

1. Considered May 17, 1967
2. Name of Applicant Dale E. Spates
3. Post Office Address Lake Ardes
4. Amount of water claimed 3.34
5. Source of water supply Ground
6. Water to be used for irrigation
- Acres to be irrigated 234
7. Water to diverted and used in Chas. Mix County
about 1/20 miles of Lake Ardes
8. Proof of Publication Received May 17
Not Received Yes
9. Application Approved X
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

*Shanklin well
Clause*

No. 1392-3Water Division No. 3Missouri River District

(Blanks to be Filled by the Engineer for the W. R. C.)

APR 10 1967

8:00 am

STATE WATER RESOURCES COMMISSION
SOUTH DAKOTAAPPLICATION FOR PERMIT
To appropriate Water within the State of South Dakota

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

1. Name of applicant Dave F. Stroos, D. M. D.
Postoffice address Lake Andes, County Charles Mix, State S. Dak.

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 _____

(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)

Contract

- (b) Cash on hand, \$ Adelphi etc.
- (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____
- (e) Other resources, \$ _____

2. Name of diversion work Dave F. Stroos3. Amount of water claimed Maximum 3.34 cubic feet per second4. Source of water supply 660' 115. Location of point of diversion NE 1/4 of NW 1/4 of Sec. 5660' S of 660' W of NE corner, S. on bank County.6. Annual period or periods during which water is to be used Growing Season

7. To be used for:

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

(a) Number of acres to be irrigated 234 acres. 7900, 12500(b) Legal subdivisions to be irrigated NE 1/4, Sec. 5, T. 131 N. R. 14, S. 5

(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.) Domestic

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use _____

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 1002-3

8. Estimated cost of work:

(a) Head Gates, \$-----

(c) Fluming, \$-----

(e) Other structures, \$-----

(d) Canal-earth, \$-----

(b) Pumping plant, \$ 2500.00Rock, \$ 500.00Total, \$ 3000.00

9. Description of diversion works:

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

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.

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

(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 ----- years.

