3, 1254-3, 1404-3, 1508-3, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 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. 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, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 1993

Elvern & Margaret Varilek
Geddes, SD 57342

RE: Irrigation Questionnaires for Water Permit Nos. 201-3,
1074-3, 1254-3, 1404-3, 1415-3A, 1508-3, 1787-3, 2089-3,
2090-3, 2272-3, 2566-3, 4638-3

Dear Mr. & Mrs. Varilek:

I am writing to acknowledge receipt your 1992 irrigation questionnaires. The questionnaires were completed for you following our telephone conversation on March 2, 1993. You may disregard the January 29, 1993, **Notice of Violation of Water Permits.**

The questionnaires were 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



1074-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 1994

ELVERN VARILEK
GEDDES SD 57342

NOTICE

RE: Violation of Water Permit No(s) 1415-3, 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, & 4638-3 and 1993 Irrigation
Requirements Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1415-3, 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, & 4638-3. The request for the Questionnaires was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1415-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, & 4638-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, 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 SDCL 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) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, & 4638-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1415-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

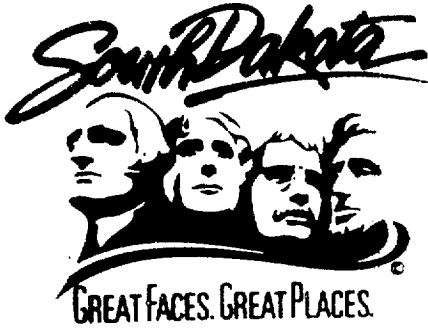
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaires are received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

1074-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1994

Elvern Varilek
Geddes, SD 57342

RE: 1993 Irrigation Questionnaires for Water Permit/Right Nos. 201-3, 1074-3, 1254-3,
1404-3, 1415-3, 1415-3A (Margaret's), 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3,
2566-3 & 4638-3

Dear Mr. Varilek:

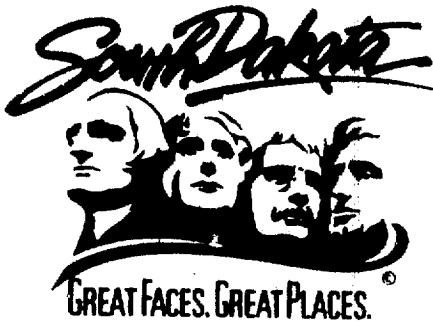
I am writing to acknowledge receipt of your 1993 irrigation questionnaires. The questionnaires were completed for you following our March 4th telephone conversation. You may disregard the February 16, 1994, **Notice of Violation of Water Permits**.

The questionnaires were completed and on file 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 Division
(605) 773-3352



1074-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

ELVERN VARILEK
BOX 167
GEDDES SD 57342

NOTICE

RE: Violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 SDCL 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) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 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 on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

1074-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 1995

Elvern Varilek
Box 167
Geddes, SD 57342

RE: Water Permit/Right Nos. 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3,
2090-3, 2272-3, 2566-3 & 4638-3

Dear Elvern:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. The questionnaires were completed for you following our February 28th telephone conversation. You may disregard the February 7, 1995, **Notice of Violation of Water Permits.**

The questionnaires were 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 Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: ELVERN VARILEK, BOX 167, GEDDES, SD 57342

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

SUBJECT: Violation of Water Permit No(s). 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 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. 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) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 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 on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.



1074-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1997

Elvern Varilek
Box 167
Geddes, SD 57342

Dear Elvern:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of Water Permit Nos. 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 and 4638-3.

I completed questionnaires for you based on our February 7th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



1074-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: ELVERN VARILEK, BOX 167, GEDDES, SD 57342

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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. 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:

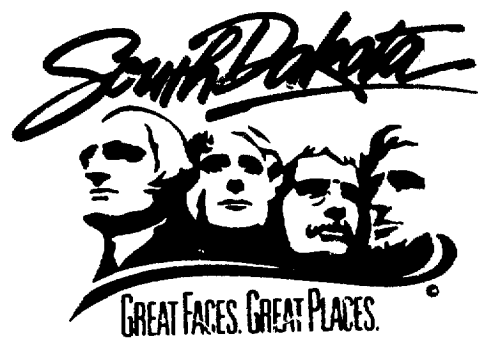
1. Suspend or cancel Permit No(s) 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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 on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.

