

1626-2

1. Considered 12-4-68
2. Name of Applicant Shane J. Smith
3. Post Office Address PO Box 1111
4. Amount of water claimed 2.44
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION

Acres to be irrigated

206

7. Water to be diverted and used in DENVER county
about 10 miles 6 of POTTER

8. Proof of Publication

Received ✓

Not Received _____

9. Application

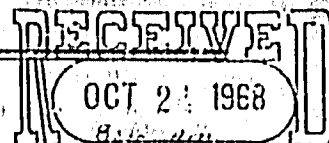
Approved _____

Subject to _____

Not Approved _____

Action deferred _____

10. Remarks:



No. 1626-3
 Water Division No. 3 BIG SIOUX RIVER District
 (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 Roger J. Svec
 Postoffice address Estelline, County Hamlin, State So. 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 and Direct Labor

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

2. Name of diversion work Svec Irrigation Project No. 1
 3. Amount of water claimed 2.94 cubic feet per second
 4. Source of water supply Ground Water
 5. Location of point of diversion N 10° 11' W, 1040 feet from S.E. corner
Sec 23 T113 N R 50 W on _____ bank Deuel County.
 6. Annual period or periods during which water is to be used April thru October
 7. To be used for:

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

- (a) Number of acres to be irrigated 206 acres.
50 Acs E2 BW4
 (b) Legal subdivisions to be irrigated 156 Acs SE4 Sec 23 T 113 N R 50 W

(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 _____
 Name any of the above uses claimed
 (b) Amount of power to be generated _____ horse power.
 Amount claimed for engine cooling _____
 (c) Location of plant _____
 (d) Method of developing power _____
 (e) Point where water will be returned to stream _____

MAP NO 1172-3

8. Estimated cost of work:

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

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

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

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

Rock, \$-----

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

Total, \$-----

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 high water

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 ----- 5 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 4 ----- years.

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

Brookings Register, Brookings, So. Dak.

STATE OF SOUTH DAKOTA

County of ----- 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, 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 -----

Subscribed and sworn to before me this ----- 4 ----- day of -----

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or regulating device.

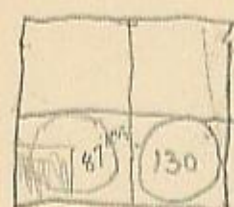
LOCATION OF LAND TO BE IRRIGATED
 ROGER SVEC IRRIGATION PROJECT NO. 1
 SE. 1/4 AND PART OF SW. 1/4
 SEC. 23 T113N R50W 206 ACS

SCALE: 1"=200'

206 ACRES

WELL

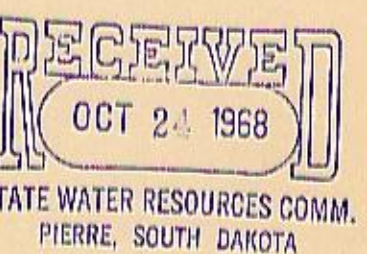
N 10° 11' W 1040'