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

12. Choice of newspaper for publication of notice of intention to appropriate -----

Lake Andes News, Lake Andes, S.Dak

STATE OF SOUTH DAKOTA

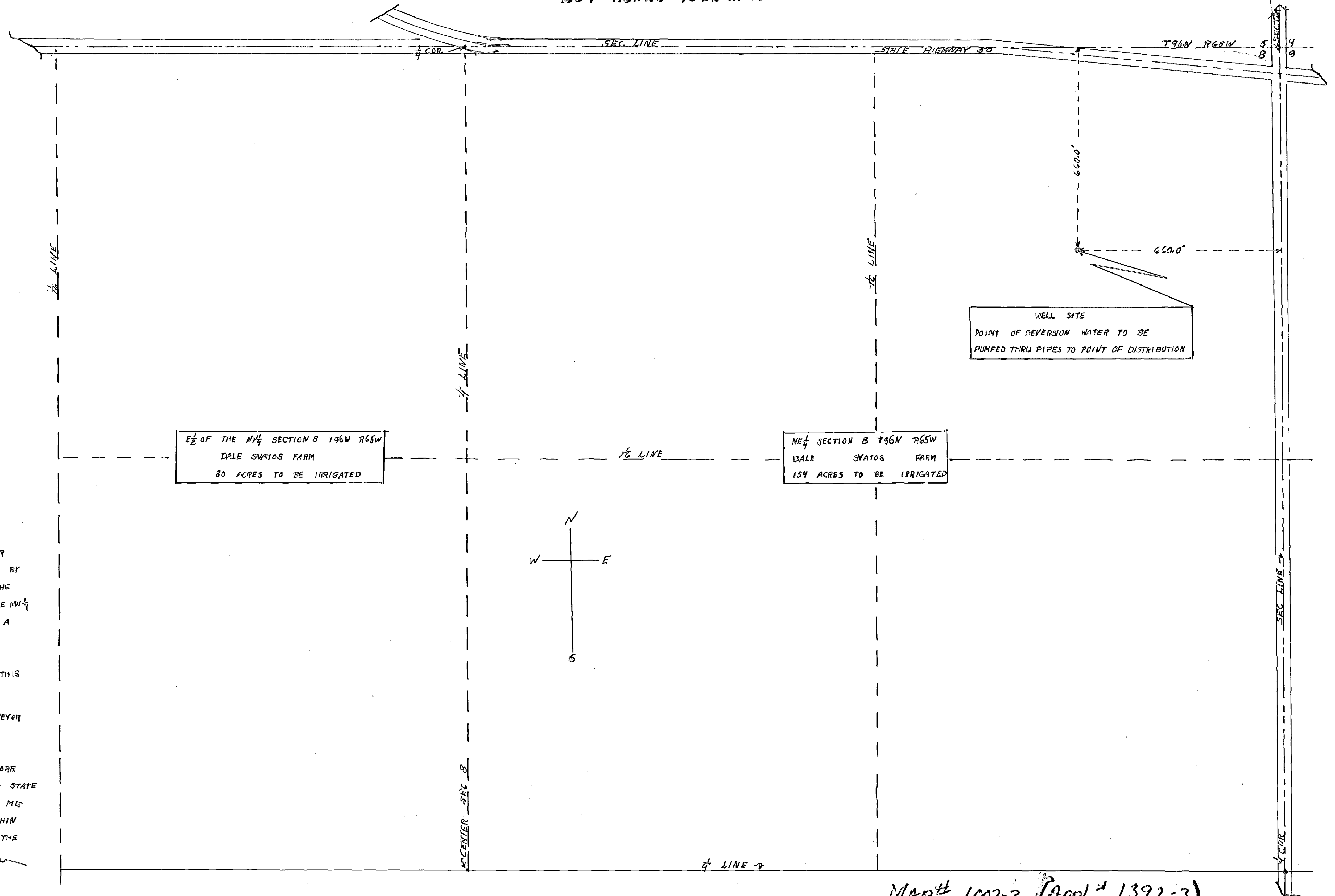
County of Charles Mix

I, Dale E. Swartz, 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 -----

Signed Dale E. SwartzSubscribed and sworn to before me this 23day of March19 62

Notary Public (or other qualified officer.)

PLAT OF
SPRINKLER AND GRAVITY SYSTEM
DALE SVATOS FARM
NE $\frac{1}{4}$ AND THE E $\frac{1}{2}$ OF THE NW $\frac{1}{4}$ SEC 8
T96N R65W OF THE 5th PM
234 ACRES TO BE IRRIGATED



I, RAY C. GILL, A DULY REGISTERED LAND SURVEYOR
DO HEREBY CERTIFY THAT I HAVE PLATTED FROM NOTES TAKEN BY
ME ON MARCH 24 1967 FOR THE PURPOSE OF IRRIGATION ON THE
DALE SYVOS FARM, LOCATED IN THE NE $\frac{1}{4}$ AND THE E $\frac{1}{2}$ OF THE NW $\frac{1}{4}$
SECTION 8 T9N R6W OF THE 5th P.M. THE SAME TO BE A
COMBINATION GRAVITY AND SPRINKLER SYSTEM. CONDITIONS ARE AS
SHOWN ON PLAT.

IN WITNESS WHEREOF I SET MY HAND AND SEAL THIS
23RD DAY OF MARCH 1967

Ray & Gill
REGISTERED LAND SURVEYOR

STATE OF SOUTH DAKOTA)
 JSS
COUNTY OF CHARLES MIX)
ON THIS 29TH DAY OF MARCH 1967 BEFORE
ME THE UNDERSIGNED OFFICER WITHIN AND FOR THE COUNTY AND STATE
AFORESAID NAMED, PERSONALLY APPEARED RAY C. GILL KNOWN TO ME
TO BE THE PERSON DESCRIBED IN WHO EXECUTED THE WITHIN
INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE
SAME

R. J. Deemer

AT COMMISSION EXPIRES *Apr 5-1967*

NOTARY PUBLIC

MAP# 1002-3 (Appl # 1392-3)

Remarks by State Water Resources Commission:

The well granted under this Permit is located near domestic wells and other wells which may obtain water from the same aquifer. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, or the capacity of the well or periods of operation or other arrangements will be required to protect these water supplies.

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, May 25, 1967

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
A.m. upon the 10th day of April, 1967

State Water Resources Commission

By: Richard D. Schuyler
For Chief Engineer, Executive Officer

Number of permit 1392-3

Date of first receipt of application April 10, 1967

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 April 10, 1967

Approved May 17, 1967, Recorded in Book 7 Page 284

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 November 17, 1967

2nd. The whole of said work is to be completed on or before May 17, 1972

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is May 17, 1975

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 3.34 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 May 17, 1975; said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 25th day of May, 1967

State Water Resources Commission

By: J.W. of Line
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 17, 1968 } to be checked

Water License Issued SEPTEMBER 17, 1968 } again - license

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 3 1/2", Depth 140'Type of casing 5 1/2" x 1"
(wood, concrete, steel, etc.)Size of casing 1 1/2", Thickness of casing 1/8" gaugeLength of casing 140' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen 1/8" x 1" slotSize of perforated screen 1 1/2" (diameter), 40' (length)Thickness of gravel pack 7", length of gravel pack 40'

(c) Water Bearing Materials

Distance to water 85' Character of water bearing materialsSand & GravelThickness of water bearing material 55 ft.

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)Name of pump Western Land Pumps, size 8"Kind of motor Propane
(gasoline, electric, diesel, etc.)Horsepower 100, Name of Motor Chrysler Industrial

(e) Complete well

Capacity 1500 gal at drawdown of 12 ft. Estimated cost \$2000(f) Owner of land upon which well is located Dale E. StratosAddress Home Apts, S.D.

