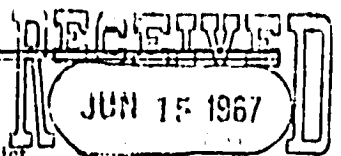


No. 1915-2AWater Division No. 3 Missouri River
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant Margaret Vapilek
Postoffice address Castalia, County Charles Mix, State SD

- ~~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 labor
(b) Cash on hand, \$ 250.00 (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Stream diversion project No. 1
3. Amount of water claimed 6.78 - 1.14 cubic feet per second
4. Source of water supply El. front of river near Missouri River
5. Location of point of diversion Point A 140° E 1.28 mi N + 171° 14' 20" N + 200' W
of SW corner Sec 1 - T9N R11W on East bank Charles Mix County.
3. Annual period or periods during which water is to be used April 1st to Nov 1st
7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkler
(a) Number of acres to be irrigated 411.80 acres.
(b) Legal subdivisions to be irrigated See Attached A Plans

(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.) _____

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

- (a) Nature of use _____
(b) Amount of power to be generated _____ horse power.
Amount claimed for engine cooling _____
(c) Location of plant _____
(d) Method of developing power _____

Map 1025-3

Areas by Legal Subdivision

Acres	Section	Township	Range	Meridian
160	NW 1/4 Sec. 6	96N	66W	5th Prime
103 80	E 1/2 NE 1/4 Sec. 1	96N	67W	" "
137	SE 1/4 Sec. 1	96N	67W	" "
75	SW 1/4 Sec. 1	96N	67W	" "
Total	80			
	475 Acres			

8. Estimated cost of work:

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

(b) Pumping plant, \$.....

(c) Plumbing, \$.....

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

Rock, \$.....

(e) Other structures \$.....

Total, \$.....

9. Description of diversion works:

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

Pumping Plant

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
Chas. Mix Co. News Exeter SD

STATE OF SOUTH DAKOTA

County of Beauregard } ss.

I, John S. Smith, 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 John S. Smith

Subscribed and sworn to before me this day of December 1915.

Notary Public (or other qualified officer.)

which diversion must have a headgate or measuring device

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, July 24, 1967

This is to certify that the foregoing application was received by the Commission at 8:11 o'clock
A.m. upon the 15th day of June, 1967

State Water Resources Commission

By: Richard D Schwager
for Chief Engineer, Executive Officer

Number of permit 1415-3

Date of first receipt of application June 15, 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 June 15, 1967

Approved July 19, 1967, Recorded in Book 7 Page 325A

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 January 19, 1969

2nd. The whole of said work is to be completed on or before July 19, 1970

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

July 19, 1972

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 6.78 1.14 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 July 19, 1972, said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 24th day of July, 1967

State Water Resources Commission

By: Richard D Schwager
Chief Engineer, Executive Officer

Certificate of Construction Issued March 31, 1973

Water License Issued March 31, 1973

Form 15.

Permit No. 1415-3A

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Margaret Varilek

_____ the holder _____ of
Permit No. 1415-3A, issued upon Application No. 1415-3A, bearing date of priority of June 15, 1967
_____ authorizing the diversion of 1.14 cu. ft. per second of the waters of the
Missouri River County of Charles Mix, State of South Dakota at _____
between point "A", 640 feet East and 2840 feet North, and Point "B",
1470 feet North and 200 feet West of the SW Corner, Section 1, T96N, R67W
_____ by irrigation

purposes, has _____ 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 2.46 cu. ft. per second of water.

Date May 31, 1974

By _____
WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

WATER LICENSE NO. . . . 1415-3A

(1) WHEREAS, On the 15th day of June A. D. 19 67
Mervin Durham

made Water Right Application No. 1415-3 for a permit to use 6.78 cubic feet per second of the waters of the Missouri River
 County of Charles Mix, State of South Dakota for irrigation
 purposes; and

(2) WHEREAS, On the 24th day of July A. D. 19 67

Permit No. 1415-3 with a date of priority of June 15, 1967
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 19th day of July A. D. 19 70 and for the application to beneficial use of said water on or before the 19th day of July A. D. 19 72

and, whereas, on the 15th day of May, 1974, a portion of the land

(E½ NE¼, Section 1, T96N, R67W) was transferred to Margaret Varilek,

and Permit No. 1415-3A was issued to her for 1.14 C.F.S. to cover said land.

and.