87
 3 260
 22

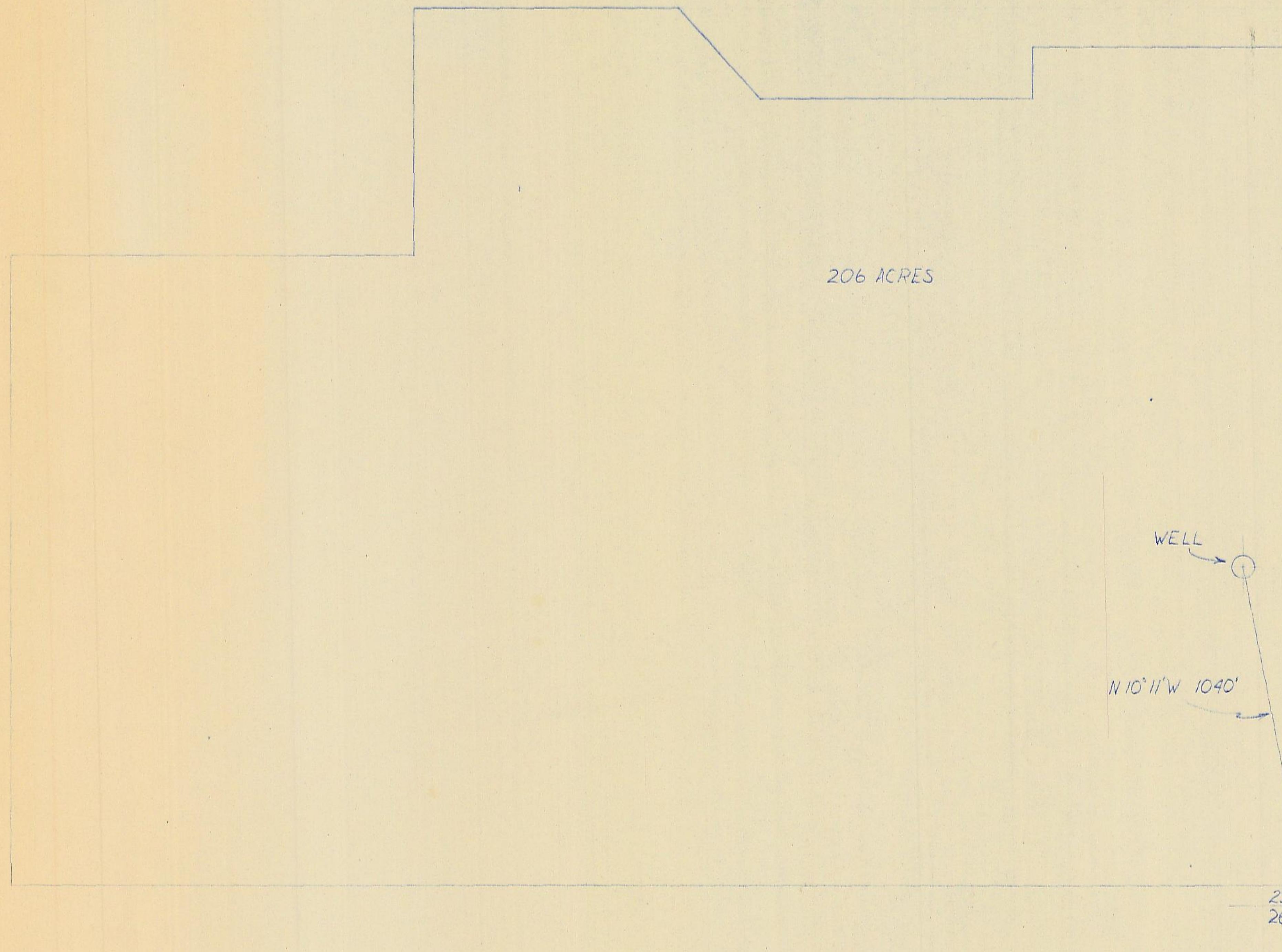
130
 87
 217

23 24
 26 25



SURVEYORS		CERTIFICATE	
I WALTER D. LEMBKE DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A			
REASONABLY ACCURATE RECORD OF THE LAND OF: ROGER SVEC IRRIGATION PROJECT NO. 1			
SIGNATURE: <i>Walter D. Lembke</i>		REGISTERED PROFESSIONAL ENGINEER STATE OF S.D.	
S.D. 1141			
SUBSCRIBED AND SWORN TO BEFORE ME		ROGER SVEC IRRIGATION PROJECT NO. 1	
THIS <u>2nd</u> DAY OF <u>Sept</u> , 1968 AD		ESTELLINE, SO. DAK.	
<i>James C. Hall</i>		DEVEL CO.	
NOTARY PUBLIC		DWN BY	
MY COMMISSION EXPIRES <u>Sept 9 1972</u>		R.S.	
		CHKD BY	