(g) Distance to nearest existing wells

On same owner's property 50 rods. On property owned by others 140 rods

AFFIDAVIT OF PUBLICATION

State of South Dakota
County of Charles Mix

55

Richard D. Schmoeyer Being first duly sworn, says that the Lake Andes Wave is a legal, weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has a bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Lake Andes, Charles Mix County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Lake Andes, South Dakota, and that deponent is publisher in charge of the advertising department of said newspaper; that the advertisement

headed *Appropriation of*
Water

a printed copy of which is hereto attached, was printed and published in said newspaper for successive weeks, upon the following dates:

April 19 19*67* 19.....
April 26 19*67* 19.....
May 3 19*67* 19.....
May 10 19*67* 19.....

That the full amount of the fee charged for the publication of said notice, \$*1.45*, inures to the benefit of the publication of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Richard D. Schmoeyer

Subscribed and sworn to before me
this *22* day of *May*, 19*67*
James A. Schmoeyer

Notary Public, South Dakota

My Commission expires *June 22*, 19*72*

APPROPRIATION OF WATER

Office of State Water Resources
Commission, Pierre, S. Dak., April
11, 1967.

Notice is hereby given that Dale E. Svatos, whose postoffice address is Lake Andes, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.34 cubic feet of water per second of time from ground water through the Dale Svatos #1, the point of diversion of which is to be located in the center of the NE¼ of Section 8, Twp. 96N, Range 65W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE ¼, E¼ NW¼, Section 8,
T96N, R65W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for

consideration upon the 17th day of May, 1967, 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:

RICHARD D. SCHMOYER
Water Right Specialist
Apr. 19, 26, May 3, 10

On or before April 20
(First Publication _____, 1967.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 11 _____, 1967

Notice is hereby given that Dale E. Svatos _____ whose postoffice address is Lake Andes _____ S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.34 cubic feet of water per second of time from the ~~xxx~~ ground water _____ through the Dale Svatos #1 _____, the point of diversion of which is to be located ~~xxxxxx~~ _____ in the center ~~xxx~~ of the NE _____ of Section 8 _____ Twp. 96N Range 65W. Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 8, T96N, R65W.

~~xxxxxx~~ _____ ~~xxxxxx~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May _____, 1967, 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:

~~(Signature of Richard D. Schroyer)~~

RICHARD D. SCHROYER
Water Right Specialist

CC: Ervin E. Palmer, Publisher
Lake Andes Wave
Lake Andes, S.D.

Permit No. 1392-3
MISSOURI
 Water Division No. 3 RIVER Water District

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~~

I have this day made a thorough examination of the diversion works constructed by DALE SVATOS, of LAKE ANDES
CHARLES MIX County, South Dakota, holder of Permit No. 1392-3, issued upon Application No. 1392-3, bearing date of priority of APRIL 10, 1967, authorizing the diversion of 3.34 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 137' WELL w/ WESTERN LAND PUMP 8" - 75HP
PUMP, POWERED BY U.S. ELECTRIC 40 H.P. MOTOR. 3510' OF
6" MAINLINE - 2-1280' 4" TOW LINES w/ RAINBIRD 30WS
SPRINKLER HEADS (3/16 & 1/4") @ 40' SPACINGS.

and the system is in the following condition: EXCELLENT

The point of diversion is located 660' S & 660' W OF NE CORNER,
SECTION 8, T96N, R65W

The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water, which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are: NE 1/4 & E 1/4 NW 1/4, SEC 8, T96N, R65W

comprising a total of 234 acres of land.

The domestic use intended comprises

The utilization for power, mining, or other beneficial uses comprises:

* 1200 FEE HAS
 BEEN PAID
 SEE RECEIPT

--SEAL--

AFTER THE INSPECTION WAS MADE MR. SVATOS
 NOTIFIED US THE WELL WAS GOING BAD BECAUSING
 WAS HELD UP. MR. SVATOS GOT CANCER, AND A
 NEW WELL WAS NOT DRILLED. HE CONTINUED TO
 USE THE OLD WELL. ON HIS DEATH, HIS SON DAN
 SVATOS DRILLED A NEW WELL - REPLACEMENT. WE
 SHOULD CHECK THIS BEFORE LICENSING

12TH

SEPTEMBER

1968

James J. Austin

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

RECEIPT

WATER RESOURCES COMMISSION

State of South Dakota

No 4 886

September 17, 1968

PIERRE,

RECEIVED OF George Svatos and Son

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. } 1392-3	12.00	
Fee for inspecting Beneficial Use, and issuing Water License No. } 1392-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	12.00	

WATER RESOURCES COMMISSION

By

J. W. Grimes
Chief Engineer, Executive Officer
J. W. GRIMES bw

NO. 1392-3

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:

234 acres NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 8, T96N, R65W

_____ formerly owned by Dale E Svatos, Lake Andes

_____ has been transferred to Dan D Svatos, RR #1, Lake Andes, SD 57356

_____ together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 1392-3 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 the Board of Water Management 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, _____ 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.