1074-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2000

Elvern Varilek
Box 167
Geddes, SD 57342

RE: Water Right/Permit Nos. 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3,
2090-3, 2272-3, 2566-3 & 4638-3

Dear Elvern:

Thank you for calling in about your 1999 irrigation questionnaires. I completed forms for you based on the message you left indicating you did not irrigate in 1999.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right/Permit Nos. 201-3, 1074-3, 1254-3, 1404-3, 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3, 2566-3 & 4638-3. 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



1074-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: MICK VARILEK, OPERATOR, 29208 374TH AVE, GEDDES, SD 57342
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 201-3, 1074-3, 1404-3, 2090-3, 2272-3 & 4638-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 201-3, 1074-3, 1404-3, 2090-3, 2272-3 & 4638-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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. 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) 201-3, 1074-3, 1404-3, 2090-3, 2272-3 & 4638-3 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 on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: Elvern Varilek, Box 27, Geddes, SD 57342

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 2002

Mick Varilek
29208 374th Ave
Geddes, SD 57342

RE: Water Right or Permit Nos. 201-3, 1074-3, 1404-3, 2090-3 & 4638-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right or Permit Nos. 201-3, 1074-3, 1404-3, 2090-3 & 4638-3.

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



August 5, 2005

1074-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Tom Varilek
29274 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

I am writing in regard to ownership of land described in the water permits and rights listed in your dad's name. In February 2005, I mailed copies of all of them to you and included transfer of ownership forms for completion. To date, we have not received the forms back from you.

In the event you need them, I am enclosing an additional set of forms for you and Mick to file ownership changes. Please review the forms, make any necessary changes and complete as needed. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each. The check or money order for the fees can be made payable to the Water Rights Program.

It is important that ownership records be kept current. While this is not a pressing issue, I am writing to find out if you have questions or concerns prior to filing the ownership changes.

Two of the water permits remain unlicensed. As soon as the ownership changes have been filed, we would like to work with whoever owns the land described in those permits to bring them up-to-date.

If you have any questions, please contact us.

Sincerely,

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

enclosures



1074-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 30, 2006

Tom Varilek
29274 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

I am contacting you in regard to ownership of land described in Water Right Nos. 1074-3, 1508-3A, 2089-3, 2272-3 and 2566-3. The water rights are still listed in your dad's name and need to be updated to reflect current ownership.

In the event you no longer have the original forms sent to you in February and August of 2005, I am enclosing another set. Please review the forms and complete as needed. Upon completion, please return the forms to our program with a required filing fee of \$2.50 each (total of \$12.50).

It is important that the water rights reflect proper ownership. If you have sold the land and are no longer the contact person, please let me know.

Sincerely,

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

enclosures



1074-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 8, 2006

Tom Varilek
29274 374th Ave
Geddes SD 57342

Dear Mr. Varilek:

I am writing to acknowledge receipt of the ownership changes and filing fees you submitted for transferring Water Right Nos. 1074-3, 1508-3A, 2089-3, 2272-3 and 2566-3. The transfers have been completed for all except No. 1074-3. The water rights, formerly held by Elvern Varilek are now listed in your name.

With regard to Water Right No. 1074-3, since you and Michael each own a portion of the land; the water right will be divided and reissued to reflect separate ownership. The reissued licenses will be sent to you as soon as they are completed.

Enclosed are Receipt Nos. 02537, 02538, 02539 and 02540 in the amounts of \$2.50 each. The receipts are for the filing fees you paid for the ownership changes.

If you have any questions, please contact me.

Sincerely,

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

enclosures

WATER RIGHT NO. 1074-3

(DIVISION OF WATER LICENSE NO. 1074-3 INTO 1074A-3 & 1074B-3)

The original license authorized irrigation of 230 acres in portions of the SW $\frac{1}{4}$ Section 30 and N $\frac{1}{2}$ Section 31, T96N, R66W.

Due to ownership changes, the water right was divided and reissued to reflect separate ownership.

- **No. 1074A-3 – Michael Varilek, 29208 374th Ave, Geddes SD 57342:** authorizing diversion of 2.22 cfs from the Missouri River to irrigate 170 acres in the SW $\frac{1}{4}$ Section 30 and N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T96N, R66W;
- **No. 1074B-3 – Tom Varilek, 29274 374th Ave, Geddes SD 57342:** authorizing diversion of 0.78 cfs from the Missouri River to irrigate 60 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, T96N, R66W.