~~ADP NO 1626-3~~ ADP NO 1626-3



LOCATION OF LAND TO BE IRRIGATED
ROGER SVEC IRRIGATION PROJECT NO. 1
SE. 1/4 AND PART OF SW. 1/4
SEC. 23 T113N R50W 206 ACS

SCALE: 1" = 200'

SURVEYORS		CERTIFICATE	
I WALTER D LEMBKE DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A			
REASONABLY ACCURATE RECORD OF THE LAND OF: ROGER SVEC IRRIGATION PROJECT NO. 1			
SIGNATURE: <u>Walter D. Lembke</u>		REGISTERED PROFESSIONAL ENGINEER STATE OF S.D.	
S.D. 11/41			
SUBSCRIBED AND SWORN TO BEFORE ME		ROGER SVEC IRRIGATION PROJECT NO. 1	
THIS <u>21</u> DAY OF <u>September</u> 1968 AD		ESTELLINE, SO. DAK.	
<u>Geneva C. Cull</u>		DEVEL CO.	
NOTARY PUBLIC		OWN BY	
MY COMMISSION EXPIRES <u>October 9, 1978</u>		R.S.	
		CHKD BY	

MAP NO 1172-3 (APPL NO 1626-3)

Remarks by State Water Resources Commission:

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, DECEMBER 6, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock a.m. upon the 24TH day of OCTOBER, 1968

State Water Resources Commission

By:

Durton Z. Jones
Chief Engineer, Executive Officer

Number of Permit 1626-3

Date of first receipt of application OCTOBER 24, 1968

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 OCTOBER 24, 1968

Approved DECEMBER 4, 1968 Recorded in Book 10 Page 287

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 _____

JUNE 4, 1971

2nd. The whole of said work is to be completed on or before DECEMBER 4, 1973

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

DECEMBER 4, 1977

4th. The water appropriated shall be used for the purpose of IRRIGATION

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

6th. The amount of the appropriation herein granted shall not exceed 2.94 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 DECEMBER 4, 1977; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 6TH day of DECEMBER, 1968

State Water Resources Commission

By:

W. B. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 19, 1973

Water License Issued JUNE 19, 1973

Form 2A -- Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 126'
Type of casing Steel
(wood, concrete, steel, etc.)
Size of casing 18", Thickness of casing 3/16"
Length of casing 126'. If collection gallery, length, size and depth of
gallery _____

(b) Screens

Type of perforated screen Slotted
Size of perforated screen 18" 18'
(diameter) (length)
Thickness of gravel pack 6", length of gravel pack 30'

(c) Water Bearing Materials

Distance to water 50' Character of water bearing materials _____
Gravel

Thickness of water bearing material 18'

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)
Name of pump Western Land Poller, size 5-10"
Kind of motor Electric
(gasoline, electric, diesel, etc.)
Horsepower 75 hp, Name of Motor U.S.

(e) Complete well

Capacity 1400 gpm at drawdown of 50', Estimated cost \$3000.00

(f) Owner of land upon which well is located Harold Lienohn
Name
Estelline, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property 240 rods. On property owned by others 160 rods

Form 15.

Permit No. 1626-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Roger J. Svec

Permit No. 1626-3 issued upon Application No. 526-3 bearing date of priority of October 24,
1968 2.94 authorizing the diversion of _____ cu. ft. per second of the waters of _____
ground water _____ County of Dauel State of South Dakota at _____
a point North 10° 11' West, 1040 feet from the SE Corner, Section 23, T113N,
R50W
 _____, for irrigation

purposes, he 8 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 2.25 cu. ft. per second of water.