Dan D Svatos
(Signed)

Subscribed and sworn to before me this 11th Day of August, 1980

Fred Westlund
(Notary Public)
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7633

PIERRE, Aug. 11 1980

RECEIVED OF Dan D. Svatos, Rural Rt. 1, Lake Andes, SD 57256

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

Fee for certified copy of

Fee for Print copy of map

Fee for Certifying

Fee for transfer of WR# 1302-3

(any other work as provided by law)

TOTAL

2.50

WATER RIGHTS COMMISSION

By (John Hatch) / (bL)
Chief Engineer, Executive Officer
JOHN HATCH / (bL)



COOPERATIVE EXTENSION SERVICE

SOUTH DAKOTA STATE UNIVERSITY,
United States Department of Agriculture,
and County Cooperating.

Charles Mix County
Extension Office
Box 168
Lake Andes,
South Dakota 57356
(605) 487 7666

1792
February 2, 1981

Water Rights Commission
Joe Foss Building
Pierre, SD 57501

Gentlemen:

The enclosed "Form 2" for Dan D. Svatos of Lake Andes covers an existing permit but a change in diversion. The change in diversion is necessary because the existing well does not produce the amount of water needed for a center pivot.

The new diversion is located in the same field (NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 8, 96-65) as the old and the same aquifer. It is located within 250 feet of the old. The new well will produce the amount of water needed for the center pivot which will be used for the E $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 8-96-65 and W $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 8, 96-65.

The old diversion will be abandoned.

If you are in need of additional material, please let me know.

A log of the test hole for the new diversion is enclosed.

Sincerely,

Arnold Rieckman
Arnold Rieckman
County Extension Agent

AR/nms

enc



6-10-81
Finally got the logbook
it has everything else
you need for the permit

PAGE NO.

Dennis Duvall

FOREMAN

Lake Andes, So. Dak.

WELL REPORT

Charles Mix County

N.E.-8-96-b5

HURON
DRILLING CO.
Huron, S. D.

Dan Slatos

April 27, 1981

OWNER

DESCRIPTION

DATE

CASING LOG

Depth	96	ft.			
Flows	gpm	76	ft. 16" PVC Plastic pipe to	76	ft.
Pumps	gpm	20	ft. 16" Johnson Stainless Steel Screen 70 slot pipe to	96	ft.
Head	ft.		ft. pipe to		ft.
20 Ft. 16" Johnson Stainless Steel Screen 70 slot			ft. pipe to		ft.
Perforations			ft. pipe to		ft.

Pressure

2 days

Drilling Time

REMARKS

Rig No. 23

Dennis Svall

LM Foreman

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 31, 1986

Notice

Dan D. Svatos
RR 1, Box 126
Lake Andes, SD 57356

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 1392-3, 1564-3, and 1565-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 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.

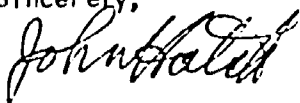
The hearings will be held at 2:00 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

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:

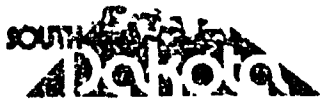
1. Amend Permit No(s). 1392-3, 1564-3, and 1565-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 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

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: Dan D Svatos
RR 1 Box 126
Lake Andes SD 57356

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Amendment to Water Permit No(s). 1564-3, 1392-3 & 1565-3

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 1564-3, 1392-3 & 1565-3 to add the following qualification:

"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.

Equal Opportunity Employer

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3131

Attachment to Water Permit No. 1392-3

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 1392-3 to add the following qualification:

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

Equal Opportunity Employer

 **Department of
Water & Natural Resources**

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

January 29, 1988

DAN D SVATOS
RR #1 BOX 126
LAKE ANDES, SD 57356

NOTICE

Re: Violation of Water Permit No(s). (1392-3) 1564-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 1392-3, 1564-3. 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 hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1392-3, 1564-3 qualification:

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

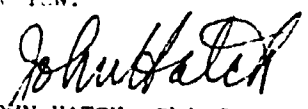
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 1392-3, 1564-3 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

February 5, 1988

1392-3
1564-3

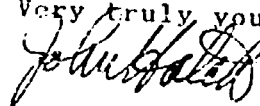
Dan D Svatos
RR 1, Box 126
Lake Andes SD 57355

Dear Mr. Svatos:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 1392-3 & 1564-3 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 has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

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 9, 1990

DAN D SVATOS
RR #1 BOX 126
LAKE ANDES, SD 57356

NOTICE

RE: Violation of Water Permit No(s). 1392-3, 1564-3

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1392-3, 1564-3. 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). 1392-3, 1564-3 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.