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 6.78 cubic feet per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

for irrigating 80 acres in the E½ NE¼, Section 1, T96N, R67W

(5) 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 Margaret Varilek

_____ of Deeds, S.D.

the holder _____ and owner _____ of said permit No. 1415-3A a water right, dating from June 15, 1965

_____ to use of 1.14 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 necessary for the

purposes hereinbelow mentioned to be diverted at between point "C", 640 feet East and 2040 feet North,

and Point "A", 1470 feet North and 200 feet West of the SW Corner, Section 1,

T96N, R67W

and conduct to and upon Pl. 111, Section 1, T96N, R67W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1415-3A and subject to the laws of the State of South Dakota.

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

this 31st day of May

Nineteen Hundred and Seventy-four

WATER RIGHTS COMMISSION

By:

Chief Engineer / Executive Officer DONALD DRISCOLL

Permit No. 1415-3AWater Division 3 MISSOURI RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

WATER RIGHTS COMMISSION

TO: ~~Water Resources Commission~~, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by MERVIN
DURHAM of GEDDES, SOUTH DAKOTA holder
of Permit No. 1415-3, bearing date of priority of JUNE 15, 1967, 1967
authorizing the diversion of 6.78 cu. ft. per second of the waters of MISSOURI RIVER
for IRRIGATION purposes, in CHARLES MIX County.

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

The Water Use System consists of,

A. Works used to divert the water:

4 INCH CENTRIFUGAL CORNELL PUMP - MODEL 4H2
155 CUBIC INCH - V-6 - 140 H.P. CUMMINGS DIESEL ENGINE

B. Works used to transport water to place of use,

4000 FEET OF 8 INCH ALUMINUM PIPE

C. Works used to apply water to beneficial use.

SPRINKLER SYSTEM WITH TWO 4 INCH TOW LINES
OF 2000 FEET EACH IN LENGTH

The system is in the following condition: VERY GOOD

The point of diversion is located BETWEEN POINT "A" 640 FEET EAST AND
2840 FEET NORTH AND POINT "B" 1470 FEET NORTH AND 200 FEET
WEST OF SW 1/4 CORNER SEC. 1 T96N R67W

The works are capable of diverting and conveying to the place of use 2.46cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: AS SHOWN ON WPA MAP 1025-3

E 1/2 OF NE 1/4 SEC. 1 T96N, R67W - 80 ACRES

comprising a total of 80 acres of land.

SEND TO: MRS. MARGARET VARILEK
GEDDES, SOUTH DAKOTA

Date MAY 17, 1974

Thomas Gardner
(Signature)

THOMAS GARDNER
WATER RESOURCES ENGINEER

CONDITIONAL ASSIGNMENT OF
LICENSE AND PERMIT

Elvern Varilek and Margaret B. Varilek hereby transfer and assign to Metropolitan Life Insurance Company, One Madison Avenue, New York, New York, all their right, title and interest in and to water license number 1415-3 for diversion of water from the Missouri River for the irrigation of the East Half of the Northeast Quarter of Section 1 in Township 96 North of Range 67, West of the 5th P.M., Charles Mix County, South Dakota, and water right application number 2089-3 and any permit and license issued thereunder for appropriation from the Missouri River of water for irrigation of the Southeast Quarter of the Southeast Quarter of Section 29 in Township 96 North of Range 66, West of the 5th P.M., Charles Mix County, South Dakota.

This assignment is made as additional security for indebtedness evidenced by note of April 25, 1974, executed and delivered by the undersigned to Metropolitan Life Insurance Company, secured by real estate mortgage upon said premises (and other land) to which said water rights shall be appurtenant and shall become effective upon the occurrence of a default under said note and mortgage.

Dated June 19th, 1974.