Date _____

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1626-3

(1) WHEREAS, On the 24th day of October A. D. 19 68
Roger J. Svec

made Water Right Application No. 1626-3 for a permit to use 2.94 cubic feet per second of the waters
of ground water

County of Deuel, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 6th day of December A. D. 19 63
Permit No. 1626-3 with a date of priority of October 24, 1968

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 4th day of December A. D. 19 73 and for the
application to beneficial use of said water on or before the 4th day of December A. D. 19 77

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 2.25 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 the following land in Section 23, T113N, R50W

SE $\frac{1}{4}$ 130 acres

SW $\frac{1}{4}$ 85 acres

Total 215 Acres

(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 Roger J. Svec

of Estelline, S.D.

the holder _____ and owner _____ of said permit No. 1626-3 a water right, dating from October 24, 1968
to use of 2.25 cubic feet per second of the waters
of ground water

in the County of Deuel and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point North 10° 11' West, 1040 feet from
the SE Corner, Section 23, T113N, R50W

and to and upon portions of the S½, Section 23, T113N, R50W, more fully described
on the face of this license,

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1626-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 19th day of June A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

on or before November 7, 1968
(First Publication _____, 1968.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 28, 1968

Notice is hereby given that Roger J. Svec whose postoffice address is Estelline 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 2.94 cubic feet of water per second of time from that ground water through the Svec Irrigation Project #1, the point of diversion of which is to be located on the x ~~bank of the stream~~ in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23 Twp. 113N Range 50W Said water to be used for the purpose of providing portions of irrigation on the following described land:
SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 23, T113N, R50W

~~Intention~~ _____ purposes

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 4th day of December 68 at 2:00 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.

cc: Roger J. Svec, Estelline, S.D.

State Water Resources Commission

By:

Chief Engineer-Executive Officer
BURTON P. JONES
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Brookings } ss.

Ada R. Mitchell being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Brookings Register a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City Brookings of Brookings County of Brookings and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Oct. 30, 1968

Nov. 6, 1968

Nov. 13, 1968

Nov. 20, 1968

in each and every issue of the full number thereof, the first publication being made on the 30th day of Oct. 1968 and the last publication on the 20th day of November 1968, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Publisher the printer and publisher of the said newspaper.

Ada R. Mitchell

Subscribed and sworn to before me this 20th day of Nov. A. D. 1968

Patricia G. Reynolds

Notary Public Brookings County, S. D.

No. 418 -- Oct. 30 Nov. 6, 13, 20
 APPROPRIATION OF WATER
 Office of State Water Resources
 Commission, Pierre, South Dakota,
 October 23, 1968.
 Notice is hereby given that Roger
 J. Syec whose postoffice address is
 Estelline, South Dakota, has made
 an application in accordance with
 the provisions of the water laws of
 South Dakota for a permit to appro-
 priate for beneficial use 2.94 cubic
 feet of water per second of time from
 ground water, through the Syec Ir-
 rigation Project No. 1, the point of
 diversion of which is to be located
 in the SE 1/4 of the SE 1/4 of Section
 23 Twp. 113N Range 60W. Said water
 to be used for the purpose of provid-
 ing irrigation portions of the fol-
 lowing described land: Section 11,
 12, 13, 14, 15, 16, 17, 18, 19,
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Permit No. 1626-3

Water Division No. _____

Water District _____

NOTICE OF COMPLETION OF WORKS

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

(P. O.) Rt. 1, Estelline, S. D.

(Date) April 20, 1970

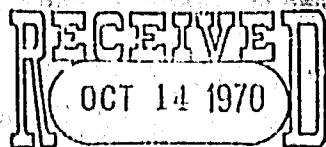
TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____
Two _____ cu. ft. per second of the waters of the state from a well
through the Svec Irrigation Project No. 1
for Irrigation _____ purposes
In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Roger J. Svec
2. The postoffice address of such person or the place of business of such corporation is Estelline,
County of Deuel State of South Dakota
3. The number of such permit is 1626-3 and the date set for the completion of such work is
May 1, 1970
4. Said water to be used for Irrigation _____ purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is Two _____ cubic feet per second.
6. The amount of land for which said water is available is 280 _____ acres,
particularly described as follows: E $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 23, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 23, and SE $\frac{1}{4}$ Sec 23,
T. 113N, R. 50W

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners) _____



STATE WATER RESOURCES COM. I.
PIERRE, SOUTH DAKOTA

Permit No. 1626-3

Water Division No. Water District

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Estelline, S.D.