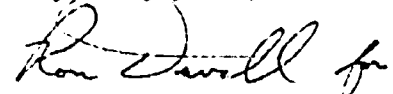
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1392-3, 1564-3 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 16, 1990

1392-3
1564-3

Dan D Svatos
RR 1, Box 126
Lake Andes SD 57356

Dear Mr. Svatos:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 1392-2 and 1564-3. 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,


RON DUVALL
Natural Resources Engineer
Water Rights Division



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

DAN D SVATOS
RR #1 BOX 126
LAKE ANDES SD 57356

NOTICE

RE: Violation of Water Permit No(s) 1392-3, 1564-3, 5337-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1392-3, 1564-3, 5337-3. 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) 1392-3, 1564-3, 5337-3 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) 1392-3, 1564-3, 5337-3 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.

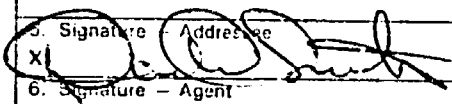
If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following service(s) are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: DAN D SVATOS RR #1 BOX 126 LAKE ANDES SD 57356	4. Article Number P694 057 488
5. Signature - Addressee X 	Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
6. Signature - Agent X	Always obtain signature of addressee or agent and DATE DELIVERED .
7. Date of Delivery 2-2-91	8. Addressee's Address (ONLY if requested and fee paid)

South Dakota



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 14, 1991

1392-3

(1392-3)
1564-3
5337-3

Dan D Svatos
RR #1 Box 126
Lake Andes, SD 57356

Dear Mr. Svatos:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 1392-3, 1564-3 and 5337-3. 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 Cenny McMath. at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

DAN D SVATOS
RR #1 BOX 126
LAKE ANDES SD 57356

NOTICE

RE: Violation of Water Permit No(s) 1392-3, 1564-3 & 5337-3

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1392-3, 1564-3 & 5337-3. 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) 1392-3, 1564-3 & 5337-3 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) 1392-3, 1564-3 & 5337-3 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 6 , 1991

1392-3
1564-3
5337-3

Dan D Svatos
RR #1 Box 126
Lake Andes, SD 57356

Dear Mr. Svatos:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 1392-3, 1564-3, and 5337-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. 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 at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

1392-3

Permit No. 1392-3
Missouri River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

On this day, April 18, 1994, I made a thorough examination of the water use system constructed by Dale E. Svatos of RR1, Lake Andes, SD 57356 holder of Permit No. 1392-3, bearing the priority of April 10, 1967 authorizing the diversion of 3.34 cu. ft. of water per second from groundwater for irrigation purposes, in Charles Mix County.

***NOTE:** Water Permit No. 1392-3 was transferred to Dan D. Svatos, RR1, Lake Andes, SD 57356 on August 11, 1980.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water:
A 50 HP General Electric motor with a 600 GPM Aurora Pump.
- B. Works used to transport water to place of use:
1980 feet of 8" PVC.
- C. Works used to apply water to beneficial use:
A 600 GPM Zimmatic center pivot (7 tower).

The system is in the following condition: Good. The point of diversion is located 66 feet S and 1250 feet W from the NE corner of Section 8; T96N R65W (NE1/4 NE1/4). The works are capable of diverting and conveying to the place of use 1.33 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>T96N-R65W</u>	<u>SECTION 8</u>	<u>NE1/4 NW1/4</u>	<u>31 Acres</u>
		<u>NW1/4 NE1/4</u>	<u>26 Acres</u>
		<u>SE1/4 NW1/4</u>	<u>35 acres</u>
		<u>SW1/4 NE1/4</u>	<u>30 Acres</u>

comprising a total of 122 acres of land and the license should be issued for 1.33 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date: 1-19-95


Barry A. McLaury
Environmental Scientist
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 1392-3

DATE OF INSPECTION: 4-18-94

Other permit(s) associated with the project: None

Name of inspection contact: Dan Svotos

Contact relationship to permit holder: Owner

Name/address of permit holder: Dan Svotos, RR1, Lake Andes, SD 57356

DIVERSION POINT LEGAL LOCATION: 66 feet S and 1250 feet W from the NE corner of Section 8: T96N R65W (NE1/4 NE1/4).