Elvern Varilek
Elvern Varilek

Margaret B. Varilek
Margaret B. Varilek

STATE OF SOUTH DAKOTA)
COUNTY OF Charles Mix : SS

On this the 19th day of June, 1974, before me, [Signature] the undersigned officer, personally appeared Elvern Varilek and Margaret B. Varilek, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

[Signature]
Notary Public - South Dakota

My Commission Expires:

DEBORAH L. HALL - Notary Public
Commission expires 12/31/1981

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, & 415-3A. 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, & 1415-3A 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.

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3191

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

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, 1415-3A

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, 2565-3, 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, 1415-3A

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, 1415-3A to add to the following qualification:

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

 **Department of
Water & Natural Resources**

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

March 23, 1987

MARGARET VARILEK
GEDDES, SD 57342

NOTICE

Re: Violation of Water Permit No(s). 1415-3A

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1415-3A. 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). 1415-3A qualification:

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

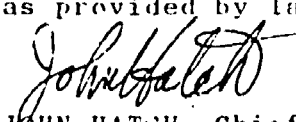
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 1415-3A 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.

SOUTH DAKOTA
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	<u>1415-3A</u>
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,



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

1415-3A

Department of Water & Natural Resources

Foss Building
East Capitol
Pierre, South Dakota 57501-3181

January 29, 1988

MARGARET VARILEK
GEDDES, SD 57342

NOTICE

Re: Violation of Water Permit No(s). 1415-3A

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 1415-3A. 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). 1415-3A qualification:

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

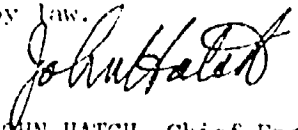
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 1415-3A 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	

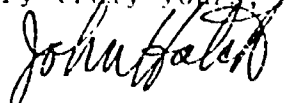
Elvern Varilek
Ceddes SD 57342

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,



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

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 9, 1990

MARGARET VARILEK

GEDDES, SD 57342

NOTICE

RE: Violation of Water Permit No(s). 1415-3A

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1415-3A. 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). 1415-3A 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, 1-90 at LaCrosse, Rapid City SD.

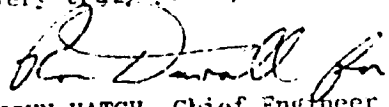
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. There are contested case hearings pursuant to procedures contained in SDCL 1-25. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1415-3A 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
623 East Capitol
Pierre, South Dakota 57501-3181

February 23, 1990

201-3 1074-3
1404-3 1415-3A
1254-3 1508-3A
1737-3 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 /s/

RON DUVALL
Natural Resources Engineer
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

ELVERN VARILEK
GEDDES SD 57342

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 Luvall, Natural Resources Engineer IV
Water Rights Division
605 772-3352



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



1415-3A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: MARGARET 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) 1415-3A

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1415-3A. 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) 1415-3A 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) 1415-3A 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to: **1415-3A**

**MARGARET VARILEK
GEDDES SD 57342**

4a. Article Number

9906560144

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)

Margaret Varilek

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

1415-3A



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,

A handwritten signature in cursive script, reading 'Genny McMath', is written over the typed name.

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



MARGARET VARILEK
GEDDES SD 57342

1415-3A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-2181

NOTICE

RE: Violation of Water Permit No(s) 1415-3A

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1415-3A. The request for the Questionnaire 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 determine the action to be taken for violation of Water Permit No(s) 1415-3A 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 Ave, 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) 1415-3A 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 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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

MARGARET VARILEK
GEDDES SD 57342

1415-3A

4a. Article Number

837 692 132

4b. Service Type

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

7. Date of Delivery

2-17-84

5. Signature (Addressee)

6. Signature (Agent)

X Margaret Varilek

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

Thank you for using Return Receipt Service.

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

DOMESTIC RETURN RECEIPT



1415-3A

**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,
1424-3, 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



1415-3A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1997

2566-3

Elvern Varilek
Box 27
Geddes, SD 57342

Dear Mr. Varilek:

Enclosed is Water License No. 2566-3 and Receipt No. 414311 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 2566-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Water Right Nos. 1415-3 and 1415-3A have been incorporated into this Water License No. 2566-3.