(Date) April 20, 1970

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

DEAR SIR: Notice is hereby given that on the 20 day of April 1970, at Estelline County of Deuel State of South Dakota, before Joe Grimes (Exam'ing Engineer or Officer) proof will be submitted of the application to beneficial use of Two cubic feet per second of the waters of Svec Irrigation Project No. 1 in accordance with the terms and conditions of Permit No. 1626-3 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are Roger J. Svec Rt. 1, Estelline, South Dakota

2. The use to which said water has been applied is Irrigation

3. The amount applied to beneficial use is Two Cubic Feet per Second

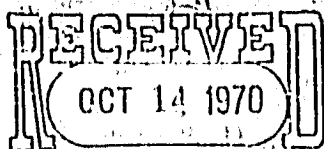
4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) E2 of SW1/4 Sec 23, NW1/4 of 1/4 Sec 23, and SE1/4 Sec 23, T 113N, R 50W

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is

6. The right to take the water from such works is based upon permit No. 1626-3

7. The source of supply from which such water is diverted is

8. The date of priority which said user is prepared to establish is



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

(Sign)

Roger J. Svec

Permit No. 1626-3
 Water Division 3 BIG SIOUX RIVER Water District

**REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

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 Roger J. Svec
of Estelline, S.D. holder
 of Permit No. 1626-3, bearing date of priority of October 24, 19 68
 authorizing the diversion of 2.94 cu. ft. per second of the waters of ground water
 for irrigation purposes, in Deuel 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:

Well 130 feet deep cased with 16 inch steel casing
 Layne & Bowler, Turbine pump, 10" diameter
 U.S. Electric motor, 100 H.P., Tupe RU

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

3300 feet of 10" diameter aluminum pipe
 1140 feet of 8" diameter aluminum pipe

C. Works used to apply water to beneficial use.

Ten tower electrogenerator center pivot sprinkler system
 Two pivots - one center of SE $\frac{1}{4}$ and one center of SW $\frac{1}{4}$, Sec. 23, T113N, R50W

The system is in the following condition: excellent
 The point of diversion is located North 10° 11' West, 1040 ft. from the SE Corner, Sec. 23,
T113N, R50W

The works are capable of diverting and conveying to the place of use 2.25
 cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:

All in Section 23, T113N, R50W

SE $\frac{1}{4}$ 130 acres

SW $\frac{1}{4}$ 85 acres

comprising a total of 215 acres of land.

Date May 31, 1973

Donald Driscoll
 (Signature)

DONALD DRISCOLL, DEPUTY CHIEF ENGINEER, W.R.C.



January 27, 1992

ROGER J SVEC
RR #1 BOX 236
ESTELLINE SD 57234

1626-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1626-3. 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 hearing to determine if any Board action is to be taken concerning the violation.

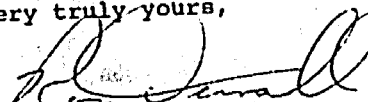
The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1626-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, 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 5, 1992

1626-3

Roger J Svec
RR #1 Box 236
Estelline, SD 57234

Dear Mr. Svec:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 1626-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4 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.
- This Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

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:

ROGER J SVEC
RR #1 BOX 236
ESTELLINE, SD 57234

4a. Article Number

P 906 557 712

4b. Service Type

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

7. Date of Delivery

2-1-92

5. Signature (Addressee)**6. Signature (Agent)****8. Addressee's Address (Only if requested and fee is paid)**

PS Form 3811, November 1990 * U.S. GPO: 1991-287-065

DOMESTIC RETURN RECEIPT

10/24/68

Telephone No. _____

For ease in calculating water use, please specify if actual irrigation hours or kilowatt hours are being reported. For kilowatt hours, include depth to water & system pressure in comment section.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 7, 2001

1626-3

Roger J Svec
RR 1 Box 236
Estelline, SD 57234

Dear Mr. Svec:

I am contacting you in regard to your water right and the "2000 irrigation questionnaire" you returned back in November, 2000. I apologize for the delay in responding to your inquiry. I was going through my folder of letters to write and realized your note did not get answered.