WELL INFORMATION:

1) Well Drilling Firm: Huron Drilling

3) Depth(s) 96 feet

2) No. of Wells 1

4) Well log is available Y

Casing:

1) Diameter 16 inches

2) Length 76 feet

3) Type PVC

Screen:

1) Type Stainless Steel

2) Length 20 feet

3) Static water level 85 feet

Pump:

1) Make Aurora

2) Model No. 38171977

3) Capacity 600 GPM

Motor:

1) Make General Electric

2) Model No. 5K6252XM502B

3) Horsepower rating 50 hp

DISTRIBUTION LINES OR CANALS:

1) Type PVC 2) Size 8 inches 3) Length 1280 feet

SYSTEM TYPE:

Center pivot:

- | | |
|------------------------------------|-------------------------------------|
| 1) Make <u>Zimmatic</u> | 4) End gun <u>Y</u> |
| 2) Overall length <u>1180</u> feet | 5) High or low pressure <u>High</u> |
| 3) Number of towers <u>7</u> | 6) Capacity <u>600</u> GPM |

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

1392-3

Form No. 58.0102C

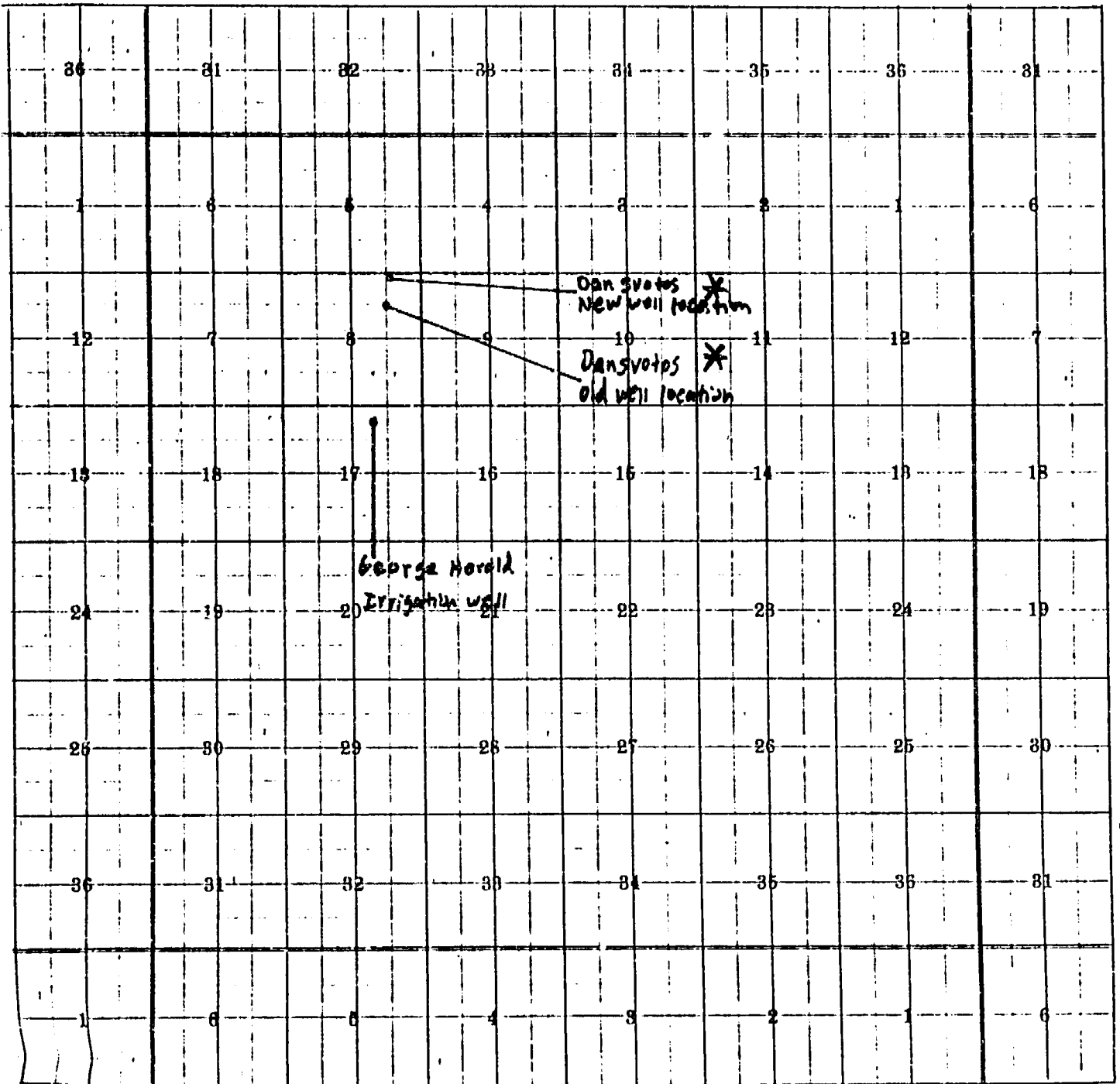
BROWN & BAENDER, PRINTERS, SIOUX FALLS, S. D.

Charles Mix

COUNTY, SOUTH DAKOTA

TOWNSHIP No. 96N RANGE No. 65W SEC. 8

(With surrounding tier of sections of adjacent townships)



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

DATE: August 14, 1995

RE: Change in location of diversion point for Water permit No. 1392-3, Dan Svotos.

An inspection of Permit No. 1392-3 found the diversion point in a location not authorized by the permit. SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Water Permit No. 1392-3, approved May 17, 1967, appropriates 3.34 cubic feet of water per second (cfs) from groundwater to irrigate 234 acres. The diversion point was to be located in the NE1/4 of Section 8, T96N R65W. The acres to be irrigated are located E1/2 NW1/4 and W1/2 NE1/4. An inspection of Water Permit No. 1392-3 found the works capable of diverting 1.33 cfs from one new well (Pleistocene Series Aquifer) located in the NE1/4 NE1/4 of Section 8 to irrigate 122 acres located in the E1/2 NW1/4 and W1/2 NE1/4 of Section 8, all in T96N R65W.

A review of existing diversions within a one mile radius of Section 8 was conducted based on Water Rights Program records. This review indicates that this well location change does not change the impact potential to existing diversions from the Pleistocene Series Aquifer. The diversion point has been in operation at the described

location for several years with no known complaint.

Barry A. McLaury

Barry A. McLaury
Environmental Scientist
Water Rights Program

The Chief Engineer makes a finding that this change in location does not increase the potential for interference with existing diversions. In making the finding "does not increase the potential for interference" is interpreted to mean potential for adverse interference. Water Permit No. 1392-3 may be licensed without requiring an application or publication of a notice of hearing pursuant to SDCL 46-2A-4 for a change of diversion point.

Approved by:

John Hatch

John Hatch, Chief Engineer
Water Rights Program

RECEIPT

WATER RESOURCES COMMISSION

State of South Dakota

No 4 886

September 17, 68

PIERRE,

RECEIVED OF George Svatos and Son

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. } 1392-3		12.00
Fee for inspecting Beneficial Use, and issuing Water License No. } 1392-2		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL		12.00

WATER RESOURCES COMMISSION

By J.W. Grims
Chief Engineer, Executive Officer
J.W. GRIMS, Jr.

NOTE: Licensing fee has been paid, but the License has not yet been issued. Licensing was delayed due to a bad well.

Barry A. McLaughlin

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1392-3

(1) Dale E. Svatos, of RR 1, Lake Andes SD 57356 made Application No. 1392-3, April 10, 1967 for a water permit to appropriate 3.34 cubic feet of water per second from groundwater (one well), Charles Mix County, South Dakota for irrigation purposes. Permit No. 1392-3, with a priority date of April 10, 1967 was approved May 17, 1967 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 17, 1972 and for the application to beneficial use of said water on or before May 17, 1975.

Water Permit No. 1392-3 was transferred August 11, 1980 to Dan D. Svatos.

(2) It is certified that the applicant 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 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is 66 feet south and 1250 feet west from the northeast corner of Section 8-T96N-R65W (NE 1/4 NE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 8-T96N-R65W	NE 1/4 NW 1/4	21 acres
	NW 1/4 NE 1/4	26 acres
	SE 1/4 NW 1/4	35 acres
	SW 1/4 NE 1/4	30 acres
	Total	122 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dan D. Svatos of RR 1, Box 126, Lake Andes SD 57356 the holder and/or owner of Water Permit No. 1392-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from groundwater (one well) with a priority date of April 10, 1967 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 Water Permit No. 1392-3 and subject to South Dakota State Law.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 6 1995
date



1392-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 6 1995

1392-3

Dan D. Svatos
RR 1, Box 126
Lake Andes, SD 57356

Dear Mr. Svatos:

Enclosed is Water License No. 1392-3. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1392-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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. If you have any questions, please contact our office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

rd
enclosures

L

1392-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 2, 1995

Dan Svatos
RR #1 Box 126
Lake Andes, SD 57356

Dear Mr. Svatos:

Thank you for taking the time to visit with me about the status of your water rights. As you indicated during our phone conversation, portions of your land were sold to the Yankton Sioux Tribe. The following is a listing of your water right numbers and their respective legal descriptions.

- Handwritten: Dan Svatos*
- Handwritten: Sold to Yankton Sioux Tribe*
- No. 1392-3 122 acres E 1/2 NW 1/4, W 1/2 NE 1/4 Section 8, T96N, R65W
- No. 1564-3 320 acres S 1/2 SE 1/4, SE 1/4 SW 1/4, N 1/2 SW 1/4 Section 29;
S 1/2 NE 1/4, E 1/2 NW 1/4, NE 1/4 SW 1/4 Section 32;
all in T96N, R65W
- No. 5337-3 40 acres NW 1/4 NE 1/4 Section 32, T96N, R65W
(The permit indicates this tract of land is owned by Jack Soulek)
- No. 336-3 80 acres E 1/2 SW 1/4 Section 30, T96N, R65W
(This water right is listed in the name of Tommy Svatos)

Please review the above legal descriptions and let me know which pieces of land were sold. This will allow us to update our records. If you have any questions, please contact me.