You stated on your questionnaire that your neighbor, Berwald Dairy had drilled a well across the road from you and within 60 feet of your well. I believe your concern is that the water right from your well pre-dates the dairy well.

Water Right No. 1626-3 authorizes you to irrigate the W 1/2 Section 23, T113N, R50W from a well approximately 130 feet deep. The water right carries a priority date of October 24, 1968.

In South Dakota, the first in time (senior priority date) is the first in right, except for individual domestic use. This will hold true except in cases where the senior water right has been abandoned or forfeited for non use. Water must be placed to beneficial use at least once every three years in order to maintain a water right. This three-year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water.

Berwald Dairy has been made aware of the permitting requirements. Your water right does predate any application filed by the dairy farm as long as it has not been abandoned or forfeited for non use.

I hope I have addressed your concerns. If you have any questions, please contact me.

Sincerely,

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

Mathiowetz, Adam (DENR)

From: Mathiowetz, Adam (DENR)
Sent: Monday, August 14, 2023 9:59 AM
To: Duvall, Ron; Gronlund, Eric
Subject: RE: Well Interference Complaint

I spoke with both Austin Berwald and Roger Svec this morning. Mr. Berwald said he made two rotations with his pivot and then turned it off because they got rain. Mr. Berwald stated Mr. Svec had spoken with him and they had discussed the issue. I also informed Mr. Berwald that if his system was the cause of the issue for Mr. Svec that we may need to take action whether that is helping the two of them plan a rotating irrigation schedule or possibly even shutting down the Berwald permit because it is junior. Mr. Berwald stated in his discussion with Mr. Svec that Svec had said he wasn't ruling out that his well from 1972 might be having issues with the screen plugging up and needing to be developed.

Mr. Svec stated after Berwald was done, he got 50 pounds of pressure in his system and was able to use it. He also stated he had discussed the issue with Mr. Berwald and they talked about the Berwald system possibly being the cause of the issue or the screen the in much older Svec well. I told Mr. Svec that we would like to stay informed on the issue. I informed him to pay attention the next time both pivots are attempting to run. If he loses pressure in his system, it is likely that the Berwald well is impacting him. Svec stated his well was around the same depth as the Berwald well, 125 feet based on the well log in the file, but that his surface elevation was around 20 feet higher. Mr. Svec estimated that the two wells are less than 300 feet apart. I said this works out if they are both good neighbors. It may end up they need to go on alternating irrigation schedule or that we may need to take action and shut down the Berwald well anytime there is an issue since Mr. Svec has the senior water right. I provided my name and number to Mr. Svec.



Adam Mathiowetz, PE
Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Monday, July 31, 2023 4:48 PM
To: Mathiowetz, Adam (DENR) <Adam.Mathiowetz@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: Well Interference Complaint

I spoke to Mrs. Roger Svec (is how she referred to herself) concerning a well interference issue. Svec's have Water Right No. 1626-3 and Permit No. 8536-3 was issued to Berwald Family RLLP in January 2022. The new system installed by Berwald is up and running and now the Svec well is experiencing pressure loss. According to Mrs. Svec, they never had a problem when they had high pressure irrigation systems which have since been replaced with low pressure systems and now a pressure problem is occurring which they believe is due to the Berwald system operating in the adjoining section. I asked Mrs. Berwald how far apart the wells are and she indicated 150 feet. The report for No. 8536-3 indicates 0.2 miles apart but perhaps Berwald drilled his well closer to the property line. I told Mrs. Svec we would need to investigate and get back to her – landline is 605.873.2651 and mobile is 605.237.5547 (Roger). A real easy test is to tell Berwald to stop pumping and see if the Svec well gets pressure back.

Mrs. Svec said her husband was going to wait for the Berwald system to complete its rotation and then Roger Svec is going to talk to Berwald.

Ron