Sincerely,

Genny McMath

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

Is your RETURN ADDRESS completed on the reverse side?

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:

DAN D SVATOS
RR 1 BOX 126
LAKE ANDES SD 57356

1392-3

4. Article Number

P 378 080 576

4b. Service Type

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

7. Date of Delivery

2.6.97

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X

Mike Corney

Domestic Return Receipt

PS Form 3811, December 1994

Thank you for using Return Receipt Service.



1392-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: DAN D SVATOS, RR 1 BOX 126, LAKE ANDES, SD 57356

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

SUBJECT: Violation of Water Permit No(s). 1392-5

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1392-3. 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) 1392-3 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) 1392-3 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1997

1392-3

Dan D Svatos
38171 SD Hwy 50
Lake Andes, SD 57356

Dear Mr. Svatos:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of Water Permit No. 1392-3.

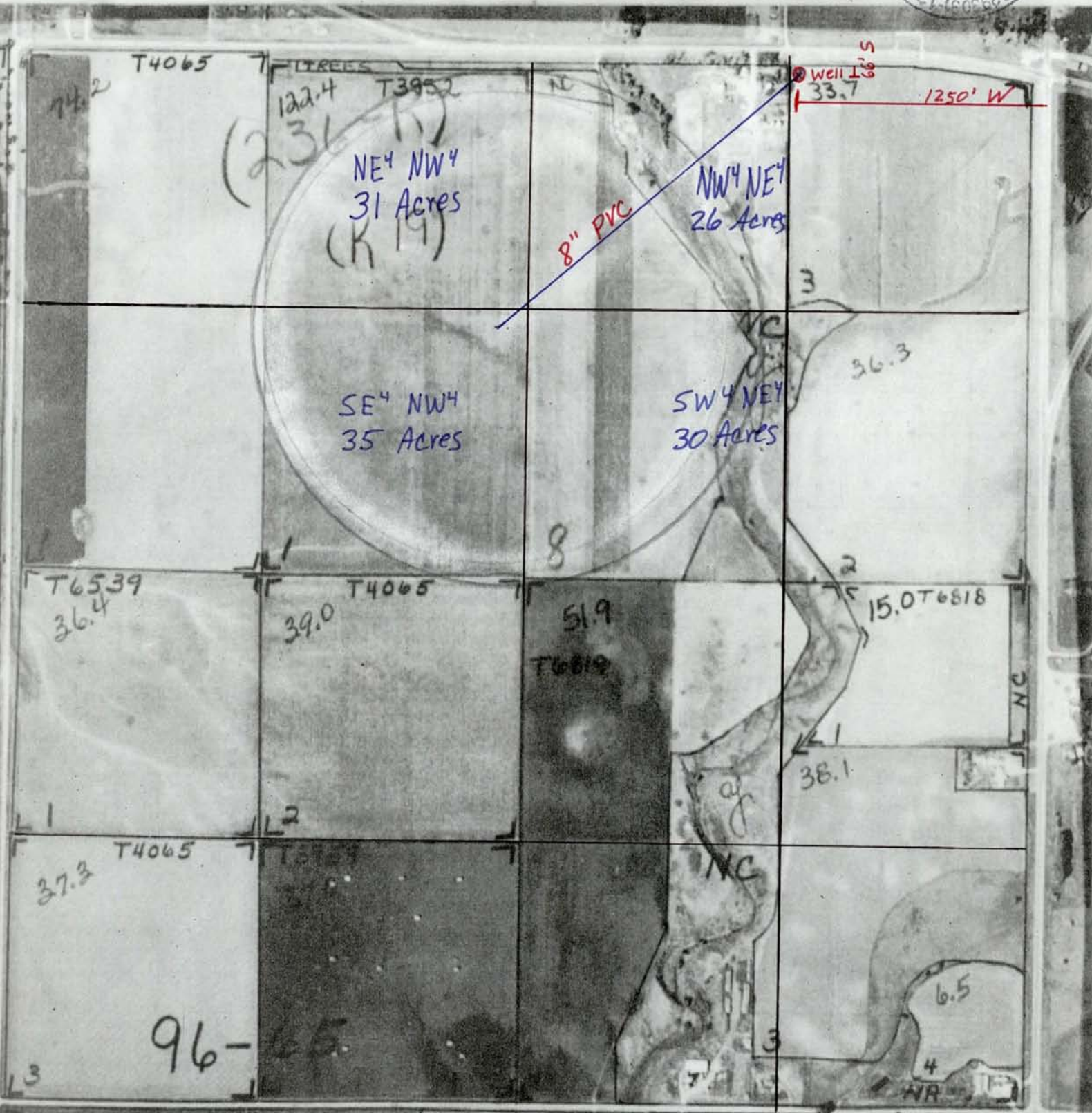
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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

NOT TO SCALE



Barry McLaury
Environmental Scientist
Division of Water Rights
Date 1-19-95

1392-3